

NEWFOUNDLAND AND LABRADOR
REGULATION 66/97

Seabird Ecological Reserve Regulations
under the
Wilderness and Ecological Reserves Act
(O.C. 97-246)

Amended by:

60/09

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Seabird Ecological Reserve Regulations
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Wilderness and Ecological Reserves Act
(O.C. 97-246)

(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 Seabird Ecological Reserve Regulations .

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Definitions

2. In these regulations

- (a) "Act" means the Wilderness and Ecological Reserves Act ;
- (b) "aircraft" means a machine for flying and includes fixed or rotary winged airplanes, gliders and hang gliders;
- (c) "animal" means a living thing, other than man, that is not a plant;
- (d) "bicycle" means a vehicle powered by pedals, gears or any non-motorized means of propulsion;
- (e) "camp" means a trailer, recreational vehicle, tent or shelter erected or used for any purpose;
- (f) "commercial fishing" means fishing carried out under licences issued by the Federal Department of Fisheries and Oceans;
- (g) "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 of every description;
- (h) "hunt" means to chase, pursue, worry, follow after, or on the trail of, lie in wait for, or attempt to capture, kill, injure, or harass wildlife whether or not that wildlife is subsequently captured, killed, or injured;
- (i) "management plan" means the management plan for a declared Seabird Ecological Reserve on file with the managing agency;
- (j) "minister" means the minister appointed under the Executive Council Act to administer the Act;

(k) "motorized boat" means a watercraft equipped with a mechanical means of propulsion;

(l) "motorized vehicle" means a motor car, motor truck, four wheel drive vehicle, all-terrain vehicle, tracked vehicle or any other motorized conveyance designed for on or off-road use;

(m) "personal watercraft" means jet-skis, sea-doo's, wave-runners and the like but excludes ordinary motorized boats, kayaks and canoes;

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

(o) "reserve" means a Seabird Ecological Reserve as established under the Act and listed in the attached Schedule;

(p) "structure" means any man-made object intended to be permanent, semi-permanent or temporary in nature and includes but is not limited to buildings, houses, cottages, cabins, wharves, docks, boat houses and slipways, trailers, mobile homes, tent platforms, camps shelters and recreational vehicles used for any purpose, but does not include semi-permanent blinds, the upkeep and repair of existing structures, or signs erected under the authority of the management plan;

(q) "tourboat" includes a boat which transports a person for any consideration; and

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

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[Permits and licences](#)

3. (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 the restrictions imposed by these regulations and the Act.

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

(3) The activities referred to in subsection 3(1) may be limited by the conditions declared on the permit or in the written authorization.

(4) Persons who are required to have permits to enter a reserve must have the permit in their possession at all times while in a reserve.

(5) A person who enters a portion of a reserve shall comply with all restrictions set out in these regulations and posted signs.

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Fishing permitted

4. (1) Commercial and recreational fishing in accordance with other applicable legislation is permitted within the marine waters of a reserve.

(2) Angling in accordance with other applicable legislation is permitted.

(3) Within the Baccalieu Island Ecological Reserve, berry picking is permitted except in areas of high concentration of seabirds breeding, where access permits are necessary.

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Migratory game bird hunting permitted

4.1 Within the Lawn Islands Archipelago Provisional Ecological Reserve migratory game bird hunting, in accordance with a permit or license issued under the Wild Life Act or the Migratory Birds Convention Act (Canada), is permitted.

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Restrictions

5. Within a reserve, a person shall not

- (a) pollute or obstruct a stream or other body of water;
- (b) dispose of any garbage;
- (c) build or erect, or cause to have built or erected a structure, path or fence;
- (d) hunt, remove, or disturb any wildlife;
- (e) destroy, damage, remove, disturb or handle the home, den or nest of any wildlife species;
- (f) be in possession of a firearm unless the firearm is securely wrapped and tied;
- (g) destroy, damage, remove, disturb or handle the egg of any wild bird;

(h) destroy, damage, disturb or remove sand, soil, gravel, fossil plant, natural object, or a part of it;

(i) destroy, damage, or remove a sign or other government property;

(j) operate or be in possession of any motorized vehicle on the terrestrial portion of a reserve;

(k) light or maintain fires, open or contained in boats, except contained fires which are permitted in ships travelling through the marine portion of a reserve;

(l) erect or maintain a camp, or otherwise carry on any camping activity;

(m) apply any chemical to a reserve;

(n) operate or be in possession of a personal watercraft within a reserve;

(o) operate or be in possession of a bicycle; and

(p) display, post or broadcast an advertisement.

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Operation of boat

6. (1) Within the marine portion of the Baccalieu Island and Cape St. Mary's Ecological Reserves, a person shall not

(a) operate a motorized boat within 100 meters of cliffs containing nesting birds from April 1 to October 30; and

(b) operate an unmotorized boat within 20 meters of cliffs containing nesting seabirds from April 1 to October 30;

(2) Within the Witless Bay Island Ecological Reserve, a person shall not

(a) operate a motorized boat within 20 meters of Gull, Great and Pee Pee Island from April 1 to September 1;

(b) operate an unmotorized boat, within 15 meters of Gull, Great and Pee Pee Island from April 1 to September 1;

(c) operate a motorized boat within 100 meters of Green Island from April 1 to September 1; and

(d) operate an unmotorized boat within 50 meters of Green Island from April 1 to September 1;

(3) A person shall not within a Seabird Ecological Reserve

(a) operate a dragger, tanker, freighter, barge, or a vessel longer than 20 meters; and

(b) operate a boat in a manner that disturbs wildlife or allows noise from the boat or persons on board to disturb wildlife;

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Operation of aircraft

7. (1) A person shall not

(a) operate an aircraft over the Cape St. Mary's and Baccalieu Island Reserves at an altitude less than 300 meters between the dates of April 1 and October 30; and

(b) operate an aircraft over the Witless Bay Islands Reserve at an altitude less than 300 meters between April 1 and September 1.

(2) An aircraft shall not

(a) take off or land in the Cape St. Mary's and Baccalieu Island Reserves between the dates of April 1 and October 30; and

(b) take off or land in the Witless Bay Islands Reserve between the dates April 1 and September 1.

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Domestic animal

8. (1) Subject to subsections (2) and (3), a person shall not allow a domestic animal to enter a reserve.

(2) A person may enter a reserve with a dog if

(a) the dog is a seeing eye dog specially trained for that purpose and is being used for that purpose; and

(b) the seeing eye dog is kept under control at all times.

(3) A person may keep sheep within the Cape St. Mary's Ecological Reserve in accordance with the management plan for the reserve.

(4) The grazing of domestic animals is permitted within the Lawn Islands Archipelago Provisional Ecological Reserve.

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Tour boat

9. (1) A person shall not operate or cause to be operated a tour boat or guiding enterprise within a reserve unless the operator is in possession of a permit issued under section 3.

(2) In addition to these regulations, the operator shall comply with conditions set out in the permit.

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Exception

10. (1) A person engaged in the administration or management of Seabird Ecological Reserves in the normal course of his or her duties, is exempt from sections 5(d), (e), (f), (g), (h), (i), (k), (l) and (p), section 6(1), 6(2) and section 7.

(2) Within the Cape St. Mary's Ecological Reserve, a person engaged in the administration and management of this reserve, in the normal course of his or her duties, is also exempt from paragraphs 5(j) and (o).

(3) A person engaged in a scientific study approved by the Parks and Natural Areas Division and in possession of all requisite permits, may be exempted from paragraphs 5(d), (e), (f), (g), (h) and (l), subsections 6(1), (2) and section 7.

(4) Commercial fishers while engaged in fishing are exempt from paragraphs 5(d) and (h) and subsections 6(1) and (2) to the extent that it is necessary for the proper conduct of this fishing activity.

(5) Any person engaged in recreational fishing is exempt from paragraphs 5(d) and (h) to the extent that is necessary for the proper conduct of this activity.

(6) Within the Baccalieu Island Ecological Reserve, any employee of the federal Department of Transport, or a person working on the behalf of that department,

(a) is exempt from paragraph 5(c) for the purpose of maintaining existing paths or structures associated with the operation and maintenance of the facilities existing prior to provisional reserve establishment;

(b) is exempt from paragraph (d) for the purposes of cutting trees for boat building as outlined under the management plan of the reserve;

(c) is exempt from subsection 6(1) and section 7 for the purpose of transporting persons or goods to and from the existing facilities, in accordance with the procedures outlined under the management plan of the reserve;

(d) is exempt from subsection 8(1), in accordance with the conditions outlined under the management plan of the reserve.

(6) Within the Baccalieu Island Ecological Reserve, any employee of the Federal Department of Environment, or a person working on the behalf of that department, is exempt from subsections 6(1) and (3) and section 7 for the purpose of transporting persons or goods to maintain the existing

Department of Environment facilities, in accordance with procedures outlined under the management plan for the reserve.

(7) Within the Baccalieu Island Ecological Reserve,

(a) any person in the process of landing a boat in Ned Walsh's Cove or London Cove, is exempted from subsection 6(1); and

(b) any person is permitted to have a small open or contained fire on the designated landing sites of Ned Walsh's Cove and London Cove.

(8) At the Witless Bay Islands Ecological Reserve, a tour boat having a permit issued under section 9 is exempt from subsection 6(2), notwithstanding anything in the management plan to the contrary.

(9) Any person in possession of a valid access permit, is exempt from subsections 6(1) and (2) for the purpose of using a boat to land on the islands.

(10) Within the Lawn Islands Archipelago Provisional Ecological Reserve any person engaged in migratory game bird hunting in accordance with section 4.1 is exempt from paragraphs 5(d) and (f) to the extent that it is necessary for the proper conduct of this activity.

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Application of regulations

11. These regulations shall apply to the Seabird Ecological Reserves listed in the Schedule, except to the extent that they have been modified by the Order declaring a given Seabird Ecological Reserve in effect.

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Schedule

1. Baccalieu Island Ecological Reserve.

2. Cape St. Mary's Ecological Reserve.

2.1 Lawn Islands Archipelago Provisional Ecological Reserve.

3. Witless Bay Islands Ecological Reserve.

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