

NEWFOUNDLAND AND LABRADOR  
REGULATION 13/09

Fossil Ecological Reserve Regulations, 2009  
under the  
Wilderness and Ecological Reserves Act  
(O.C. 2009-072)

(Filed March 17, 2009 )

Under the authority of sections 25 and 29 of the Wilderness and Ecological Reserves Act, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's , March 17, 2009 .

Gary Norris  
Clerk of the Executive Council

REGULATIONS

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#### Schedule

#### Short title

1. These regulations may be cited as the Fossil Ecological Reserve Regulations, 2009.

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#### Definitions

##### 2. In these regulations

- (a) "Act" means the Wilderness and Ecological Reserves Act ;
- (b) "fossil protection zone" means an area defined by the managing agency to delineate the area where fossils are most vulnerable to the effects of erosion and human activities;
- (c) "management plan" means the management plan for a reserve on file with the managing agency;
- (d) "managing agency" means the Parks and Natural Areas Division of the Department of Environment and Conservation;
- (e) "permit" means a permit issued and valid under these regulations;
- (f) "reserve" means a fossil ecological reserve set aside under the Act, and described in the Schedule;
- (g) "structure" means a man-made object intended to be permanent or semi-permanent or temporary in nature and includes but is not limited to buildings, houses, cottages, cabins, wharves, docks, boathouses, slipways, trailers, mobile homes, tents, tent platforms, camps, shelters and recreational vehicles used for any purpose, but does not include semi-permanent blinds or signs erected under the authority of the management plan; and
- (h) "wildlife" means an animal or plant.

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## Restrictions

3. Within a reserve, a person shall not

- (a) destroy, damage or remove any fossil material;
- (b) pollute or obstruct a stream or other body of water or dispose of any garbage;
- (c) build or erect or cause to have built or erected a structure;
- (d) destroy, damage, remove, disturb, or handle the home, den, or nest of wildlife;
- (e) destroy, damage, remove, disturb or handle an egg of any wild bird;
- (f) destroy, damage, or remove any wildlife or natural object;
- (g) damage or remove a sign or other government property;
- (h) remove sand, stone, or gravel;
- (i) use, operate or be in possession of a motor car, motor truck, four-wheel drive vehicle, all-terrain vehicle, snow mobile, or other motorized conveyance;
- (j) land an aircraft;
- (k) operate a commercial establishment or commercial enterprise within a reserve, except guiding, touring, outfitting, fossil replication, photography, videography or sound recording, in accordance with a permit issued under these regulations;
- (l) operate a non-commercial establishment or non-commercial enterprise within a reserve except guiding, touring, outfitting, fossil replication, photography, videography or sound recording, in accordance with a permit issued under these regulations;
- (m) display, post or broadcast an advertisement;
- (n) prospect, claimstake, mine or quarry;
- (o) use explosives, mechanical and electrical rock cutting or removal tools (e.g. tile saws, percussion hammers);
- (p) use a bicycle;
- (q) land a boat;
- (r) camp; or
- (s) introduce a horse.

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## Permits and licenses

4. (1) The minister, or a person authorized by the minister, may issue a permit or other written authorization that allows certain activities to be carried on in a reserve, subject to restrictions imposed by these regulations and the Act.

(2) The activities referred to in subsection (1) may be limited by the conditions declared on the permit or in the written authorization.

(3) A permit or written authorization shall be issued in accordance with the guidelines described in the management plan for a reserve.

(4) Permits may be issued for a period to be determined by the managing agency and may be renewed, upon expiration, on the terms and conditions that the managing agency may determine.

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Domestic animals

5. The grazing of domestic animals may be permitted within a reserve provided it does not exceed existing limits at the time of the reserve establishment.

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Exception

6. A person engaged in the administration or management of a reserve in the normal course of his or her duties is exempt from paragraphs 3(a), (d), (e), (f), (g), (i), (j), (o), (q), (r) and (s).

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Research in reserve

7. Scientific research within a reserve shall require a permit and those permits may be obtained from the managing agency on submission of a written request outlining the research project, and subject to the terms and conditions that the managing agency may determine.

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Exception for research

8. A person engaged in a scientific study which is approved by the managing agency and for which a permit has been issued under section 7 may be exempted from paragraphs 3(a), (d), (e), (f), (j) and (q) and researchers who hold a valid permit may be allowed to use geological hammers, sledge hammers and rock chisels only if they are considered necessary for the research subject to the terms and conditions that the managing agency may determine.

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Educational activities

9. Educational activities within a reserve shall require a permit and those permits may be obtained from the managing agency on submission of a written request outlining the activity, and subject to the terms and conditions that the managing agency may determine.

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Property within reserve

10. (1) Persons with legal title to structures and land within a reserve may continue to own those premises and to occupy and use them.

(2) First option to purchase structures and land within a reserve, should these owners decide to sell, is retained by and vests in the Crown and any sale, conveyance, gift, grant, or other transfer of land or property to which this section applies, to a person other than the Crown, is void without the prior waiver in writing of the Crown's option as established by this section.

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#### Hunting and fishing

11. With the exception of Fortune Head Ecological Reserve, all hunting and fishing within a reserve is allowed in accordance with permits or licences issued under the Wild Life Act , the Migratory Birds Convention Act ( Canada ) or the Fisheries Act ( Canada ).

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#### Hiking

12. Hiking in a reserve is permitted but may be restricted to designated areas at the discretion of the managing agency.

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#### Permit required

13. (1) A person engaged in a touring, guiding, outfitting, fossil replication, photography, videography or sound recording enterprise shall obtain a permit for the enterprise from the managing agency and the permit shall be subject to the terms and conditions that the managing agency may determine.

(2) Applications for a permit shall provide a full description of the enterprise planned.

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#### Fossil protection zone

14. A person entering a fossil protection zone in the Mistaken Point Ecological Reserve shall, subject to paragraph 15(a), require a permit and those permits may be obtained from the management agency on submission of a written request outlining the activity, and subject to the terms and conditions that the managing agency may determine.

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#### Mistaken Point Ecological Reserve

15. Within the Mistaken Point Ecological Reserve

(a) a person shall not disturb, touch or replicate a fossil, or enter the fossil protection zone as described by the managing agency, unless the person

(i) holds the required permit,

(ii) is engaged in the administration and management of the reserve, or

(iii) is accompanying another person who is engaged in the administration and management of the reserve;

(b) fires are prohibited except on the beach at Long Beach and Drook Beach ;

(c) berry picking is permitted; and

(d) mushroom picking is permitted.

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#### Application of regulations

16. These regulations shall apply to the fossil ecological reserves listed in the Schedule, except to the extent that they have been modified by the Order declaring a given Fossil Ecological Reserve in effect.

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NLR 63/97 Rep.

17. The Fossil Ecological Reserve Regulations , Newfoundland and Labrador Regulation 63/97, are repealed.

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#### Schedule

1. For tune Head Ecological Reserve
2. Mistaken Point Ecological Reserve
3. Table Point Ecological Reserve

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