

# Royal Gazette

## Part II Regulations under the Regulations Act

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Halifax, Nova Scotia

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**In force date of regulations:** As of March 4, 2005\*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

\*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

**N.S. Reg. 207/2005**

Made: September 29, 2005

Approved: October 18, 2005

Filed: October 24, 2005

Bulk Haulage Regulations

Order dated September 29, 2005  
made by the Dairy Farmers of Nova Scotia and  
approved by the Natural Products Marketing Council  
pursuant to clause 15(1)(b) of the *Dairy Industry Act*

**Dairy Farmers of Nova Scotia**

The Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held on September 29, 2005, amended the *Bulk Haulage Regulations* in the manner set out in the form attached to this certificate as Schedule "A", effective on and after November 1, 2005.

**Dated and signed** at Truro, Nova Scotia Oct. 13, 2005.

Sgd.: *B. Cameron*  
**Brian Cameron**  
**General Manager**  
**Dairy Farmers of Nova Scotia**

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**Approved by** the Natural Products Marketing Council at Truro, Nova Scotia, October 18, 2005.

Sgd.: *G. Burris*  
**George D. Burris**  
**General Manager**  
**Natural Products Marketing Council**

**Schedule "A"**

**Amendments to the *Bulk Haulage Regulations*  
made by the Dairy Farmers of Nova Scotia  
pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000,  
the *Dairy Industry Act***

Clause 7(a) of the *Bulk Haulage Regulations* made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council on August 13, 2002, is amended by

- (a) striking out "\$2.32" directly opposite "Bedford Transport Limited" and substituting "\$2.33";
- (b) striking out "\$2.74" directly opposite "Scotsburn Co-operative Services Limited" and substituting "\$2.79";
- (c) striking out "\$1.79" directly opposite "Fisher Transport Limited" and substituting "\$1.81";
- (d) striking out "\$2.56" directly opposite "Winterthur Farm - Rudolph Burghardt" and substituting "\$2.59";
- (e) striking out "\$1.84" directly opposite "Cook's Dairy Farm Limited" and substituting "\$1.85".

**N.S. Reg. 208/2005 to 209/2005**

Made: October 19, 2005

Filed: October 24, 2005

McGee Lake Watershed Protected Water Area Designation and  
McGee Lake Watershed Protected Water Area RegulationsOrder dated October 19, 2005  
Designation and regulations made by the Minister of Environment and Labour  
pursuant to Section 106 of the *Environment Act***Canada****Province of Nova Scotia****In the Matter of:** the *Environment Act*, S.N.S. 1994-95, c. 1, s.106**In the Matter of:** the designation of an area surrounding McGee Lake and Mill Brook, Kings County, as a Protected Water Area, to be known as the "McGee Lake Watershed Protected Water Area"**Designation of the McGee Lake Watershed Protected Water Area and the Making of  
Regulations with Respect Thereto****Whereas** by order dated June 8, 1966, and published in the Royal Gazette [Part I] on June 29, 1966, the Nova Scotia Water Authority defined and prescribed an area surrounding McGee Lake and Mill Brook as the public water supply for the Town of Kentville;**And whereas** subsections 106(4) and (5) of the *Environment Act* provide:

- (4) When requested by an operator of a water works or proposed water works, the Minister may cancel a designation made pursuant to this Section, in whole or in part.
- (5) Any protected water area designated pursuant to the *Water Act*, prior to the coming into force of this *Act* remains so designated;

**And whereas** the Kentville Water Commission, operator of the water utility, has requested that the Minister of Environment and Labour cancel the June 8, 1966 designation;**And whereas** Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, provides for the designation by the Minister of Environment and Labour of a protected water area and the making of regulations under subsection (6) to prohibit, regulate or require the doing of any act or acts in a protected water area that may impair or prevent the impairment, as the case may be, of the quality of water in the Protected Water Area;**And whereas** the Kentville Water Commission, operator of the water utility, has requested that the Minister of Environment and Labour designate the McGee Lake watershed as a Protected Water Area in order to protect the quality of the surface water and the groundwater as a water supply;**And whereas** the Kentville Water Commission has provided opportunities for public consultation, including public meetings and the establishment of the McGee Lake Watershed Advisory Committee, an advisory committee comprising representatives of the Province of Nova Scotia, the Kentville Water Commission, Kentville Town Council, Municipality of the County of Kings, and members of the general public and landowners;

**Therefore** pursuant to Section 106 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, the undersigned, Kerry Morash, Minister of Environment and Labour hereby

- (a) cancels the area defined and prescribed on June 8, 1966;
- (b) designates an area surrounding McGee Lake and Mill Brook more fully described in Schedule "A" as a protected water area, to be known as the "McGee Lake Watershed Protected Water Area"; and
- (c) makes regulations respecting activities in the McGee Lake Watershed Protected Water Area, in the form set forth in "Schedule B".

Sgd.: *K. Morash*  
Honourable Kerry Morash  
Minister of Environment and Labour

Halifax, Nova Scotia October 19, 2005

**N.S. Reg. 208/2005**

McGee Lake Watershed Protected Water Area Designation

**Schedule "A"**

**McGee Lake Watershed Protected Water Area  
Boundary Description**

All that certain lot, piece or parcel of land situated in the vicinity of **McGee Lake** and **Mill Brook**, shown outlined in red as the McGee Lake Watershed Protected Water Area on the attached Map "A", and more particularly bounded and described as follows:

**Commencing** at a point on the northern boundary of the English Mountain Road, near South Alton, Kings County; said point being six hundred and sixty feet westerly from and perpendicular to the center line of Highway Route Number 12 leading from Alton to New Ross;

**Thence** to run by Astronomic Bearings northerly three thousand three hundred feet along a line six hundred and sixty feet from and parallel to the center line of said Highway Route Number 12;

**Thence** North forty-two degrees West two thousand nine hundred and seventy feet more or less to the northwest bank of the brook (Mill Brook) out of McGee Lake;

**Thence** due West two thousand six hundred and forty feet more or less to a point six hundred and sixty feet southeasterly from and perpendicular to the center line of the road leading from Prospect to North Alton;

**Thence** southwesterly along a line six hundred and sixty feet from and parallel to the center line of said Prospect-North Alton Road to its intersection with the center line of English Mountain Road;

**Thence** South thirty-eight degrees West seven thousand seven hundred and eighty-eight feet;

**Thence** South eight degrees thirty minutes West three thousand three hundred feet more or less to the center line of North River Road;

**Thence** continuing in the same course (S8°30'W) four thousand and ninety-two feet;

**Thence** South fifty-eight degrees East two thousand seven hundred feet;

**Thence** North thirty-three degrees East nine thousand six hundred and thirty-six feet to the center line of North River Road;

**Thence** continuing in the same course (N33°00'E) three thousand four hundred and thirty-two feet, more or less, to a point distant southerly nine hundred and sixty feet from and perpendicular to the center line of English Mountain Road;

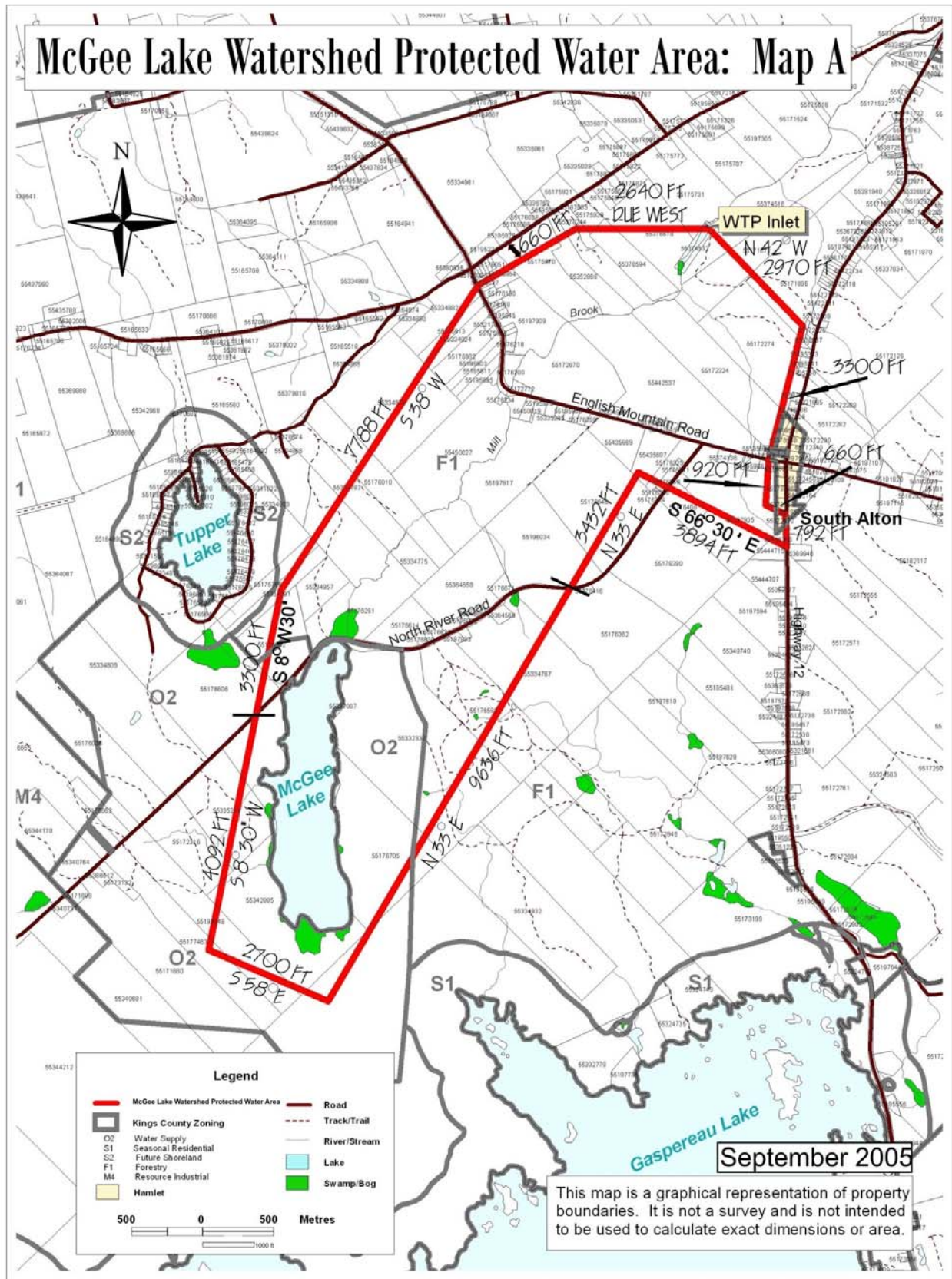
**Thence** South sixty-six degrees thirty minutes East three thousand eight hundred ninety-four feet more or less to the center line of Highway Route 12;

**Thence** northerly along said center line of said Route 12 seven hundred and ninety-two feet;

**Thence** westerly at right angles to said center line of Route 12 six hundred and sixty feet;

**Thence** northerly along a line six hundred and sixty feet from and parallel to said center line nine hundred and twenty feet more or less to the point of commencement.





**N.S. Reg. 209/2005**

## McGee Lake Watershed Protected Water Area Regulations

**Schedule “B”****Regulations Respecting Activities in the McGee Lake Watershed Protected Water Area  
made by the Minister of Environment and Labour pursuant to subsection 106(6) of  
Chapter 1 of the Acts of 1994-5, the *Environment Act*****Citation**

**1** These regulations may be cited as the *McGee Lake Watershed Protected Water Area Regulations*.

**Interpretation**

**2** In these regulations,

- (a) “Act” means the *Environment Act*;
- (b) “Department” means the Nova Scotia Department of Environment and Labour;
- (c) “developer” means a person who develops or proposes to develop land and includes any agent or contractor who works for the developer;
- (d) “development” means any disturbance of land for purposes of constructing roadways, residential dwellings, commercial establishments, recreation areas and parkland;
- (e) “forestry operation” means any activity related to the use of a forest for producing timber, wood fiber or Christmas trees, including but not limited to the following activities:
  - (i) forest management planning,
  - (ii) silviculture,
  - (iii) harvesting,
  - (iv) protection,
  - (v) road construction, and
  - (vi) operation, storage and use of equipment and supplies used in any aspect of the activity;
- (f) “Minister” means the Minister of Environment and Labour;
- (g) “Protected Water Area” means the land and water designated by the Minister pursuant to subsection 106(1) of the Act as the McGee Lake Watershed Protected Water Area, as described in Schedule “A” to the designation;
- (h) “release” means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;
- (i) “vegetation” means any living plant or tree growth;

- (j) “Water Works Operator” means the Kentville Water Commission, operator of the McGee Lake Water Treatment Plant.

**Posting of signs**

- 3 (1) The Water Works Operator must post signs around the perimeter of the Protected Water Area to provide notice to the general public of the designation of the Protected Water Area.
- (2) The Water Works Operator must replace any signs posted under subsection (1) that have been damaged or removed.
- (3) The Water Works Operator must take reasonable measures to advertise and provide notice to the general public of these regulations.
- (4) No person is permitted to remove or alter any sign, notice or advertisement posted pursuant to this Section.

**Restricted activities**

- 4 (1) No person is permitted to swim or bathe in watercourses within the Protected Water Area.
- (2) No person is permitted to wash a vehicle in any watercourse or within 10 m of the shoreline or bank of any watercourse within the Protected Water Area.
- (3) No person is permitted to, at any time, operate a motorized vessel of any kind, on, through or over McGee Lake or any watercourse in the Protected Water Area, unless authorized by the Water Works Operator for the protection of the Protected Water Area.
- (4) No person is permitted to fill a gasoline tank or transfer any liquid fuel from tank to tank on or within 10 m of the shoreline or bank of McGee Lake or any watercourse within the Protected Water Area, except for the purpose of operating the McGee Lake Water Treatment Plant or a purpose reasonably incidental to the maintenance of private property.

**Road construction and maintenance restrictions**

- 5 (1) No person is permitted to undertake any road construction within the Protected Water Area unless
- (a) written approval has been obtained in advance from the Water Works Operator; and
- (b) the road construction is undertaken between June 1 and September 30, inclusive, in any year.
- (2) A person who is responsible for a road constructed under subsection (1) must maintain and repair the road, in order to maintain water quality.
- (3) No person is permitted to apply road salt on any roads or driveways within the Protected Water Area.

**Stream crossings**

- 6 The construction of a forest access or wood lot road, stream crossing, culvert or other watercourse alteration within the McGee Lake Protected Water Area must be in accordance with the *Wildlife Habitat and Watercourses Protection Regulations* made under the *Forests Act* and the publication “Wood Lot Roads, Stream Crossings” issued by the Department of Natural Resources, or its successor document, or code of practice, as amended from time to time.



**On-site sewage disposal systems**

- 7 No person is permitted to install an on-site sewage disposal system within the Protected Water Area without first obtaining an approval from the Department.

**Prohibition on release of substance**

- 8 (1) No person is permitted to release or cause or permit the release of oil, petroleum products, soap, detergent, toxic chemicals, pest control product waste, garbage, litter, solid or liquid waste, or any other material that causes or may cause an adverse effect within the Protected Water Area.
- (2) A person who is using mechanical equipment or transporting gasoline or oil within the Protected Water Area is not permitted to release, and must take precautions to prevent the release of, a petroleum product onto the ground or into a watercourse or the runoff from the area.

**Prohibition on landfills**

- 9 No person is permitted to establish a dump, landfill, or waste disposal site within the Protected Water Area.

**Vegetation removal restrictions**

- 10 No person is permitted to alter or remove vegetation within 10 m of McGee Lake.

**Watercourse setbacks and buffers**

- 11 No person is permitted to erect a structure, excavate, fill or alter the grade of land within 10 m of McGee Lake or within 10 m of a wetland within the Protected Water Area.

**Stormwater management**

- 12 (1) No developer is permitted to commence any development unless the development is conducted according to a Stormwater Control Plan that is
- (a) prepared by a professional engineer; and
  - (b) approved in advance by the Water Works Operator in consultation with the Department.
- (2) If sedimentation occurs in a watercourse within the Protected Water Area, an operator or person responsible for the sedimentation must undertake immediate action to install erosion and sediment control measures, and immediately notify the Water Works Operator.

**Home heating oil tank restrictions**

- 13 (1) No person is permitted to install a home heating oil tank within 50 m of the shoreline of McGee Lake.
- (2) No person is permitted to install a home heating oil tank, gasoline fuel storage tank, or diesel fuel storage tank within the Protected Water Area unless it is supported by concrete footings and is
- (a) made of stainless steel;
  - (b) made of fibreglass; or
  - (c) constructed with double walls.

**Pits and quarries restrictions**

- 14 No person is permitted to authorize or commence an operation to extract peat, gravel, rock or minerals in the Protected Water Area.

**Pesticide restrictions**

**15** No person is permitted to undertake within the Protected Water Area, a commercial application of a pest control product or biocide, including but not limited to an insecticide, herbicide, or fungicide.

**Easement restrictions**

**16** No person is permitted to construct a pipeline, railway, telephone line, power line or other similar corridor development or grant an easement on, over or across the Protected Water Area, without first obtaining the written approval of the Water Works Operator.

**Agriculture restrictions**

- 17 (1)** No person is permitted to stockpile or accumulate livestock manure within 100 m of the shoreline of McGee Lake or any watercourse or well.
- (2)** No person is permitted to establish, within the Protected Water Area, a commercial livestock operation larger than 50 animal units.
- (3)** The following animals are assigned animal units as set out in the following table:

<u>Animal</u>	<u>Equivalent Animal Unit(s)</u>
Beef Feeders	2
Broiler Chickens or Hens	1000
Dairy or Beef Cow	1
Heavy Turkey Hens	150
Heavy Turkey Toms	100
Laying Hens	125
Sheep, Hogs, Veal Calves or Sows	10
Turkey Broilers	300

**N.S. Reg. 210/2005**

Made: September 14 and October 27, 2005

Filed: October 28, 2005

Summary Offence Tickets Regulations

Order in Council 2005-468 dated October 27, 2005

Amendment to regulations made by the Minister of Justice and the Governor in Council pursuant to Section 8 of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated September 14, 2005, and pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, to include certain offences under the *Wilderness Areas Protection Act* as summary offence ticket offences and set the out of court settlement amounts for the offences in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 27, 2005.

### Order

I, Michael G. Baker, Minister of Justice and Attorney General of Nova Scotia, do hereby order and direct pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, that the penalty to be entered on a summons in respect of an offence set out in amendments to the Schedules to the *Summary Offence Tickets Regulations* as set forth in Schedule "A", is the amount of the out of court settlement set out opposite the description of that offence, and the out of court settlement amount includes the charge provided for, and in accordance with, Sections 8 and 9 of the Act.

This Order is effective on and after the making by the Governor in Council of the amendments to the *Summary Offence Tickets Regulations* set out in Schedule "A".

**Dated and made** September 14, 2005, at Halifax, Halifax Regional Municipality, Province of Nova Scotia.

Sgd.: *Michael G. Baker*  
Honourable Michael G. Baker, Q.C.  
Minister of Justice and Attorney General of Nova Scotia

### Schedule "A"

**Amendment to the *Summary Offence Tickets Regulations*  
made by the Governor in Council pursuant to Section 8 of Chapter 450  
of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act***

The *Summary Offence Tickets Regulations*, N.S. Reg. 4/2001, made by the Governor in Council by Order in Council 2001-21 dated January 18, 2001, are amended by adding the following Schedule immediately after Schedule 33:

### Schedule 34 Wilderness Areas Protection Act

Offence	Section	Out of Court Settlement
1. Obstructing enforcement officer or person assisting (specify)	8(3)	NIL
2. Causing obstruction to enforcement officer or person assisting (specify)	8(3)	NIL
3. Inciting other to obstruct enforcement officer or person assisting (specify)	8(3)	NIL
4. Assaulting enforcement officer or person assisting (specify)	8(3)	NIL
5. Failing to comply with order, signal or direction (specify) of uniformed enforcement officer	8(3)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
6. Failing to supply name or address of person in charge of vehicle to enforcement officer within 48 hours of request	8(3)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
7. Acquiring mineral or petroleum right (specify) in wilderness area	17(1)(a)	NIL

<b>Offence</b>	<b>Section</b>	<b>Out of Court Settlement</b>
8. Constructing or developing (specify) energy-resource development (specify type) in wilderness area	17(1)(b)	NIL
9. Constructing or developing (specify) transmission or distribution line, pipeline or tunnel (specify) in wilderness area	17(1)(c)	NIL
10. Carrying out forestry activity in wilderness area	17(1)(d)	NIL
11. Carrying out aquaculture activity in wilderness	17(1)(d)	NIL
12. Carrying out mineral or petroleum development (specify) in wilderness area other than as permitted by Act or regulations	17(2)(a)	NIL
13. Carrying out quarrying or mining (specify) in wilderness area other than as permitted by Act or regulations	17(2)(a)	NIL
14. Constructing, maintaining or operating structure, facility, utility line or bridge (specify) in wilderness area other than as permitted by Act or regulations	17(2)(b)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
15. Carrying out agricultural activity in wilderness area other than as permitted by Act or regulations	17(2)(c)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
16. Creating, constructing, maintaining or operating (specify) trail, road, railway, aircraft landing strip or helicopter pad (specify) in wilderness area other than as permitted by Act or regulations	17(2)(d)	
first offence		\$790.00
second or subsequent offence		\$1480.00
17. Using or operating vehicle or bicycle (specify) in wilderness area other than as permitted by Act or regulations	17(2)(e)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
18. Camping, tenting or occupying (specify) land in wilderness area other than as permitted by Act or regulations	17(2)(f)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
19. Altering surface of land in wilderness area other than as permitted by Act or regulations	17(2)(g)	
first offence		\$790.00
second or subsequent offence		\$1480.00
20. Removing, destroying or damaging (specify) natural object, flora or fauna (specify) in wilderness area other than as permitted by Act or regulations	17(2)(h)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00

<b>Offence</b>	<b>Section</b>	<b>Out of Court Settlement</b>
21. Removing, destroying or damaging (specify) scientific, historical, archaeological, cultural or palaeontological object (specify) in wilderness area other than as permitted by Act or regulations	17(2)(i)	
first offence		\$790.00
second or subsequent offence		\$1480.00
22. Introducing substance or thing (specify) in wilderness area that may destroy or damage flora, fauna or ecosystems (specify) other than as permitted by Act or regulations	17(2)(j)	
first offence		\$790.00
second or subsequent offence		\$1480.00
23. Dumping or depositing litter, garbage or refuse in wilderness area other than in authorized container	17(2)(k)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
24. Lighting or maintaining (specify) fire in wilderness area other than as permitted by Act or regulations	17(2)(l)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
25. Creating or causing (specify) nuisance in wilderness area other than as permitted by Act or regulations	17(2)(m)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
26. Engaging in sport fishing, hunting or trapping (specify), in manner inconsistent with Act, regulations or management plan (specify)	24(1)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
27. Defacing or removing (specify) notice, plaque, marker, sign or posted device (specify) in wilderness area	27(2)(a)	
first offence		\$790.00
second or subsequent offence		\$1480.00
28. Posting notice, plaque, marker, sign or device (specify) in wilderness [area]	27(2)(b)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00
29. Failing to comply with term or condition (specify) of order or licence (specify)	28(1)	
first offence		\$330.00
second offence		\$790.00
third or subsequent offence		\$1480.00

**N.S. Reg. 211/2005**

Made: October 27, 2005

Filed: October 28, 2005

MacCormacks Beach Designation

Order in Council 2005-473 dated October 27, 2005  
Amendment to designation made by the Governor in Council  
pursuant to Section 5 of the *Beaches Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated October 6, 2005, pursuant to Section 5 of Chapter 32 of the Revised Statutes of Nova Scotia, 1989, the *Beaches Act*, is pleased, effective on and after October 27, 2005, to amend the designation of "MacCormack's Beach", N.S. Reg. 157/90, made by Governor in Council by Order in Council 90-773 dated June 19, 1990, by striking out "McCormack" and substituting "MacCormack" on Schedules "A" and "B" to the Order in Council.