

French Mill Brook Watershed Protected Water Area Regulations
made under Section 106 of the
Environment Act
S.N.S. 1994-95, c. 1
N.S. Reg. 214/2007 (April 13, 2007)

Citation

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

Interpretation

- 2** In these regulations,

- (a) “Act” means the *Environment Act*;
- (b) “clear cut” means to harvest all merchantable trees from a piece of land more than 2 acres (0.81 ha) in size;
- (c) “Department” means the Nova Scotia Department of Environment and Labour;
- (d) “forestry operation” means an activity related to using a forest to produce timber, wood fiber or Christmas trees, including the following activities:
 - (i) forest management planning,
 - (ii) silviculture,
 - (iii) wood harvesting,
 - (iv) watershed protection,
 - (v) road, bridge construction and stream crossings, and
 - (vi) operating, storing and using equipment and supplies;
- (e) “pesticide” or “pest control product” has the same meaning as set out in clause 2(q) of the *Pesticide Regulations* made under the Act;
- (f) “Protected Water Area” means the land and water designated by the Minister under subsection 106(1) of the Act as the French Mill Brook Watershed Protected Water Area, as described in Schedule “A” to the designation;
- (g) “release” means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;

- (h) “Special Management Areas” means buffer zones, watercourses and wetlands, soft or wet ground, such as unstable soil structure, and areas where slopes exceed 20%;
- (i) “Water Works Operator” means the Municipality of the District of West Hants, operator of the Falmouth Water Works.

Notice to the public

- 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) A person must not remove or alter any sign, notice or advertisement posted pursuant to this Section.

Prohibition on release of substance

- 4 (1) A person must not 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 in the Protected Water Area.
- (2) A person who is using mechanical equipment or transporting gasoline or oil in the Protected Water Area must not release, and must take precautions to prevent the release of a petroleum product onto the ground, into a watercourse, or into the runoff from the area.
- (3) A person must not refuel a vehicle within 20 m of any wetland or the bank of any lake, river, stream, pond or other watercourse in the Protected Water Area.

Soil erosion and sedimentation control

- 5 (1) A person must not undertake any activity that causes or might cause soil erosion resulting in sediment being deposited in a watercourse located in the Protected Water Area.
- (2) A person who contravenes subsection (1) must immediately
- (a) cease the activity causing sedimentation and take measures to control the soil erosion and sediment deposition; and

- (b) notify the Water Works Operator.
- (3) A person may alter the land levels within 65 m of a watercourse located in the Protected Water Area only if the alteration is necessary for road construction and stream crossings permitted under these regulations.
- (4) A person must not erect a structure or alter the level of the land in the Protected Water Area where the slope is greater than 15% if the activity is not for the purpose of any of the following:
 - (a) preventing floods or erosion, or facilitating drainage;
 - (b) municipal water treatment and distribution.

Prohibition on landfills

- 6 A person must not locate a landfill, refuse dump, incinerator or waste disposal site in the Protected Water Area.

Restricted activities

- 7 (1) A person must not swim, bathe, wash or cut ice at any time, in any watercourse in the Protected Water Area.
- (2) A person must not fish in the French Mill Brook reservoir located in the Protected Water Area.
 - (3) A person must not skate or operate a snowmobile or other off-highway vehicle on ice covering the French Mill Brook reservoir located in the Protected Water Area.
 - (4) A person may operate a vessel on, through or over the French Mill Brook reservoir located in the Protected Water Area only if authorized by the Water Works Operator for the protection of the Protected Water Area.
 - (5) Except as provided in subsection (6), a person must not ride a horse or a bicycle or operate a vehicle of any kind, including off-highway vehicles, on, through or over any watercourse in the Protected Water Area.
 - (6) A person may use a horse, bicycle or a vehicle, including off-highway vehicles, to cross a watercourse in the Protected Water Area only if the person crosses the watercourse on a bridge or at a location permitted under these regulations.
 - (7) A person must not wash a vehicle or mechanical equipment in the Protected Water Area.
 - (8) A person must not carry out maintenance of mechanical equipment in the Protected Water Area.

- (9) A person may carry out emergency repair of mechanical equipment in the Protected Water Area only if the person complies with Section 4 of these regulations.
- (10) A person may withdraw water from the Protected Water Area only if the withdrawal is related to the operation of the Falmouth Water Works, or to fight fires, and carried out under the supervision of the Water Works Operator.
- (11) A person must not store lubricants or fuel in bulk quantities of more than 450 L in the Protected Water Area.

Water course or wetland alteration

- 8 (1) A person must not construct a bridge or culvert or otherwise alter a watercourse or wetland in the Protected Water Area without first obtaining
- (a) written permission from the Water Works Operator; and
 - (b) an approval from the Department.
- (2) An owner, operator or person responsible for a bridge or culvert approved under subsection (1)
- (a) must maintain and repair the bridge or culvert; and
 - (b) must not remove the bridge or culvert without first obtaining an approval from the Department, and providing notification and a copy of the approval to the Water Works Operator prior to undertaking the removal of the bridge or culvert.
- (3) Pipe arches and other similar open-bottomed box culverts which retain the streambed in its natural form must be used where roads are constructed to cross watercourses.

Pest control products

- 9 A person may apply or use pest control products only if applied on a small scale, either for personal application, such as mosquito repellent, or for application within structures associated with a camp, in the Protected Water Area.

Roads

- 10 (1) A person must not undertake any road construction, including drainage works required for the maintenance of the roadbed without first obtaining written permission from the Water Works Operator.
- (2) Any new roads must be constructed
- (a) a minimum of 20 m from watercourses other than the portion of a road that crosses a watercourse; and

- (b) at right angles to watercourses where they cross the watercourses.
- (3) A person who is responsible for a road must maintain or repair the road and must notify the Water Works Operator before undertaking any maintenance, repair or removal of roads.

Forestry operations

- 11 (1)** A person must not conduct forestry operations involving a clear cut or harvesting of more than 50 cords of wood in a calendar year without first obtaining written permission, which may include time restrictions on forestry operations and directions for sediment control on any disturbed land, from the Water Works Operator.
- (2)** A request for permission for a forestry operation referred to in subsection (1) must include a cutting plan that contains all of the following information:
- (a) size of cut (acreage);
 - (b) type of cut;
 - (c) map of the property showing area to be cut, showing the location of all of the following:
 - (i) existing or proposed access or haul roads, landings and skid trails;
 - (ii) existing or proposed watercourse or wetland crossings;
 - (iii) Special Management Areas;
 - (d) type of equipment to be used;
 - (e) anticipated start and completion dates for the operation;
 - (f) proposed monitoring schedule for checking vehicles and mechanical equipment for leaks, and general environmental monitoring;
 - (g) proposed monitoring schedules for water sampling and checking sediment traps, if required by the Water Works Operator; and
 - (h) any other information required by the Water Works Operator.
- (3)** A person must not clear cut forest land within 65 m of any wetland or the bank of any lake, river, stream, spring, pond or other watercourse in the Protected Water Area.

- (4) Selective cutting of mature trees may be undertaken within 65 m of a watercourse or wetland only if the Water Works Operator has been notified of the start date of the cutting and written permission has been given and the person complies with all time restrictions and directions for sediment control on any disturbed land contained in the permission.
- (5) A person must not pile or accumulate wood processing waste such as sawdust, bark, wood chips and wood shavings within 650 m of the bank of the French Mill Brook reservoir or within 65 m of any wetland or the bank of any lake, river, stream, spring, pond or other watercourse in the Protected Water Area.

Agricultural waste setbacks from watercourses

- 12 A person must not pile or accumulate agricultural refuse or farm waste such as manure and compost within 650 m of the bank of the French Mill Brook reservoir or within 65 m of any wetland or the bank of any lake, river, stream, pond or other watercourse in the Protected Water Area.

Pasture restriction

- 13 A person must not pasture any cow, sheep, horse, pig or any other domesticated animal in the Protected Water Area.

Gravel and mineral excavation

- 14 A person must not operate or use any pit, mine or quarry for extraction of gravel, rock or minerals in the Protected Water Area without first obtaining the written permission of the Water Works Operator.

Easement restriction

- 15 A person must not construct a pipeline, railway, telephone line, power line or other similar undertaking or grant an easement on, over or across the Protected Water Area, without first obtaining the written permission of the Water Works Operator.