

## FRENCH RIVER SOURCE WATER PROTECTION COMMITTEE

A meeting of the French River Source Water Protection Committee was held at the Tatamagouche Library on May 13, 2019 at 10:00 am.

- Present:** Councillor Mike Gregory, Chair  
Mayor Christine Blair  
Deputy Mayor Geoff Stewart  
Perry Swan, Village Commission Rep  
Greg Watson, Citizen Rep  
Doug Bastow, North Shore River Restoration Group  
Crawford Macpherson, Director of Community Development  
Michelle Newell, Director of Public Works  
Michael Allen, Nova Scotia Environment (Watershed Planner)
- Regrets:** Kim Baldwin, Citizen Rep  
Garth Demont, Department of Natural Resources
- Approval of Agenda:** The meeting was called to order at 10:05am.  
  
The agenda was approved.  
  
Moved by Doug Bastow, Seconded by Greg Watson.
- Approval of Minutes:** Minutes from the meeting of February 28, 2019 were approved.  
  
Moved by Mayor Blair, Seconded by Deputy Mayor Stewart.
- Business Arising:** There has been no update on the release of the RFP from Energy and Mines for the exploration rights for the closure area.
- Letter, Mines and Energy, Uncapped Exploration Well:** The letter was sent on May 3, 2019, and a copy was attached to the meeting package. No response received.
- Protected Water Area Designation:** Mike Allen from Nova Scotia Environment reviewed the Committee's draft document for the designation and suggested some changes which he felt would facilitate approval. He has not yet reviewed the document with the Province's legal staff. The Committee reviewed the proposed changes by M. Allen (see attached). The only comments were as follows:
- The Municipality of Colchester should be changed to the Municipality of the County of Colchester
- The Committee also asked that the breakdown of setback requirements for agricultural activities from watercourses remain in the document, even though these are already listed in the Agricultural Best Management Practices document. This was moved by Deputy Mayor Stewart and Seconded by Greg Watson.
- All in favour.  
Motion carried.

**Public Consultation:**

The Committee discussed the appropriate timing for public consultation. M. Allen noted that when the Municipality makes official application to the Province for designation of the watershed area, this application must be accompanied by documentation showing that appropriate public consultation has taken place. The process must ensure that all concerns are addressed, and an effort has been made to communicate with all affected property owners.

The Committee decided that public consultation should occur in June before the document is presented to Council for consideration. It was decided that two public meetings should take place, the first on June 18<sup>th</sup> at 7pm at the Warwick Mountain Hall, and the second on June 19<sup>th</sup> at 7pm at the Tatamagouche Fire Hall. County staff to develop a mailing list and begin to make the necessary arrangements.

Notifications of the public meetings should also be placed on the Village Facebook site, the County website, the Light's website, the Truro Weekly News, and the bulletin boards at the Tri County Ford and the Library.

**Next Meeting:**

Next meeting is scheduled for Monday, June 24<sup>th</sup> at 10:00am. Location to be confirmed.

Meeting adjourned at 12:00pm.

Moved by: Greg Watson

Minutes Respectfully Submitted,



Michelle Newell

## Schedule “ ”

### Regulations Respecting the French River Watershed Protected Water Area made under subsections 106(1) and (6) of the *Environment Act*

#### 1. Citation

These regulations may be cited as the “French River Watershed Protected Water Area Regulations”.

#### 2. Purpose

The purpose of this Order is to protect the quality of surface water resource (French River) in the Protected Water Area for the Tatamagouche water supply in the Municipality of Colchester.

#### 3. In this Order

“Act” means the *Environment Act* and regulations made pursuant thereto;

“Agricultural operation” means a farming unit within the Protected Water Area which:

- i houses livestock or where livestock graze or are pastured and, or
- ii has greater than 5 ha of land in forage production, crop production or pasture

“Biocide” means a toxic chemical or other substance capable of killing living organisms but does not include a registered pest control product;

“Committee” means the French River Watershed Protection Advisory Committee that is a committee of the Municipality of Colchester established to advise the County on all matters related to water quality and quantity in the Protected Water Area;

“County” means the municipal corporation known as the Municipality of Colchester or its successors;

“Department” means the Nova Scotia Department of Environment;

“Detailed ground exploration” means exploration with ground disturbance, and includes drilling, blasting, test pitting, trenching, underground excavation, bulk sampling, stripping, road construction and watercourse alteration;

“Developer” means a person who develops or proposes to develop land and includes any agent or contractor who works for the developer; the term “developer” is not used elsewhere in the document, therefore the definition is removed

“Development” means any general disturbance of earth or landscape for purposes of construction, and includes construction of the following:

- i roadways,
- ii residential dwellings,
- iii commercial establishments,
- iv industrial activity, including aggregate extraction,
- v campgrounds,
- vi trailer parks,
- vii parkland;

“French River” means the French River and its tributaries located within the defined protected water supply area as shown on the map and as described in, Schedule “A” of the Designation;

“Forestry operation” means any activity related to the use of a forest for the production of timber, wood fibre or Christmas trees, including any of the following activities:

- i forest management,
- ii silviculture,
- iii wood harvesting,
- iv forest access road construction,
- v operation, storage and use of equipment and supplies used in any aspect of the activity;

“Mining activities” are the activities of extracting materials from the earth, such as minerals, metals, coal and hydrocarbons, including detailed ground exploration and processing;

“Minister” means the Minister of Environment of the Province of Nova Scotia;

“Motorized vehicle” means any type of vehicle with an internal combustion engine powered by petroleum; removed and replaced with “Vehicle” definition

“Person” includes an individual and a partnership and, for greater certainty, a corporation, municipality and any other entity, and, without restricting the generality of the foregoing, the Government, a Government agency, and Her Majesty in right of Canada and a person acting on behalf of Her Majesty;

“Pesticide” or “Pest control product” means

- i. any substance that is sold or represented for use in preventing, destroying, repelling, attracting, or mitigating, directly or indirectly, any pest,
- ii. any substance that is a pest control product within the meaning of the Pest Control Products Act (Canada) or is intended for use as a pest control product,
- iii. any substance that is a plant growth regulator, a defoliant or a plant desiccant;

“Processing” means those methods employed in the mining industry to clean, separate, and prepare coal, metals, and non-metallic minerals from mined material;

“Protected Water Area” means the land and water designated by the Minister pursuant to subsection 106(1) of the Act as the French River Watershed Protected Water Area, as described in Schedule “A” of the Designation;

“Release” means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;

(q) “tailings” are the material that remains after all metals considered valuable or useful have been removed from ore during milling; the term “tailings” is not used elsewhere in the document, therefore the definition is removed

“Vehicle” means any vehicle driven or propelled otherwise than by muscular power, whether or not the vehicle is registered pursuant to the *Motor Vehicle Act* and includes off highway vehicles (OHV);

“Watercourse” means a watercourse as defined in the Act;

“Water Works Operator” means the Municipality of Colchester, operator of the Tatamagouche Water Utility.

### 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) No person is permitted to remove or alter any sign, notice or advertisement posted under this Section under clause 106 (2) (c) of the Act. removed and replaced with wording as below

#### 4. Public notification requirements

a. The Water Works Operator shall post signs at appropriate locations to provide notice to the public of designation of the Protected Water Area.

b. The Water Works Operator shall replace any signs posted under subsection (1) which have been damaged or removed.

c. The Water Works Operator shall take appropriate measures to advertise and provide notice to the public of these regulations.

d. No person is permitted to remove or alter any sign, notice or advertisement posted by the Water Works Operator under clause 106(2) (c) of the Act.

### Restricted activities

4 (1) No person shall at any time in the year operate a vehicle definition added in Section 3 through the French River, without first notifying the Water Works Operator.

(2) No person is permitted, to bathe or wash in the French River.

(3) No person is permitted to release or cause or permit the release of any substance or material which contaminates or may contaminate the source of water supply in the Protected Water Area including but not limited to, any of the following: reworded

- (a) oil;
- (b) petroleum products;
- (c) soap or detergent;
- (d) toxic chemicals;
- (e) pest control product waste;
- (f) garbage;
- (g) litter;
- (h) solid or liquid waste or effluent;
- (i) fertilizers;
- (j) herbicides, pesticides and biocides;

### Prohibition on landfills

- 5 (1) No person is permitted to dispose of waste, establish a dump, landfill or waste disposal site within the Protected Water Area.
- (2) A person who contravenes subsection (1) must immediately cease the activity and rehabilitate the site in the proper manner as directed by the Water Works Operator.

### On-site sewage disposal and discharge of domestic sanitary waste

- 6 (1) Any structure serving as an on-site sewage disposal system must have an approval from the Department, in accordance with the *On-site Sewage Disposal Systems Regulations*, made under the Act. removed and replaced with below
- (2) No person is permitted to install an on-site sewage disposal system within the Protected Water Area unless in accordance with the *On-site Sewage Disposal Systems Regulations* made under the Act, and notification has been provided to the Water Works Operator 15 days prior to the commencement of the activity.

### Forestry operations

- 7 (1) All commercial ~~forest harvests~~ forestry operations within the Protected Water Area, must be conducted in accordance with the “*Wildlife Habitat and Watercourses Protection Regulations*” issued by the Department of Lands and Forestry, or its successor documents, as amended from time to time.

### Agriculture

- 8 (1) Agricultural operations within the Protected Water Area shall comply with the “*Agricultural Best Management Practices within Municipal Drinking Water Supply Areas in Nova Scotia*” or its successor documents, as amended from time to time.

Agricultural operations within the Protected Water Area are encouraged to have an Environmental Farm Plan prepared in conjunction with the NS Federation of Agriculture. to be removed, as not an enforceable item

- (2) Agricultural operations shall maintain the following vegetated buffer strip from a watercourse as recommended in the BMP for Agriculture in Municipal Drinking Water Areas:
- A) 5 metres from pasture land;
  - B) 10 metres from a field that is row cropped.
- (3) No person is permitted to stockpile or accumulate manure (non-contained storage) within 100m of any watercourse within the Protected Water Area.

Will need to determine if (2) and (3) need to be explicitly stated, as they are items already outlined/ included in the “*Agricultural Best Management Practices within Municipal Drinking Water Supply Areas in Nova Scotia*”, from (1).

### **Pest control products and biocide restrictions**

**9 (1)** In this Section “commercial class” and “pesticide or pest control product” have the same meaning as they do in the *Pesticide Regulations* made under the Act. removed and defined in Section 3

No person is permitted to use pest control products or biocides within the Protected Water Area unless administered in accordance with the Act and regulation and notification has been provided in writing to the Water Works Operator 15 days prior to proposed commencement of the activity.

### **Erosion and sediment control**

- 10 (1)** No person shall at any time undertake any activity that causes or might cause soil erosion resulting in sediment being deposited in a watercourse located within the Protected Water Area.
- (2) A person who contravenes subsection (1) must immediately cease the activity and take measures to control erosion and sediment as directed by the Water Works Operator.
- (3) No person is permitted to undertake any activity within the Protected Water Area requiring grubbing or earth moving that would expose an area of ground 0.40 hectares or greater in area, unless they have
- (a) developed an erosion and sedimentation control plan as described in the “Erosion and Sedimentation Control Handbook for Construction Sites” published by the Nova Scotia Department of Environment, or its successor document or code of practice, as amended from time to time; and
  - (b) notified the Water Works Operator in writing 15 days prior to the commencement of the work.
- (4) Subsection (3) does not apply to an agricultural operation.

### **Stormwater management**

- 11 (1)** No person is permitted to start any development, with the exception of a single family dwelling, unless the development is conducted according to a Stormwater Management Plan that is
- (a) prepared by a professional engineer; and
  - (b) a copy is submitted to the Water Works Operator, prior to the commencement of the activity.
- (2) lot development for a single family dwelling shall maintain an undisturbed buffer zone of 10 m between a watercourse and any lot disturbance.

- (3) Subsection (1) does not apply to the development of a subdivision of less than 5 residential dwelling units.

### **Pits and quarries**

- 12 No person is permitted to commence, operate or use any pit or quarry for gravel, stone or other types of aggregate extraction, within the Protected Water Area without first
- (a) notifying the Water Works Operator; and
  - (b) obtaining an approval from the Department if an approval is required under the Act and regulations.

### **Mining activities**

- 13 (1) No person is permitted to commence mining activities within the Protected Water Area, including detailed ground exploration and processing.

**Permits and approvals** to be removed as the Waterworks Operator would not enforce

- 14 For greater certainty all activities within the Protected Water Area must be conducted in accordance with the *Environment Act* and regulations, including any requests for approvals.

The following Sections may require removal, as there do not appear to be any conditions in the overall regulations requiring approval or permission from the Water Works Operator, just notification in various circumstances:

### **Application for written permission**

On receipt of an application for written permission to conduct an activity in the Protected Water Area, the Water Works Operator may request the applicant to provide further information reasonably related to the activity

An application for written permission is not considered complete until the Water Works Operator receives any further information requested under subsection (a)

### **Timing of Water Works Operator's decision**

- 16 The Water Works Operator must decide whether to grant or refuse permission under these regulations within 60 days after the date that the completed request for the permission and all required supplemental information are submitted.

### **Permission may include terms and conditions**

- 17 Written permission granted by the Water Works Operator under these regulations may include any terms and conditions respecting time and other matters that are, in the opinion of the Water Works Operator, necessary for the protection of water quality and quantity in the Protected Water Area.