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## **NEWFOUNDLAND AND LABRADOR REGULATION 65/97**

*Wilderness Reserve Regulations, 1997*  
under the  
*Wilderness and Ecological Reserves Act*  
(O.C. 97-245)

(Filed May 21, 1997)

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, May 13, 1997.

John Cummings  
Deputy Clerk of the Executive Council

### **REGULATIONS**

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#### **Short title**

1. These regulations may be cited as the *Wilderness Reserve Regulations, 1997*.

#### **Definitions**

2. In these regulations

- (a) "Act" means the *Wilderness and Ecological Reserves Act*;
- (b) "aircraft" means any machine for flying and includes fixed or rotary wing airplanes, gliders and hang gliders;
- (c) "firearm" means a device whereby a missile is discharged by means of an explosive propellant or by means of compressed air or by a spring, and includes sporting guns, repeating guns, pump guns, set guns, swivel guns, punt guns, rifles, pistols, and revolvers of every description, hunting bows and arrows;
- (d) "managing agency" means the Parks and Natural Areas Division of the Department of Tourism, Culture and Recreation;
- (e) "management plan" means the management plan for a declared wilderness reserve on file with the managing agency;

(f) "off-road vehicles" means a motorized vehicle designed for, or capable of cross-country travel on unprepared surfaces including but not limited to water, snow, ice, marsh, bog or swampland or other natural terrain and, without limiting the generality of the foregoing, includes

(i) lower pressure tire vehicles,

(ii) four-wheel drive vehicles,

(iii) all-terrain vehicles and all-terrain cycles,

(iv) motor cycles and related two-wheel motorized vehicles including dirt bikes,

(v) snowmobiles,

(vi) personal watercraft including jet-skis, sea-doos, wave-runners and the like but excludes ordinary motorized boats, kayaks and canoes,

(vii) mini bikes,

(viii) amphibious machines,

(ix) trail bikes, or

(x) other means of transportation propelled by power other than by muscular power or by wind;

(g) "permit" means a permit issued and valid under these regulations;

(h) "reserve" means a wilderness reserve set aside under the Act and listed in the Schedule.

(i) "structure" means a man-made object intended to be permanent or semi-permanent in nature and includes, but is not limited to buildings, houses, cottages, cabins, wharves, docks, boathouses, slipways, trailers, mobile homes, tent platforms, camps, shelters and recreational vehicles used for any purpose; and

(j) "wildlife" means an animal or plant.

### **Permits and licences**

**3.** 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 periods of up to 12 months' duration and may be renewed, upon expiration, on the terms that the managing agency may prescribe.

## **Entry**

**4.** A person or group may not enter a reserve except

- (a) the holders of a permit; and
- (b) a person engaged in the administration and management of a reserve.

## **Camping**

**5.** (1) A person shall not erect or use a tent or other temporary shelter within a reserve, except a person engaged in the administration and management of a reserve, or the holder of a permit issued in accordance with section 3.

(2) Notwithstanding subsection (1), a person may within a reserve park a motorized pick-up truck camper for use as a camp within 20 meters of the centre of any roadway in a reserve.

## **Camping time limit**

**6.** The period for which a tent, other temporary shelter or camp is located at one site shall be limited to 10 days in succession unless otherwise authorized by the managing agency.

## **Restrictions**

**7.** (1) Within a reserve a person shall not

- (a) pollute or obstruct a stream or other body of water or dispose of any garbage;
- (b) build or erect or cause to have built or erected a structure;
- (c) destroy, damage, remove, disturb or handle the home, den or nest of wildlife;
- (d) destroy, damage, remove, disturb or handle an egg of any wild bird;
- (e) be in possession of a firearm unless the firearm is securely wrapped and tied;
- (f) destroy, damage or remove wildlife, fossil material and any natural object;
- (g) destroy, 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 registered or required to be registered under the *Highway Traffic Act*, except upon existing roads within the Avalon Wilderness Reserve;
- (j) use, operate or be in possession of an off-road vehicle;
- (k) operate a commercial establishment or commercial enterprise within a reserve, except guiding, touring and outfitting;

(l) display, post or broadcast an advertisement; or

(m) operate or be in possession of an outboard motor.

### **Exemption**

**8.** A person engaged in the administration or management of a reserve in the normal course of his or her duties is exempt from paragraphs 7(c), (d), (e), (f), (g), (h), (l) and sections 14 and 15.

### **Exemption**

**9.** A person engaged in scientific study which is approved by the managing agency may be exempted from paragraphs 7(c), (d), (e), (f), (h) and sections 14 and 15.

### **Exemption**

**10.** A person engaged in hunting, fishing or trapping may be exempted from paragraphs 7(e) and (f) if he or she holds a valid permit issued under the *Wild Life Act*, the *Migratory Birds Convention Act (Canada)* or the *Fisheries Act (Canada)* and that activity is expressly permitted under terms of the permit.

### **Permit required**

**11.** (1) A person engaged in a touring, guiding and outfitting enterprise must obtain a permit for that enterprise from the managing agency.

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

### **Domesticated animals**

**12.** A person shall not bring a domesticated animal into a reserve.

### **Dogs or horses**

**13.** (1) A person may enter a reserve with a dog or horse if that dog or horse is kept under control at all times.

(2) A person operating a touring or guiding enterprise may enter a reserve with a domesticated animal, if the use of this animal is specifically approved under the condition of the permit issued under section 11.

### **Aircraft**

**14.** Within the Bay du Nord Wilderness Reserve,

(a) the landing of aircraft is prohibited within any sensitive areas of the reserve as identified in the management plan for the reserve, except at the times indicated in the management plan for the reserve; and

(b) aircraft flying through the sensitive areas at the times indicated in the management plan for the reserve will maintain an altitude of 600 metres above ground level.

### **Flying restriction**

**15.** Within the Avalon Wilderness Reserve, the operator of an aircraft shall not fly that aircraft over the reserve at an altitude of less than 300 meters except for the purpose of landing or take-off;

### **Snowmobile use and outboard motors**

**16.** (1) Within the Avalon Wilderness Reserve, the use of snowmobiles is prohibited.

(2) Within the Bay du Nord Wilderness Reserve, the use of snowmobiles is permitted, except within the winter range of the caribou herd as identified in the management plan for the reserve.

(3) Within the Bay du Nord Wilderness Reserve, outboard motors of up to 6 horsepower may be used, except in designated canoe routes as identified in the management plan.

(4) Within the Avalon Wilderness Reserve, outboard motors of up to 6 horsepower may be used only on Cape Pond, Mount Carmel Pond, Frank's Pond, Bloody Pond, Blackwoods Pond, Southwest Pond or other ponds accessible by road.

### **Salmon enhancement projects**

**17.** (1) Within the Bay du Nord Wilderness Reserve, Atlantic salmon may be introduced into waters they do not now occupy, provided a permit for the project is obtained from the managing agency.

(2) Applications for a permit shall provide a full description of the work to be carried out as part of the enhancement project.

**18.** Construction and blasting associated with salmon enhancement will not be permitted within a reserve.

### **Existing structures**

**19.** A new structure will not be permitted within a wilderness reserve referred to in the Schedule to these regulations.

### **Property in reserve**

**20.** (1) Persons with legal title to structures and land within a reserve may continue to own those premises and to occupy and use them during the times specified in the management plan for a reserve concerned.

(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.

#### **Removal of structures**

**21.** All illegal structures within a reserve will be removed at the owner's expense.

#### **Removal of structures**

**22.** All structures built within a provisional reserve on condition that they be removed without compensation when the final reserve is established shall be removed.

#### **Hydroelectric facilities and maintenance**

**23.** (1) Newfoundland and Labrador Hydro, Newfoundland Power or another public utility shall present to the managing agency an environmental protection plan detailing how maintenance work on any transmission line, any rights-of-way, or existing infrastructure related to it, including bridges and roadways, which pass through a section of the wilderness reserve will be carried out to minimize environmental damage.

(2) Where the person who submitted the plan makes changes to it, he or she shall notify the managing agency providing details of the changes as soon as practicable after they are made.

(3) Newfoundland and Labrador Hydro, Newfoundland Power or another public utility, shall present to the managing agency an annual work plan detailing the type and timing of work to be carried out in its transmission lines, rights-of-way, or existing infrastructure related to it.

(4) The work plan under subsection (3) shall cover the period April 1 to March 31 of the following year, and shall be presented by January 1 annually.

(5) The managing agency shall, within 60 days of receipt of the annual work plan, approve it, or direct that modifications be made and the work shall be carried out in accordance with the approved work plan or modified work plan.

#### **Notice to division**

**24.** Newfoundland and Labrador Hydro, Newfoundland Power or another public utility, shall notify the managing agency of activities related to its transmission lines, rights-of-way, or existing infrastructure related to it which may have an effect on a reserve.

#### **Newfoundland Power and Newfoundland and Labrador Hydro**

**25.** Notwithstanding paragraph 7(1)(j), Newfoundland Power and Newfoundland and Labrador Hydro are permitted to use all-terrain vehicles and snowmobiles as approved in writing by the management agency within a wilderness reserve on the company's existing access routes as defined by the managing agency, solely for the purpose of inspecting or maintaining the company's existing facilities and structures which are within the reserve.

#### **Scientific research**

**26.** 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 fully outlining and detailing the research project.

#### **Application**

**27.** These regulations shall apply to the wilderness reserves listed in the Schedule except to the extent that they have been modified by the Order declaring a given wilderness reserve in effect.

#### **Repeal**

**28.** *The Wilderness and Ecological Reserves Regulations, Consolidated Newfoundland Regulation 1087/96 and Newfoundland Regulation 10/97, are repealed.*

#### **Schedule**

- 1.** Avalon Wilderness Reserve.
- 2.** Bay du Nord Wilderness Reserve.