

N.S. Regulations 8/2022

FILED

Date January 24, 2022

RACHEL L. JONES
REGISTRAR OF REGULATIONS

**In the matter of subsections 106(1) and (6) of
Chapter 1 of the Acts of 1994-95, the *Environment Act***

- and -

**In the matter of the designation of an area surrounding
the village of Tatamagouche as a Protected Water Area to be known as
the French River Watershed Protected Water Area**

Order

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 Climate Change 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 the water in the Protected Water Area;

And whereas the operator of the Tatamagouche Water Utility, the Municipality of the County of Colchester has requested that the Minister of Environment designate the French River Watershed as a Protected Water Area in order to protect the quality of the surface water and groundwater resource as a water supply;

And whereas the Municipality of the County of Colchester has provided opportunities for public consultation, including public meetings and the establishment of the French River Source Water Protection Committee, an advisory committee comprising representatives of the Province of Nova Scotia, the Municipality of the County of Colchester, 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, Tim Halman, Minister of Environment and Climate Change hereby

- (a) designates an area comprising the area surrounding the French River watershed as shown on the map in Schedule "A" as a protected water area to be known as the "French River Watershed Protected Water Area"; and
- (b) makes regulations respecting activity in the French River Watershed Protected Water Area, in the form set forth in Schedule "B".

This order is effective on and after the date it is made.

Dated and made JAN 24, 2022, at Halifax Regional Municipality, Province
of Nova Scotia.

A handwritten signature in blue ink, appearing to read 'T. Halman', written over a horizontal line.

Honourable Tim Halman
Minister of Environment and Climate Change

Schedule “B”

Regulations Respecting the French River Watershed Protected Water Area made by the Minister of Environment and Climate Change under subsections 106(1) and (6) of Chapter 1 of the Acts of 1994-95, the *Environment Act*

Citation

- 1** These regulations may be cited as the *French River Watershed Protected Water Area Regulations*.

Definitions

- 2** In these regulations,

“Act” means the *Environment Act*;

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

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

“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 Department of Environment and Climate Change;

“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;

“development” means any general disturbance of earth or landscape for purposes of construction, and includes construction all 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 as identified on the National Topographical System (NTS) 1:50,000 scale mapping and located within the defined protected water supply area as shown on the map in Schedule “A” to the designation;

“mining activities” means 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 and Climate Change;

“person” means a person as defined in the Act;

“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” to the designation;

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

Public notice requirements

- 3** (1) The Water Works Operator must do all of the following:
- (a) post signs at appropriate locations to provide notice to the public of the designation of the Protected Water Area;
 - (b) replace any signs posted under clause (a) that have been damaged or removed;
 - (c) take appropriate measures to advertise and provide notice to the public of these regulations.
- (2) A person must not remove or alter any sign, notice or advertisement posted by the Water Works Operator under clause 106(2)(c) of the Act.

Prohibition of landfills

- 4** (1) A person must not dispose of waste or establish a dump, landfill, construction and demolition debris 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 manner directed by the Water Works Operator.

Agriculture

- 5** (1) Agricultural operations must maintain the following vegetated buffer strip from the French River or its tributaries:
- (a) 5 m to pastureland;
 - (b) 10 m to a field that is row cropped.
- (2) A person must not stockpile or accumulate manure in a non-contained manner within 100 m of the French River or its tributaries.

Erosion and sediment control

- 6** (1) A person must not undertake any activity that causes or might cause soil erosion resulting in sediment being deposited in the French River or its tributaries 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 in the manner directed by the Water Works Operator.

- (3) A person must not undertake any activity within the Protected Water Area requiring grubbing or earth moving that would expose an area of ground 0.40 ha or greater in area without first doing all of the following:
- (a) developing an erosion and sedimentation control plan as described in the “Erosion and Sedimentation Control Handbook for Construction Sites” published by the Department, or its successor document or code of practice;
 - (b) notifying the Water Works Operator in writing 15 days before the date the work begins.
- (4) Any new development or land clearing in the Protected Water Area must maintain an undisturbed buffer of 10 m along the French River and its tributaries.
- (5) Subsection (3) does not apply to an agricultural operation in the Protected Water Area.

Pits and quarries

- 7 A person must not commence, operate or use a pit or quarry for gravel, stone or other types of aggregate extraction within the Protected Water Area without first doing all of the following:
- (a) notifying the Water Works Operator;
 - (b) obtaining approval from the Department if an approval is required under the Act or regulations.

Mining activities

- 8 A person must not conduct mining activities within the Protected Water Area, including detailed ground exploration and processing.