

**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 Pugwash wellfield,  
in the County of Cumberland, as a Protected Water Area to be known as  
the Pugwash 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 Pugwash wellfield, the Municipality of the County of Cumberland has requested that the Minister of Environment designate the Pugwash wellfield 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 Cumberland has provided opportunities for public consultation, including public meetings and the establishment of the Pugwash Wellfield Advisory Committee, an advisory committee comprising representatives of the Province of Nova Scotia, the Municipality of the County of Cumberland, 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 Pugwash wellfield and more fully described in Schedule "A" as a protected water area to be known as the "Pugwash Protected Water Area"; and
- (b) makes regulations respecting activity in the Pugwash 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 May 3 / 2022, at Halifax Regional Municipality, Province of Nova Scotia.



Honourable Tim Halman  
Minister of Environment and Climate Change

## Schedule "A"

### Pugwash Protected Water Area Boundary Description

All that certain area of land lying northwest of the Pugwash River Road and southeast of Highway #321, County of Cumberland and Province of Nova Scotia, shown as the Limit of the Protected Water Area on Plan of Pugwash Water Supply, prepared by Michael J. Gould, N.S.L.S., the Limit of the Protected Water Area being more particularly described as follows:

**Beginning** at a survey marker denoted as 56 on the aforesaid plan, being on the northeast side of Crowe Road at the intersection of the northwest boundary of Parcel "K", and having co-ordinates (relative to Nova Scotia Co-ordinate Grid 3 deg. MTM Zone 5 Central Meridian 64 deg. 30 min. West Longitude) N 5074077.123 E 25558715.677;

**Thence** 21 deg. 00 min. 57 sec. for a distance of 277.601 metres to a survey marker denoted as 1005 on the aforesaid plan;

**Thence** 21 deg. 00 min. 57 sec. for a distance of 225.797 metres to a survey marker denoted as 1007 on the aforesaid plan;

**Thence** 21 deg. 28 min. 19 sec. for a distance of 300.230 metres to a survey marker denoted as denoted as 355 on the aforesaid plan;

**Thence** 6 deg. 06 min. 38 sec. for a distance of 193.474 metres to a survey marker denoted as 961 on the aforesaid plan;

**Thence** 38 deg. 42 min. 23 sec. for a distance of 371.444 metres to a survey marker stamped C-3813 and denoted as 1202 on the aforesaid plan;

**Thence** 80 deg. 10 min. 08 sec. for a distance of 654.536 metres to a found survey marker stamped C-3678 and denoted as 1911 on the aforesaid plan;

**Thence** 17 deg. 55 min. 04 sec. for a distance of 155.905 metres along a found blazed line to a survey marker denoted as 964 on the aforesaid plan;

**Thence** 129 deg. 24 min. 52 sec. for a distance of 95.038 metres to a survey marker denoted as 421 on the aforesaid plan;

**Thence** 130 deg. 35 min. 18 sec. for a distance of 771.171 metres to a survey marker denoted as 2601 on the aforesaid plan;

**Thence** 203 deg. 42 min. 42 sec. for a distance of 183.722 metres to a survey marker denoted as 326 on the aforesaid plan;

**Thence** 203 deg. 42 min. 42 sec. for a distance of 212.920 metres to a survey marker denoted as 240 on the aforesaid plan;

**Thence** 195 deg. 54 min. 27 sec. for a distance of 191.849 metres to a survey marker denoted as 244 on the aforesaid plan;

**Thence** 225 deg. 18 min. 15 sec. for a distance of 236.032 metres along a found blazed line to a survey marker denoted as 247 on the aforesaid plan;

**Thence** 229 deg. 06 min. 16 sec. for a distance of 382.002 metres to a survey marker denoted as 2603 on the aforesaid plan;

**Thence** 229 deg. 06 min. 16 sec. for a distance of 223.561 metres to a survey marker set on the northeast side of Crowe Road, denoted as 2604 on the aforesaid plan;

**Thence** 229 deg. 06 min. 16 sec. for a distance of 20.510 metres to a survey marker set on the southwest side of Crowe Road, denoted as 2605 on the aforesaid plan;

**Thence** 229 deg. 06 min. 16 sec. for a distance of 218.437 metres to a survey marker denoted as 671 on the aforesaid plan;

**Thence** 231 deg. 03 min. 23 sec. for a distance of 177.214 metres to a survey marker denoted as 2602 on the aforesaid plan;

**Thence** 231 deg. 03 min. 23 sec. for a distance of 173.327 metres to a survey marker stamped C-1543 and denoted as 1543 on the aforesaid plan;

**Thence** 192 deg. 16 min. 07 sec. for a distance of 170.167 metres to a survey marker stamped C-1389 and denoted as 1389 on the aforesaid plan;

**Thence** 305 deg. 49 min. 49 sec. for a distance of 246.921 metres along a found blazed line and wire fence to a survey marker stamped C-3677 and denoted as 2541 on the aforesaid plan;

**Thence** 307 deg. 42 min. 04 sec. for a distance of 418.110 metres along a found blazed line and wire fence to a found survey marker stamped C-2299 and denoted as 2546 on the aforesaid plan;

**Thence** 36 deg. 25 min. 07 sec. for a distance of 216.283 metres to a found survey marker stamped C-2298 and denoted as 1019 on the aforesaid plan;

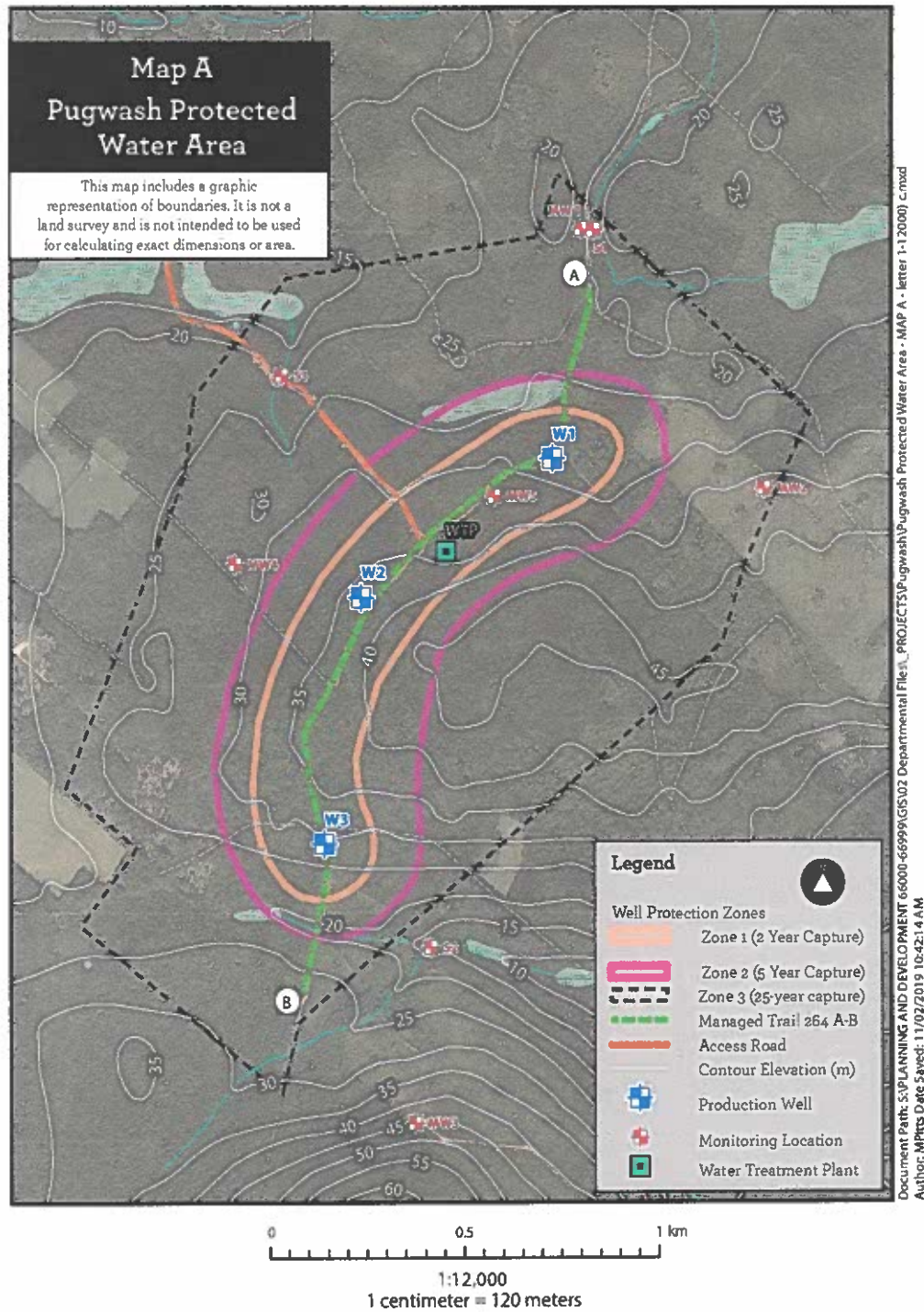
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**Thence** 307 deg. 59 min. 55 sec. for a distance of 222.001 metres to the place of beginning;  
(Directions in the preceding are oriented to the NAD83 Nova Scotia Co-ordinate Grid 3 deg. MTM Zone 5 Central Meridian 64 deg. 30 min. West Longitude)

**The above described** Pugwash Protected Water Area having an area of 232.5 hectares.

The boundaries set out above are approximated on the map attached as Appendix A.

## Appendix A—Map of Approximate Boundaries of Pugwash Protected Water Area



## Schedule “B”

### Regulations Respecting the Pugwash 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 *Pugwash 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 4 or more manure animal units of livestock, or
- (ii) has greater than 1 ha of land in forage production, crop production or pasture;

“biocide” means a toxic chemical or other substance capable of killing living organisms but does not include a registered pest control product;

“Committee” means the Pugwash Wellfield Advisory Committee that is a committee of the Municipality of Cumberland established to advise the County on all matters related to water quality in the Protected Water Area;

“County” means the municipal corporation known as the Municipality of Cumberland 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;

“forestry operation” means any activity related to the use of the forest for producing timber, wood fibre or Christmas trees, including but not limited to the following activities:

- (i) forest management planning,
- (ii) silviculture,
- (iii) road construction,
- (iv) storage and use of equipment and supplies used in any aspect of the forestry operation;

“managed trail” means the Managed Trail 264 A-B as indicated on Map A: Pugwash Protected Water Area as described in Appendix A to the designation;

“Minister” means the Minister of Environment and Climate Change;

“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;

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

“pesticide” or “pest control product” means a pesticide or pest control product as defined in the Act;

“vehicle” means any vehicle driven or propelled otherwise than by muscular power, whether or not the vehicle is registered under the *Motor Vehicle Act* and includes off-highway vehicles;

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

“Water Works Operator” means the Municipality of Cumberland, operator of the Pugwash water utility;

“whole tree logging” means the removal from the land of the branches and limbs of trees in addition to the trunks;

“Zone 1” means the area of land situated within the Protected Water Area, and

designated as Zone 1, as described in Appendix A to the designation;

“Zone 2” means the area of land situated within the Protected Water Area, between the exterior boundary of Zone 1 and the exterior boundary of Zone 2, and designated as Zone 2, as described in Appendix A to the designation;

“Zone 3” means the area of land situated within the Protected Water Area, between the exterior boundary of Zone 2 and the exterior boundary of Zone 3, and designated as Zone 3, as described in Appendix A to the designation.

### **Public notice requirements**

- 3** (1) The County 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 Waterworks Operator under clause 106(2)(c) of the Act.

### **Fire restrictions**

- 4** A person must not light or be responsible for an open fire in the Protected Water Area.

### **Forestry restrictions**

- 5** (1) A person must not begin a forestry operation without first obtaining the written approval of the Water Works Operator.
- (2) A forestry operation within the Protected Water Area must be conducted in accordance with all of the following:
- (a) The *Wildlife Habitat and Watercourses Protection Regulations* made under the *Forests Act*, and the “Forest/Wildlife Guidelines and Standards for Nova Scotia” published by the Department of Natural Resources and Renewables, or its successor document or code of practice;
  - (b) A forest management plan prepared by a professional forester.



- (3) On municipally owned lands, the Water Works Operator is required to develop a forest management plan whose primary objective is to protect the groundwater resource as well as the integrity and health of the forest via silviculture and selective harvesting;
- (4) Whole tree logging is prohibited in the Protected Water Area.
- (5) Harvesting must occur on dry or frozen ground in the Protected Water Area.
- (6) Fuel and oil storage and handling in the Protected Water Area must be done in accordance with all of the following:
  - (a) only environmentally friendly hydraulic and gear fluid products may be used;
  - (b) fuel discharge hoses must have nozzles with automatic shut-off valves installed;
  - (c) hand pumps must be equipped with automatic nozzles and locked when not in use;
  - (d) all fuel transportation tanks must be secured to the truck or trailer;
  - (e) gravity flow pumps for refueling equipment are not permitted;
  - (f) harvest machinery must have spill response materials onboard.

**Pest control product and biocide restrictions**

- 6 A person must not use pest control products or biocides within the Protected Water Area unless the person has received written permission from the Water Works Operator.

**Refuse, waste and discharge restrictions**

- 7 A person must not, at any time, deposit, pile, accumulate, discharge, drain or emit any oil or petroleum products, soap, detergent, garbage, litter, solid or liquid waste or effluent, or any other material which contaminates or may contaminate the source of water supply in the Protected Water Area.

**On-site sewage disposal**

- 8 The installation and use of a Department-approved on-site sewage disposal system to receive domestic waste only is restricted to Zone 3 with exception of the Department-approved on-site sewage disposal system owned and operated by the Water Works Operator at the existing water treatment facility.

### **Landfill restrictions**

- 9** A person must not establish a dump, landfill or waste disposal site in the Protected Water Area.

### **Agriculture restrictions**

- 10** An agricultural operation undertaken within the Protected Water Area must be conducted according to a nutrient management plan and environmental farm plan prepared by a qualified person in consultation with the Department of Agriculture and the Water Works Operator.

### **Easement restrictions**

- 11** A person must not grant an easement for or construct or permit the construction of any road, railway, power transmission line or gas transmission line on, over or across the Protected Water Area unless approved in writing by the Water Works Operator.

### **Vehicle restrictions**

- 12** A person must not own, use or operate a vehicle in Zone 1 or 2 of the Protected Water Area or on any municipally owned lands in the Protected Water Area, except in the following circumstances:

- (a) use by the County or its authorized representatives or agents to develop, maintain and operate the water works facilities located there;
- (b) use by the County or its authorized representatives or agents to manage or protect its forest resources;
- (c) use of the managed trail by those holding permits issued by any of the following:
  - (i) the All Terrain Vehicle Association of Nova Scotia,
  - (ii) the Nova Scotia Off Road Riders Association,
  - (iii) the Snowmobilers Association of Nova Scotia;
- (d) use by the Department, Committee and other regulatory agencies to carry out inspections.

### **Pit, mine, quarry and hydrocarbon resource prohibitions**

- 13** A person must not commence detailed ground exploration, hydrocarbon exploration or production, or an operation to extract gravel, rock or mineral in the Protected Water Area.

**Ice control restrictions**

14 Ice control on any road situated in the Protected Water Area must be done by a method other than by applying salt or chemicals.

**Application for written permission**

15 (1) On receiving an application for written permission to conduct an activity in the Protected Water Area, the Water Works Operator may request that the applicant provide further information reasonably related to the activity.

(2) An application for written permission is not considered complete until the Water Works Operator receives any further information requested under subsection (1).

**Timing of Water Works Operator's decision**

16 The Water Works Operator must decide whether to grant or refuse permission under these regulations within 60 days after the date that the completed request for the permission and all required supplemental information are submitted.

**Permission may include terms and conditions**

17 Written permission granted by the Water Works Operator under these regulations may include any terms and conditions respecting time and other matters that are, in the opinion of the Water Works Operator, necessary for the protection of water quality and quantity in the Protected Water Area.

**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 Pugwash wellfield,  
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**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 Pugwash wellfield, the Municipality of the County of Cumberland has requested that the Minister of Environment designate the Pugwash wellfield as a Protected Water Area in order to protect the quality of the surface water and groundwater resource as a water supply;

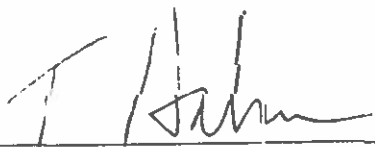
**And whereas** the Municipality of the County of Cumberland has provided opportunities for public consultation, including public meetings and the establishment of the Pugwash Wellfield Advisory Committee, an advisory committee comprising representatives of the Province of Nova Scotia, the Municipality of the County of Cumberland, 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 Pugwash wellfield and more fully described in Schedule "A" as a protected water area to be known as the "Pugwash Protected Water Area"; and
- (b) makes regulations respecting activity in the Pugwash 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 May 3 / 2022, at Halifax Regional Municipality, Province of Nova Scotia.



Honourable Tim Halman  
Minister of Environment and Climate Change

## Schedule "A"

### Pugwash Protected Water Area Boundary Description

All that certain area of land lying northwest of the Pugwash River Road and southeast of Highway #321, County of Cumberland and Province of Nova Scotia, shown as the Limit of the Protected Water Area on Plan of Pugwash Water Supply, prepared by Michael J. Gould, N.S.L.S., the Limit of the Protected Water Area being more particularly described as follows:

**Beginning** at a survey marker denoted as 56 on the aforesaid plan, being on the northeast side of Crowe Road at the intersection of the northwest boundary of Parcel "K", and having co-ordinates (relative to Nova Scotia Co-ordinate Grid 3 deg. MTM Zone 5 Central Meridian 64 deg. 30 min. West Longitude) N 5074077.123 E 25558715.677;

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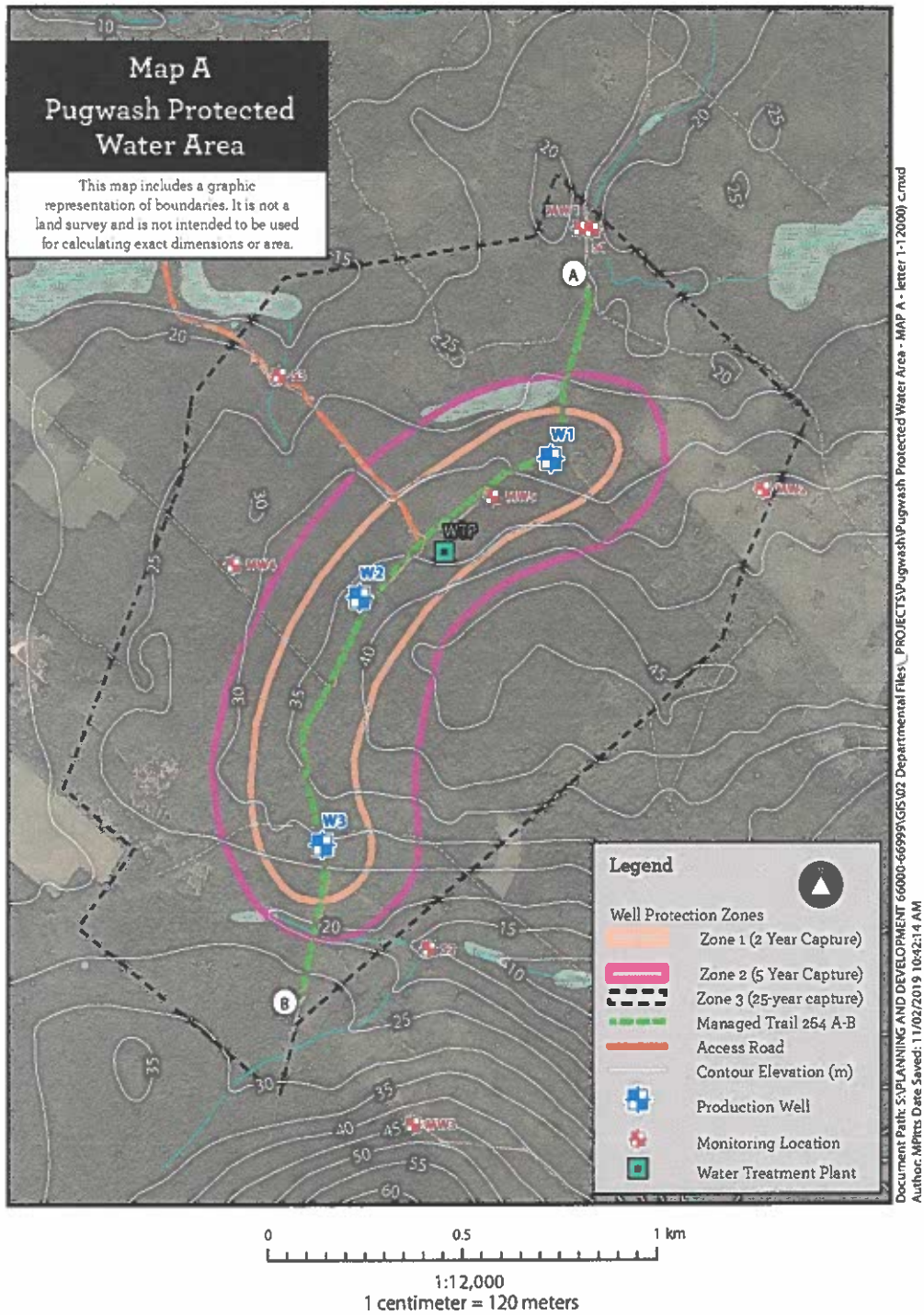
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**The above described** Pugwash Protected Water Area having an area of 232.5 hectares.

The boundaries set out above are approximated on the map attached as Appendix A.

# Appendix A—Map of Approximate Boundaries of Pugwash Protected Water Area





## **Schedule "B"**

### **Regulations Respecting the Pugwash 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 *Pugwash Protected Water Area Regulations*.

#### **Definitions**

**2** In these regulations,

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“managed trail” means the Managed Trail 264 A-B as indicated on Map A: Pugwash Protected Water Area as described in Appendix A to the designation;

“Minister” means the Minister of Environment and Climate Change;

“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;

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

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“Water Works Operator” means the Municipality of Cumberland, operator of the Pugwash water utility;

“whole tree logging” means the removal from the land of the branches and limbs of trees in addition to the trunks;

“Zone 1” means the area of land situated within the Protected Water Area, and

designated as Zone 1, as described in Appendix A to the designation;

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### **Public notice requirements**

- 3 (1) The County 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 Waterworks Operator under clause 106(2)(c) of the Act.

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(2) An application for written permission is not considered complete until the Water Works Operator receives any further information requested under subsection (1).

**Timing of Water Works Operator's decision**

16 The Water Works Operator must decide whether to grant or refuse permission under these regulations within 60 days after the date that the completed request for the permission and all required supplemental information are submitted.

**Permission may include terms and conditions**

17 Written permission granted by the Water Works Operator under these regulations may include any terms and conditions respecting time and other matters that are, in the opinion of the Water Works Operator, necessary for the protection of water quality and quantity in the Protected Water Area.