

SCHEDULE "A"

LIST OF NOVA SCOTIA PROCLAIMED HARBOURS

ABBOT	CANSO	INGONISH
ADVOCATE HARBOUR	CAPE NEGRO	INGONISH, SOUTH BAY
AMHERST	CHEBOGUE	INGRAM RIVER
ANNAPOLIS ROYAL	CHESTER	ISAAC'S HARBOUR
APPLE RIVER	CHETICAMP	JEDDORE
ARICHAT	CLARK'S HARBOUR	JOGGINS MINES
BADDECK	CLEMENTSPORT	JORDAN BAY
BARRINGTON	COUNTRY HARBOUR	KELLY'S COVE
BAYFIELD	D'ESCOUSSE	LAHAVE
BAY ST. LAWRENCE	DIGBY	L'ARDOISE
BEAR RIVER	DINGWALL	LINGAN
BEAVER HARBOUR	EAST BAY	LISCOMB
BELLIVEAU'S COVE	FOURCHU	LITTLE NARROWS
BIG BRAS d'OR (GREAT)	FREEPORT	LIVERPOOL
BIG HARBOUR	GABARUS	LOCKEPORT
BIG POND	GLACE BAY	LOUISBOURG
BRAS d'OR (LITTLE)	GUYSBORO	LUNENBURG
BRAS d'OR LAKE (LITTLE)	HALL'S HARBOUR	MABOU
BRIDGEWATER	HANTSPORT	MAHONE BAY
CANNING	HUBBARD'S COVE	MAIN a DIEU

LIST OF NOVA SCOTIA PROCLAIMED HARBOURS

MARBLE MOUNTAIN	PARRSBORO	PUBNICO
MARGAREE	PETIT De GRAT	PUGWASH
MARGARET'S BAY	PETITE RIVIERE BRIDGE	QUEENSPORT
MARGARETSVILLE	PICTOU	RIVER BOURGEOIS
MARIE JOSEPH	PLASTER	RIVER HEBERT
McKINNONS HARBOUR	PORT GEORGE	RIVER JOHN
McNAIRS COVE	PORT GREVILLE	RIVERPORT
MERIGOMISH	PORT HASTINGS	SAMBRO
METEGHAN	PORT HAWKEBURY	SANDFORD
METEGHAN RIVER	PORT HEBERT	SHEET HARBOUR
MULGRAVE (See Port Mulgrave)	PORT HOOD	SHELBURNE
MUSQUODOBOIT	PORT LaTOUR	SHIP HARBOUR
NEILS HARBOUR	PORT LORNE	SPENCER'S ISLAND
NEW HAVEN	PORT MAITLAND	ST. ANN'S BAY
NOEL	PORT MEDWAY	ST. ANN'S HARBOUR
NORTHPORT	PORT MORIEN	ST. MARY'S RIVER
NORTH SYDNEY	PORT MULGRAVE	ST. PETERS
NORTH WEST COVE	PORT WADE	SYDNEY
ORANGEDALE	PORT WILLIAMS	TANGIER

LIST OF NOVA SCOTIA PROCLAIMED HARBOURS

TATAMAGOUCHE

WOOD'S HARBOUR

TENNY CAPE

YARMOUTH

TIDNISH

WOLFVILLE

TIVERTON

TORBAY

TUSKET

WALLACE

WALTON

WEDGEPORT

WEST ARICHAT

WEST BAY

WEST PORT

WEYMOUTH

WHITEHEAD

WHITE POINT

WHYCOCOMAGH

WINDSOR

SCHEDULE "B"

FEDERAL HARBOURS IN NOVA SCOTIA (Prov. Crown Lands has plans showing boundaries)

1. Halifax Harbour
2. Bridgewater
3. Hantsport
4. Digby
5. Liverpool
6. Louisbourg
7. Lunenburg
8. Pictou
9. Pugwash
10. Shelburne
11. Strait of Canso
12. Sydney
13. Yarmouth

No written decision on these as of October 4/00



Natural
Resources
2115 Waverley Road
Waverley, NS B2R 1Y8

TO:

With the completed application, we require the following:

1. A copy of your property survey plan or location certificate;
2. Drawings of the proposed work to scale. Top and side view on the same page, if possible (see attached example);
3. Photographs of shoreline at low water with any existing structures;
4. Is any machine operation proposed to take place below O.H.W.M. for the project?
If so, what work will the machine be conducting?
5. A cheque for \$57.50 to cover the administration fee made payable to the
"Minister of Finance".

Give me a phone call when you are ready for a site visit and I can pick up your application package at that time. If you have any questions in the meantime, please call.

Mike Kew

Bus: 860-5528 826-7430 (home)
Fax: 860-5514

PROJECT INFORMATION GUIDELINES

The following is a list of essential information required in making application for an activity in Coastal Waters:

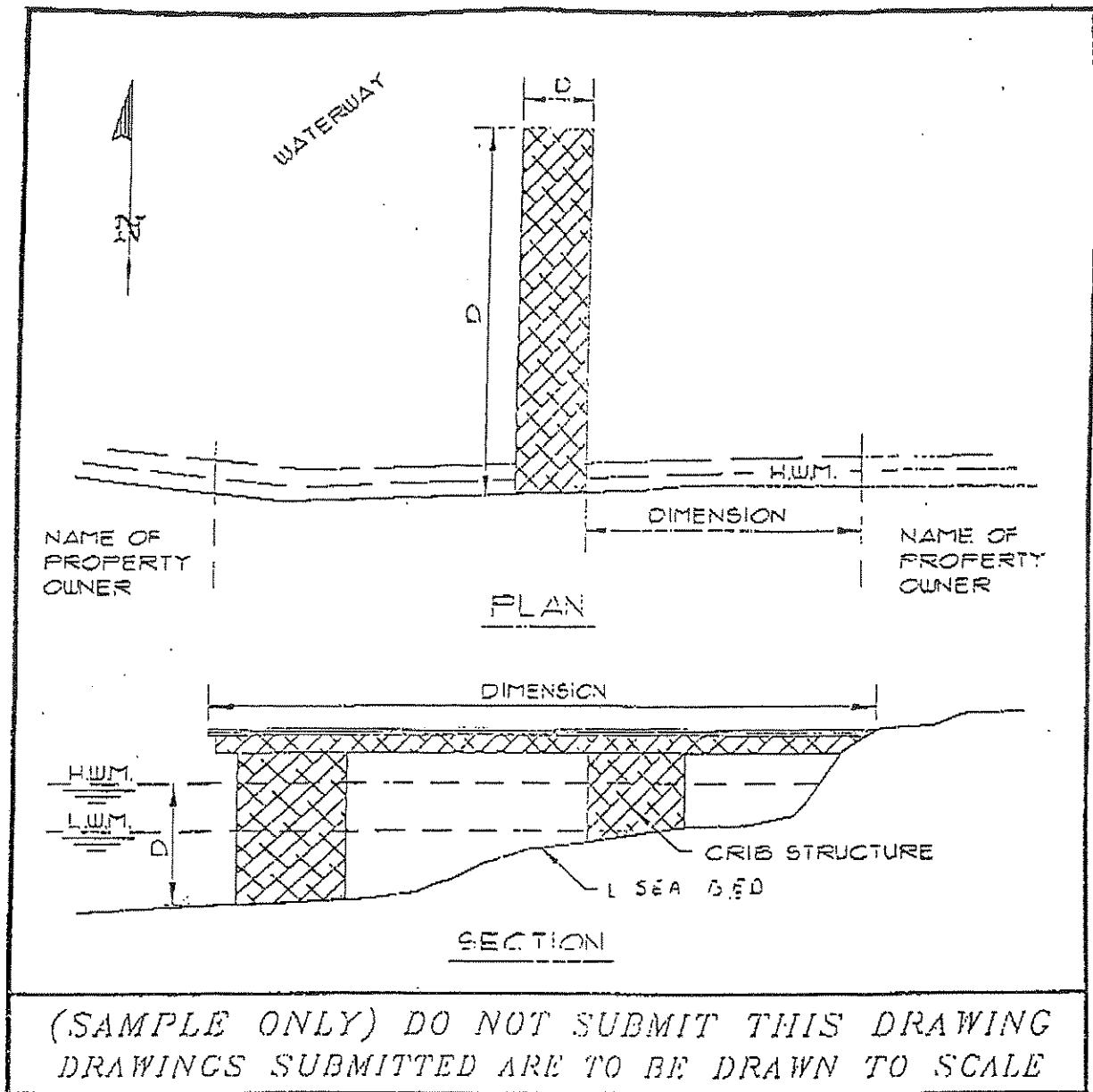
1. **Site Location** - Obtain a copy of the chart, topographic map, or even a road map of your area. Please include enough details to simplify the location of the proposed project. If not already shown, add the following:
 - Location of the proposed project (draw an arrow showing the exact location of the site on the map);
 - Name of the water body in which the project is located.
2. **Plot Plan** - One (1) copy of your plot or survey plan, showing adjacent property owners (include names). The location of the proposed work clearly indicated, signed and dated.
3. **Plan View** - The plan view shows the proposed project as if you were looking straight down on it from above. Draw a plan, to scale, containing sufficient detail to clearly show your proposed project.
 - Any existing works presently on your property or adjacent properties such as wharves, slipways, etc.;
 - Existing shorelines;
 - Dimensions (length, width, etc.) of the project. All dimensions should be from the ordinary high water mark;
 - Average water depth around the project;
 - Scale.
4. **Profile View or Section View** - The profile view is a scale drawing that shows the side, front, or rear of the proposed structure as it would look if you were standing to the side of it; the section view is a scale drawing that shows the proposed structure as it would look if sliced internally for display. Clearly show the following:
 - Dimensions of the proposed project, including width, height, etc.;
 - The ordinary high water mark (O.H.W.M.) and ordinary low water mark (O.L.W.M.);
 - Existing and proposed ground contours;
 - Height above the bed of the water body;
 - The type of construction material to be used;
 - Scale;
 - North arrow.

Page 2.

5. Methodology and Related Information

- List of heavy equipment that will be used and where the equipment will be staged;
- Current photographs of the proposed work site;
- Information with regard to fish habitat (migratory route, spawning, rearing areas, etc.) And/or fish present at the proposed site;
- Description of watercourse bottom (i.e. sandy, rocky, etc.) and description of shoreline.

G:\DNR\mail\angAdm\Disposal\PRASERRA\Project Information Guidelines.wpd



APPENDIX "A"



NATURAL RESOURCES

Permit No. _____

APPLICATION

for a Permit to Construct, Place, Repair, Maintain and Use
a Wharf / Boat Ramp / Mooring on Submerged Crown Land
(not including bodies of Fresh Water)

APPLICANT INFORMATION (Please print)

Name: _____

Mailing Address: _____

Telephone Number: _____ Fax Number: _____

Contact Person (if incorporated body): _____

Title: _____

I hereby apply to the Department of Natural Resources for a Permit pursuant to the *Crown Lands Act* and the *Beaches Act* (as applicable) to construct, place, repair, maintain and use a

- ☐ wharf
- ☐ boat ramp
- ☐ mooring

on submerged Crown Land at

(name of water body)

, near the community of

County at the location indicated on the plan

contained herein.

I agree to comply with the Terms and Conditions which appear on the reverse of this form and on any attached Schedules.

I understand that other permits and/or approvals may be required and that it is my responsibility to obtain them whether they are mentioned in this Permit or not.

DESCRIPTION OF WHARF, BOAT RAMP OR MOORING

PLAN

(may be attached separately to this application form) showing the location of the (proposed) wharf, boat ramp or mooring in relation to the navigation channel, existing wharves, boat ramps and moorings and any shoreline within 100 metres of the proposed wharf, boat ramp or mooring. If the proposed structure is within 60 metres of any shoreline property, the plan must identify the owner(s) of that property and show the approximate location of its sideline boundaries.

APPLICANT'S SIGNATURE: _____

NS Dept of Natural Resources: Policy for Wharves, Boat Ramps and Moorings
on Submerged Crown Lands (November 21, 2002)

CONSENT OF UPLAND PROPERTY OWNER

(Usually required, together with a copy of the upland property owner's title document, if the proposed wharf, boat ramp or mooring is within 60 metres of the adjoining upland and the applicant is not the owner of the adjoining upland)

I, _____ hereby confirm that I am the owner of the land shown as _____ on the above (or attached) plan. I hereby consent to the construction, placement, repair, maintenance and use of a wharf, boat ramp and or mooring as applied for herein and to the issuance of this Permit.

Signature _____ Date _____

If the upland is owned by more than one person, the consent must be signed by all owners.

.. .. If the upland is owned by an incorporated body, the consent must be signed by an authorized officer or agent of the corporation.

TERM OF PERMIT

Unless suspended, cancelled or revoked as provided for herein, this Permit shall be valid: (check one)

- ☐ until _____ (not to exceed three years from the date issued); or
☐ for one year from the date issued, and shall be renewed automatically for subsequent one year terms

PERMIT FEE

The fee for this Permit is \$50.00, plus \$7.50 HST for each wharf, boat ramp and/or mooring authorized by this Permit.

EFFECTIVE DATE

This Permit does not take effect until it has been signed by an authorized representative of the Department of Natural Resources

STANDARD TERMS AND CONDITIONS (As Applicable):

1. The Department of Natural Resources may suspend, cancel or revoke this Permit at any time, and for any reason, by serving notice to the holder of this Permit at his/her last known address.
2. The holder of this Permit may cancel this Permit by giving 30 days notice in writing to the Department of Natural Resources.
3. The obligations of the Permit holder with respect to liability, indemnity and the removal of the wharf, boat ramp or mooring shall survive the suspension, expiry, cancellation or revocation of this Permit.
4. The Minister of Natural Resources shall not be liable for any costs incurred by the holder of this Permit if this Permit is suspended, cancelled or revoked.
5. The wharf, boat ramp or mooring(s) must be free from oil, grease, leaching toxins and other contaminants.
6. A Declaration of Exemption, or approval, pursuant to the federal *Navigable Waters Protection Act* may be required if the wharf, boat ramp or mooring described herein is to be constructed or placed in a navigable water. To make an application under the *Navigable Waters Protection Act*, contact Fisheries and Oceans Canada, Coast Guard PO Box 1000, Dartmouth, NS, B2Y 3Z8, Telephone 426-2726.
7. A permit from the Department of Transportation and Public Works must be obtained for a structure to be constructed or placed within 100 metres of the centre line of a public highway or within 60 metres of the limit of a controlled access highway. Applications for such permits should be directed to the local office of the Department of Transportation and Public Works.
8. It is an offence under the federal *Fisheries Act*, unless the work is authorized under Section 35(2) of the *Fisheries Act*, to carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat. It is

NS Dept of Natural Resources: Policy for Wharves, Boat Ramps and Moorings
on Submerged Crown Lands (November 21, 2002)

the sole responsibility of the holder of this Permit to ensure that the activity authorized by this Permit does not contravene the *Fisheries Act*.

9. Subject to subsection 36 (4) of the federal *Fisheries Act*, it is an offence to deposit, or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

Environment Canada recommends that the following materials be considered for construction material in the aquatic environment:

- untreated hemlock, tamarack/juniper, or cedar
- pre-cast concrete, corrosion resistant steel or plastic;
- ACQ (Alkaline Copper Quaternary) or CCA (Chromated Copper Arsenate treated wood, if treated in accordance with Best Management Practices (BMP) as outlined in the 1997 industry guide published jointly by the Canadian Institute of Treated Wood (CITW) and the US based Western Wood Preservers Institute.

10. Unless specifically authorized herein, the use of wood treated with creosote or pentachlorophenol (PCP) is not permitted in new construction.
11. A permit from the Nova Scotia Department of Environment and Labour may be required if the wharf, boat ramp or mooring is located within a watercourse as defined in the *Environment Act*.
12. If this Permit is suspended, cancelled, revoked or expires, the Department of Natural Resources may order the removal of the wharf, boat ramp or mooring at the sole expense of the holder of this Permit. If the holder of this Permit fails to do this, the Department of Natural Resources may do the work and invoice all costs to the holder of this Permit.
13. The Minister of Natural Resources shall not be liable for any injury or damage (including death) to the person or for the loss of or damage to the property of the holder of this Permit in any manner based upon, occasioned by or attributable to the performance of any act done under this Permit.
14. The holder of this Permit shall at all times indemnify and save harmless the Minister of Natural Resources from and against all claims, demands, losses, costs, debts, damages, actions, suits or other proceedings by whomever made, sustained, brought or prosecuted in any manner based upon, occasioned by, arising out of or attributable to the performance or purported performance of the holder of this Permit or his/her servants, agents or independent contractors.
15. The holder of this Permit must comply with all federal, provincial and municipal regulations whether specifically mentioned herein or not.
16. The holder of this permit must comply with the mitigation measures outlined in any environmental screening or environmental assessment required for the work authorized herein.
17. It shall be the responsibility of the holder of this Permit to obtain all other permits, authorizations or permissions required to be obtained from any authorities, groups or individuals to use the subject lands for the purpose described herein. The holder of this Permit agrees to indemnify and hold harmless Her Majesty the Queen in right of the Province of Nova Scotia from any and all liability arising from the failure of the Permit holder to obtain such permits, authorizations and permissions.
18. The holder of this Permit shall have no recourse against the Department of Natural Resources in the event that the title to the subject land is found to be defective or should the Permit prove ineffectual by reason of any defect in title or access.
19. It is the responsibility of the holder of this Permit to ensure that contractors, heavy equipment operators and other construction personnel are advised of, and comply with, the terms and conditions of this Permit.
20. Travel by equipment and vehicles on nearby beaches must be kept to a minimum. Machinery must not be operated in the water. Unless otherwise specifically authorized herein, work must be done from above the Ordinary High Water Mark or from a wharf, barge or vessel.
21. Any operation of a vehicle or machinery below the Ordinary High Water Mark:
- must be specifically authorized herein;
 - must be kept to a minimum; and
 - must be done at low tide so that the vehicle or machinery does not enter the water at any time.

NS Dept of Natural Resources: Policy for Wharves, Boat Ramps and Moorings
on Submerged Crown Lands (November 21, 2002)

22. Equipment used in the project must be clean, in good repair and not leaking fuel, oil, grease or lubricant. A suitable emergency spill kit must be kept on-site to deal with the accidental releases of hazardous substances during wharf and boat ramp construction. All accidental releases, regardless of their size, must be reported to the 24-hour environmental emergencies number (1-800-565-1633).
23. Every effort must be made to ensure that there is no discharge of silt, or other harmful materials into the marine environment during construction. Erosion and sediment control measures must be installed before work commences and must be monitored and maintained as necessary throughout the project. A stock pile of erosion control measures should be kept on site in order to deal immediately with any failure of erosion control structures.
24. No blasting is permitted without prior approval of Fisheries and Oceans Canada.
25. Beach or water bed material is not to be used to fill cribs or for any building application. Rock used to fill cribs must be clean, non-toxic material from a non-waterbody source. Clay or other fine material must not be used. The removal of rocks from the beach or waterbody is not permitted.
26. All soils exposed as a result of cut and fill operations shall be immediately stabilized using standard erosion control measures. Areas of disturbed soil should be stabilized against erosion using seed, hay mulch, sod, clean rock or gravel, or some other approved, non-erodible material.
27. Rock used in wharf and boat ramp construction must be clean, non-toxic and from a non-waterbody source. Beach or water bed material is not to be used for any building application.
28. Wharf and boat ramp work must be done during a period of low water flow.
29. With the exception of clean rock placed within cribwork, the placement of fill below the OHWM is not permitted.
30. No structures are permitted on the wharf deck, other than a shed for the storage of marine-related equipment or gear. No portion of the wharf may be used for a workshop, studio, store, camp or dwelling.
31. All debris from the construction site must be removed to prevent contamination of the watercourse. All construction materials and waste, including wood preservatives, must be contained in a way that it will not enter any waterbody.
32. Should the wharf or boat ramp impede access to or movement along the shore, you must provide alternate access above the OHWM.
33. The Minister of Natural Resources, may for safety reasons require the holder of this permit to erect signs or fences on or around the wharf or boat ramp.

OTHER TERMS AND CONDITIONS

Other terms and conditions as contained in the following attached Schedules _____

PERMIT

Permission pursuant to the *Crown Lands Act* and the *Beaches Act* (as applicable) is hereby granted to construct, place, repair, maintain, and use a wharf, boat ramp and/or mooring on submerged Crown land, as applied for and subject to the terms and conditions contained herein.

Signature: _____
Minister of Natural Resources
(Authorized Designate)

Title: _____

Date Issued: _____

Fee Received? _____

(\$57.50 for each Wharf, Boat Ramp or Mooring)

NS Dept of Natural Resources: Policy for Wharves, Boat Ramps and Moorings
on Submerged Crown Lands (November 21, 2002)

APPENDIX "B"

STANDARD CRITERIA FOR WHARVES, BOAT RAMPS AND MOORINGS

WHARVES:

The wharf must not exceed 3.66 metres (12 feet) in width and 30.48 metres (100 feet) in length (beyond the OHWM).

The wharf may be supported by cribs or poles. Infilling is not permitted, with the exception of clean, non-toxic material from a non-waterbody source, used to fill cribwork.

A space of at least 1.22 metres (4 feet) must be maintained between any supporting poles. Crib structures are not to be sheathed in below the ordinary high water level.

Crib dimensions may not exceed 3.66 metres (12 feet) in any direction.

An open span of at least 3.05 metres (10 feet) must be maintained between each crib.

The first crib must be located either entirely on the landward side of the OHWM or at least 3.05 metres (10 feet) from, and on the seaward side of, the OHWM. The first crib is not permitted to straddle the OHWM.

BOAT RAMPS

The boat ramp must not exceed 4.57 metres (15 feet) in width.

Total coverage of the bed of the body of water below the OHWM by all portions of the boat ramp must not exceed 27.9 square metres (300 square feet).

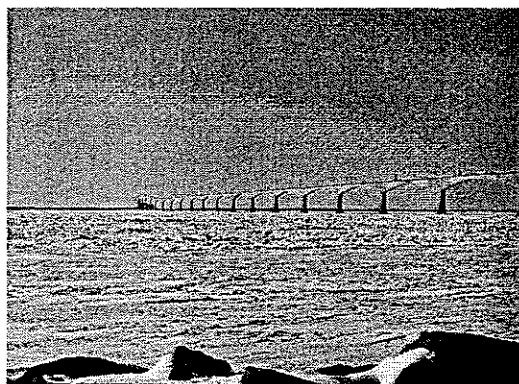
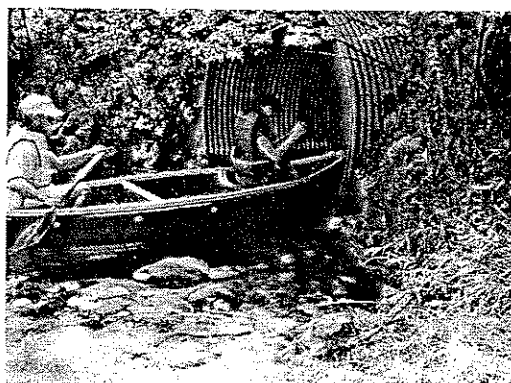
Existing rocks within the proposed ramp area may be moved aside, by hand or machine, provided they are not removed from the waterbody.

GENERAL

Wharves, boat ramps and moorings must be constructed of materials which do not leach toxins and are free of oil, grease and other contaminants. Wood treated with creosote or pentachlorophenol (PCP) may not be used.

NAVIGABLE WATERS PROTECTION ACT

APPLICATION GUIDE



Navigable Waters Protection Program
Marine Safety
P.O. Box 1000
Dartmouth, Nova Scotia
B2Y 3Z8

Phone (902) 426-2726
Fax (902) 426-7585

Canada¹³¹



Office Use Only

8200-

NAVIGABLE WATERS PROTECTION APPLICATION

Name of Owner:		
Mailing Address:		Postal Code:
Home Telephone No.	Business:	Other:

Are you the original owner of this work? ☐ yes ☐ noPrevious Application to this Department ☐ yes ☐ no

Previous Owner: _____

Approximate Date of Previous Application: _____

Contractor/Firm (if applicable):		
Mailing Address:		Postal Code:
Home Telephone No.	Fax No.:	Contact Person:

LOCATION OF WORK

Location/Civic Address:	
County:	Name of Upland Owner:
Province:	
Name of Cove, Harbour, Lake, River (waterway):	

Description of Project (Work) (Please circle one or more): WHARF RETAINING WALL BREAKWATER BOAT SLIP/RAMP INFILL Other: _____ Proposed Start-up Date: _____	Status of Project (Please Circle): NEW REPAIRS TO EXISTING ADDITION
Signature: _____	Date: _____

Canada

APPLICATION GUIDE CHECKLIST

Before returning your application form, the following must be included; otherwise it will not be processed:

- Name of property owner & civic number of where the project is located.
- Complete mailing address of the property owner.
- Plot or survey plan with project shown and adjacent landowners.
- Map or chart, with arrow to show location of project.
- Plan view of project WITH DIMENSIONS (Looking Down from the Air)
- Side view of project WITH DIMENSIONS (Standing on Side).
- Location for disposal of dredge spoils. (if dredging project).
- Letter of Permission from Upland Owner (if applicable)
- Name of the contractor doing the work (if applicable).

NAVIGABLE WATERS PROTECTION ACT

APPLICATION GUIDE

INTRODUCTION

The Navigable Waters Protection Act (NWPA) provides a legislative mechanism for the protection of the public right of marine navigation on all navigable waterways of Canada. This is accomplished through authorization of the construction of works built or placed in, over, through or across navigable waterways, and through a legal framework to deal with obstacles and obstructions to navigation.

Definitions:

“Navigable Waterway”: the administrative definition is: any body of water capable of being navigated by floating vessels of any description for the purpose of transportation, commerce or recreation. This includes both inland and coastal waters.

“Lawful Work” means any existing work not contrary to the law in force at the place of construction of the work at the time of its construction;

“Owner” includes a person authorizing or otherwise responsible for the erection or maintenance of any work and an actual or reputed owner or person in possession or claiming ownership thereof for the time being;

“Work” includes

- (a) Any bridge, boom, dam, wharf, dock, pier, tunnel or pipe and the approaches or the works necessary or appurtenant thereto;
- (b) Any dumping of fill or excavation of materials from the bed of the navigable water;
- (c) Any telegraph or power cable of wire, or
- (d) Any structure, device or thing, whether similar in character to anything referred to in this definition or not, that may interfere with navigation.

Note: This guide is provided as a simplified explanation of the application and approval process. Any inconsistencies between this document and the NWPA, the NWPA will prevail.

Canada¹³¹

TABLE 1

Letter of Application

Requirements

The following information should be included in your letter of Application

Applicant:

- Name of applicant and, if applicable, name of agent acting on behalf of the application, address, phone number and fax number.

Details of Work:

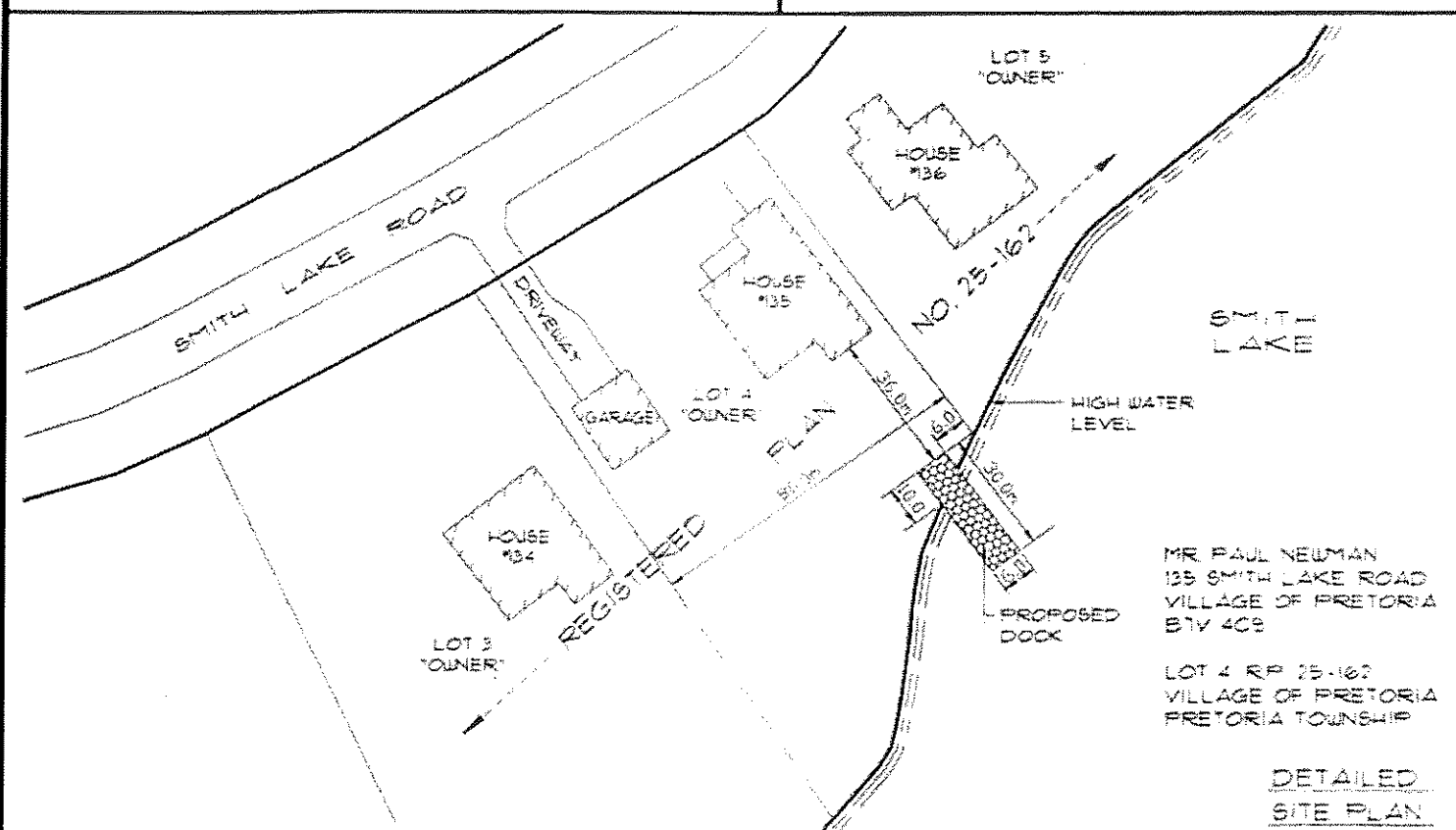
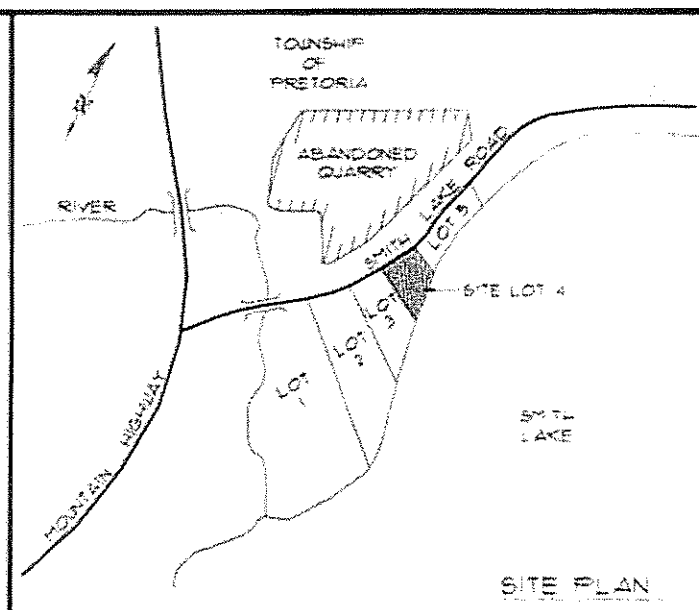
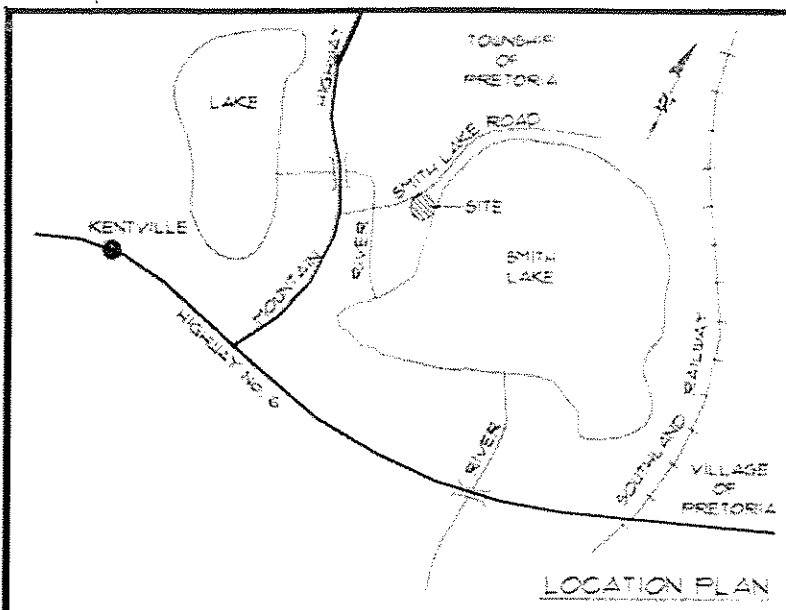
- Proposed construction schedule
- Description of work including dimensions
- Status of work (existing, proposed or both)
- Name of waterway where the work is or will be located including width and length
- Chart and topographic map number
- Latitude and longitude of work site
- Legal description (section, lot number, concession, county/township, city/town, province, territory etc.)
- Environmental Assessment documents if available
- Identification of upland property owners
- Method of construction i.e. equipment to be used, temporary construction that may impact navigation

Waterlot Lease/Permit:

- Have you obtained a waterlot lease/permit? If yes, provide the legal description and dimensions of the lease/permit area
- Are you the owner of the upland property facing the work? If not, obtain the upland property owner's written consent.

Plans:

- Drawings (include any detail of adjacent works in relation to proposal)
- Include the required set of plans as dictated by the NWP Officer
- Indicate if any of these plans have been registered/deposited; if so, indicate the Registration/Deposit number
- To avoid having to re-deposit and re-advertise, it is suggested you do not register and advertise until advised to do so by the NWP Officer
- Identify which other government regulatory agencies these plans have been submitted to



(SAMPLE ONLY) DO NOT SUBMIT THIS DRAWING
DRAWINGS SUBMITTED ARE TO BE DRAWN TO SCALE

NAVIGABLE WATERS PROTECTION



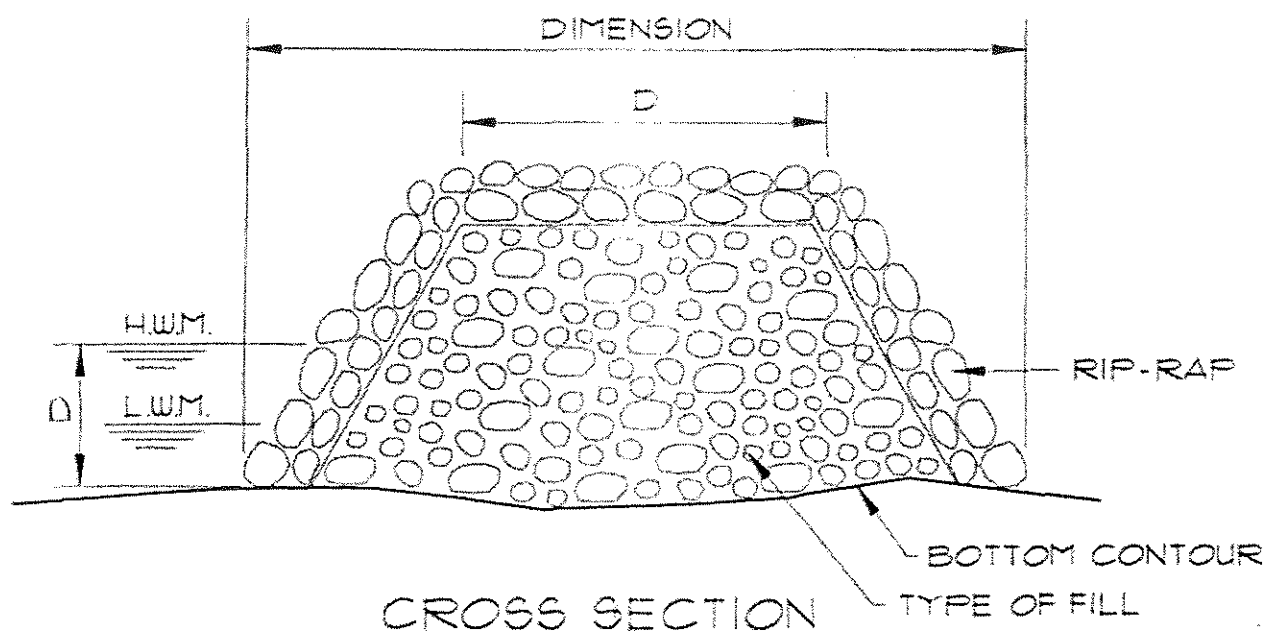
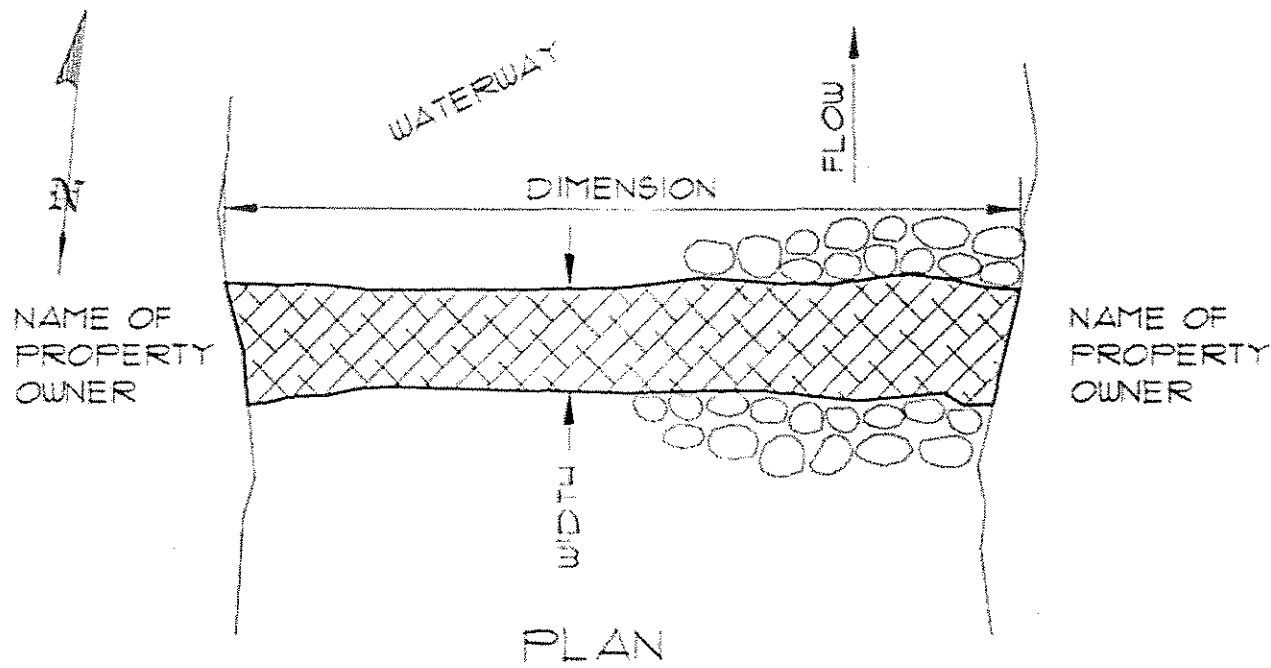
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Atlantic Region

EXAMPLE OF
SITE PLAN

ATL 410103	SERIAL NO.	CHECKED	APPR
DATE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1058901	



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DRAWINGS SUBMITTED ARE TO BE DRAWN TO SCALE

NAVIGABLE WATERS PROTECTION

EXAMPLE OF
CAUSEWAY



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Canada

Atlantic Region

DATE
17/08/84

SERIAL NO.

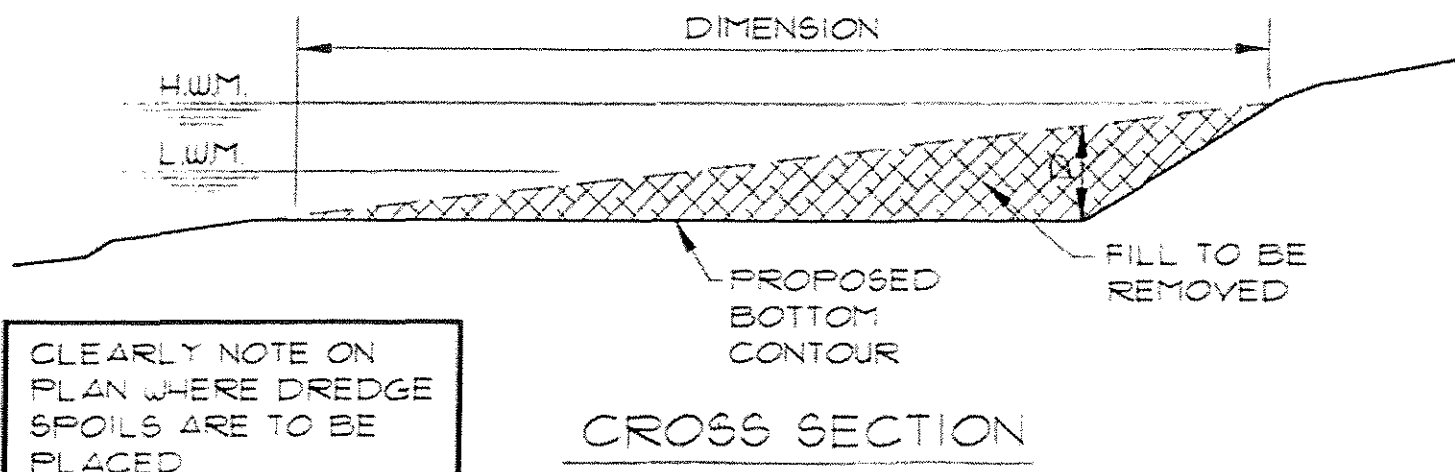
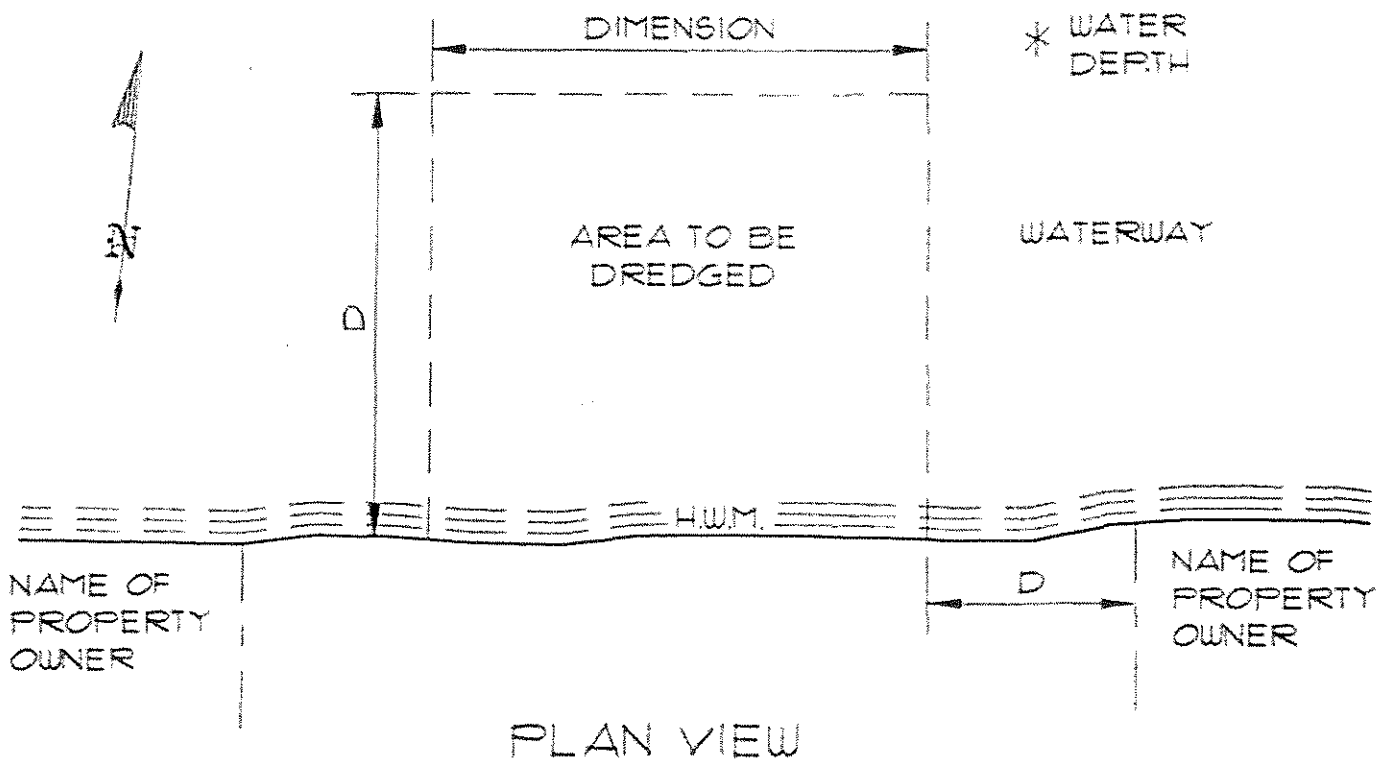
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APPR.

SCALE
N.T.S.

DRAWN
DAN MacNEIL

DRAWING NO.
A1058902



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DRAWINGS SUBMITTED ARE TO BE DRAWN TO SCALE*

NAVIGABLE WATERS PROTECTION



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Canada

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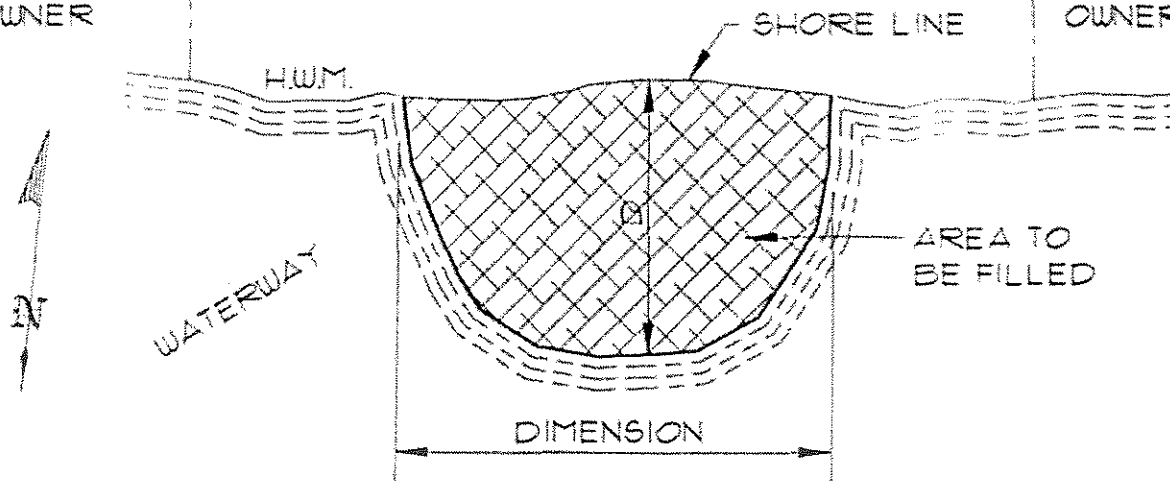
Atlantic Region

EXAMPLE OF
DREDGING

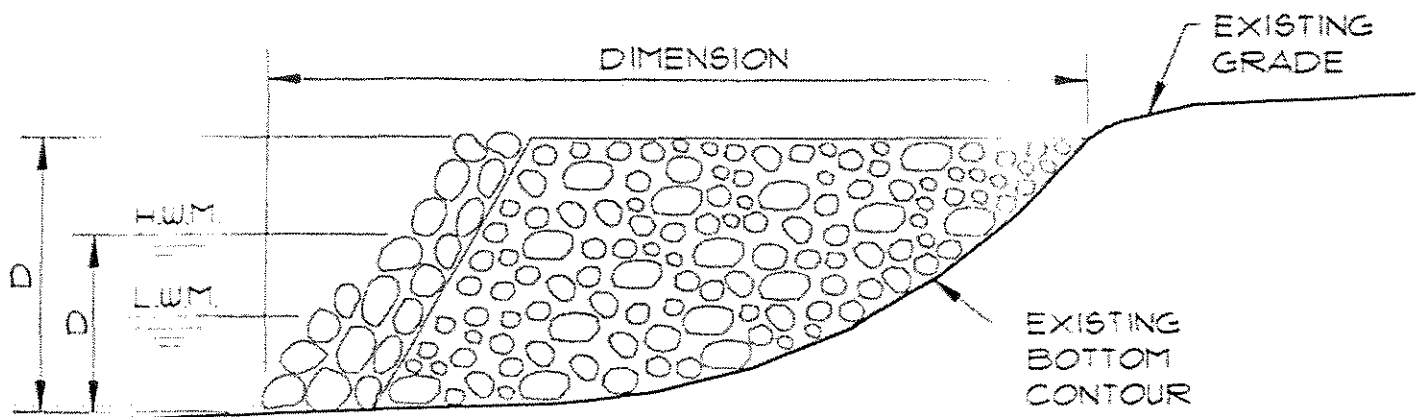
DATE 17/08/94	SERIAL NO.	CHECKED	APPR.
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1058903	

NAME OF
PROPERTY
OWNER

NAME OF
PROPERTY
OWNER



PLAN VIEW



PROFILE-FILLING SITE

*(SAMPLE ONLY) DO NOT SUBMIT THIS DRAWING
DRAWINGS SUBMITTED ARE TO BE DRAWN TO SCALE*

NAVIGABLE WATERS PROTECTION



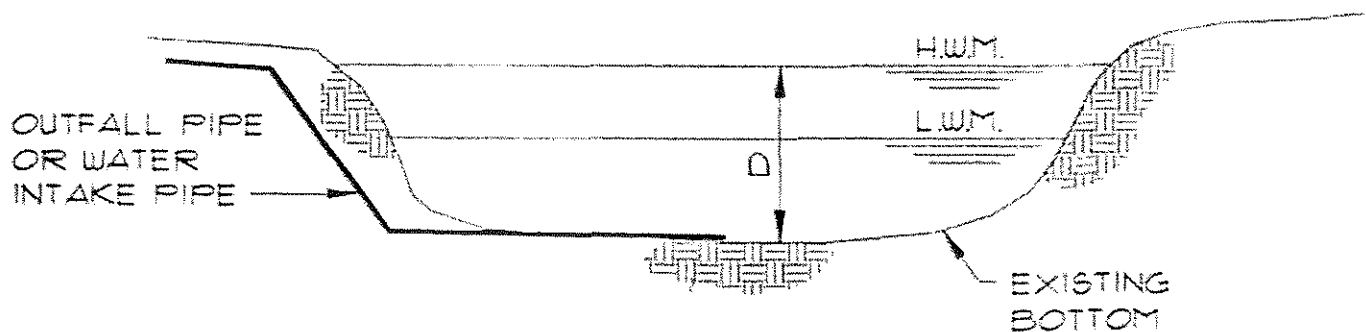
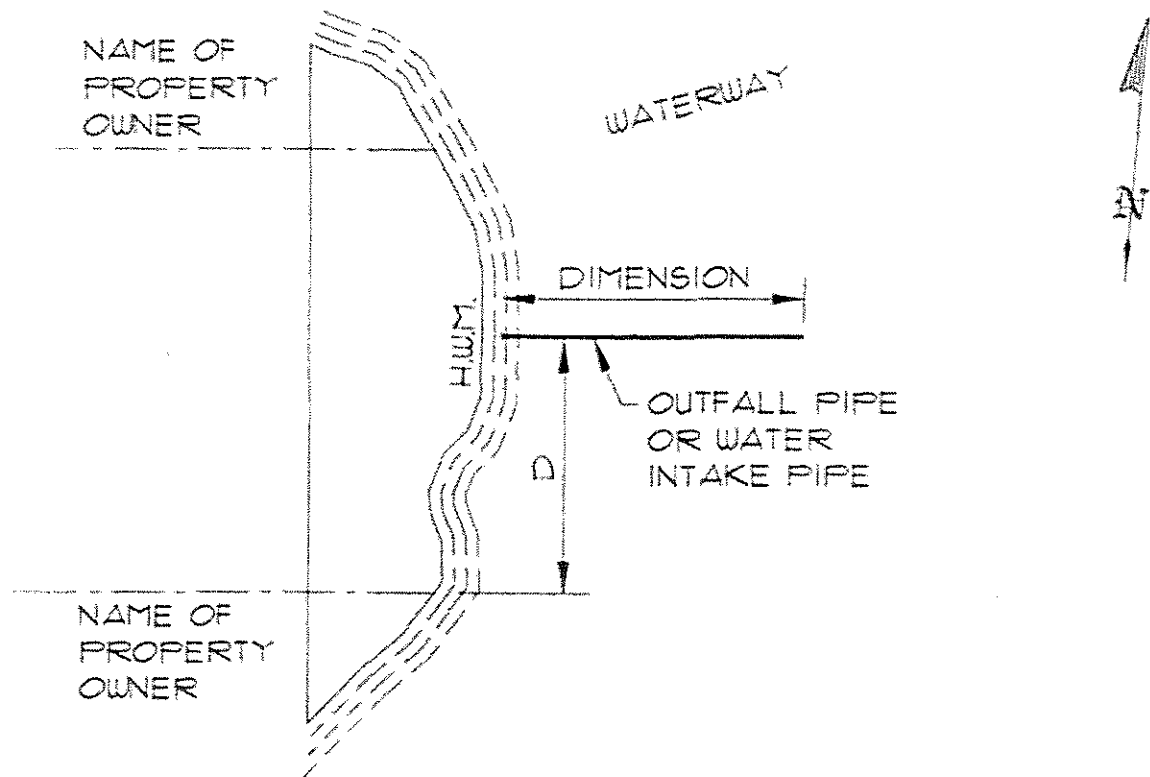
Transport
Canada

Transports
Canada

Atlantic Region

EXAMPLE OF
INFILL

DATE 17/08/84	SERIAL NO.	CHECKED	APPR.
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1058904	



*(SAMPLE ONLY) DO NOT SUBMIT THIS DRAWING
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NAVIGABLE WATERS PROTECTION



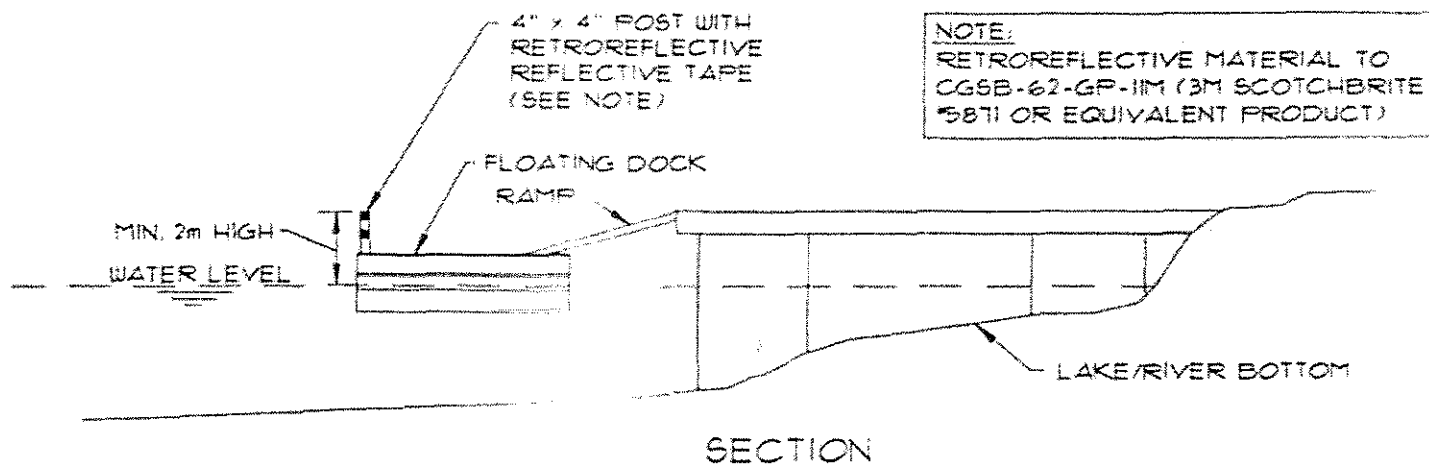
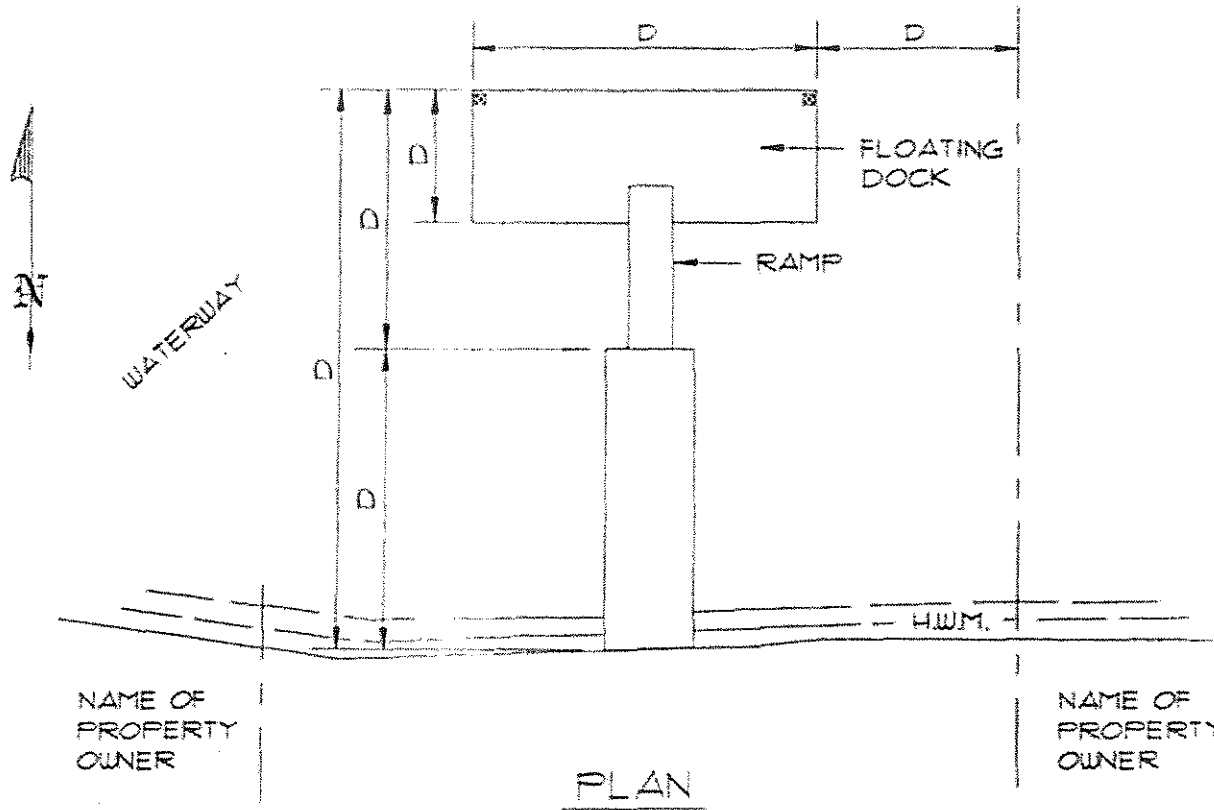
Transport
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Transports
Canada

Atlantic Region

EXAMPLE OF
OUTFALL PIPE OR
WATER INTAKE PIPE

DATE 17/08/94	SERIAL NO.	CHECKED	APPR.
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1058905	



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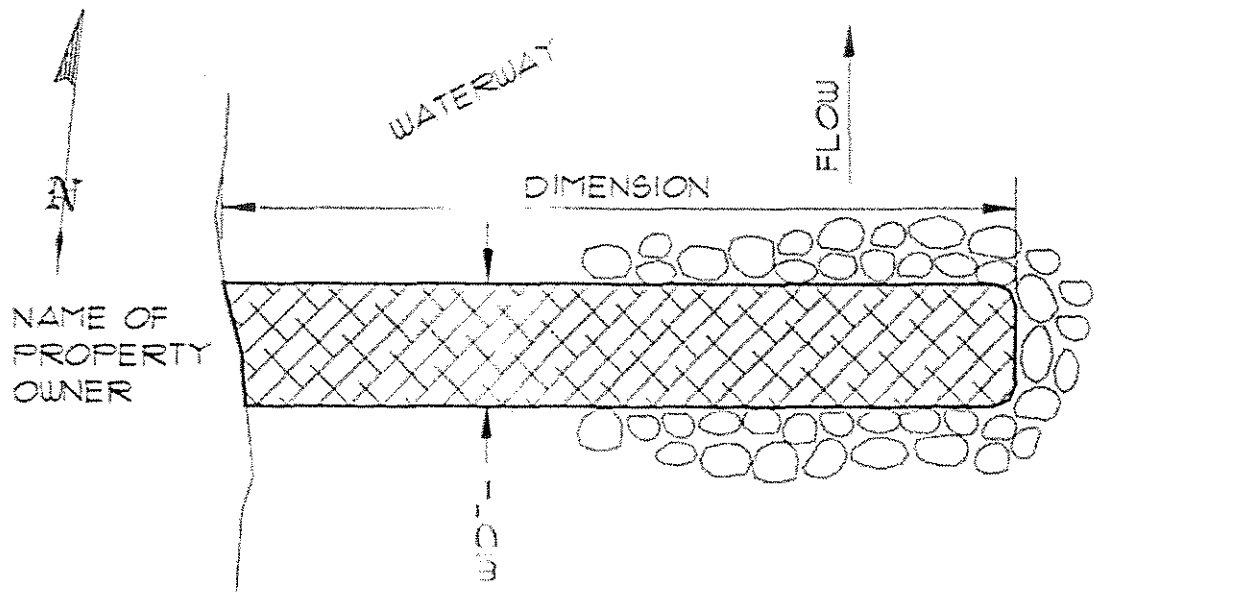
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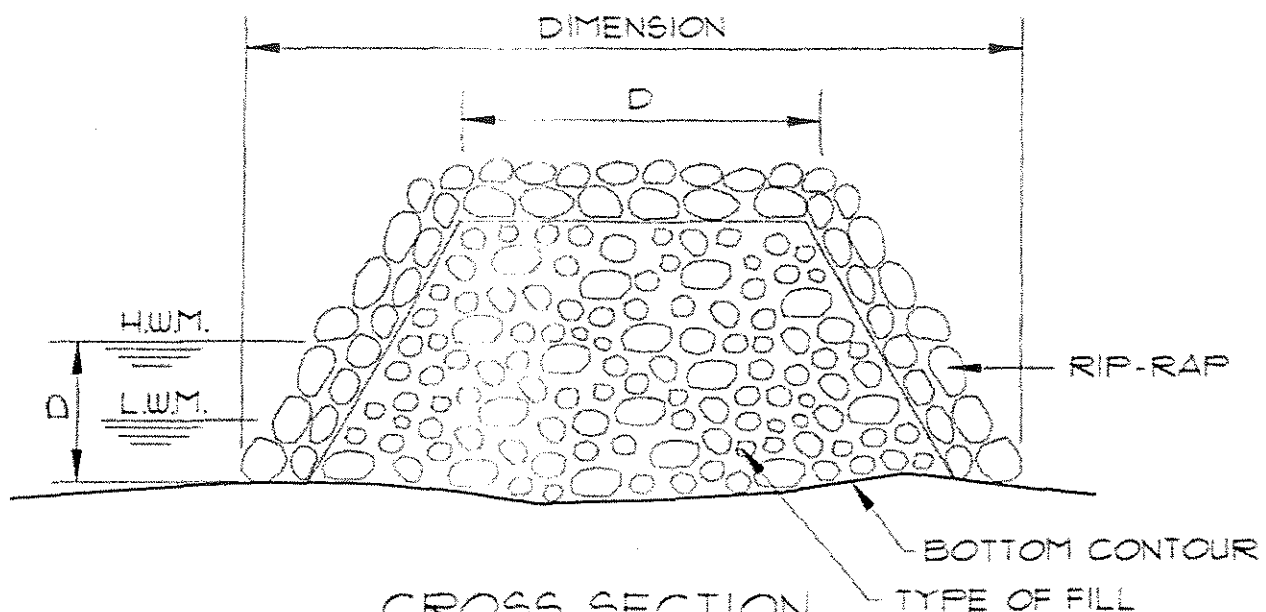
Atlantic Region

EXAMPLE OF
TYPICAL FLOATING DOCK

DATE 10/01/03	SERIAL NO.	CHECKED	APPR
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1058906	



PLAN



CROSS SECTION

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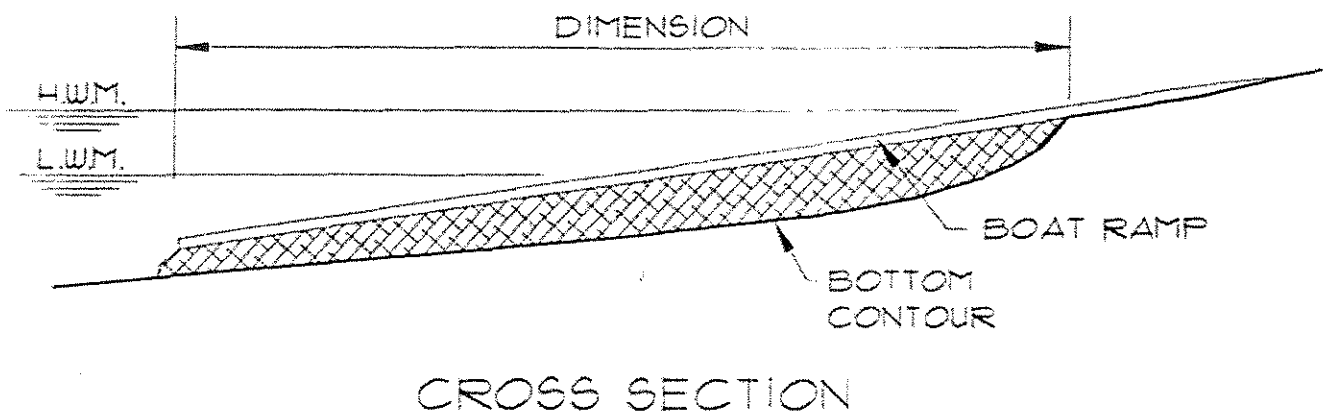
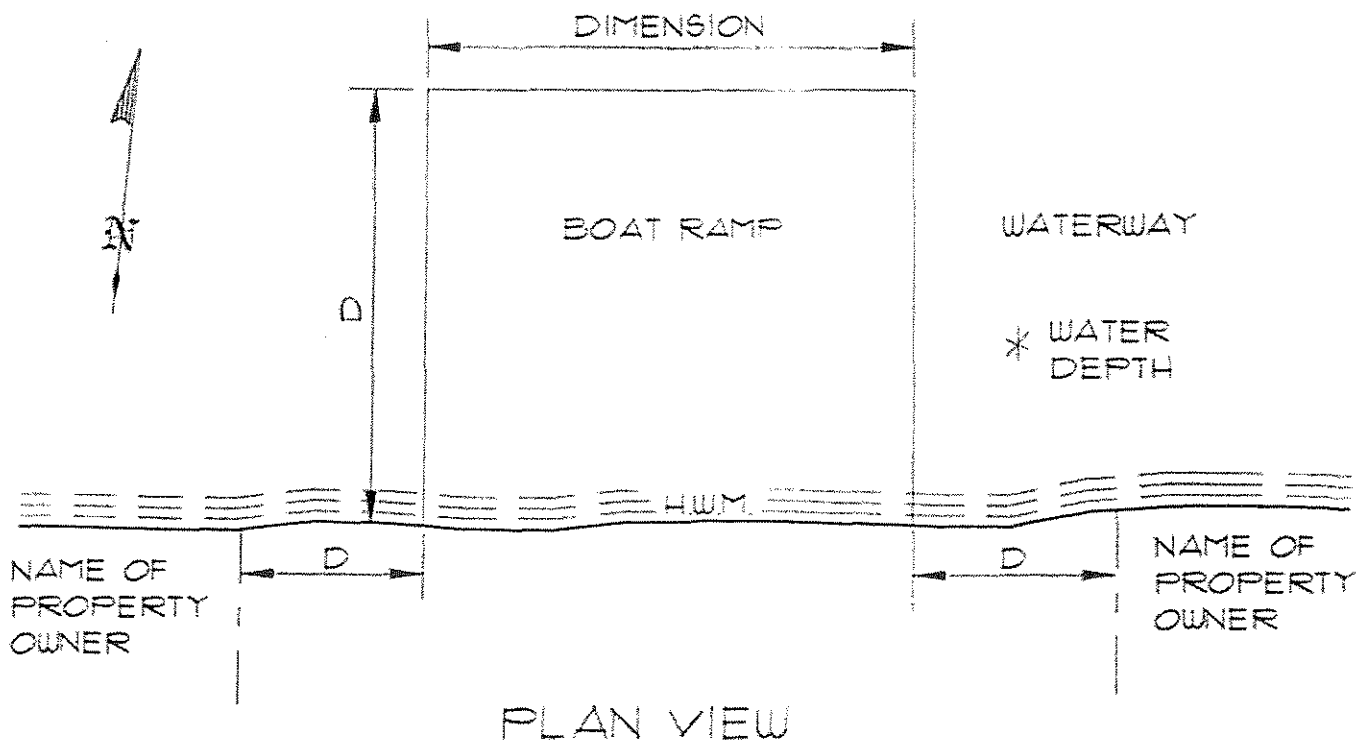


Transport Canada Transports Canada

Atlantic Region

EXAMPLE OF
BREAKWATER

DATE 17/08/94	SERIAL NO.	CHECKED	APPR.
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO A1058907	



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NAVIGABLE WATERS PROTECTION



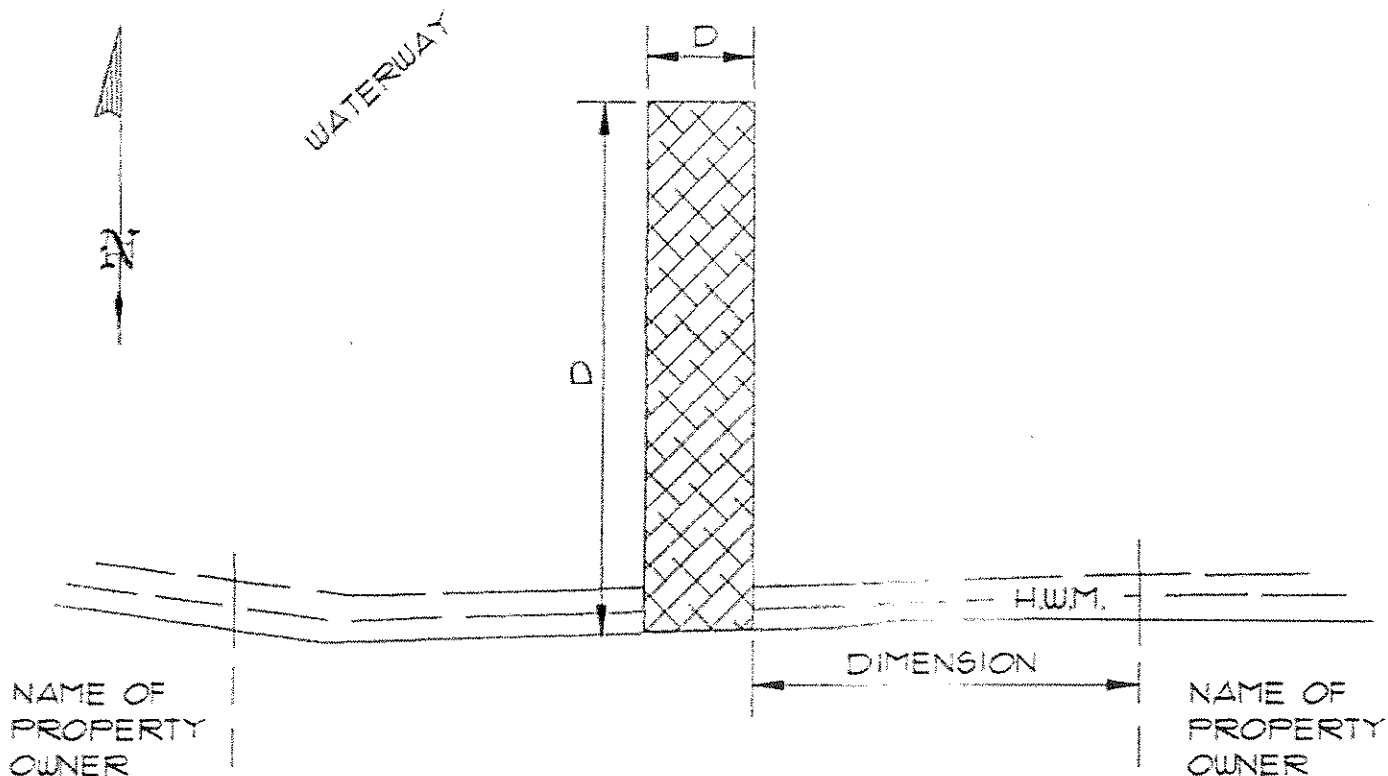
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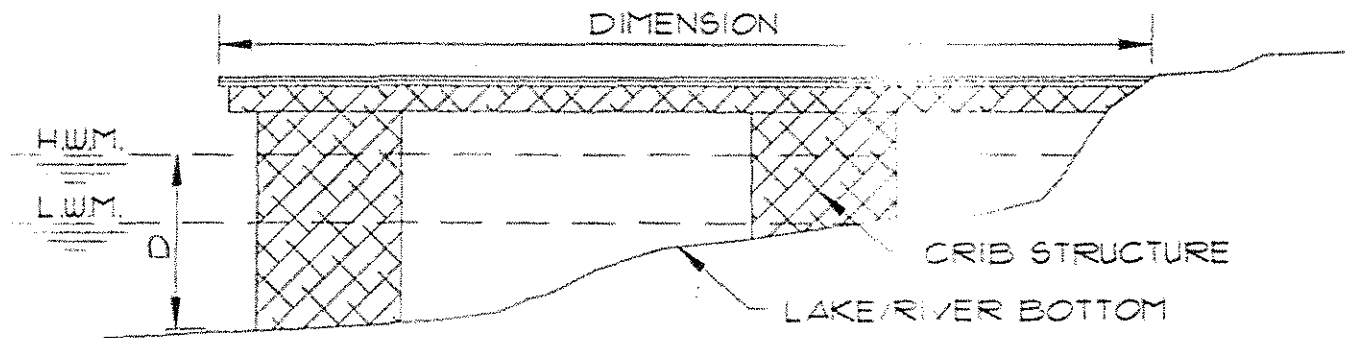
Atlantic Region

**EXAMPLE OF
BOAT RAMP**

DATE 10/01/03	SERIAL NO.	CHECKED	APPR.
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1058908	



PLAN



SECTION

*(SAMPLE ONLY) DO NOT SUBMIT THIS DRAWING
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NAVIGABLE WATERS PROTECTION



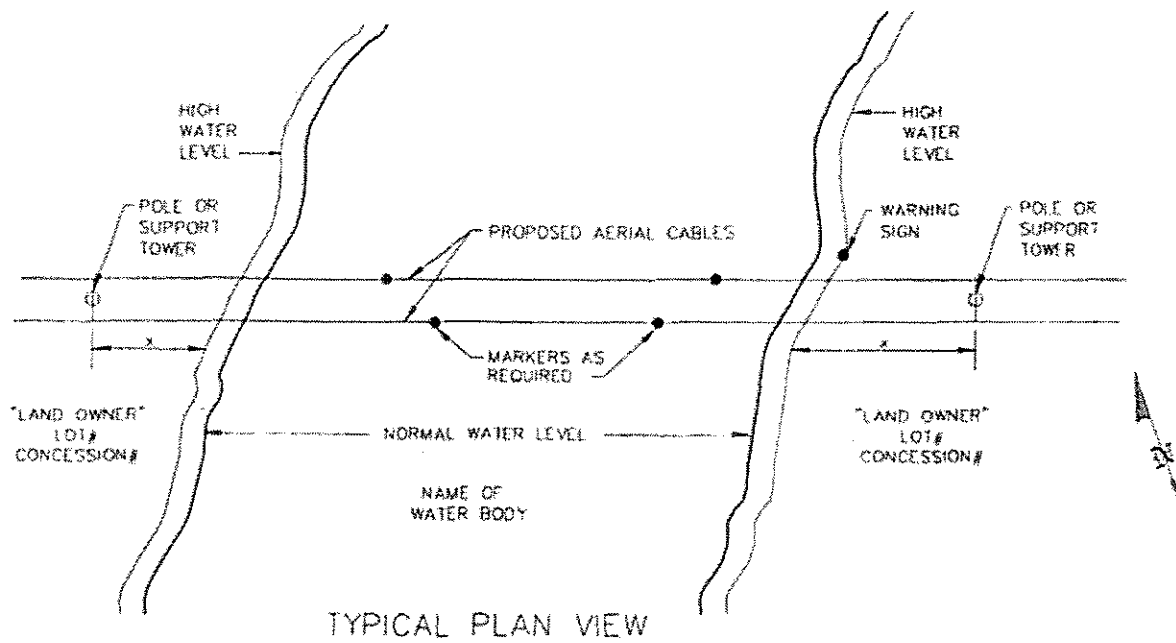
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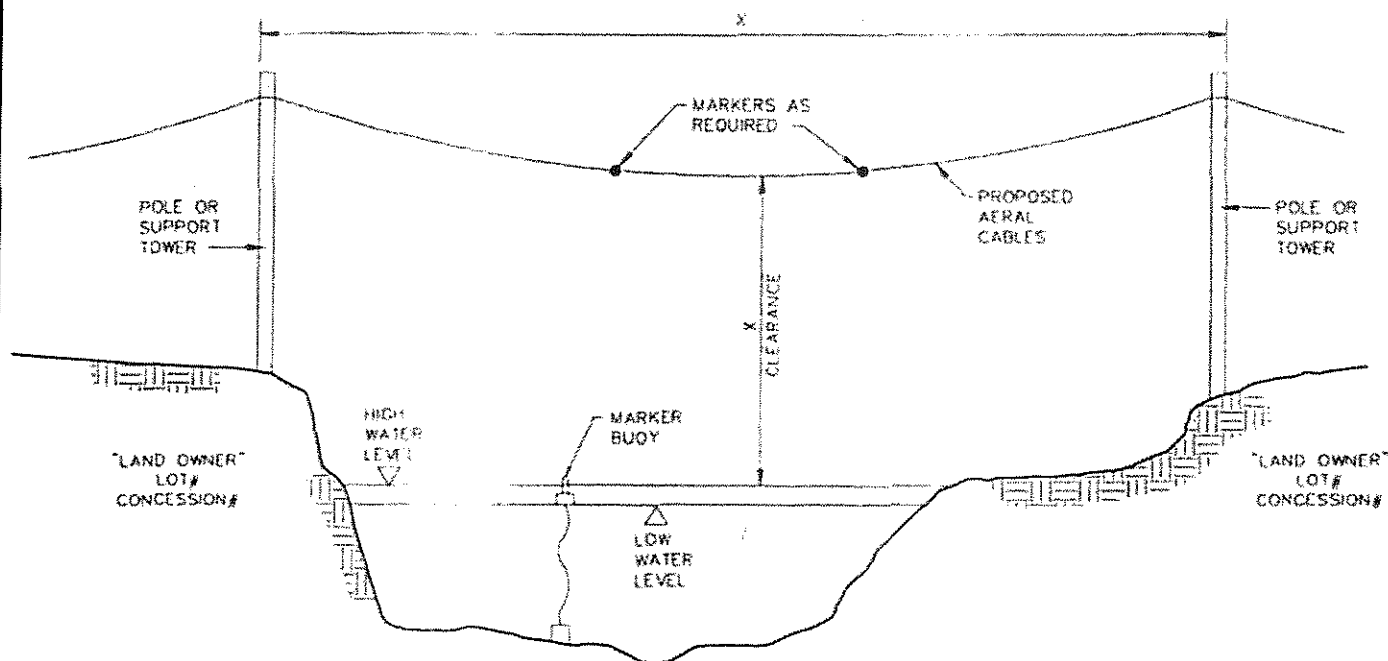
Atlantic Region

EXAMPLE OF
TYPICAL WHARF

DATE 17/08/94	SERIAL NO.	CHECKED	APPR.
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1058909	



TYPICAL PLAN VIEW



TYPICAL CROSS SECTION

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NAVIGABLE WATERS PROTECTION

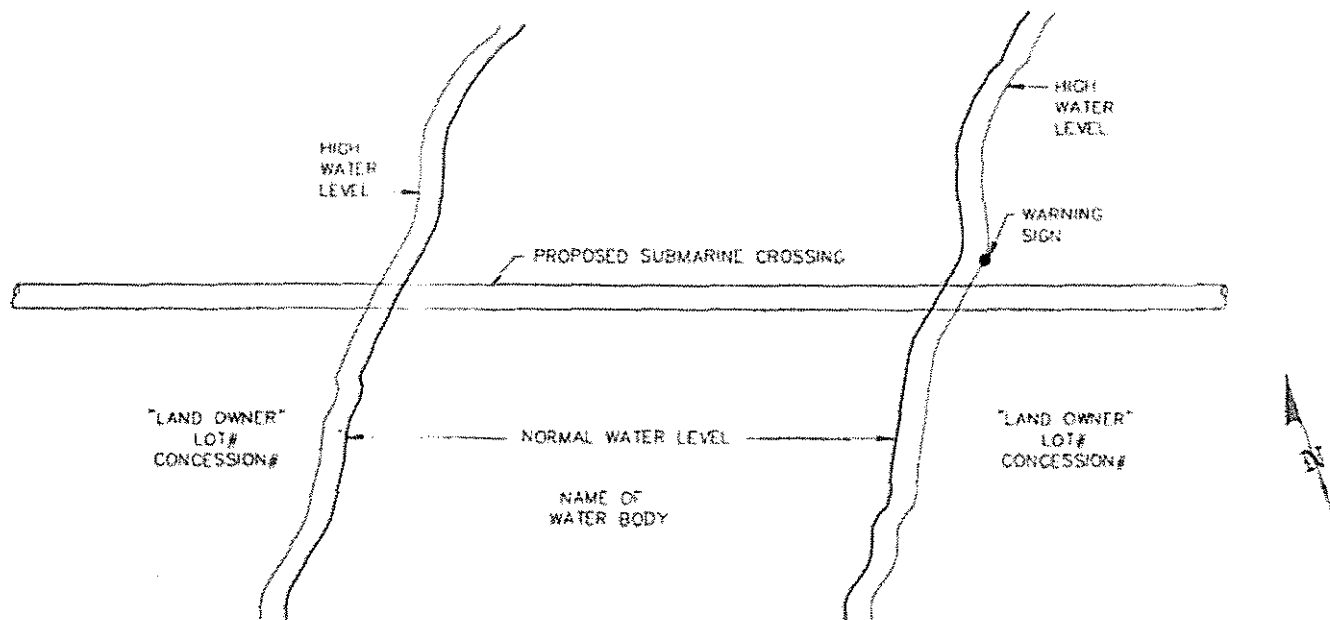


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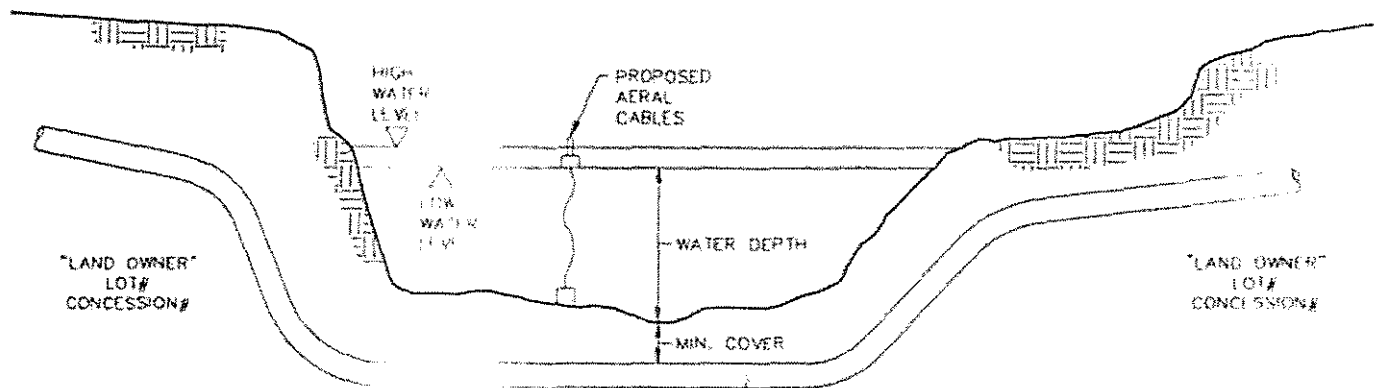
Atlantic Region

TYPICAL AERIAL CABLE OVERHEAD POWERLINE CROSSING

DATE	SERIAL NO.	CHECKED	APPR.
26/07/96			
SCALE	DRAWN	DRAWING NO.	
N.T.S.	DAN MacNEIL	A1063401	



TYPICAL PLAN VIEW



TYPICAL CROSS SECTION

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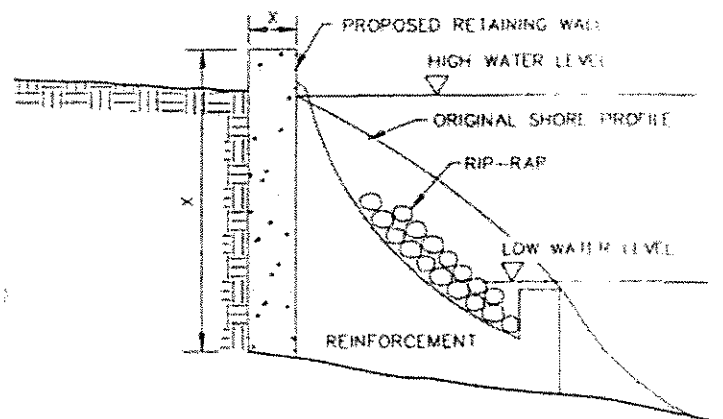
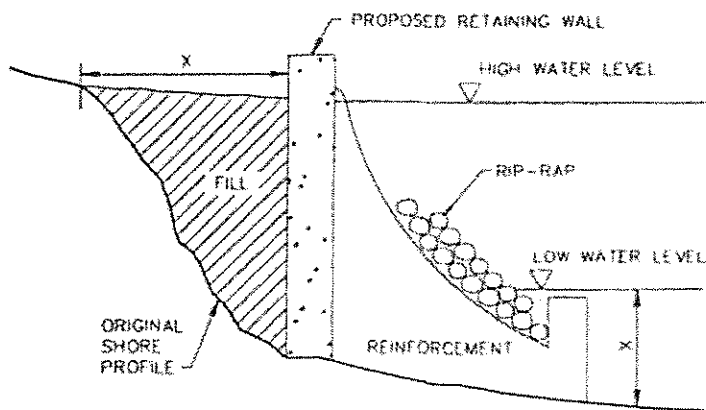
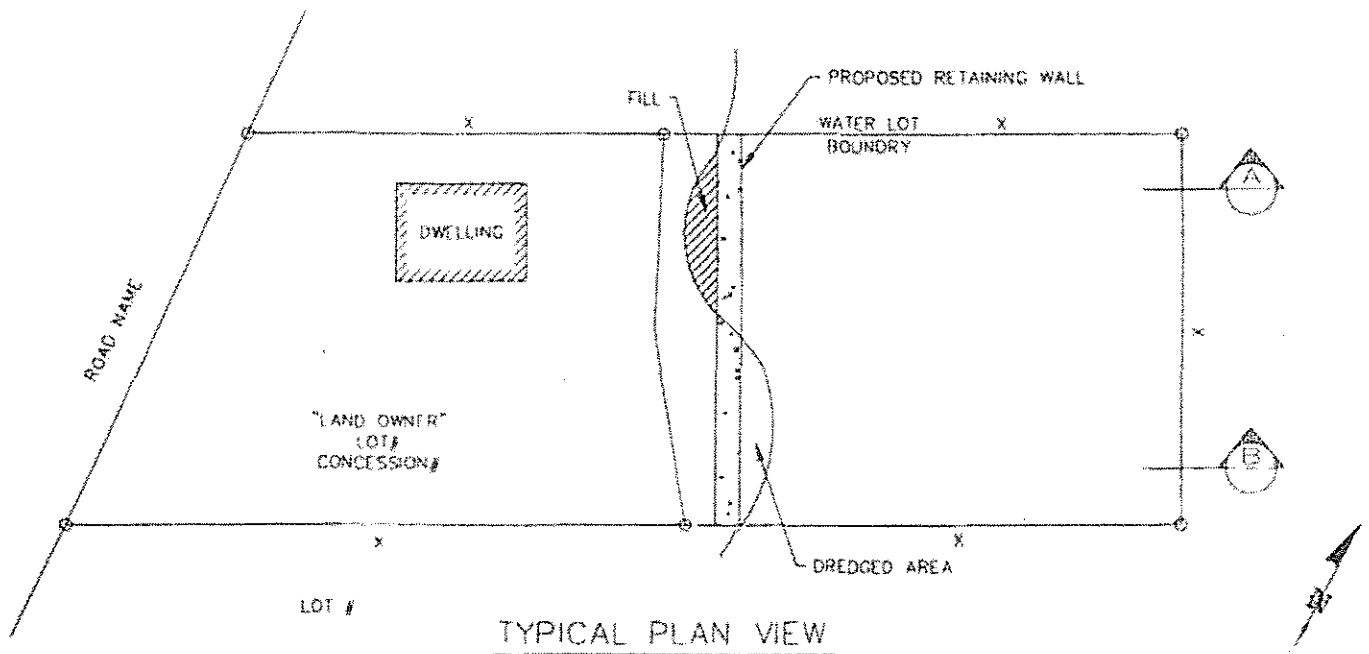


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TYPICAL SUBMARINE
CABLE/PIPE

DATE 26/07/96	SERIAL NO.	CHECKED	APPR.
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1063402	



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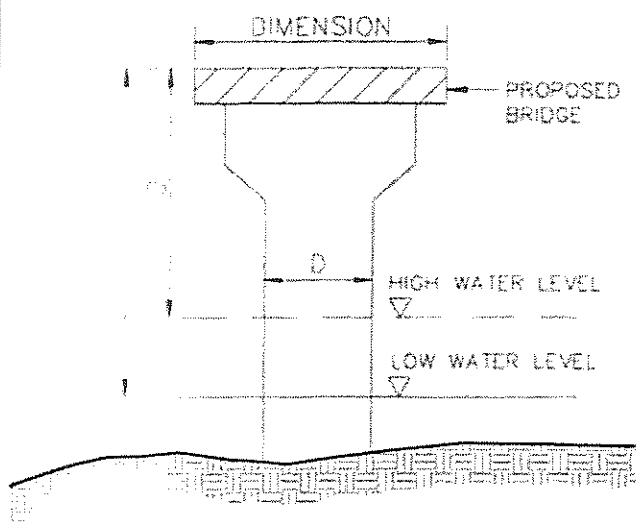
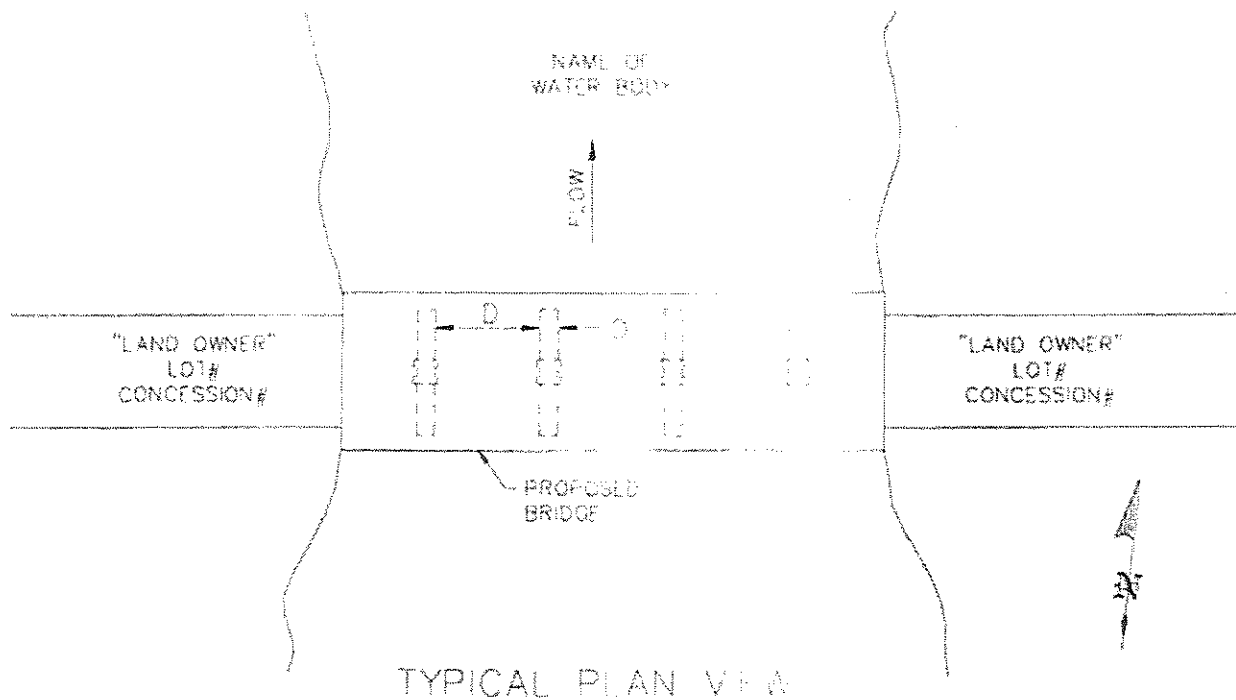


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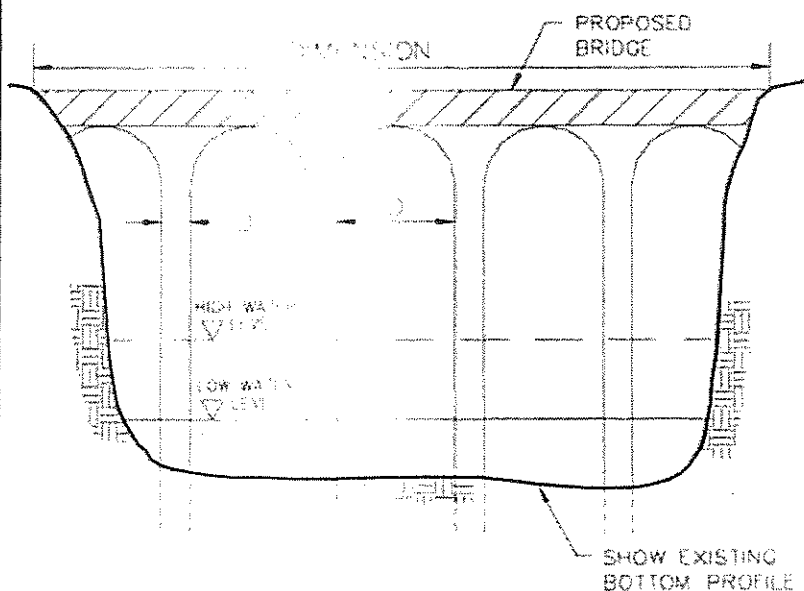
Atlantic Region

TYPICAL RETAINING WALL
/BANK STABILIZATION

DATE 26/07/96	SERIAL NO.	CHECKED	APPR.
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1063403	



LOCAL CROSS SECTION



PROFILE

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NAVIGABLE WATERS PROTECTION



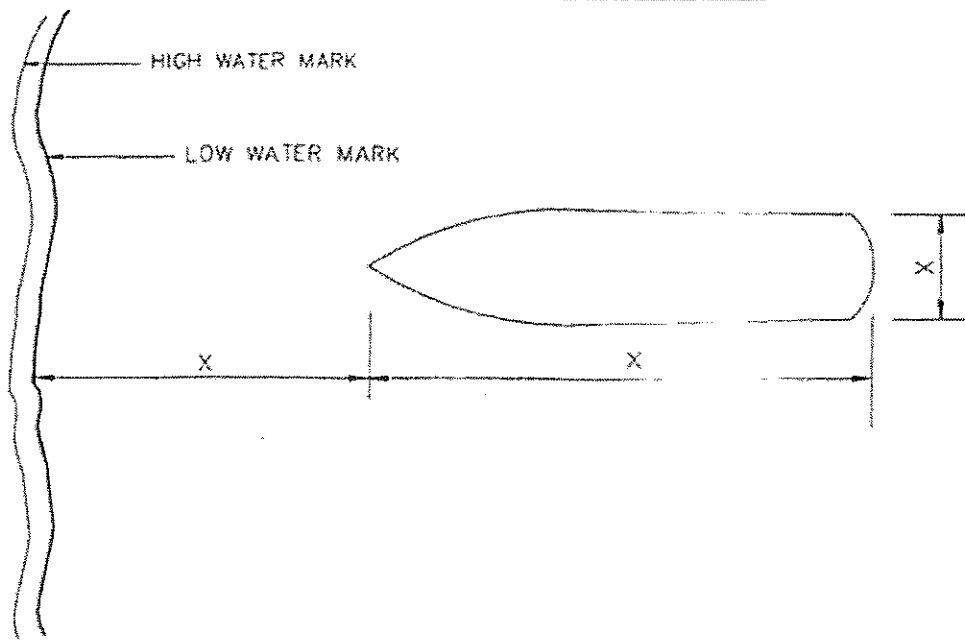
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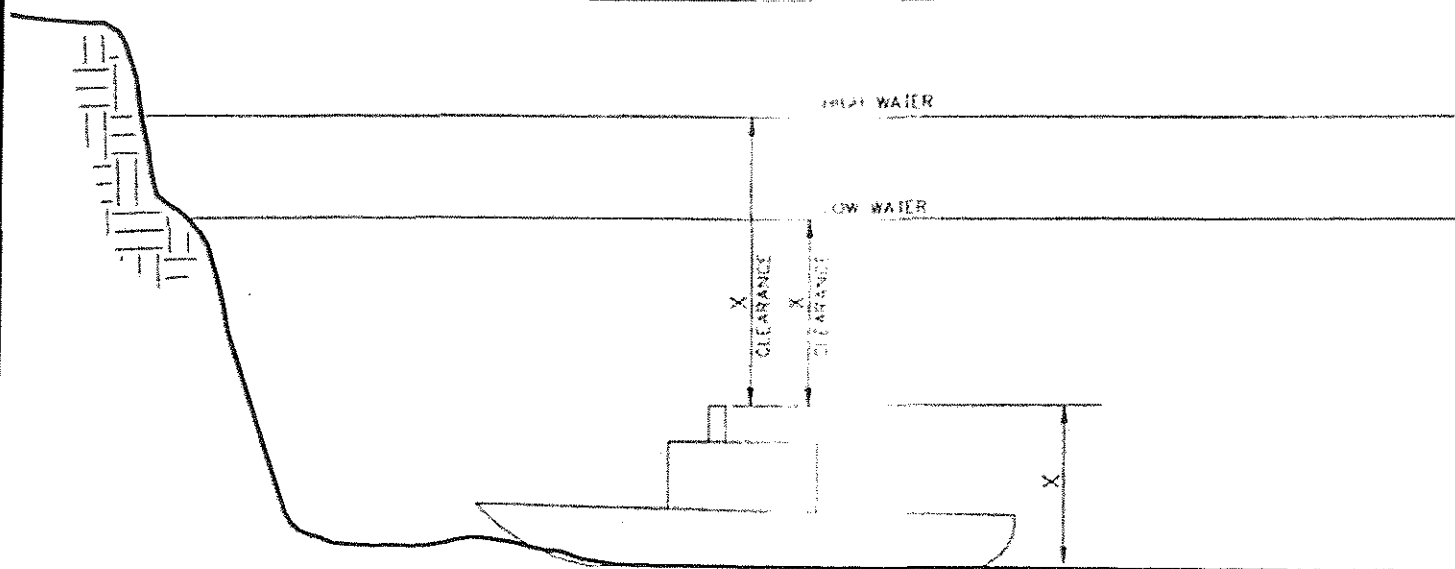
Atlantic Region

TYPICAL BRIDGE

DATE 13/01/03	DRAWN DAN YACNEIL	CHECKED	APPR.
SCALE N.T.S.		DRAWING NO. A1063404	



TYPICAL PLAN VIEW



TYPICAL CROSS SECTION

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NAVIGABLE WATERS PROTECTION



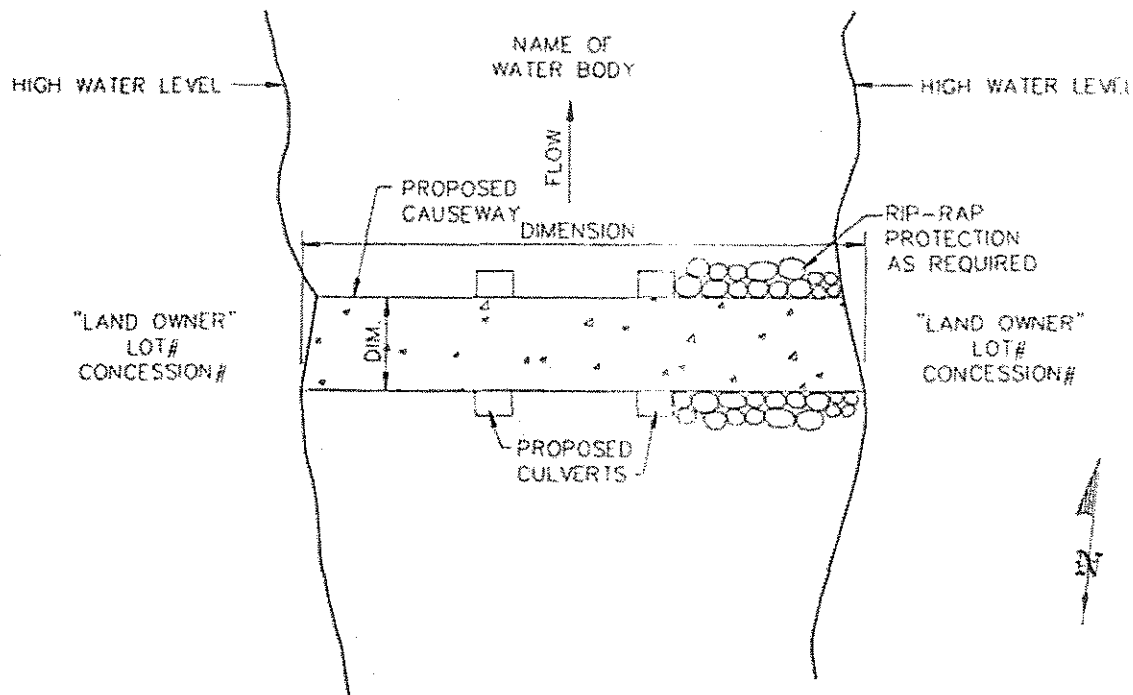
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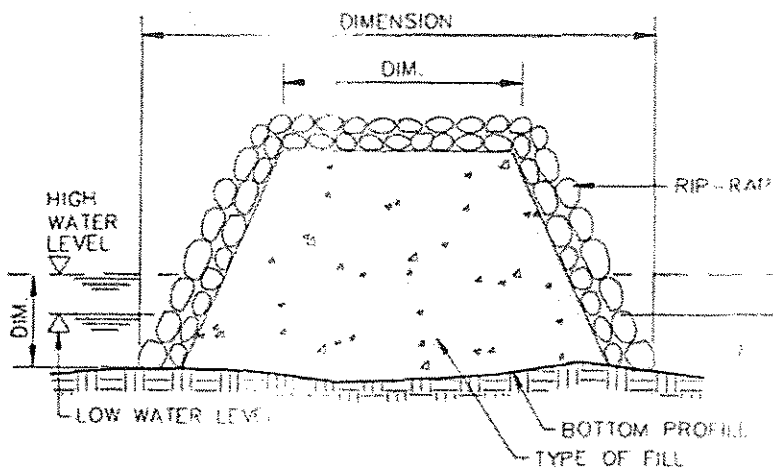
Atlantic Region

TYPICAL ARTIFICIAL REEF

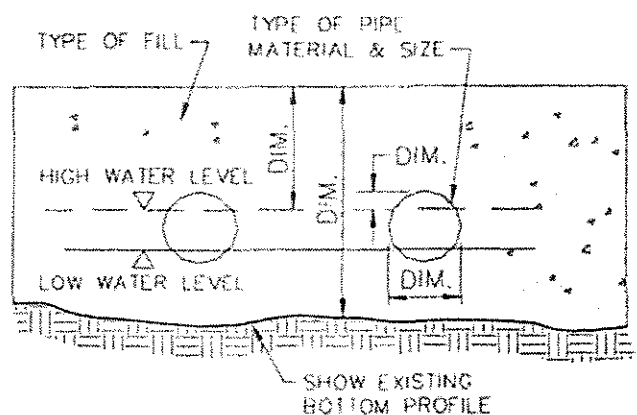
DATE 26/03/97	SERIAL NO.	CHECKED	APPR.
SCALE NTS	DRAWN DAN MacNEIL	DRAWING NO. A1063405	



TYPICAL PLAN VIEW



TYPICAL CROSS SECTION



TYPICAL PROFILE

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NAVIGABLE WATERS PROTECTION



Transport Canada Transports Canada

Atlantic Region

TYPICAL CAUSEWAY/CULVERT

DATE 29/01/03	SERIAL NO.	CHECKED	APPR.
SCALE N.T.S.	DRAWN DAN MacNEIL	DRAWING NO. A1063406	

CURRENT TO JULY 1, 2004

Navigable Waters Protection Act

R.S.C. 1985, c. N-22

An Act respecting the protection of navigable waters

SHORT TITLE

Short title

1. This Act may be cited as the Navigable Waters Protection Act.

R.S.C. 1970, c. N-19, s. 1.

INTERPRETATION

Definitions

2. In this Act,

"Minister"

"Minister" means the Minister of Transport;

"navigable water"

"navigable water" includes a canal and any other body of water created or altered as a result of the construction of any work.

R.S.C. 1970, c. N-19, s. 2.

PART I WORKS SUBJECT TO APPROVAL

Interpretation

Definitions

3. In this Part,

"lawful work"

"lawful work" means any work not contrary to the law in force at the place of construction of the work at the time of its construction;

"owner"

"owner" includes a person authorizing or otherwise responsible for the erection or maintenance of any work and an actual or reputed owner or person in possession or claiming ownership thereof for the time being;

"work"

"work" includes

QUICKLAW

- (a) any bridge, boom, dam, wharf, dock, pier, tunnel or pipe and the approaches or other works necessary or appurtenant thereto,
- (b) any dumping of fill or excavation of materials from the bed of a navigable water,
- (c) any telegraph or power cable or wire, or
- (d) any structure, device or thing, whether similar in character to anything referred to in this definition or not, that may interfere with navigation.

R.S.C. 1970, c. N-19, s. 3.

Application

*Extent to which inapplicable to
statutory works*

4. Except the provisions of this Part that relate to rebuilding, repairing or altering any lawful work, nothing in this Part applies to any work constructed under the authority of an Act of Parliament or of the legislature of the former Province of Canada, or of the legislature of any province now forming part of Canada passed before that province became a part thereof.

R.S.C. 1970, c. N-19, s. 4.

General

*Construction of works in navigable
waters*

5. (1) No work shall be built or placed in, on, over, under, through or across any navigable water unless
- (a) the work and the site and plans thereof have been approved by the Minister, on such terms and conditions as the Minister deems fit, prior to commencement of construction;
 - (b) the construction of the work is commenced within six months and completed within three years after the approval referred to in paragraph (a) or within such further period as the Minister may fix; and
 - (c) the work is built, placed and maintained in accordance with the plans, the regulations and the terms and conditions set out in the approval referred to in paragraph (a).

Exceptions

(2) Except in the case of a bridge, boom, dam or causeway, this section does not apply to any work that, in the opinion of the Minister, does not interfere substantially with navigation.

R.S.C. 1970, c. N-19, s. 5.

*Ministerial orders respecting
unauthorized works*

6. (1) Where any work to which this Part applies is built or placed without having been approved by the Minister, is built or placed on a site not approved by the Minister, is not built or placed in accordance with plans so approved or, having been so built or placed, is not maintained in accordance with those plans and the regulations, the Minister may

- (a) order the owner of the work to remove or alter the work;
- (b) where the owner of the work fails forthwith to comply with an order made pursuant to paragraph (a), remove and destroy the work and sell, give away or otherwise dispose of the materials contained in the work; and
- (c) order any person to refrain from proceeding with the construction of the work where, in the opinion of the Minister, the work interferes or would interfere with navigation or is being constructed contrary to this Act.

Offence and punishment

(2) Any owner or person who fails to comply with an order given to that owner or person pursuant to paragraph (1)(a) or (c) is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.

*Costs of removal, destruction or
disposal*

(3) Where the Minister removes, destroys or disposes of a work pursuant to paragraph (1)(b), the costs of and incidental to the operation of removal, destruction or disposal, after deducting therefrom any sum that may be realized by sale or otherwise, are recoverable with costs in the name of Her Majesty from the owner.

Approval after construction commenced

(4) The Minister may, subject to deposit and advertisement as in the case of a proposed work, approve a work and the plans and site of the work after the commencement of its construction and the approval has the same effect as if given prior to commencement of the construction of the work.

R.S.C. 1970, c. N-19, s. 6.

*Fee payable by person applying for
approval*

7. (1) Where a person applies for an approval referred to in paragraph 5(1)(a) or subsection 6(4), the person shall pay a fee therefor prescribed by the regulations.

Approval valid for period prescribed by regulations

(2) Where the Minister has approved a work, the approval is valid for a period of time prescribed by the regulations.

R.S.C. 1970, c. N-19, s. 6.

*Bridges prior to May 17, 1882
maintained*

8. Sections 5 to 7 do not affect any bridge constructed before May 17, 1882 that, after that date, requires to be rebuilt or repaired, if the bridge, when so rebuilt or repaired, does not interfere to a greater extent with navigation than on or before that date.

R.S.C. 1970, c. N-19, s. 7.

Deposit of plans and description

9. (1) A local authority, company or person proposing to construct, in navigable waters, any work for which no sufficient sanction otherwise exists may deposit the plans thereof and a description of the proposed site with the Minister, and a duplicate of each in the office of the registrar of deeds or the land titles office for the district, county or province in which the work is proposed to be constructed, and may apply to the Minister for approval thereof.

(2) [Repealed, 1993, c. 41, s. 8]

Notice of deposit

(3) The local authority, company or person referred to in subsection (1) shall give one month's notice of the deposit of plans and application by advertisement in the Canada Gazette, and in two newspapers published in or near the locality where the work is to be constructed.

R.S.C. 1985, c. N-22, s. 9; S.C. 1993, c. 41, s. 8.

Rebuilding or repair of lawful work

10. (1) Any lawful work may be rebuilt or repaired if, in the opinion of the Minister, interference with navigation is not increased by the rebuilding or repairing.

Alteration of lawful work

(2) Any lawful work may be altered if

- (a) plans of the proposed alteration are deposited with and approved by the Minister; and
- (b) in the opinion of the Minister, interference with navigation is not increased by the alteration.

Plans deemed to include alteration

(3) For the purposes of sections 5, 6 and 12, a reference to the plans of a work shall be construed as including the plans of the alteration thereof referred to in subsection (2).

Where work endangers or interferes with navigation

(4) Where, in the opinion of the Minister, an existing lawful work has become a danger to or an interference with navigation by reason of the passage of time and changing conditions in navigation of the navigable waters concerned, any rebuilding, repair or alteration of the work shall be treated in the same manner as a new work.

R.S.C. 1970, c. N-19, s. 9.

Where approval lapses

11. (1) Where an approval of a work granted pursuant to paragraph 5(1)(a) or subsection 6(4) lapses, the Minister may grant a new approval of that work for such period of time as, having regard to changing conditions in navigation and the condition of the work, the Minister deems fit.

Where application made for new approval

(2) Where an application is made for a new approval of a work pursuant to subsection (1), the work remains a lawful work pending the decision of the Minister in respect of the application.

R.S.C. 1970, c. N-19, s. 9.

Regulations

Orders and regulations by Governor in Council

12. (1) The Governor in Council may make such orders or regulations as the Governor in Council deems expedient for navigation purposes respecting any work to which this Part applies or that is approved or the plans and site of which are approved under any Act of Parliament and, without restricting the generality of the foregoing, may make regulations

- (a) prescribing the fees payable to the Minister on an application for an approval; and
- (b) prescribing, for the purpose of subsection 7(2), the period of time for which an approval of a work is valid.

Punishment for contravening order or regulation

(2) Any order or regulation made under this section may prescribe therein the punishment to be imposed on summary conviction for any contravention thereof but that punishment shall not exceed a fine of five hundred dollars or imprisonment for a term of six months or both.

Who is subject to orders or regulations

(3) A local authority, company or person constructing, owning or in possession of any work referred to in subsection (1) is subject to orders or regulations made under this section.

R.S.C. 1970, c. N-19, s. 10.

No approval of St. Lawrence River bridges

13. No approval of the site or plans of any bridge over the St. Lawrence River shall be given under this Part.

R.S.C. 1970, c. N-19, s. 11.

Interim Orders

Interim orders

13.1 (1) The Minister may make an interim order that contains any provision that may be contained in a regulation made under this Part if the Minister believes that immediate action is required to deal with a significant risk, direct or indirect, to safety or security.

Cessation of effect

(2) An interim order has effect from the time that it is made but ceases to have effect on the earliest of

- (a) 14 days after it is made, unless it is approved by the Governor in Council,
- (b) the day on which it is repealed,
- (c) the day on which a regulation made under this Part, that has the same effect as the interim order, comes into force, and
- (d) one year after the interim order is made or any shorter period that may be specified in the interim order.

Contravention of unpublished order

(3) No person shall be convicted of an offence consisting of a contravention of an interim order that, at the time of the alleged contravention, had not been published in the Canada Gazette unless it is proved that, at the time of the alleged contravention, the person had been notified of the interim order or reasonable steps had been taken to bring the purport of the interim order to the notice of those persons likely to be affected by it.

Exemption from Statutory Instruments Act

(4) An interim order

- (a) is exempt from the application of sections 3, 5 and 11 of the Statutory Instruments Act; and
- (b) shall be published in the Canada Gazette within 23 days after it is made.

Deeming

(5) For the purpose of any provision of this Part other than this section, any reference to regulations made under this Act is deemed to include interim orders, and any reference to a regulation made under a specified provision of this Act is deemed to include a reference to the portion of an interim order containing any provision that may be contained in a regulation made under the specified provision.

Tabling of order

(6) A copy of each interim order must be tabled in each House of Parliament within 15 days after it is made.

House not sitting

(7) In order to comply with subsection (6), the interim order may be sent to the Clerk of the House if the House is not sitting.

** Editor's Table **			
Provision	Changed by	In force	Authority
13.1	2004 c15 s95	2004 May 11	SI/2004-51

S.C. 2004, c. 15, s. 95.

PART II OBSTACLES AND OBSTRUCTIONS

Interpretation

Definitions

14. In this Part,

"owner"

"owner" means the registered or other owner at the time any wreck, obstruction or obstacle referred to in this Part was occasioned, and includes a subsequent purchaser;

"vessel"

"vessel" includes every description of ship, boat or craft of any kind, whether propelled by steam or otherwise and whether used as a sea-going vessel or on inland waters only, including everything forming part of its machinery, tackle, equipment, cargo, stores or ballast.

R.S.C. 1970, c. N-19, s. 12.

General

Notice and indication of obstacle or obstruction

15. (1) Where the navigation of any navigable water over which Parliament has jurisdiction is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking, partial sinking, lying ashore or grounding of any vessel or part thereof or other thing, the owner, master or person in charge of the vessel or other thing by which any such obstruction or obstacle is caused shall

- (a) forthwith give notice of the existence thereof to the Minister or to the chief officer of customs and excise at the nearest or most convenient port; and
- (b) place and, as long as the obstruction or obstacle continues, maintain, by day, a sufficient signal and, by night, a sufficient light to indicate the position thereof.

Failure to signal and light rectifiable by Minister

(2) The Minister may cause the signal and light referred to in subsection (1) to be placed and maintained if

the owner, master or person in charge of the vessel or other thing by which the obstruction or obstacle is caused fails or neglects to do so.

Removal of obstruction or obstacle

(3) The owner of the vessel or thing referred to in subsection (1) shall forthwith begin the removal thereof and shall prosecute the removal diligently to completion, but nothing in this subsection shall be deemed to limit the powers of the Minister under this Act.

R.S.C. 1985, c. N-22, s. 15; R.S.C. 1985, c. 1 (2nd Supp.), s. 213.

Powers of Minister

16. If, in the opinion of the Minister,

- (a) the navigation of any navigable water over which Parliament has jurisdiction is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking, partial sinking, lying ashore or grounding of any vessel or part thereof or other thing,
- (b) by reason of the situation of any wreck, vessel or part thereof or other thing so lying, sunk, partially sunk, ashore or grounded, the navigation of any such navigable water is likely to be obstructed, impeded or rendered more difficult or dangerous, or
- (c) any vessel or part thereof, wreck or other thing cast ashore, stranded or left on any property belonging to Her Majesty in right of Canada is an obstacle or obstruction to such use of that property as may be required for the public purposes of Canada,

the Minister may cause the wreck, vessel or part thereof or other thing to be removed or destroyed, in such manner and by such means as the Minister thinks fit, if the obstruction, obstacle, impediment, difficulty or danger continues for more than twenty-four hours.

R.S.C. 1970, c. N-19, s. 14.

Conveyance from site and sale

17. (1) The Minister may cause the vessel referred to in section 16 or its cargo, or anything causing or forming part of the obstruction or obstacle, to be conveyed to such place as the Minister thinks proper and to be there sold by auction or otherwise as he deems advisable, and the Minister may apply the proceeds of the sale to make good the expenses incurred by the Minister in placing and maintaining any signal or light to indicate the position of the obstruction or obstacle, or in the removal, destruction or sale of the vessel, cargo or thing.

Surplus

(2) The Minister shall pay over any surplus of the proceeds referred to in subsection (1) or of any portion of the proceeds to the owner of the vessel, cargo or thing sold or to such other persons as are entitled thereto.

R.S.C. 1970, c. N-19, s. 15.

Costs constituting debt

18. (1) When, pursuant to this Part, the Minister has

- (a) caused to be placed and maintained any signal or light to indicate the position of any vessel or part thereof or other thing that, by reason of its wreck, sinking, partial sinking, lying ashore or grounding, caused or was likely to cause the navigation of any navigable water over which Parliament has jurisdiction to become obstructed, impeded or rendered more difficult or dangerous,
- (b) caused to be removed or destroyed any wreck, vessel or part thereof or other thing that, by reason of its wreck, sinking, partial sinking, lying ashore or grounding, caused or was likely to cause the navigation of any such navigable water to become obstructed, impeded or rendered more difficult or dangerous, or
- (c) caused to be removed or destroyed any vessel or part thereof, wreck or any other thing cast ashore, stranded or left on any public property belonging to Her Majesty in right of Canada,

and the cost thereof has been defrayed out of public moneys of Canada, the amount of the cost, whether or not a sale has been held under section 17, constitutes a debt to which subsection (2) applies.

Recovery by Her Majesty

(2) A debt constituted by virtue of subsection (1) is due to and recoverable by Her Majesty in right of Canada

- (a) from the owner, managing owner, master or person in charge of the vessel or other thing at the time of the wreck, sinking, partial sinking, lying ashore or grounding thereof, as the case may be, referred to in subsection (1); or
- (b) from any person through whose act or fault or through the act or fault of whose servant that wreck, sinking, partial sinking, lying ashore or grounding was occasioned or continued.

Application of moneys recovered

(3) Any sum recovered under subsection (2) forms part of the Consolidated Revenue Fund.

R.S.C. 1970, c. N-19, s. 16.

Order to remove vessel left anchored

19. (1) Where a vessel has been left anchored, moored or adrift in any navigable waters in such a manner that, in the opinion of the Minister, it obstructs or is likely to obstruct navigation in those waters, the Minister may order the owner, managing owner, master or person in charge of the vessel to remove it to such place as the Minister deems fit.

Failure to comply with order

(2) Where a person to whom an order is given pursuant to subsection (1) fails forthwith to comply with the order,

- (a) the person is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars; and
- (b) the Minister may order the vessel to be removed to such place as the Minister deems fit, and the costs of removal of the vessel shall be recoverable against the person as a debt due to Her Majesty.

R.S.C. 1970, c. N-19, s. 17.

Abandoned vessel

20. When any vessel or other thing is wrecked, sunk, partially sunk, lying ashore or grounded in any navigable water in Canada, the vessel and its cargo and every part thereof or other thing shall be deemed to be abandoned at the expiration of two years after the date of the casualty and, thereupon, the Minister may, under such restrictions as seem fit to the Minister, authorize any person to take possession of and remove the vessel or other thing for that person's own benefit, on giving to the owner, if known, one month's notice and, if the owner is unknown, public notice for a similar period in a local paper published nearest to the place of the vessel or other thing.

R.S.C. 1970, c. N-19, s. 18.

Throwing or depositing sawdust, etc., prohibited

21. No person shall throw or deposit or cause, suffer or permit to be thrown or deposited any sawdust, edgings, slabs, bark or like rubbish of any description whatever that is liable to interfere with navigation in any water, any part of which is navigable or that flows into any navigable water.

R.S.C. 1970, c. N-19, s. 19.

Throwing or depositing stone, etc., prohibited

22. No person shall throw or deposit or cause, suffer or permit to be thrown or deposited any stone, gravel, earth, cinders, ashes or other material or rubbish that is liable to sink to the bottom in any water, any part of which is navigable or that flows into any navigable water, where there are not at least twenty fathoms of water at all times, but nothing in this section shall be construed so as to permit the throwing or depositing of any substance in any part of a navigable water where that throwing or depositing is prohibited by or under any other Act.

R.S.C. 1970, c. N-19, s. 20.

Proclamation of exemption

23. The Governor in Council, when it is shown to the satisfaction of the Governor in Council that the public interest would not be injuriously affected thereby, may, by proclamation, declare any rivers, streams or waters in respect of which sections 21 and 22 apply, or any parts thereof, exempt in whole or in part from the operation of those sections, and may revoke the proclamation.

R.S.C. 1970, c. N-19, s. 21.

Powers of certain authorities

24. Nothing in this Part affects the legal powers, rights or duties of harbour commissioners, harbour masters, port wardens, The St. Lawrence Seaway Authority or a port authority established under the Canada Marine Act in respect of materials that, under this Part, are not allowed to be deposited in navigable waters.

**** Editor's Table ****

For changes prior to Editor's Tables, please see other sources for in force information.

Provision	Changed by	In force	Authority
24	1998 c10 s189	1999 Mar 1	SI/99-15

R.S.C. 1985, c. N-22, s. 24; S.C. 1998, c. 10, s. 189.

Dumping places

25. The Minister may appoint places in any navigable waters not within the jurisdiction of any of the officers or corporations referred to in section 24, where stone, gravel, earth, cinders, ashes or other material may be deposited notwithstanding that the minimum depth of water at any such place may be less than twenty fathoms, and the Minister may make rules regulating the deposit of the materials.

R.S.C. 1970, c. N-19, s. 23.

Failure to give notice or to signal or light

26. Every person required by this Part to give notice to the Minister or to the chief officer of customs at any port of any obstruction or obstacle to navigation, or to place and maintain a sufficient signal or light to indicate the position of the obstruction or obstacle, who fails to give that notice or to place or maintain that signal or light is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars for each offence.

R.S.C. 1985, c. N-22, s. 26; R.S.C. 1985, c. 1 (2nd Supp.), s. 213.

Offences and Punishment

Contravention of section 21

27. Any person who contravenes section 21 is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars for each offence.

R.S.C. 1970, c. N-19, s. 25.

Fine

28. Any person who contravenes section 22 is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars and, in any case where any materials referred to in that section are

thrown from or deposited by a vessel and a conviction is obtained therefor, the vessel is liable for the fine and may be detained by any port warden or the chief officer of customs at any port until the fine is paid.

R.S.C. 1985, c. N-22, s. 28; R.S.C. 1985, c. 1 (2nd Supp.), s. 213.

**PART III
REGULATION OF FERRY CABLES AND SWING OR DRAW
BRIDGES**

Interpretation

Definitions

29. In this Part,

"ferry cable"

"ferry cable" includes any ferry cable, rod, chain or other device put across, over, in or under any navigable water for working a ferry;

"swing or draw bridge"

"swing or draw bridge" means any swing or draw bridge other than a railway bridge.

R.S.C. 1970, c. N-19, s. 27.

General

Regulations

30. The Governor in Council may make regulations to govern

- (a) the laying, stretching or maintaining of any ferry cable;
- (b) the maintenance of lights and any other precautions for the safety of navigation in connection with such a ferry cable;
- (c) the opening and closing of any swing or draw bridge over any navigable water; and
- (d) the maintenance of lights and any other precautions for the safety of navigation in connection with such a bridge.

R.S.C. 1970, c. N-19, s. 28.

*Punishment for contravention of
regulation*

31. Any regulation made under this Part may prescribe the punishment to be imposed on summary conviction for any contravention thereof but that punishment shall not exceed a fine of five hundred dollars or imprisonment for a term of six months or both.

R.S.C. 1970, c. N-19, s. 29.

Interim Orders

Interim orders

32. (1) The Minister may make an interim order that contains any provision that may be contained in a regulation made under this Part if the Minister believes that immediate action is required to deal with a significant risk, direct or indirect, to safety or security.

Cessation of effect

(2) An interim order has effect from the time that it is made but ceases to have effect on the earliest of

- (a) 14 days after it is made, unless it is approved by the Governor in Council,
- (b) the day on which it is repealed,
- (c) the day on which a regulation made under this Part, that has the same effect as the interim order, comes into force, and
- (d) one year after the interim order is made or any shorter period that may be specified in the interim order.

Contravention of unpublished order

(3) No person shall be convicted of an offence consisting of a contravention of an interim order that, at the time of the alleged contravention, had not been published in the Canada Gazette unless it is proved that, at the time of the alleged contravention, the person had been notified of the interim order or reasonable steps had been taken to bring the purport of the interim order to the notice of those persons likely to be affected by it.

Exemption from Statutory Instruments Act

(4) An interim order

- (a) is exempt from the application of sections 3, 5 and 11 of the Statutory Instruments Act;
and
- (b) shall be published in the Canada Gazette within 23 days after it is made.

Deeming

(5) For the purpose of any provision of this Part other than this section, any reference to regulations made under this Act is deemed to include interim orders, and any reference to a regulation made under a specified provision of this Act is deemed to include a reference to the portion of an interim order containing any provision that may be contained in a regulation made under the specified provision.

Tabling of order

QUICKLAW

(6) A copy of each interim order must be tabled in each House of Parliament within 15 days after it is made.

House not sitting

(7) In order to comply with subsection (6), the interim order may be sent to the Clerk of the House if the House is not sitting.

**** Editor's Table ****

Provision	Changed by	In force	Authority
32	2004 c15 s96	2004 May 11	SI/2004-51

S.C. 2004, c. 15, s. 96.



Beaches Act

CHAPTER 32

OF THE

REVISED STATUTES, 1989

amended 1993, c. 9, s. 9

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An Act to Preserve and Protect the Beaches of Nova Scotia

Short title

1 This Act may be cited as the *Beaches Act*. R.S., c. 32, s. 1.

Dedication of beaches

2 (1) The beaches of Nova Scotia are dedicated in perpetuity for the benefit, education and enjoyment of present and future generations of Nova Scotians.

Purpose of Act

(2) The purpose of this Act is to

(a) provide for the protection of beaches and associated dune systems as significant and sensitive environmental and recreational resources;

(b) provide for the regulation and enforcement of the full range of land-use activities on beaches, including aggregate removal, so as to leave them unimpaired for the benefit and enjoyment of future generations;

(c) control recreational and other uses of beaches that may cause undesirable impacts on beach and associated dune systems. R.S., c. 32, s. 2.

Interpretation

3 In this Act,

(a) "beach" means that area of land on the coastline lying to the seaward of the mean high watermark and that area of land to landward immediately adjacent thereto to the distance determined by the Governor in Council, and includes any lakeshore area declared by the Governor in Council to be a beach;

(b) "Minister" means the Minister of Lands and Forests;

(c) "peace officer" includes a member of the Royal Canadian Mounted Police, a police officer appointed by a city, incorporated town or municipality of a county or district and a conservation officer as defined in the *Crown Lands Act*, *Forests Act* and *Wildlife Act*;

(d) "vehicle" means a vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered pursuant to the *Motor Vehicle Act*, and includes an airplane;

(e) "vessel" means a means of conveyance of a kind used on water and includes an accessory to the vessel. R.S., c. 32, s. 3.

Administration

4 (1) The administration, management and control of beaches shall be under the direction of the Minister.

Natural Resources Advisory Council

(2) The Minister may refer matters relating to beaches to the Natural Resources Advisory Council established pursuant to the *Natural Resources Advisory Council Act* and the Council shall advise the Minister on such matters.

Other services

(3) The Minister may utilize, upon such terms and conditions as the Minister deems fit, the services of such persons as the Minister considers necessary for the efficient carrying out of the purpose of this Act and the regulations.

Agreements

(4) The Minister may, for the effective management of beaches, enter into agreements with the Government of Canada or an agency thereof, with a provincial or municipal government or an agency thereof or with a person for the purposes of this Act or the regulations.

Agreements to manage or preserve land

(5) Without restricting the generality of subsection (4), the Minister may enter into an agreement with

the owner or occupier of land adjacent to a beach to manage or preserve that land so that it complements the beach.

Acquisition of land

(6) The Minister, with the consent of the Governor in Council, may acquire land or an interest in land to provide public access to and from a beach and to provide facilities there.

Authorized services

(7) The Minister may authorize lifeguard and other services on a beach.

Studies and research

(8) The Minister may undertake studies and carry out research on beaches in the Province.

Educational programs

(9) In an effort to create greater public awareness and understanding of the beaches in the Province, the Minister may promote educational programs that emphasize the importance of conserving beaches and using them for recreational and other purposes in such a manner as to maintain their environmental integrity. R.S., c. 32, s. 4; 1993, c. 9, s. 9.

Determination of beach area

5 (1) The Governor in Council, on the recommendation of the Minister, may determine what area of land to the landward of mean high watermark and immediately adjacent thereto and what lakeshore area is a beach within the meaning of this Act.

Notice of beach area

(2) When the Governor in Council determines pursuant to subsection (1) that an area of land to the landward of mean high watermark is a beach, the Minister shall

(a) publish a notice containing a description of the beach in the Royal Gazette and in a newspaper circulated in the county or counties to which the beach is contiguous;

(b) deposit a description and plan of the beach in the office of the registrar of deeds for the registration district in which the beach is situate, signed either by him or the Deputy Minister of Lands and Forests or by a Nova Scotia Land Surveyor;

(c) give notice to the owner of the beach if the owner is known, by serving upon him or by mailing by registered post addressed to him at his last known place of abode, a notice containing a description of the beach and notifying him that the beach is a beach under this Act; and

(d) post signs about the beach indicating that it is a beach and that no sand, gravel, stone or other material may be removed from it without the consent of the Minister.

Evidence of sign as prima facie proof

(3) Evidence that a sign has been posted is *prima facie* proof that the sign has been posted pursuant to clause (d) of subsection (2).

Certified description as prima facie proof

(4) A description and plan of a beach, appearing to be certified by the Minister or the Registrar of Crown Lands appointed pursuant to the *Crown Lands Act*, shall be received as evidence without proof of the signature of the Minister or Registrar of Crown Lands and the designation of any lands on the plan as a beach is *prima facie* proof that the lands so designated are a beach. R.S., c. 32, s. 5.

Prohibited removal of sand

6 (1) No person shall wilfully take or remove any sand, gravel, stone or other material from a beach without the permission of the Minister.

Ballast for lobster pot

(2) Nothing in this Section shall prevent or restrict a fisherman from removing from a beach rocks for ballast for his lobster pots. R.S., c. 32, s. 6.

Powers of peace officer

7 (1) A peace officer may

(a) search without a warrant and seize a vehicle including an off-highway vehicle, vessel or other property where the peace officer has reasonable and probable grounds to believe that an offence has been committed pursuant to this Act or any other enactment, if the offence is committed on a beach, and may detain the same for a period not exceeding twenty-four hours where the peace officer has reasonable and probable grounds to believe the seizure and detention is necessary to prevent the continuation or repetition of the offence;

(b) order a person removing or displacing sand, gravel, stone or other material from a beach without a permit or lawful authorization to return it to the general area from where it was removed;

(c) arrest without warrant a person a peace officer finds committing an offence pursuant to this Act or the regulations or any other enactment if the offence is committed on a beach;

(d) exercise all the powers of a peace officer as defined in the *Criminal Code* (Canada).

Costs of impounding and storing

(2) Where a vehicle, vessel or other property is seized and detained pursuant to this Act, the costs of impounding and storing it shall be paid by the person to whom the seized property is to be released before it is released.

Duty of registered owner to identify operator

(3) Where the registered owner of the seized property wilfully fails to identify the person in charge of the vehicle or vessel at the time at which it is operated in violation of a provision of this Act or the regulations within forty-eight hours of a demand by a peace officer, the registered owner is guilty of an

offence.

Liability of registered owner

(4) The registered owner of a vehicle or vessel is liable to incur the penalties provided for a violation of this Act or the regulations unless, at the time of the violation, the vehicle or vessel was in the possession of a person without the registered owners consent, either expressed or implied.

Presence of registered owner

(5) Where the registered owner of a vehicle or vessel is present on or in the vehicle or vessel at the time of the violation of a provision of this Act or the regulations by another person operating that vehicle or vessel, the registered owner, as well as the operator, is guilty of the offence.

Summary Proceedings Act

(6) Where not inconsistent with this Act, the *Summary Proceedings Act* and forms authorized thereunder applies *mutatis mutandis* to all prosecutions and proceedings pursuant to this Act.

Offence

(7) Any person who fails to comply with an order made pursuant to clause (b) of subsection (1) is guilty of an offence. R.S., c. 32, s. 7.

Prohibited activities

8 (1) No person shall, while on a beach,

(a) be impaired by alcohol or drugs;

(b) act in a noisy or disorderly manner;

(c) create a disturbance;

(d) pursue a course of conduct that is detrimental to the safety of other beach users or their enjoyment of the beach and its facilities;

(e) wilfully destroy property and other natural resources found on or adjacent to a beach;

(f) dump or deposit garbage or other material on a beach other than in a receptacle so provided;

(g) engage in any other activity prohibited by regulation.

Order by Minister

(2) Where there is reasonable and probable grounds to believe that a person has violated or is about to violate any provision of this Act or the regulations, or that the entry upon or remaining within a beach by any person may be detrimental to the safety of other beach users or their enjoyment of the beach, the Minister or a person authorized to act on the Ministers behalf may, without notice or hearing, issue a verbal or written order prohibiting that person from entering upon or being within a beach specified in

the order for a period specified therein.

Duty to observe order

(3) Any person having knowledge of an order made pursuant to subsection (2) shall observe that order, and in the event the person is within a beach when the order is made, shall leave forthwith. R.S., c. 32, s. 8.

Offence

9 Every person contravening any provision of this Act or of the regulations shall be guilty of an offence, and every violation in connection with a separate taking or removing of sand, gravel, stone or other material from a beach shall be a separate offence. R.S., c. 32, s. 9.

Penalty

10 (1) Any person who violates this Act is liable upon summary conviction to a penalty of not more than two thousand dollars and in default of payment thereof to imprisonment for not more than ninety days.

Additional orders

(2) In addition to any penalty imposed, the court may order a person convicted of an offence pursuant to this Act to restore the beach as nearly as possible to the condition it was in before the offence was committed and pay an amount equal to twice the market value of any aggregate or other property, damaged or removed. R.S., c. 32, s. 10.

Permission for removal of sand

11 The Minister, upon such terms and conditions as the Governor in Council from time to time prescribes, may grant permission for the removal of sand, gravel, stone or other material from a beach. R.S., c. 32, s. 11.

No compensation entitlement

12 No person affected by this Act shall be entitled to compensation for any restriction, encumbrance or use or lack of use, of any nature or kind whatsoever, of a beach that may result or results from the enacting of this Act. R.S., c. 32, s. 12.

Regulations

13 The Governor in Council may make regulations

- (a) for the preservation, control and management of beaches;
- (b) for the granting of leases, licences and permits authorizing the removal of sand, gravel, stone or other material from beaches and determining the fees and charges for such leases, licences and permits;
- (c) providing for the removal from a beach, by specified persons or persons in specified trades or occupations, of quantities of sand, gravel, stone or other material in such amount as he determines;
- (d) exempting any beach from the operation of this Act and the regulations hereto;

- (e) to preserve and protect flora and fauna located on a beach;
- (f) to restrict or regulate traffic by vehicles, vessels or pedestrians on a beach;
- (g) to restrict or regulate certain activities on a beach;
- (h) to prevent the disposal of garbage on a beach;
- (i) prescribing a minimum penalty of not less than fifty dollars and a maximum penalty of not more than two thousand dollars for offences contrary to the regulations;
- (j) respecting the management or preservation of lands adjacent to a beach in accordance with an agreement made pursuant to Section 4 or where the lands are owned or occupied by Her Majesty in right of the Province;
- (k) defining any word or expression used in this Act but not defined herein;
- (l) respecting such other matters as he deems necessary for the carrying out of the intent and purposes of this Act. R.S., c. 32, s. 13.

Regulations Act

14 The exercise by the Governor in Council of the authority set forth in Section 13 shall be regulations within the meaning of the *Regulations Act*. R.S., c. 32, s. 14.



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Beaches Regulations

made under Section 13 of the
Beaches Act

R.S.N.S. 1989, c. 32

O.I.C. 89-580 (May 16, 1989), N.S. Reg. 70/89

as amended by O.I.C. 2004-138 (March 30, 2004, effective April 1, 2004), N.S. Reg.
47/2004

Citation

1 These regulations may be cited as the "Beaches Regulations".

Definitions

2 In the Act and these regulations

- (a) "Act" means the *Beaches Act*;
- (b) "beach attendant" means a person appointed pursuant to Section 3;
- (c) "develop" means the construction of a path, trail or road on a beach or the erection or placement on a beach of a building, structure or other manmade feature not indigenous to the site;
- (d) "Department" means the Department of ~~Lands and Forests~~ [Natural Resources];
- (e) "Minister" means the Minister of ~~Lands and Forests~~ [Natural Resources];
- (f) "mean high water mark" means
 - (i) the line on the seashore reached by the average of the mean high tides of the sea between the spring and neap tides in each quarter of a lunar revolution during the year excluding only extraordinary catastrophes or overflows, or
 - (ii) the line on the shore of a lake or river usually reached by the water after the great flow of the spring has abated and the lake or river is in its ordinary state, and
 - (iii) for the purposes of determining the boundaries of a parcel of land at a place in respect to which there is no record of tides extending at least over one year, the visible high water

mark, that is, the point fixed by signs on the ground such as the state of vegetation and accumulation of debris;

(g) "structure" includes a building, camp, trailer, tent, houseboat, raft, wharf, post, fence or wall.

Administration

3 The Minister may appoint a person, including a casual employee of the Department, as a beach attendant to perform on one or more beaches such duties as may be assigned from time to time by the Department.

Management of lands adjacent to a beach

4 The Minister may enter into a management agreement with the owner or occupier of land adjacent to a beach.

Removal of beach aggregate

5 (1) The Minister may issue a permit to a person for the removal for personal or domestic purposes approved by the Department of sand, stone or other material from a beach, provided the permit states

- (a) the purpose for which the material is to be used;
- (b) the amount of material to be removed;
- (c) the type of material to be removed;
- (d) the location from which the material is to be removed;
- (e) the means by which the material is to be removed;
- (f) the period of time during which the material is to be removed; and
- (g) the condition in which the beach is to be left after the material is removed.

(2) The fee to be charged by the Minister for a permit for the removal of sand, gravel, stone or other material from a beach shall be as follows:

(i) an administration fee of \$20.00 for 10 cubic yards or less when used for personal or domestic purposes approved by the Department,

Clause 5(2)(i) amended: O.I.C. 2004-138, N.S. Reg. 47/2004.

(ii) an administration fee of \$20.00 plus a charge of \$.50 per cubic yard/\$.65 per cubic metre or \$.34 per ton/\$.37 per tonne for more than 10 cubic yards when used for personal or domestic purposes.

Clause 5(2)(ii) amended: O.I.C. 2004-138, N.S. Reg. 47/2004.

Development of a beach

6 No person shall develop a beach without the prior written authorization and approval of the Minister.

Restricted activities

7 Except as provided in the Act or with a permit from the Minister, no person shall, while on a beach,

- (a) wilfully remove, deface or injure any natural object, tree, shrub, plant or grass;
- (b) wilfully remove, deface, damage or destroy a signboard, sign or notice placed on a beach or adjacent to a beach;
- (c) wilfully remove or displace any rock, mineral, fossil, sand, gravel or other aggregate or object of natural curiosity or interest;
- (d) display a sign or advertisement;
- (e) sell or offer for sale an article or service or thing or carry on a business;
- (f) alter, damage or destroy any watercourse; or
- (g) leave a fire unattended until it is completely extinguished.

Domestic animals

8 (1) No person who owns or is in control of a domestic animal shall permit it to be at large on a beach where a sign or notice is posted by the Department that domestic animals are to be kept on a leash.

(2) For the purpose of subsection (1), a domestic animal is deemed to be at large unless the animal is on a leash which does not exceed six feet in length and which is hand-held or securely tied and restricts the animal from running loose.

(3) Except with a permit from the Minister, which will prescribe appropriate restrictions relative to time, area and conditions, no person shall ride or walk a horse on a beach.

(4) No person who owns or is in control of a domestic animal shall fail to clean up any animal excrement or mess left on a beach by that animal.

Vehicles

9 (1) Except with a permit from the Minister, it shall be an offence to have or use a vehicle on a beach.

(2) Subsection (1) does not apply to a vehicle used to launch a vessel on a beach.

Vessels

10 Except with a permit from the Minister, no person shall operate a vessel in excess of five miles per hour within 200 feet of a beach when another person is known by the operator of the vessel to be present on the beach.

Production of permit

11 Every person issued a permit under the Act or [these] regulations shall produce the same for inspection when requested to do so by the Minister, a peace officer or beach attendant.

Signs/notices

12 (1) The Minister may cause to be marked or erected a sign, notice, map or other device to permit, restrict or prohibit an activity on a beach.

(2) It shall be an offence for a person to fail to comply with a sign, notice, map or other device erected pursuant to subsection (1).

Penalty

13 A person convicted of any violation of the[se] regulations shall incur a penalty of not less than fifty dollars nor more than two thousand dollars.

Repeal of old regulations

14 Regulations made by Order in Council 76-622 dated the 25th of May, 1976, are rescinded as and from the 17th day of May, 1989.

Effective date of new regulations

15 These regulations shall come into force on and after the 17th day of May, 1989.

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