

**NEWFOUNDLAND AND LABRADOR
REGULATION 32/15
Seabird Ecological Reserve Regulations, 2015
under the Wilderness and Ecological Reserves Act
(O.C. 2015-092)**

(Filed April 14, 2015)

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

Dated at St. John's , April 13, 2015.

Julia Mullaley
Clerk of the Executive Council

REGULATIONS

Analysis

1. Short title
2. Definitions
3. Restrictions
4. Exception for management
5. Permits
6. Research
7. Exception for research
8. Educational activities
9. Commercial and non-commercial enterprises
10. Visitor access
11. Fishing
12. Operation of boat
13. Operation of aircraft
14. Domestic animals
15. Property in reserve
16. Baccalieu Island Ecological Reserve
17. Application of regulations

18. Repeal

Schedule

Short title

1. These regulations may be cited as the Seabird Ecological Reserve Regulations, 2015 .

[Back to Top](#)

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, helicopters and hang gliders;
- (c) "bicycle" means a vehicle powered by pedals, gears or any non-motorized means of propulsion;
- (d) "commercial fishing" means fishing carried out under licences issued by the Federal Department of Fisheries and Oceans;
- (e) "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;
- (f) "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;
- (g) "management plan" means the management plan for a declared reserve on file with the managing agency;
- (h) "managing agency" means the Parks and Natural Areas Division of the Department of Environment and Conservation;
- (i) "motorized boat" means a watercraft equipped with a mechanical means of propulsion;
- (j) "motorized vehicle" means a motor car, motor truck, four wheel drive vehicle, all-terrain vehicle, tracked vehicle, snowmobile or any other motorized conveyance designed for on or off-road use;
- (k) "permit" means a permit issued under these regulations;
- (l) "personal watercraft" means jet-skis, sea-doods, wave-runners and the like but excludes ordinary motorized boats, kayaks and canoes;
- (m) "reserve" means a seabird ecological reserve set aside under the Act and listed in the Schedule;
- (n) "structure" means a man-made object intended to be permanent or semi-permanent in nature and includes buildings, houses, cottages, cabins, wharves, docks, boathouses, slipways, trailers, mobile homes, tent platforms, shelters and recreational vehicles used for any purpose, but does not include temporary equipment associated with scientific research or monitoring or objects erected by the managing agency; and
- (o) "wildlife" means an animal or plant.

[Back to Top](#)

Restrictions

3. Within a reserve, a person shall not

- (a) pollute or obstruct a stream or other body of water;
- (b) dispose of garbage;
- (c) introduce a plant or animal species, or any other organism;
- (d) build or erect or cause to have built or erected a structure;
- (e) hunt, remove or disturb wildlife;
- (f) destroy, damage, remove, disturb or handle the home, den or nest of wildlife;
- (g) be in possession of a firearm unless the firearm is securely wrapped and tied;
- (h) destroy, damage, remove, displace or handle the egg of any wild bird;
- (i) destroy, damage, remove or displace any wildlife, fossil or other natural object;
- (j) remove or displace soil, sand, stone or gravel;
- (k) prospect, claim stake, mine or quarry;
- (l) post, destroy, damage, remove or displace a sign or other government property;
- (m) use, operate or be in possession of a motorized vehicle;

- (n) light or maintain a fire, open or contained in boats, except contained fires which are permitted in ships travelling through the marine portion of a reserve;
- (o) erect or maintain a camp, or otherwise carry on any camping activity;
- (p) apply any chemical to a reserve;
- (q) operate or be in possession of a personal watercraft within a reserve;
- (r) use a bicycle;
- (s) operate a commercial establishment or commercial enterprise within a reserve, except guiding, touring, outfitting, photography, videography or sound recording, in accordance with a permit issued under these regulations;
- (t) operate a non-commercial establishment or non-commercial enterprise within a reserve, except guiding, touring, outfitting, photography, videography or sound recording, in accordance with a permit issued under these regulations; and
- (u) display, post or broadcast an advertisement.

[Back to Top](#)

Exception for management

4. A person engaged in the administration or management of a reserve in the normal course of his or her duties is exempt from

(a) paragraphs 3(e), (f), (g), (h), (i), (j), (l), (m), (n), (o), (r) and (u), subsections 12(1), (2) and (3), and section 13; and

(b) paragraph 3(c) where he or she has written authorization from the managing agency.

[Back to Top](#)

Permits

5. (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) 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.

[Back to Top](#)

Research

6. 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.

[Back to Top](#)

Exception for research

7. A person engaged in a scientific study approved by the managing agency and for which a permit has been issued may be exempted from paragraphs 3(c), (e), (f), (g), (h), (i), (j) and (o), subsections 12(1), (2) and (3), and section 13.

[Back to Top](#)

Educational activities

8. (1) 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.

(2) Notwithstanding subsection (1), a permit is not required where the persons engaged in the educational activities are accompanied by a managing agency staff person as part of a regularly scheduled tour.

[Back to Top](#)

Commercial and non-commercial enterprises

9. (1) A person engaged in a commercial or non-commercial enterprise for touring, guiding, outfitting, photography, videography or sound recording within a reserve 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) Application for a permit shall provide a full description of the enterprise planned.

(3) Within the Witless Bay Islands Ecological Reserve, a tour boat having a permit issued under subsection (1) is exempt from subsection 12(2), notwithstanding anything in the management plan to the contrary.

[Back to Top](#)

Visitor access

10. Visitor access to a reserve, other than for reasons described in sections 6, 8, 9 and 11, is allowed but may be restricted or require a permit from the managing agency in accordance with guidelines described in the management plan for the reserve or at the discretion of the managing agency.

[Back to Top](#)

Fishing

11. (1) Commercial fishing 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) A person engaged in commercial fishing is exempt from paragraphs 3(e) and (i) and subsections 12(1), (2) and (3) to the extent that it is necessary for the proper conduct of this activity.

(4) A person engaged in recreational fishing is exempt from paragraphs 3(e) and (i) and subsections 12(1), (2) and (3) to the extent that is necessary for the proper conduct of this activity.

[Back to Top](#)

Operation of boat

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

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

(b) a non-motorized boat within 20 metres of cliffs containing nesting seabirds from April 1 to October 30.

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

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

(b) a non-motorized boat, within 15 metres of Gull Island, Great Island and Pee Pee Island from April 1 to September 1;

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

(d) a non-motorized boat within 50 metres of Green Island from April 1 to September 1.

(3) Within the Lawn Bay Ecological Reserve, a person shall not operate a motorized or non-motorized boat within 100 metres of Middle Lawn Island, Swale Island and Colombier Island from March 15 to October 30.

(4) A person shall not operate within a reserve

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

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

(5) A person in possession of a valid access permit is exempt from subsections (1), (2) and (3) for the purpose of using a boat to land in a reserve.

[Back to Top](#)

Operation of aircraft

13. (1) A person shall not operate an aircraft over

(a) the Cape St. Mary's and Baccalieu Island Ecological Reserves at an altitude less than 300 metres from April 1 to October 30;

(b) the Witless Bay Islands Ecological Reserve at an altitude less than 300 metres from April 1 to September 1; and
(c) the Lawn Bay Ecological Reserve at an altitude less than 300 metres from March 15 to October 30.

- (2) An aircraft shall not take off or land in
- (a) the Cape St. Mary's and Baccalieu Island Ecological Reserves from April 1 to October 30;
 - (b) the Witless Bay Islands Ecological Reserve from April 1 to September 1; and
 - (c) the Lawn Bay Ecological Reserve from March 15 to October 30.

Back to Top

Domestic animals

14. (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.

Back to Top

Property in reserve

15. Persons with legal title to structures within a reserve may continue to upkeep and repair these structures in accordance with guidelines described in the management plan for the reserve or at the discretion of the managing agency.

Back to Top

Baccalieu Island Ecological Reserve

16. (1) Within the Baccalieu Island Ecological Reserve, an employee of the federal Department of Transport, or a person working on the behalf of that department,

(a) is exempt from paragraph 3(d) for the purpose of maintaining existing paths or structures associated with the operation and maintenance of the facilities existing prior to provisional reserve establishment; and

(b) is exempt from subsection 12(1) and section 13 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.

(2) Within the Baccalieu Island Ecological Reserve,

(a) a person in the process of landing a boat in Ned Walsh's Cove or London Cove, is exempted from subsection 12(1); and

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

(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.

Back to Top

Application of regulations

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

Back to Top

Repeal

18. The Seabird Ecological Reserve Regulations , Newfoundland and Labrador Regulation 66/97, is repealed.

Back to Top

Schedule

1. Baccalieu Island Ecological Reserve

2. Cape St. Mary's Ecological Reserve
3. Lawn Bay Ecological Reserve
4. Witless Bay Islands Ecological Reserve

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