

**NEWFOUNDLAND AND LABRADOR
REGULATION 31/13**

**Botanical Ecological Reserve Regulations, 2013
under the Wilderness and Ecological Reserves Act
(O.C.2013-041)**

(Filed March 5, 2013)

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 4, 2013.

Robert Thompson

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 & non-commercial enterprises
10. Visitor access
11. Exceptions
12. Application of regulations
13. NLR 64/97 Rep.

Schedule

Short title

1. These regulations may be cited as the Botanical Ecological Reserve Regulations, 2013 .

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) "management plan" means the management plan for a declared botanical ecological reserve on file with the managing agency;
- (e) "managing agency" means the Parks and Natural Areas Division of the Department of Environment and Conservation;
- (f) "motorized vehicle" means a motor car, motor truck, four-wheel drive vehicle, all-terrain vehicle, tracked vehicle, snowmobile, or other motorized conveyance designed for on or off-road use;
- (g) "permit" means a permit issued under these regulations;
- (h) "personal watercraft" includes jet-skis, sea-doo's, wave runners and the like but excludes ordinary motorized boats, kayaks and canoes;
- (i) "reserve" means a botanical ecological reserve set aside under the Act and listed in the Schedule;
- (j) "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 signs erected by the managing agency; and
- (k) "wildlife" means an animal or plant.

[Back to Top](#)

Restrictions

3. Within a reserve, a person shall not

- (a) damage, remove or displace a botanical specimen;
- (b) pollute or obstruct a stream or other body of water;
- (c) dispose of garbage;
- (d) introduce a plant or animal species, or any other organism;
- (e) build or erect or cause to have built or erected any structure;
- (f) destroy, damage, remove, disturb or handle the home, den or nest of wildlife;
- (g) destroy, damage, remove or displace any wildlife, fossil or other natural object;
- (h) post, destroy, damage, remove or displace a sign or other government property;
- (i) remove or displace soil, sand, stone or gravel;
- (j) prospect, claim stake, mine or quarry;
- (k) use, operate or be in possession of a motorized vehicle;
- (l) use a bicycle;
- (m) land an aircraft;
- (n) operate a commercial establishment or commercial enterprise except guiding, touring, outfitting, photography, videography, or sound recording, in accordance with a permit issued under these regulations;
- (o) operate a non-commercial establishment or non-commercial enterprise except guiding, touring, outfitting, photography, videography, or sound recording, in accordance with a permit issued under these regulations;
- (p) display, post or broadcast an advertisement;
- (q) herd or graze animals;
- (r) light or maintain a fire; or
- (s) erect or maintain a camp or otherwise carry on any camping activity.

[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(a), (f), (g), (h), (i), (m), (p) and (s); and
- (b) paragraphs 3(d), (k) and (r) 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 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 scientific study which is approved by the managing agency and for which a permit has been issued may be exempted from paragraphs 3(a), (d), (f), (g), (i), (k), (m) and (s).

[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.

[Back to Top](#)

Commercial & 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.

[Back to Top](#)

Visitor access

10. Visitor access to a reserve, other than for the reasons described in sections 6, 8 and 9 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](#)

Exceptions

11. (1) Notwithstanding paragraph 3(g), all hunting and fishing within the West Brook Ecological Reserve and Watts Point Ecological Reserve is allowed in accordance with permits and licences issued under the Wild Life Act, the Migratory Birds Convention Act (Canada) and the Fisheries Act (Canada).

(2) Notwithstanding paragraphs 3(g), (k) and (s), all hunting, trapping, fishing, camping, snowmobiling and access by motorized boat within the Redfir Lake-Kapitagas Channel Ecological Reserve is allowed in accordance with permits and licenses issued under the Wild Life Act, the Migratory Birds Convention Act (Canada) and the Fisheries Act (Canada).

(3) Notwithstanding paragraphs 3(g) and (k), bird hunting and vehicular access on the existing road as identified in the management plan is permitted within the Burnt Cape Ecological Reserve in accordance with permits and licenses issued under the Wild Life Act, Migratory Birds Convention Act (Canada) and the Highway Traffic Act.

[Back to Top](#)

Application of regulations

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

[Back to Top](#)

NLR 64/97 Rep.

13. The Botanical Ecological Reserve Regulations , Newfoundland and Labrador 64/97, is repealed.

[Back to Top](#)

Schedule

1. Hawke Hill Ecological Reserve
2. Watt's Point Ecological Reserve
3. West Brook Ecological Reserve
4. King George IV Ecological Reserve
5. Redfir Lake-Kapitagas Channel Ecological Reserve
6. Burnt Cape Ecological Reserve
7. Sandy Cove Ecological Reserve

©Queen's Printer