

# Royal



# Gazette

## Part II Regulations under the Regulations Act

---

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 38, No. 17

August 22, 2014

### Contents

Act	Reg. No.	Page
<b>Environment Act</b>		
Activities Designation Regulations—amendment .....	122/2014	284
—amendment .....	123/2014	288
—amendment .....	124/2014	292
<b>Petroleum Products Pricing Act</b>		
Prescribed Petroleum Products Prices .....	115/2014	270
Prescribed Petroleum Products Prices .....	116/2014	272
<b>Provincial Parks Act</b>		
Battery Provincial Park Designation—amendment .....	121/2014	282
Bayfield Provincial Park Designation .....	118/2014	276
Bell Provincial Park Designation .....	117/2014	274
Port Hood Station Provincial Park Designation .....	119/2014	278
Thomas Raddall Provincial Park Designation—amendment .....	120/2014	280

**In force date of regulations:** As of March 4, 2005\*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

\*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

**N.S. Reg. 115/2014**

Made: July 31, 2014

Filed: August 1, 2014

Prescribed Petroleum Products Prices

Order dated July 31, 2014  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*  
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order****NSUARB-GAS-W-14-32****In the Matter of the *Petroleum Products Pricing Act*****- and -**

**In the Matter of Prescribing Prices for Petroleum Products  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Roland A. Deveau, Q.C., Vice-Chair**Order**

**Whereas** the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

**And whereas** the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

**And whereas** the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended July 30, 2014, are:

Grade 1 Regular gasoline	79.4¢ per litre
Ultra-low-sulfur diesel oil	82.6¢ per litre

**Now therefore** the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	79.4¢ per litre
Grade 2	82.4¢ per litre
Grade 3	85.4¢ per litre
Ultra-low-sulfur diesel oil	82.6¢ per litre

**And now therefore** the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 0.6¢ per litre
Ultra-low-sulfur diesel oil:	Nil

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., August 1, 2014.

Dated at Halifax, Nova Scotia, this 31st day of July, 2014.

Sgd: Elaine Wagner  
Clerk of the Board

**Schedule "A"**

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on August 1, 2014**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices		Full-Service Pump Prices	
					(Pump Prices includes 15% HST)			
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
<b>Zone 1</b>								
Regular Unleaded	85.9	10.0	15.5	111.4	133.6	135.7	133.6	999.9
Mid-Grade Unleaded	88.9	10.0	15.5	114.4	137.1	139.2	137.1	999.9
Premium Unleaded	91.9	10.0	15.5	117.4	140.5	142.6	140.5	999.9
Ultra-Low-Sulfur Diesel	89.8	4.0	15.4	109.2	131.1	133.2	131.1	999.9
<b>Zone 2</b>								
Regular Unleaded	86.4	10.0	15.5	111.9	134.2	136.3	134.2	999.9
Mid-Grade Unleaded	89.4	10.0	15.5	114.9	137.7	139.7	137.7	999.9
Premium Unleaded	92.4	10.0	15.5	117.9	141.1	143.2	141.1	999.9
Ultra-Low-Sulfur Diesel	90.3	4.0	15.4	109.7	131.7	133.7	131.7	999.9
<b>Zone 3</b>								
Regular Unleaded	86.8	10.0	15.5	112.3	134.7	136.7	134.7	999.9
Mid-Grade Unleaded	89.8	10.0	15.5	115.3	138.1	140.2	138.1	999.9
Premium Unleaded	92.8	10.0	15.5	118.3	141.6	143.6	141.6	999.9
Ultra-Low-Sulfur Diesel	90.7	4.0	15.4	110.1	132.1	134.2	132.1	999.9
<b>Zone 4</b>								
Regular Unleaded	86.9	10.0	15.5	112.4	134.8	136.8	134.8	999.9
Mid-Grade Unleaded	89.9	10.0	15.5	115.4	138.2	140.3	138.2	999.9
Premium Unleaded	92.9	10.0	15.5	118.4	141.7	143.8	141.7	999.9
Ultra-Low-Sulfur Diesel	90.8	4.0	15.4	110.2	132.2	134.3	132.2	999.9
<b>Zone 5</b>								
Regular Unleaded	86.9	10.0	15.5	112.4	134.8	136.8	134.8	999.9
Mid-Grade Unleaded	89.9	10.0	15.5	115.4	138.2	140.3	138.2	999.9
Premium Unleaded	92.9	10.0	15.5	118.4	141.7	143.8	141.7	999.9
Ultra-Low-Sulfur Diesel	90.8	4.0	15.4	110.2	132.2	134.3	132.2	999.9
<b>Zone 6</b>								
Regular Unleaded	87.6	10.0	15.5	113.1	135.6	137.7	135.6	999.9
Mid-Grade Unleaded	90.6	10.0	15.5	116.1	139.0	141.1	139.0	999.9
Premium Unleaded	93.6	10.0	15.5	119.1	142.5	144.6	142.5	999.9
Ultra-Low-Sulfur Diesel	91.5	4.0	15.4	110.9	133.1	135.1	133.1	999.9

**N.S. Reg. 116/2014**

Made: August 7, 2014

Filed: August 8, 2014

Prescribed Petroleum Products Prices

Order dated August 7, 2014  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*  
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

**Order****NSUARB-GAS-W-14-33****In the Matter of the *Petroleum Products Pricing Act*****- and -**

**In the Matter of Prescribing Prices for Petroleum Products  
pursuant to Section 14 of the *Petroleum Products Pricing Act* and  
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Roberta J. Clarke, Q.C., Member**Order**

**Whereas** the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

**And whereas** the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the Board revised the retail margin and transportation allowance effective January 6, 2012, in its decision, 2011 NSUARB 181, issued on November 23, 2011;

**And whereas** the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

**And whereas** the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended August 6, 2014, are:

Grade 1 Regular gasoline	77.7¢ per litre
Ultra-low-sulfur diesel oil	82.7¢ per litre

**Now therefore** the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	77.7¢ per litre
Grade 2	80.7¢ per litre
Grade 3	83.7¢ per litre
Ultra-low-sulfur diesel oil	82.7¢ per litre

**And now therefore** the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	minus 0.6¢ per litre
Ultra-low-sulfur diesel oil:	Nil

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., August 8, 2014.

Dated at Halifax, Nova Scotia, this 7th day of August, 2014.

Sgd: D. Pedlar  
Clerk of the Board

**Schedule "A"**

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on August 8, 2014**

<b>Nova Scotia Petroleum Price Schedule</b>								
<b>Petroleum Prices in Cents/Litre</b>					<b>Self-Service Pump Prices</b>		<b>Full-Service Pump Prices</b>	
					<b>(Pump Prices includes 15% HST)</b>			
	<b>Base Wholesale Price</b>	<b>Fed. Excise Tax</b>	<b>Prov. Tax</b>	<b>Wholesale Selling Price</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>	<b>Max</b>
<b>Zone 1</b>								
Regular Unleaded	84.3	10.0	15.5	109.8	131.8	133.9	131.8	999.9
Mid-Grade Unleaded	87.3	10.0	15.5	112.8	135.2	137.3	135.2	999.9
Premium Unleaded	90.3	10.0	15.5	115.8	138.7	140.8	138.7	999.9
Ultra-Low-Sulfur Diesel	89.8	4.0	15.4	109.2	131.1	133.2	131.1	999.9
<b>Zone 2</b>								
Regular Unleaded	84.8	10.0	15.5	110.3	132.4	134.4	132.4	999.9
Mid-Grade Unleaded	87.8	10.0	15.5	113.3	135.8	137.9	135.8	999.9
Premium Unleaded	90.8	10.0	15.5	116.3	139.3	141.3	139.3	999.9
Ultra-Low-Sulfur Diesel	90.3	4.0	15.4	109.7	131.7	133.7	131.7	999.9
<b>Zone 3</b>								
Regular Unleaded	85.2	10.0	15.5	110.7	132.8	134.9	132.8	999.9
Mid-Grade Unleaded	88.2	10.0	15.5	113.7	136.3	138.3	136.3	999.9
Premium Unleaded	91.2	10.0	15.5	116.7	139.7	141.8	139.7	999.9
Ultra-Low-Sulfur Diesel	90.7	4.0	15.4	110.1	132.1	134.2	132.1	999.9
<b>Zone 4</b>								
Regular Unleaded	85.3	10.0	15.5	110.8	132.9	135.0	132.9	999.9
Mid-Grade Unleaded	88.3	10.0	15.5	113.8	136.4	138.5	136.4	999.9
Premium Unleaded	91.3	10.0	15.5	116.8	139.8	141.9	139.8	999.9
Ultra-Low-Sulfur Diesel	90.8	4.0	15.4	110.2	132.2	134.3	132.2	999.9
<b>Zone 5</b>								
Regular Unleaded	85.3	10.0	15.5	110.8	132.9	135.0	132.9	999.9
Mid-Grade Unleaded	88.3	10.0	15.5	113.8	136.4	138.5	136.4	999.9
Premium Unleaded	91.3	10.0	15.5	116.8	139.8	141.9	139.8	999.9
Ultra-Low-Sulfur Diesel	90.8	4.0	15.4	110.2	132.2	134.3	132.2	999.9
<b>Zone 6</b>								
Regular Unleaded	86.0	10.0	15.5	111.5	133.7	135.8	133.7	999.9
Mid-Grade Unleaded	89.0	10.0	15.5	114.5	137.2	139.3	137.2	999.9
Premium Unleaded	92.0	10.0	15.5	117.5	140.6	142.7	140.6	999.9
Ultra-Low-Sulfur Diesel	91.5	4.0	15.4	110.9	133.1	135.1	133.1	999.9

**N.S. Reg. 117/2014**

Made: August 12, 2014

Filed: August 12, 2014

Bell Provincial Park Designation

Order in Council 2014-342 dated August 12, 2014

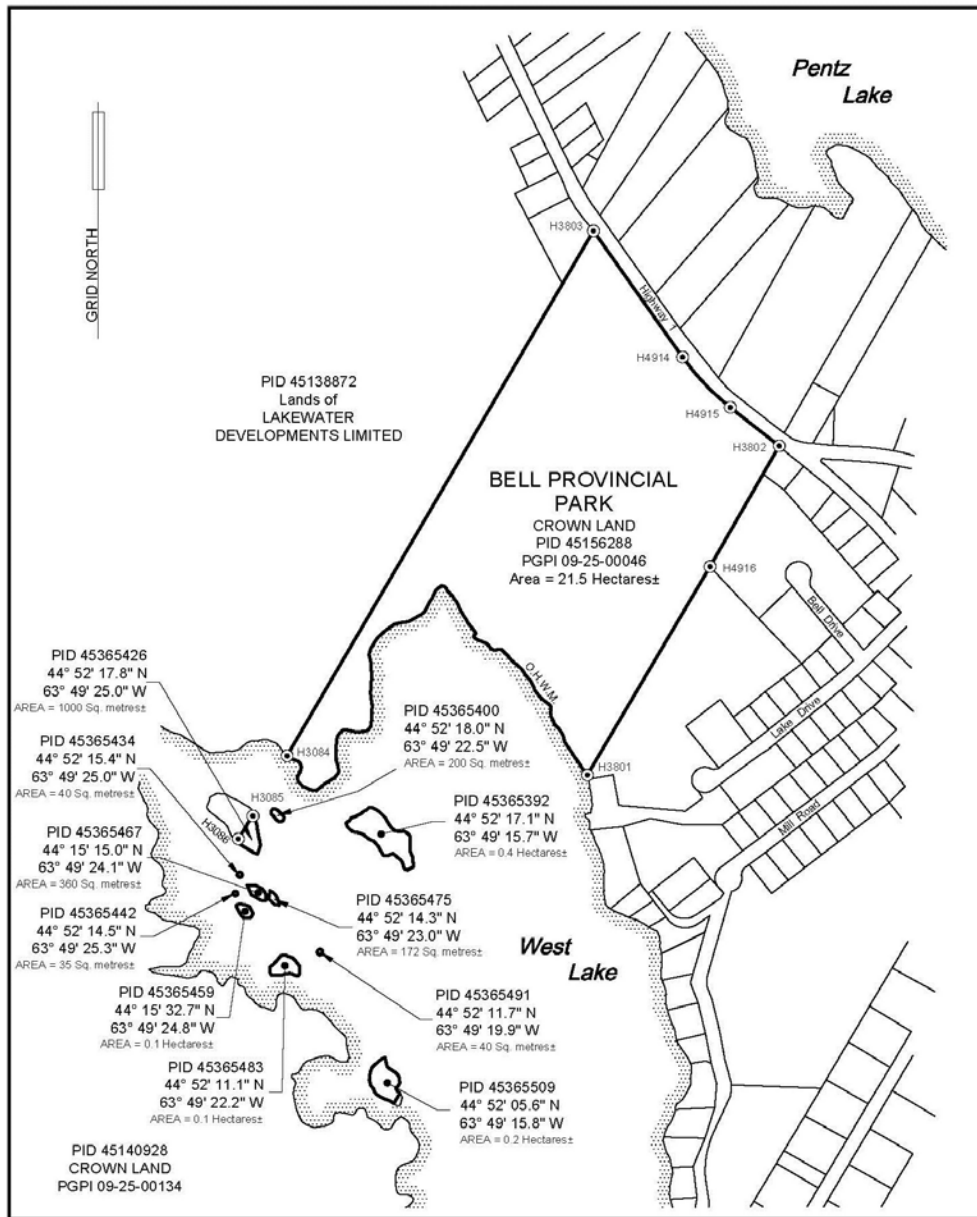
Designation made by the Governor in Council

pursuant to Section 8 of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 23, 2014, and pursuant to Section 8 of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased, effective on and after August 12, 2014, to:

- (a) designate as a provincial park the lands shown outlined in bold on the plan marked Schedule "A" attached to and forming part of the report and recommendation and declare that it be known as Bell Provincial Park; and
- (b) authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"



COMPILED PLAN SHOWING  
**BELL PROVINCIAL PARK**

MOUNT UNIACKE  
COUNTY OF HANTS  
PROVINCE OF NOVA SCOTIA  
SCALE 1 : 7,500  
DEPARTMENT OF NATURAL RESOURCES,  
HALIFAX, NOVA SCOTIA

RESOURCE INFORMATION:  
Index Sheet No. 55 & 65  
C.L.F.S. No. K22  
Resource Map: 11D/13-V3 & 11D/13-V1

PLAN COMPILED FROM PROPERTY ONLINE LAND TITLE  
RECORDS AND DNR FIELD PLOT P-123/90, SIGNED BY  
GREG SMITH, DATED JUNE 12, 1990.

LEGEND:  
Boundary Dealt With By This Plan..... ————  
Survey Marker..... ⊙  
Other Boundaries..... ————  
Property Identification Number..... PID  
Provincial Government Parcel Identifier... PGPI  
Ordinary High Water Mark..... O.H.W.M.

cp317

**E-15-70**  
**FIELD PLOT P-065/08-2**

**N.S. Reg. 118/2014**

Made: August 12, 2014

Filed: August 12, 2014

Bayfield Provincial Park Designation

Order in Council 2014-343 dated August 12, 2014

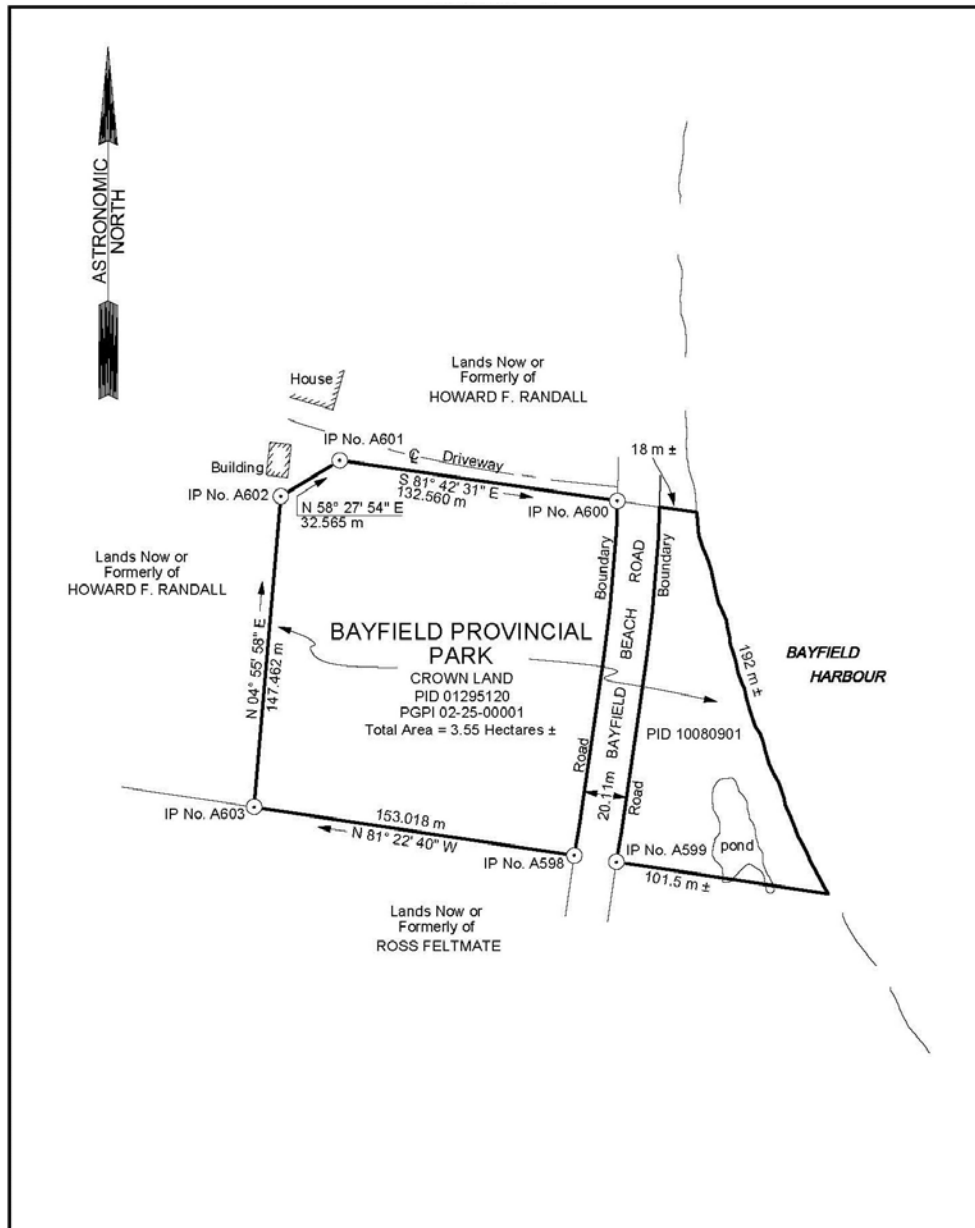
Designation made by the Governor in Council  
pursuant to Section 8 of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 23, 2014, and pursuant to Section 8 of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased, effective on and after August 12, 2014, to:

- (a) designate as a provincial park the lands shown outlined in bold on the plan marked Schedule “A” attached to and forming part of the report and recommendation and declare that it be known as Bayfield Provincial Park; and
- (b) authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.



Schedule "A"



COMPILED PLAN SHOWING

**BAYFIELD PROVINCIAL PARK**

BAYFIELD

ANTIGONISH COUNTY  
PROVINCE OF NOVA SCOTIA

SCALE 1 : 2,500

DEPARTMENT OF NATURAL RESOURCES, HALIFAX,  
NOVA SCOTIA

NOTE: BEARINGS ARE ASTRONOMIC AND WERE TRANSFERRED  
FROM FIELD PLOT No. P-122/74A

RESOURCE INFORMATION:

Index Sheet No. 104  
C.L.F.S. No. D-38 & D-39  
Resource Map 11F/12-V3

NOTE: PLAN COMPILED FROM DEPARTMENT OF LANDS AND  
FORESTS FIELD PLOT No. P-122/74A, SIGNED BY  
BRIAN J. CAMERON N.S.L.S. ON JULY 19, 1974.

LEGEND:

- Boundary Dealt With By This Plan..... ———
- Iron Post ..... ⊙
- Other Boundaries..... - - - - -
- Property Identification Number..... PID
- Provincial Government Parcel Identifier... PGPI

E-15-69  
cp325

Field Plot P-065/08-1

**N.S. Reg. 119/2014**

Made: August 12, 2014

Filed: August 12, 2014

Port Hood Station Provincial Park Designation

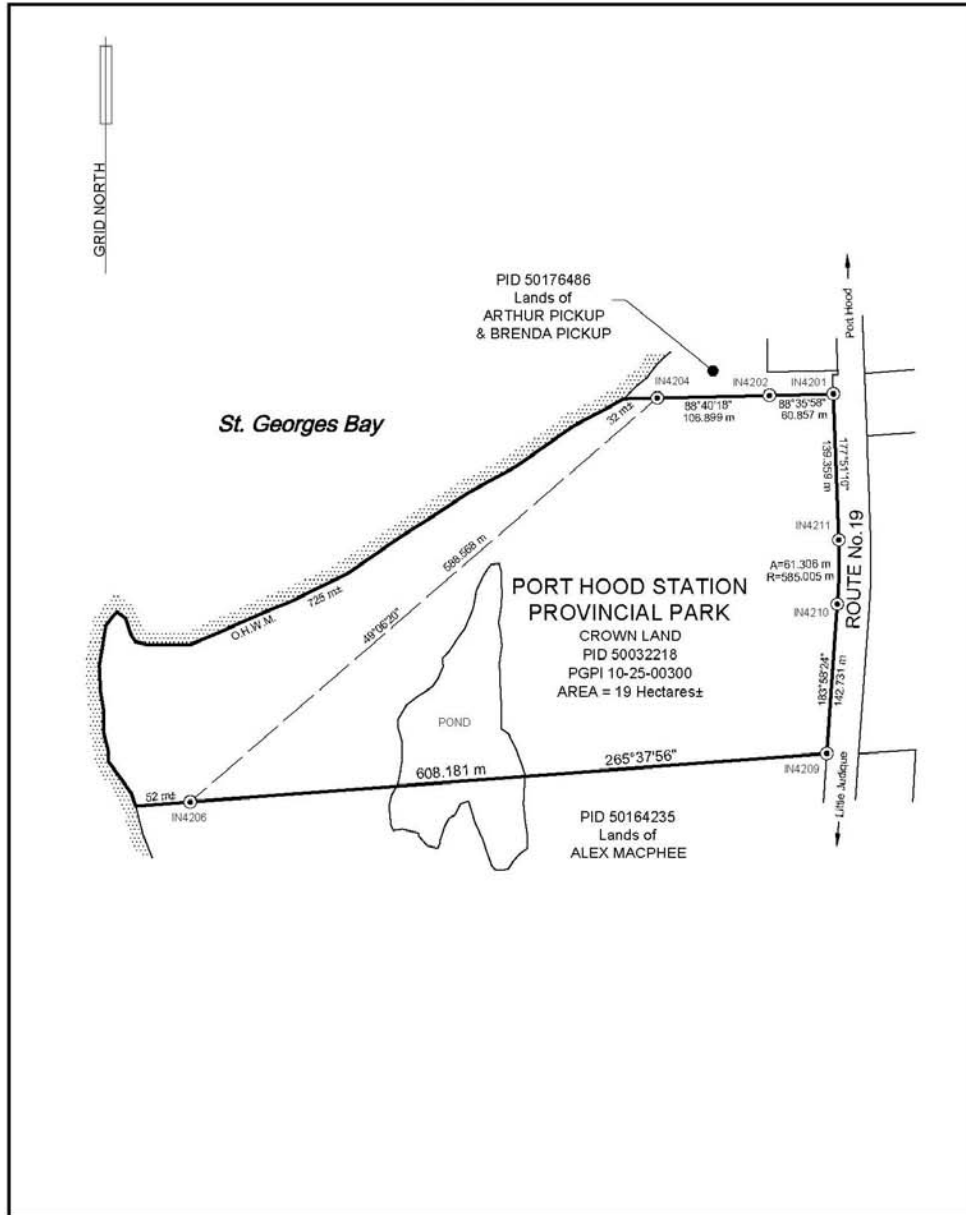
Order in Council 2014-344 dated August 12, 2014

Designation made by the Governor in Council  
pursuant to Section 8 of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 23, 2014, and pursuant to Section 8 of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased, effective on and after August 12, 2014, to:

- (a) designate as a provincial park the lands shown outlined in bold on the plan marked Schedule "A" attached to and forming part of the report and recommendation and declare that it be known as Port Hood Station Provincial Park; and
- (b) authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"



COMPILED PLAN SHOWING

**PORT HOOD STATION  
PROVINCIAL PARK**

PORT HOOD STATION

INVERNESS COUNTY  
PROVINCE OF NOVA SCOTIA

SCALE 1 : 5,000

DEPARTMENT OF NATURAL RESOURCES,  
HALIFAX, NOVA SCOTIA

RESOURCE INFORMATION:

Index Sheet No. 108  
C.L.F.S. No. CB-35, CB-66  
Resource Map: 11F/13-Z4, 11K/04-T2

NOTE:

THIS PLAN IS COMPILED FROM FIELD PLOT NO.  
P-016/93 SIGNED BY ATHOL C. GRANT, N.S.L.S.,  
DATED MARCH 9, 1993.

BEARINGS ARE GRID

LEGEND:

Boundary Dealt With By This Plan..... ———  
Survey Marker..... IN3873 ⊙  
Other Boundaries..... ———  
Property Identification Number..... PID  
Provincial Government Parcel Identifier... PGPI  
Ordinary High Water Mark..... O.H.W.M.

**E-15-82  
FIELD PLOT P-065/08-14**

cp330

**N.S. Reg. 120/2014**

Made: August 12, 2014

Filed: August 12, 2014

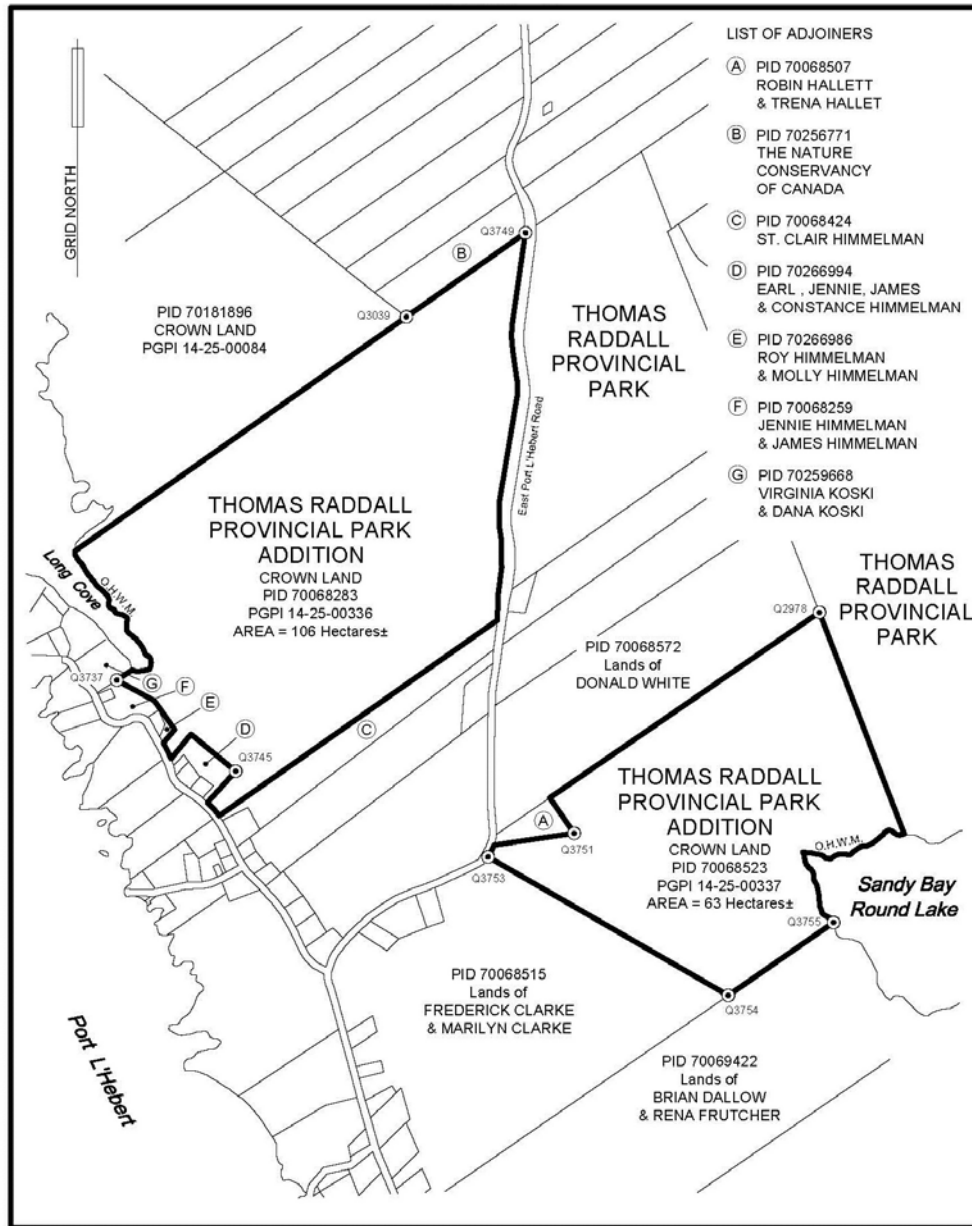
Thomas Raddall Provincial Park Designation

Order in Council 2014-345 dated August 12, 2014  
Amendment to designation made by the Governor in Council  
pursuant to Section 8 of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 23, 2014, and pursuant to Section 8 of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased, effective on and after August 12, 2014, to:

- (a) increase the size of Thomas Raddall Provincial Park, originally designated by the Governor in Council by Order in Council 97-409 dated June 24, 1997, by adding to it the lands shown outlined in bold on the plan marked Schedule "A" attached to and forming part of the report and recommendation; and
- (b) authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"




- LIST OF ADJOINERS
- (A) PID 70068507  
ROBIN HALLETT & TRENA HALLETT
  - (B) PID 70256771  
THE NATURE CONSERVANCY OF CANADA
  - (C) PID 70068424  
ST. CLAIR HIMMELMAN
  - (D) PID 70266994  
EARL, JENNIE, JAMES & CONSTANCE HIMMELMAN
  - (E) PID 70266986  
ROY HIMMELMAN & MOLLY HIMMELMAN
  - (F) PID 70068259  
JENNIE HIMMELMAN & JAMES HIMMELMAN
  - (G) PID 70259668  
VIRGINIA KOSKI & DANA KOSKI

COMPILED PLAN SHOWING  
**THOMAS RADDALL PROVINCIAL PARK ADDITION**  
 PORT L'HEBERT  
 QUEENS COUNTY  
 PROVINCE OF NOVA SCOTIA  
 SCALE 1 : 15,000  
 DEPARTMENT OF NATURAL RESOURCES,  
 HALIFAX, NOVA SCOTIA

RESOURCE INFORMATION:  
 Index Sheet No. 26  
 C.L.F.S. No. S-13  
 Resource Map: 14380649

NOTE:  
 THIS PLAN IS COMPILED FROM FIELD PLOT NO. P-025/13 SIGNED BY ERIC J. MORSE, N.S.L.S., DATED MARCH 25, 2013.

LEGEND:  
 Boundary Dealt With By This Plan..... **———**  
 Survey Marker..... Q3749   
 Other Boundaries..... **---**  
 Property Identification Number..... PID  
 Provincial Government Parcel Identifier... PGPI  
 Ordinary High Water Mark..... O.H.W.M.

cp430

**E-21-42**  
**FIELD PLOT NO. P-065/08-21**

**N.S. Reg. 121/2014**

Made: August 12, 2014

Filed: August 12, 2014

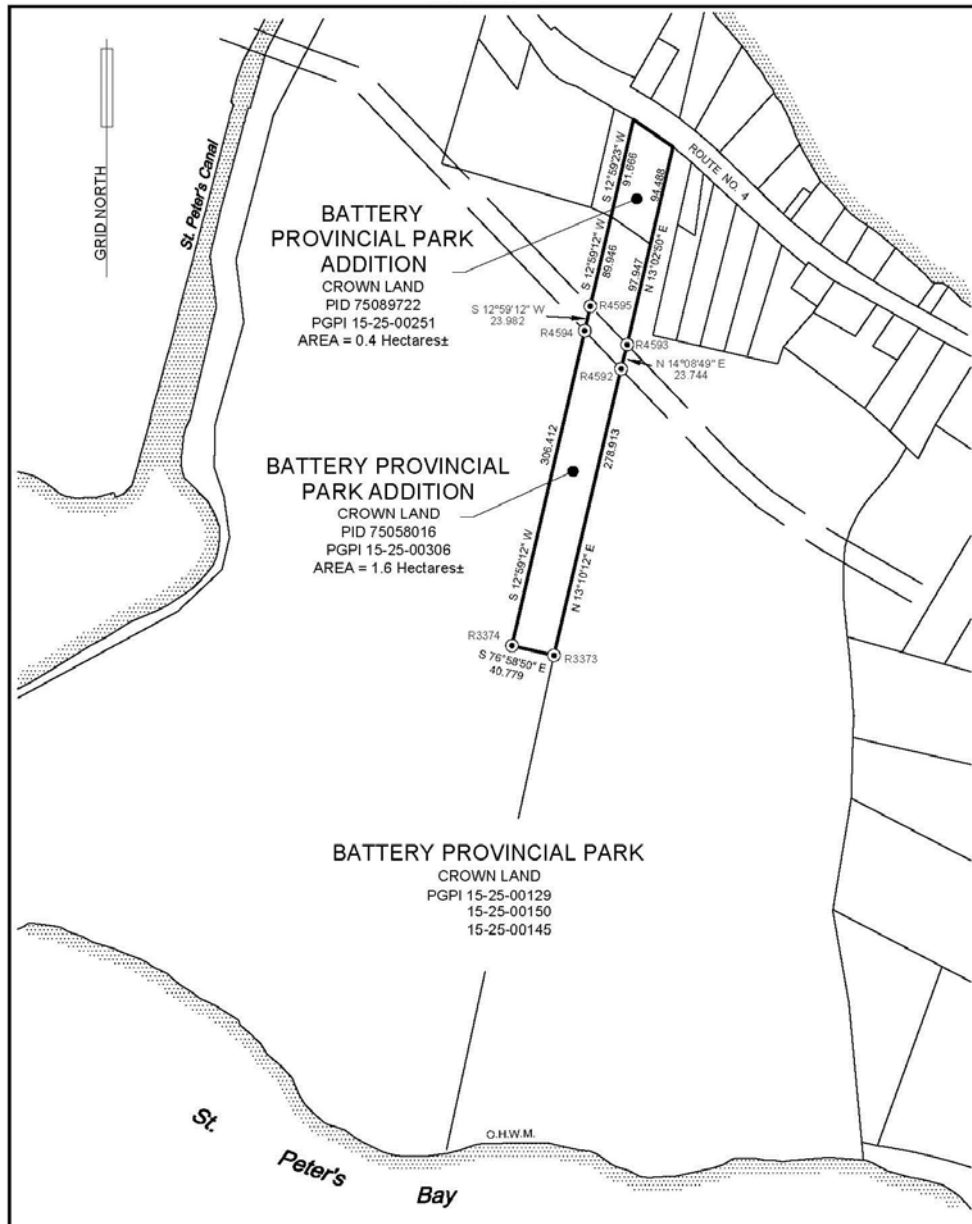
Battery Provincial Park Designation

Order in Council 2014-346 dated August 12, 2014  
Amendment to designation made by the Governor in Council  
pursuant to Section 8 of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 23, 2014, and pursuant to Section 8 of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased, effective on and after August 12, 2014, to:

- (a) increase the size of Battery Provincial Park, originally designated by the Governor in Council by Order in Council 72-338 dated March 28, 1972, by adding to it the lands shown outlined in bold on the plan marked Schedule "A" attached to and forming part of the report and recommendation; and
- (b) authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"



COMPILED PLAN SHOWING  
**BATTERY PROVINCIAL PARK ADDITION**

ST. PETERS

RICHMOND COUNTY  
PROVINCE OF NOVA SCOTIA

SCALE 1 : 5,000

DEPARTMENT OF NATURAL RESOURCES,  
HALIFAX, NOVA SCOTIA

BEARINGS ARE GRID

RESOURCE INFORMATION:  
Index Sheet No. 118  
C.L.F.S. No. CB-15  
Resource Map: 11F/10-U4

LEGEND:

- Boundary Dealt With By This Plan.....
- Survey Marker..... R3273
- Other Boundaries.....
- Property Identification Number..... PID
- Provincial Government Parcel Identifier... PGPI

cp318

**E-15-71**  
**FIELD PLOT NO. P-065/08-3**

**N.S. Reg. 122/2014 to 123/2014**

Made: August 12, 2014

Filed: August 12, 2014

## Activities Designation Regulations

Order in Council 2014-347 dated August 12, 2014  
Amendment to regulations made by the Governor in Council  
pursuant to Sections 25 and 66 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated July 10, 2014, and pursuant to Sections 25 and 66 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Activities Designation Regulations*, N.S. Reg. 47/95, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, to

- (a) eliminate the requirement for breweries with a production volume under 150,000 litres per year to obtain an approval to operate;
- (b) add security and insurance requirements in respect of certain activities;
- (c) make some housekeeping changes to ensure consistency with other regulations made under the Act;
- (d) provide that certain watercourse alteration activities require the approval of the Minister of Environment;
- (e) provide for certain watercourse alteration activities to be carried out upon notification to the Department of Environment;
- (f) require adherence to prescribed standards for certain activities related to watercourse alterations;
- (g) exempt persons carrying out certain watercourse alteration activities from the requirement to obtain an approval or provide notification;
- (h) provide for the certification of individuals to install and size watercourse alterations and structures; and
- (i) provide that certain watercourse alterations and structures must be designed by professional engineers;

in the manner set forth in Schedules "A" and "B", which schedules are attached to and form part of the report and recommendation, Schedule "A" to be effective on and after August 12, 2014, and Schedule "B" to be effective on and after October 1, 2014.



**N.S. Reg. 122/2014**

## Activities Designation Regulations

**Schedule "A"****Amendment to the *Activities Designation Regulations*  
made by the Governor in Council under Section 66 of  
Chapter 1 of the Acts of 1994-95, the *Environment Act***

- 1 Subsection 2(1) of the *Activities Designation Regulations*, N.S. Reg. 47/95, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, is amended by
  - (a) striking out the clause letter before each definition;
  - (b) adding the following definition immediately after the definition of "Administrator"

*"Approval and Notification Procedure Regulations"* means the *Approval and Notification Procedure Regulations* made under the Act;
  - (c) striking out the period at the end of the definition of "modification" and substituting a semicolon, and adding the following definition immediately after the definition of "modification":

"professional engineer" means a person who holds a valid and subsisting certificate of registration or licence to practise under the *Engineering Profession Act*.
- 2 Section 3 of the regulations is repealed and the following Section substituted:
  - 3 (1) Anything designated as an activity in these regulations requires an approval from the Minister or an Administrator designated by the Minister unless it is specified as an activity that requires notification.
  - (2) Any modification or extension of an activity designated in these regulations requires an approval from the Minister or an Administrator designated by the Minister unless
    - (a) it is exempted, or
    - (b) the modified or extended activity continues to meet the criteria for providing notification, in which case a further notification must be provided.
  - (3) An activity that is designated in these regulations and is carried out on lands owned or occupied by Her Majesty the Queen in right of Canada, or an agency, board or commission of Her Majesty the Queen in right of Canada, or the modification or extension of such an activity, does not require an approval or notification unless the activity causes or may cause an adverse effect beyond the boundaries of those lands.
- 3 Section 4 of the regulations is repealed.
- 4 The regulations are further amended by adding the following headings and Sections immediately after Section 3:

**Type of approval**

**4** In accordance with subsection 3(2) of the *Approval and Notification Procedure Regulations*, anything designated in these regulations as an activity that requires an approval requires a Type A approval, except for activities designated as requiring a Type B approval or notification.

**References to approvals in other enactments**

**4A** Any reference to an approval in any Act other than the *Environment Act* or in any other regulation must be interpreted as a reference to an approval or a notification, as the case may be.

**Transition**

**4B** Despite any provision of these regulations that requires a person to provide notification, any approval issued and in good standing on the effective date of these regulations continues in force until its expiry date, unless earlier terminated in accordance with its terms.

**5** (1) Subsection 8(1) of the regulations is repealed and the following subsection substituted:

(1) For the purpose of Part 2 of Division III,

(a) “construction and demolition debris” means waste generated from materials that are normally used in the construction of buildings, structures, roadways or walls or in landscaping, including wallboard, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals, but not including inert debris;

(b) “inert debris” means any of the following:

(i) rock or aggregate, but not including rock to which Section 13 and the *Sulphide Bearing Material Disposal Regulations* apply,

(ii) soil,

(iii) trees, brush, limbs, stumps, root balls or organic mat,

(iv) any of the following materials, if free of adhesives, coatings or preservatives:

(A) bricks,

(B) mortar,

(C) concrete,

(D) asphalt pavement,

(E) porcelain or ceramic materials,

(F) milled wood;

(c) “municipal solid waste” has the same meaning as in the *Solid Waste-Resource Management Regulations* made under the Act;

(d) “solid waste management facility” includes all of the following:

(i) a resource recovery facility that processes municipal solid waste or construction and demolition debris into fuel or energy,

(ii) a composting facility that processes more than 60 m<sup>3</sup> of compostable organic material per year,

- (iii) a facility for transferring, storing, mixing, processing, treating or disposing of municipal solid waste,
  - (iv) a facility for disposing of construction and demolition debris;
  - (e) “*Sulphide Bearing Material Disposal Regulations*” means the *Sulphide Bearing Material Disposal Regulations* made under the Act.
- (2) Section 8 of the regulations is further amended by
- (a) striking out “municipal” in subsection (2); and
  - (b) adding the following subsection immediately after subsection (2):
- (3) Rock, including construction and demolition debris, that contains sulphide-bearing material is subject to Section 13 and the *Sulphide Bearing Material Disposal Regulations* made under the Act.
- 6 Subsection 14(2) of the regulations is amended by repealing clause (i) and substituting the following clauses:
- (i) a beer processing plant that produces 150 000 L or more of alcoholic beverages per year;
  - (ia) a wine processing plant in which alcoholic beverages are produced by the process of fermentation;
- 7 The heading “Division VI - Other Approvals” and Sections 29 and 30 of the regulations are repealed.
- 8 The regulations are further amended by renumbering Section 28A as Section 29.
- 9 The regulations are further amended by adding the following heading and Section immediately after Section 29:

### **Division VI - Security and Insurance**

- 30 (1)** For the purpose of subsection 65A(1) of the Act, except as provided in subsections (3) and (4), all of the following activities require security to be provided in the manner specified by the *Approval and Notification Procedure Regulations*:
- (a) constructing, operating or reclaiming a solid waste management facility for disposing of construction and demolition debris as described in subclause 8(1)(d)(iv) and designated in subsection 8(2);
  - (b) activities designated in clauses 10(1)(a) and (c), except constructing, operating or reclaiming a facility for handling batteries or refrigerants;
  - (c) activities designated in clause 12(f);
  - (d) activities designated in clauses 13(e), (f), (g) and (h);
  - (e) activities designated in clauses 16(2)(d), (e) and (g), unless, at the time the approval for the activity is issued, the Department of Natural Resources holds current security in respect of the mining operation that is the subject of the activity.

- (2) For the purpose of subsection 65A(1) of the Act, except as provided in subsections (3) and (4), all of the following activities require insurance in an amount and subject to any terms that the Minister determines:
- (a) constructing, operating or reclaiming a solid waste management facility for disposing of construction and demolition debris as described in subclause 8(1)(d)(iv) and designated in subsection 8(2);
  - (b) activities designated in clause 10(1)(c);
  - (c) activities designated in subsection 17(2), except clauses (d), (h) and (i);
  - (d) activities designated in clauses 18(2)(a) and (b).
- (3) A person who, on October 1, 2014, holds a valid approval for an activity referred to in subsection (1) or (2) is exempt from the requirement to provide security or insurance in respect of that activity unless the person applies for a renewal or transfer of, or an amendment to, the approval.
- (4) Municipalities, villages, service commissions and municipal bodies, as they are defined in the *Municipal Government Act*, are exempt from the requirement to provide security or insurance in respect of an activity.

**N.S. Reg. 123/2014**

## Activities Designation Regulations

**Schedule "B"**

**Amendment to the *Activities Designation Regulations*  
made by the Governor in Council under Sections 25 and 66 of  
Chapter 1 of the Acts of 1994-95, the *Environment Act***

- 1 The heading "Division I - Water Approvals" and Section 5 of the *Activities Designation Regulations*, N.S. Reg. 47/95, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, are repealed and the following headings and Sections substituted:

**Division I - Water****Definitions for Division I**

5 For the purpose of Division I,

- (a) "bank" means that portion of a watercourse between the ordinary high water mark and the boundary of the watercourse in its fullest natural state, but does not include any area of overflow onto a flood plain;
- (b) "bed" means that portion of a watercourse that is commonly submerged in water;
- (c) "equipment" means power tools, including chainsaws, generators and jackhammers, but not including vehicles as defined in the *Motor Vehicle Act*;

- (d) “ordinary high water mark” means the limit or edge of the bed of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself;
- (e) “Watercourse Alteration Installer” means a person who holds a valid certificate of qualification to install or construct watercourse alterations issued under Section 64 of the Act and in accordance with Section 5F;
- (f) “Watercourse Alteration Sizer” means a person who holds a valid certificate of qualification to choose the size of watercourse crossings issued under Section 64 of the Act and in accordance with Section 5F.

### Activities requiring approvals

- 5A (1)** Using or altering a watercourse or water resource, or the flow of water in a watercourse or water resource, for any of the following purposes is designated as an activity that requires an approval, unless it requires a notification under Section 5B or is exempt under Section 5D:
- (a) withdrawing or diverting water in a volume greater than 23 000 L per day from a source of surface water or ground water;
  - (b) storing water in a volume of 25 000 m<sup>3</sup> or greater;
  - (c) constructing, modifying or maintaining a dam.
- (2)** Altering any of the following, or the flow of water in any of the following, is designated as an activity that requires an approval, unless it requires a notification under Section 5B or is exempt under Section 5D:
- (a) a watercourse;
  - (b) a water resource;
  - (c) a wetland.

### Activities requiring notifications

- 5B (1)** Each of the following watercourse alterations is designated as an activity requiring notification, unless it is exempt under Section 5D:
- (a) work to improve fish habitat, including using half logs, rock groupings, root wads, digger logs, rock sills, low head barriers and weirs, but not including work otherwise included under clauses (b) or (c), if all of the following conditions are met:
    - (i) the watercourse is altered for 15 m or less along the length of the watercourse,
    - (ii) the work is done only by hand or equipment,
    - (iii) the work begins on or after June 1 and ends on or before September 30;
  - (b) constructing or modifying a single culvert or other single closed-bottom structure for the purpose of a road, railbed, trail or footpath crossing, if all of the following conditions are met:
    - (i) the length of the culvert or structure is 25 m or less,

- (ii) the watercourse slope is less than 8.0%,
  - (iii) the watershed of the watercourse crossing is 20 km<sup>2</sup> or less in area,
  - (iv) the work begins on or after June 1 and ends on or before September 30;
- (c) constructing or modifying a bridge or other open-bottom structure for the purpose of a road, railbed, trail or footpath crossing, if all of the following conditions are met:
- (i) the bed of the watercourse is not altered,
  - (ii) the bank of the watercourse is altered,
  - (iii) the length of the span is 15 m or less for a bridge, or 3600 mm or less for a structural plate arch or other open-bottom structure,
  - (iv) the length of any structural plate arch installed is 25 m or less,
  - (v) work that alters the bank of the watercourse begins on or after June 1 and ends on or before September 30;
- (d) a bank alteration not included under clause (a), (b) or (c), if all of the following conditions are met:
- (i) the width of the portion of the bank that is altered is 5 m or less,
  - (ii) the bed of the watercourse is not altered,
  - (iii) the work begins on or after June 1 and ends on or before September 30;
- (e) maintaining alterations or structures associated with activities designated in subsection 5A(2) and clauses (a) to (d), if all of the following conditions are met:
- (i) the work is restricted to preserving the alteration or structure in a state as close as possible to the state it was in when it was installed,
  - (ii) the work is done below the ordinary high water mark,
  - (iii) the work begins on or after June 1 and ends on or before September 30.
- (2) A person who is carrying on an activity designated in this Section as requiring a notification must do so in compliance with the latest edition of the *Nova Scotia Watercourse Alterations Standard* published by the Department.

#### **Qualifications required for certain alterations**

- 5C (1)** A structure described in clause 5B(1)(b) that is to be installed in a watercourse with a slope less than or equal to 0.5% must be sized by a Watercourse Alteration Sizer or a professional engineer before it is installed.
- (2) A structure described in clause 5B(1)(b) that is to be installed in a watercourse with a slope greater than 0.5% but less than 8.0% must be designed by a professional engineer before it is installed.

- (3) A structure described in clause 5B(1)(c) must be sized by a Watercourse Alteration Sizer or a professional engineer before it is installed.
- (4) Effective on and after October 1, 2016, each activity designated in clause 5A(2)(a) and Section 5B must be carried out by a Watercourse Alteration Installer or under the direct supervision of a Watercourse Alteration Installer.
- (5) Despite subsections (1), (3) and (4), until September 30, 2019, a person who is certified by the Minister as having, before October 1, 2014, successfully completed the Maritime College of Forest Technology Watercourse Alteration Certification for Nova Scotia program may do anything otherwise required to be done by a Watercourse Alteration Installer or Watercourse Alteration Sizer.

### Exemptions

**5D** A person is exempt from the requirement to obtain an approval or provide notification in respect of any of the following activities:

- (a) non-recurring use of water from the same watercourse for a total period of less than 2 weeks in the same year;
- (b) using seawater;
- (c) using brackish water from an intertidal zone of a river estuary;
- (d) maintaining of lands and structures by marsh bodies incorporated under the *Agricultural Marshland Conservation Act*;
- (e) maintaining alterations or structures associated with activities designated in subsections 5A(1) and (2) and clauses 5B(1)(a) to (d), if the work is done above the ordinary high water mark.

### Conflict with protected water area regulations

**5E** If any provision of this Division conflicts with regulations respecting any protected water area designated under Section 106 of the Act, the more onerous provision applies.

### Certificates of qualification

**5F (1)** To be issued a certificate of qualification as a Watercourse Alteration Installer or a Watercourse Alteration Sizer, a person must do all of the following:

- (a) successfully complete a relevant course of instruction established or adopted by the Minister;
  - (b) apply for the certificate of qualification on a form specified by the Minister;
  - (c) pay any required fee.
- (2) A certificate of qualification as a Watercourse Alteration Installer or a Watercourse Alteration Sizer expires 10 years from the date it is issued, unless cancelled or suspended earlier.
- (3) The Minister may reinstate a certificate of qualification that has been suspended on any terms and conditions that the Minister considers appropriate.

- 2 The regulations are further amended by striking out “Approvals” in each of the headings for Divisions II through V.

**N.S. Reg. 124/2014**

Made: August 12, 2014

Filed: August 12, 2014

Activities Designation Regulations

Order in Council 2014-348 dated August 12, 2014  
Amendment to regulations made by the Governor in Council  
pursuant to Section 66 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated July 31, 2014, and pursuant to Section 66 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased to amend the *Activities Designation Regulations*, N.S. Reg. 47/95, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, to designate carbon sequestration as an activity that requires an approval, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation effective on and after August 12, 2014.

**Schedule “A”****Amendment to the *Activities Designation Regulations*  
made by the Governor in Council under Section 66 of  
Chapter 1 of the Acts of 1994-95, the *Environment Act***

- 1 The heading to Part 6 of Division V—Industrial Approvals of the *Activities Designation Regulations*, N.S. Reg. 47/95, made by the Governor in Council by Order in Council 95-286 dated April 11, 1995, is amended by adding “, and Carbon Sequestration” immediately after “Oil and Gas”.
- 2 Part 6 of Division V of the regulations is further amended by
  - (a) relettering clause 17(1)(a) as clause 17(1)(aa); and
  - (b) adding the following clause immediately before clause 17(1)(aa):
    - (a) “carbon sequestration” means the depositing underground, with or without modification, of waste carbon dioxide, or other waste gas containing carbon, that originates from a point source emission, so that it will no longer enter the atmosphere;
- 3 Part 6 of Division V of the regulations is further amended by
  - (a) striking out the comma at the end of clause 17(2)(l) and substituting a semicolon; and
  - (b) adding the following clause immediately after clause 17(2)(l):
    - (m) an exploratory drill, development, or operation that is related to carbon sequestration,