

DRAFT COPY: SEPTEMBER 2008

**Davidson Lake Watershed Protected Watershed Area Regulation
made under Section 106 of the
Environment Act
S.N.S.
N.S. Reg.**

Citation

- 1** These regulations may be cited as the *Davidson Lake Watershed Protected Watershed Area Regulations*.

General Requirements

- 2.1** Nothing in these regulations shall exempt any person from complying with any other regulation or requirement of the Town, or from obtaining any license, permission, permit, authority or approval required by any other Municipality or Town or statute or regulation of the Province of Nova Scotia.
- 2.2** Where the provisions of these regulations conflict with those of any other by-law of the Municipality or Town or any statute or regulation of the Province of Nova Scotia, the higher or more stringent requirement shall prevail.

Interpretation

- 3** 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 Ha (4.94 acres) in size;
 - (c) "the Department" means Nova Scotia Environment
 - (d) "camp" means
 - (i) to remain overnight;
 - (ii) to erect a tent, lean-to or other natural shelter, or to use sleeping equipment, a vehicle or a trailer camper, for the purpose or in such a way as will permit remaining overnight.
 - (e) "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;
- (f) "pesticide" or "pest control product" has the same meaning as set out in clause 2(q) of the *Pesticide Regulations* made under the Act;
- (g) "Protected Watershed Area" means the land and water designated by the Minister under subsection 106(1) of the Act as the Davidson Lake Watershed Protected Watershed 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) "Special Management Areas" means buffer zones, watercourses and wetlands, soft or wet ground, such as unstable soil structure, and areas where slopes exceed 20%;
- (j) "motorized vehicle" means any type of vehicle with an internal combustion engine;
- (k) "watercourse" means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, whether it contains water or not
- (l) "wetlands" means land commonly referred to as a marsh, swamp, fen or bog that either periodically or permanently has a water table at, near or above the land's surface or that is saturated with water, and sustains aquatic processes as indicated by the presence of poorly drained soils, hydrophytic vegetation and biological activities adapted to wet conditions.
- (l) "Water Works Operator" means the Town of Hantsport, operator of the Hantsport Water Works.

Notice to Public

- 3**
- (1) The Water Works Operator must post signs at road access points around the perimeter of the Protected Watershed Area to provide notice to the general public of the designation of the Protected Watershed 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 signs, notice or advertisement posted pursuant to this Section.

Restricted activities

- 4 (1) No person is permitted to swim or bathe in any lake or watercourse within the Protected Watershed Area.
- (2) No person is permitted to camp within the Protected Watershed Area without the landowners' permission.
- (3) No person is permitted to fish in any lake or watercourse within the Protected Watershed Area.
- (4) No person is permitted to hunt waterfowl in or over the waters of Davidson Lake.
- (5) No person is permitted to operate a motorized vehicle of any kind in the Protected Watershed Area, unless
 - (a) the motorized vehicle is being operated
 - (i) on a public road,
 - (ii) on a road built under an accepted forest management plan, or
 - (iii) on an access road to private land holdings; or
 - (b) the operation of the motorized vehicle is authorized by the Water Works Operator.
- (6) No person shall at any time of the year operate a vessel or motorized vehicle of any kind, on, through or over Davidson Lake or any other watercourse or wetlands in the Protected Watershed Area, other than for the protection of the Protected Watershed Area and unless authorized by the Water Works Operator.
- (7) No person is permitted to ride a horse, bicycle or operate a vehicle of any kind, including off highway vehicles, on, through, or over any watercourse or wetlands in the Protected Watershed Area, except at approved crossings.
- (8) No person is permitted to wash a vehicle in any watercourse or wetlands or within 60 m (197 ft) of the shoreline or bank of any watercourse or wetlands within the Protected Watershed Area.

Prohibition on release of substances

- 5 (1) No person is permitted to release or cause or permit the release of any substance that impairs water quality including: oil, petroleum products, soap, detergent, toxic chemicals, pest control product waste, garbage, litter, or solid or liquid waste, or any other material that causes or may cause an adverse effect in the Protected Watershed Area

- (2) A person who is using mechanical equipment or transporting gasoline or oil in the Protected Watershed Area must not release, and must take precautions to prevent the release of a petroleum product onto the ground, into a watercourse or wetlands, or into the runoff from the area.
- (3) A person must not refuel a vehicle within 20 m (66 ft) of the shoreline or bank of any watercourse or wetlands within the Protected Watershed Area

On-site sewage disposal and discharge of domestic sanitary waste

- 6 No person is permitted to construct or install an on-site sewage disposal system, outhouse or privy, or any other type of equivalent structure serving the purpose of sanitary waste disposal as defined in the *On-Site Sewage Disposal Systems Regulations* within 30.5 m (100 ft) or in accordance with the *Regulations* prescribed by the Department, the greater of which shall prevail from any bank or shore of any watercourse or wetlands within the Protected Watershed Area.

Forestry operations

- 7 (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 and 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 forestland within 65 m (213 ft) of the shoreline or bank of any watercourse or wetlands within the Protected Watershed Area.
- (4) Selective cutting of mature trees may be undertaken within 65 m (213 ft) of the shoreline or bank of any lake or watercourse within the Protected Watershed Area only if the Water Works Operator has been notified of the start date of cutting, written permission granted 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 65 m (213 ft) of any shorelines or banks of any watercourse or wetlands within the Protected Watershed Area.

Fire restrictions

- 8 (1) The Protected Watershed Area is subject to the Fire Protection By-Law of the Municipality of the District of West Hants.
- (2) Persons involved in a forestry operation within the Protected Watershed Area must comply with the *Forests Act* and regulations made pursuant thereto, including the *Forest Fire Protection Regulations*.

Prohibition on landfills

- 9 (1) No person is permitted to dispose of waste, establish a dump, landfill or waste disposal site within the Protected Watershed 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 under the direction of the Department at the person's expense.

Soil erosion and sedimentation control

- 10 (1) A person must not undertake any activity that causes or might cause soil erosion resulting in sediment being deposited in any watercourse or wetlands within the Protected Watershed 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 (213 ft) of a watercourse or wetlands located in the Protected Watershed Area only if the alteration is

necessary for road construction and stream crossings permitted under the regulations.

- (4) A person must not erect a structure or alter the level of the land in the Protected Watershed 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.

Watercourse or wetland alteration

- 11 (1) A person must not construct a bridge or culvert or otherwise alter a watercourse or wetland in the Protected Watershed Area without first obtaining
 - (a) written permission from the Water Works Operator; and
 - (b) an approval from the Department.
- (2) An owner or 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.

Pest control products

- 12 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 woods camp, in the Protected Watershed Area.

Roads construction and maintenance restrictions

- 13 (1) A person must not undertake any road construction, including crossing and drainage works required for the maintenance of the roadbed without first obtaining written permission from the Water Works Operator and is subject to the *Environment Act*.
- (2) Any new roads must be constructed
 - (a) a minimum of 20 m (66 ft) from watercourses or wetlands 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.

- (4) 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 or wetlands.

Agricultural waste setbacks from watercourses

- 14 (1) A person must not pile or accumulate agricultural refuse or farm waste such as manure and compost within 650 m (2133 ft) of the shoreline or bank of any watercourse or wetlands within the Protected Watershed Area.
- (2) No person or persons is/are permitted to conduct aquaculture activities of any kind, commercial or domestic, in lake or land based within the Protected Water Area.

Gravel and mineral excavation

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

Easement restriction

- 16 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 Watershed Area, without first obtaining the written permission of the Water Works Operator.

Consultation with the Committee

- 17 (1) The Water Works Operator may consult with the Committee before granting any authorization or approval required by these regulations.

Permit or Approvals

- 18 A permit or approval issued by the Water Works Operator under these regulations may contain terms and conditions respecting time and other restriction if the terms, conditions, or restrictions are deemed necessary to protect the water quality in the Protected Watershed Area.

Approval by Water Works Operator

- 19 Any decisions regarding approvals made by the Water Works Operator under these regulations must be made no later than 60 days after the application is submitted.