

Notice

Yarmouth Water Utility

Lake George Watershed Protected Water Area

The Yarmouth Water Utility wishes to advise the general public and landowners that the Lake George Watershed in Yarmouth County has been designated as a protected water area under section 106 of the Nova Scotia Environment Act approved by the Minister of Environment and Labour on October 16, 2006. This designation cancels the area previously defined and prescribed on November 2nd 1964 under the Water Act. The protected water area consists of the natural topographic drainage area surrounding Lake George and corresponds to the area designated as the Lake George Watershed Zone by the Municipality of the District of Yarmouth in it's Municipal Planning Strategy and Land Use Bylaw effective March 20, 2001. The boundary for the Lake George Watershed Protected Water area is as described in Schedule "A" of the designation for Lake George Watershed by the Minister of Environment and Labour. Pursuant to subsection 106(6) of the Environment Act, new regulations have been approved by the Minister of Environment & Labour respecting activities in the Lake George Watershed Protected Water Area.

Documents can be viewed at the Office of the Town Engineer for the Town of Yarmouth at 400 Main Street, Yarmouth, Nova Scotia or the Town of Yarmouth's website www.yarmouth-town.com or at the Western Counties Regional Library at 405 Main Street, Yarmouth, Nova Scotia. If there are any questions concerning the watershed designation, property owners can contact the Town Engineer at telephone (902) 742-7525. If after reviewing the regulations property owners require the watershed boundary to be located for compliance purposes they can contact the Yarmouth Water Utility through the Town Engineer's Office.

The Yarmouth Water Utility would like to thank all those individuals who served on the Lake George Watershed Management Committee for their participation and guidance in the development of regulations and the general public who gave input during the process.

David F. Ernst, P.Eng.
Town Engineer
Yarmouth Water Utility

**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 Lake George, Yarmouth County, as a Protected Water Area, to be known as the "Lake George Watershed Protected Water Area"

Designation of the Lake George Watershed Protected Water Area and the Making of Regulations with Respect Thereto

WHEREAS by order dated November 2, 1964, and published in the Royal Gazette [Part 1] on November 4, 1964, the Nova Scotia Water Authority defined and prescribed an area surrounding Lake George, Yarmouth County as the public water supply for the Town of Yarmouth;

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 Town of Yarmouth Water Utility, operator of the Lake George Water Treatment Plant, has requested that the Minister of Environment and Labour cancel the November 2, 1964 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 the water in the Protected Water Area;

AND WHEREAS the Town of Yarmouth Water Utility, operator of the Lake George Water Treatment Plant, has requested that the Minister of Environment and Labour designate the Lake George 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 Town of Yarmouth Water Utility has provided opportunities for public consultation, including public meetings and the establishment of the Lake George Watershed Management Committee, an advisory committee comprising representatives of the Province of Nova Scotia, the Town of Yarmouth, 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, Mark Parent, Minister of Environment and Labour hereby

- (a) cancels the area defined and prescribed on November 2, 1964 and designates as a protected water area, to be known as the "Lake George Watershed Protected Water Area", the area comprising the topographic drainage area surrounding Lake George and more fully described in Schedule "A", which corresponds to the area designated as of May 12, 2005, as the Lake George Watershed Zone by the Municipality of the District of Yarmouth in its Municipal Planning Strategy and Land Use By-law effective March 20, 2001; and
- (b) makes regulations respecting activity in the Lake George Watershed Protected Water Area, in the form set forth in Schedule "B".


Honourable Mark Parent
Minister of Environment and Labour

Halifax, Nova Scotia *Oct 16*, 2006

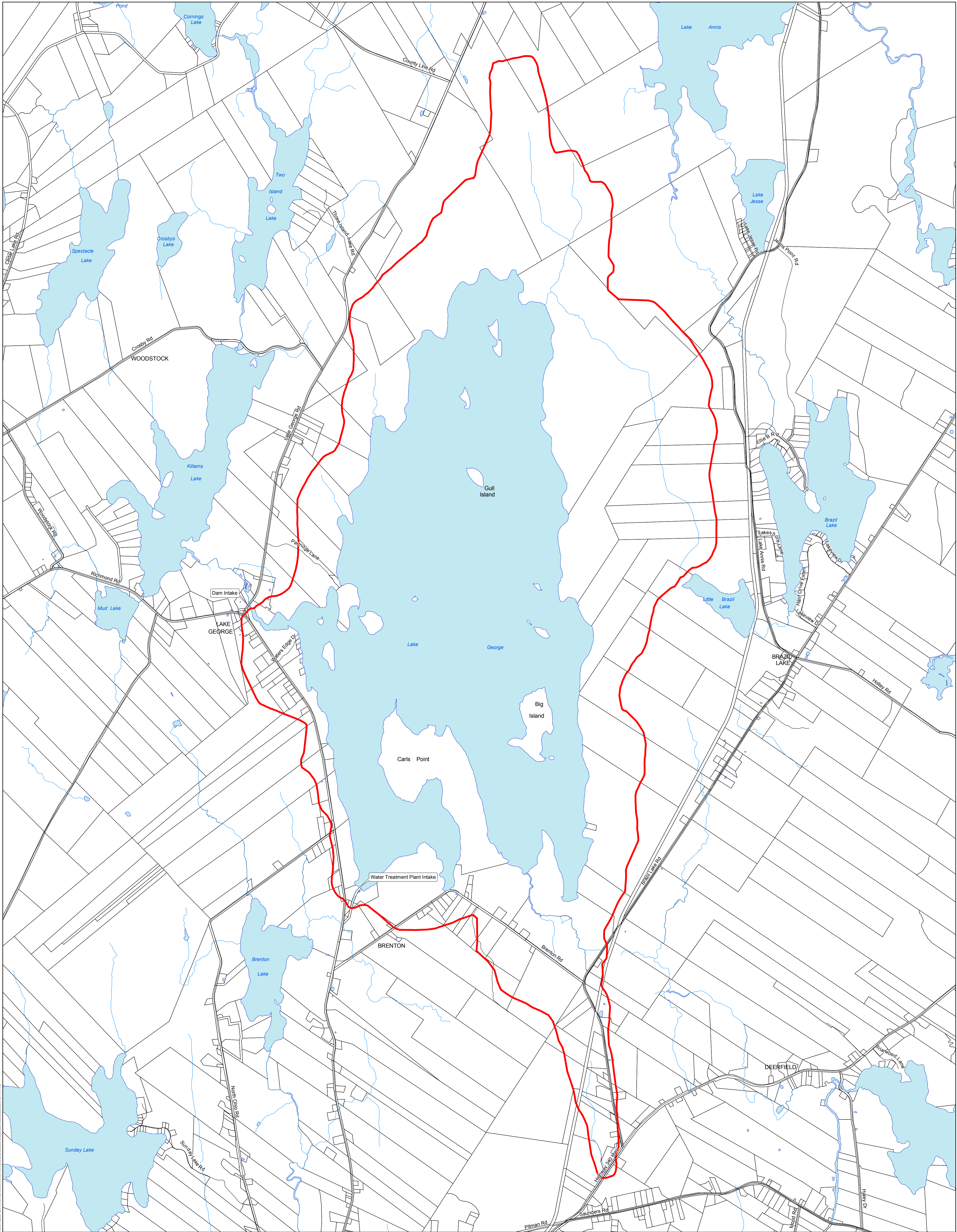
Schedule "A"

Lake George Watershed Protected Water Area Boundary Description





ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located at or near Brenton, Yarmouth County, in the Municipality of the District of Yarmouth, Province of Nova Scotia, shown outlined in red on the attached Map "A" - Lake George Watershed Protected Water Area, dated May 12, 2005, prepared by the Town of Yarmouth and filed with the office of the Town Engineer.

Lake George Watershed Protected Water Area - Map 'A'

Yarmouth County

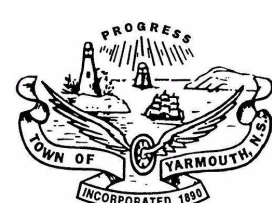


Legend

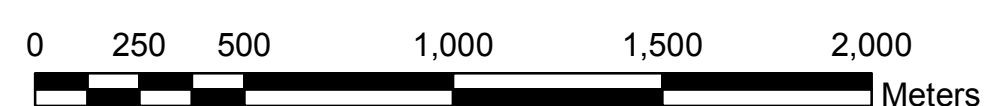
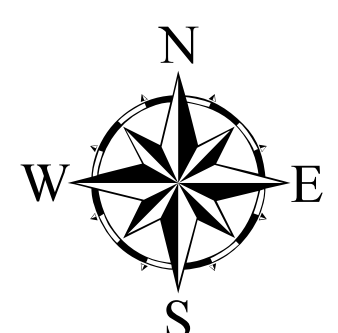
-  Property boundaries
-  Waterbodies
-  Lake George Watershed Protected Water Area boundary designated under the Environment Act
-  Hydrology

Date: May 12, 2005

Projection: NAD83 / UTM zone 20



NOTE: Information contained on this map is subject to change.



PROPERTY BOUNDARY MAPPING SOURCE: (1:10 000 NSPRD) NOVA SCOTIA GEOMATICS CENTRE, AMHERST, CURRENT TO 2 DECEMBER 2004. PROPERTY BOUNDARIES SUBJECT TO CHANGE.

TOPOGRAPHIC MAPPING SOURCE: (1:10 000 NSTDR) NOVA SCOTIA GEOMATICS CENTRE, AMHERST, CURRENT TO 1999. DATA SUBJECT TO CHANGE.

ROAD MAPPING SOURCE: (1:10 000 NSCAF) NOVA SCOTIA GEOMATICS CENTRE, AMHERST, CURRENT TO 27 APRIL 2004. DATA SUBJECT TO CHANGE.

WITH RESPECT TO THIS MAP, NEITHER THE TOWN OF YARMOUTH NOR ANY OF ITS EMPLOYEES, MAKES ANY WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, ARISING BY LAW OR OTHERWISE, INCLUDING BUT NOT LIMITED TO WARRANTIES OF EFFECTIVENESS, COMPLETENESS, ACCURACY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

Schedule "B"

Regulations Respecting Activities in the Lake George Watershed Protected Water Area made by the Minister of Environment and Labour pursuant to subsection 106 (6) of Chapter 1 of the Acts of 1994-95, the *Environment Act*

Citation

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

Interpretation

- 2 In these regulations,
- (a) "Act" means the *Environment Act*;
 - (b) "agricultural operation" means a farming unit other than a household garden that
 - (i) houses livestock or where livestock graze or are pastured,
 - (ii) has greater than 2 ha of land in forage production,
 - (iii) has greater than 2 ha of land in annual crop production, or
 - (iv) grows and harvests Christmas trees on a commercial basis,or to which any combination of subclauses (i) to (iv) applies;
 - (c) "Committee" means the Lake George Watershed Management Committee;
 - (d) "Department" means the Department of Environment and Labour;
 - (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) road construction, and

- (v) 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) “nutrient management plan” means a plan for collecting, storing, handling, transporting, applying, treating, using and disposing of agricultural fertilizer, compost, manure and other materials containing nutrients that may be applied to lands, in a manner that prevents the impairment of the quality of the water in the Protected Water Area;
- (h) “open fire” means a fire that is not fully contained within a stove or other device in common usage for the burning of wood as a fuel source for domestic cooking or heat;
- (i) “pest control product” has the same meaning as set out in clause 2(q) of the *Pesticide Regulations* made under the Act;
- (j) “professional forester” means a graduate from a Canadian university with at least a bachelor’s degree in forestry;
- (k) “Protected Water Area” means the land and water designated by the Minister pursuant to subsection 106(1) of the Act as the Lake George Watershed Protected Water Area as described in the designation;
- (l) “release” means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;
- (m) “Water Works Operator” means the Town of Yarmouth Water Utility, operator of the Lake George municipal water works.

Public notification

- 3 (1) The Water Works Operator must post signs at appropriate locations 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 appropriate 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 under these regulations.

Activity restrictions

- 4 (1) No person is permitted to swim in Lake George except within 100 m of the dam.
- (2) No person is permitted to wash a vehicle or equipment in any watercourse or within 60 m of the shoreline or bank of any watercourse within the Protected Water Area.
- (3) No person is permitted to fish within 100 m of the intake for the water treatment plant.
- (4) No person is permitted to operate a motorized vessel or vehicle of any kind, including but not limited to
 - (a) motorized boat;
 - (b) jetskis;
 - (c) a hovercraft; or
 - (d) an amphibious vehicleon, through, or over Lake George other than for the protection of the Protected Water Area and unless authorized by the Water Works Operator.
- (5) No person is permitted to operate a snowmobile, all-terrain vehicle, or other off-highway vehicle on Lake George or any watercourse, whether covered by ice or not, other than for the protection of the Protected Water Area and unless authorized by the Water Works Operator.
- (6) No person is permitted to skate or participate in ice surface recreational activities on Lake George
 - (a) within 1000 m of the water treatment plant intake; and
 - (b) within 100 m of the dam.

Fire restrictions

- 5 (1) No person is permitted to light or be responsible for an open fire in the Protected Water Area from April 1 to October 15, inclusive, in any year.

- (2) No person is permitted to burn a product other than wood or charcoal during a time when an open fire is permitted.
- (3) Persons involved in a forestry operation within the Protected Water Area must comply with the *Forests Act* and regulations made pursuant thereto, including the *Forest Fire Protection Regulations*.

Forestry restrictions

- 6 (1) No person owning property in excess of 5 ha is permitted to undertake any type of forestry operation within the Protected Water Area unless the operation is conducted pursuant to a forest management plan that is
 - (a) prepared by a professional forester in accordance with the objectives and policies described in the “Lake George Watershed Management and Protection Strategy” issued by the Water Works Operator; and
 - (b) approved in advance by the Water Works Operator.
- (2) Despite subsection (1), a person who owns or occupies property in the Protected Water Area may harvest from the property
 - (a) less than 20 cords of wood in any one year; or
 - (b) any amount of wood so long as it is for their own personal use.
- (3) A forestry operation within the Protected Water Area must be conducted in accordance with the *Wildlife Habitat and Watercourses Protection Regulations* made under the *Forests Act* and the “Forest/Wildlife Guidelines and Standards for Nova Scotia” issued by the Department of Natural Resources, or its successor document or code of practice, as amended from time to time.

Road construction and watercourse alteration

- 7 No person is permitted to construct a forest access road within the Protected Water Area unless the route location and construction methods are approved in writing by the Water Works Operator.
- 8 A forest access road within the Protected Water Area must be constructed in accordance with 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.
- 9 No person is permitted to construct or remove a bridge or culvert or otherwise alter a watercourse within the Protected Water Area without first obtaining all necessary approvals

from the Department and providing the Water Works Operator with copies of such approvals.

- 10 An owner, operator or person who is responsible for an approved forest access road, bridge or culvert must maintain and repair the road, bridge or culvert to the satisfaction of the Water Works Operator.

Pest control restrictions

- 11 No person is permitted to use a pest control product within the Protected Water Area without first obtaining
- (a) written permission from the Water Works Operator; and
 - (b) an approval from the Department.

Refuse, waste and discharge restrictions

- 12 (1) No person is permitted to install an on-site sewage disposal system within the Protected Water Area unless
- (a) the person has obtained an approval from the Department; and
 - (b) the system is constructed in conformance with the *On-site Sewage Disposal Systems Regulations* made under the Act.
- (2) An on-site sewage disposal system in the Protected Water Area must be pumped and inspected every 3 years.
- (3) 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 to a watercourse or any other area within the Protected Water Area.
- (4) No person is permitted to establish a dump, landfill, an open windrow compost operation, or waste disposal site within the Protected Water Area.

Agriculture restrictions

- 13 (1) An agricultural operation undertaken within the Protected Water Area must be conducted according to a nutrient management plan prepared by a qualified nutrient management planner and approved by the Water Works Operator.
- (2) No person is permitted to conduct agricultural operations in the Protected Water Area within 100 m of any watercourse, well, or drainage ditch, including a public highway ditch.

- (3) No person is permitted to house livestock, or store manure, pest control products, or fertilizer as part of an agricultural operation in the Protected Water Area, within 100 m of a watercourse, well, or drainage ditch, including a public highway ditch or private roadway ditch.
- (4) No person is permitted to import manure or biosolids for application on land or storage for an agricultural operation in the Protected Water Area.
- (5) Agricultural operations are subject to the soil erosion and sedimentation control restrictions of section 16.

Easement restrictions

- 14 No person is permitted to construct a road, pipeline, railway, telephone line, power line, or other similar undertakings or grant an easement on, over, under, or across the Protected Water Area without first obtaining the written approval of the Water Works Operator, which the Water Works Operator will not unreasonably refuse.

Pit, mine, quarry restrictions

- 15 No person is permitted to extract peat, gravel, rock, minerals, aggregate materials, top soil or any non-renewable resources within the Protected Water Area.

Soil erosion and sedimentation control

- 16 (1) No owner, occupier, contractor or person responsible for a construction project or other activity within the Protected Water Area requiring grubbing or earth moving that would expose more than 250 m² of soil at any time is permitted to proceed 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 Department; and
 - (b) obtained prior written approval of the Water Works Operator.
- (2) No person is permitted to release at any time water that has a suspended solid concentration greater than 25 mg/L from any construction site within the Protected Water Area.

Home heating oil tanks and fuel storage tanks

- 17 (1) No person is permitted to install a home heating oil tank, a gasoline fuel storage tank, or a diesel fuel storage tank within the Protected Water Area unless the tank is

- (a) made of stainless steel;
 - (b) constructed with double walls; or
 - (c) approved prior to installation in writing by the Water Works Operator.
- (2) No person is permitted to install a petroleum storage tank within the Protected Water Area that is not located inside a dwelling or other building unless the tank is
- (a) supported by concrete footings;
 - (b) equipped with a fuel line guard;
 - (c) securely fastened to the dwelling or other building; and
 - (d) surrounded by a concrete containment capable of holding 110% of the volume of the tank.
- (3) No person is permitted to install a gasoline petroleum storage tank or a diesel petroleum storage tank within the Protected Water Area that holds more than 1135 L.
- (4) No person is permitted to install an underground petroleum storage tank within the Protected Water Area.
- (5) 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 runoff from the area.

Consultation with the Committee

- 18 (1) The Water Works Operator must consult with the Committee before granting any authorization or approval required by these regulations.
- (2) A permit or approval issued by the water works operator under these regulations may contain terms and conditions respecting time and other restrictions if the terms, conditions, or restrictions are deemed necessary to protect water quality in the Protected Water 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.