

1 **Q. Reference: Tab 1.3 Hydro Production Increase – La Manche Canal:**

2  
3 **At page 3 the Company states that “Based on review of the relevant legislation it**  
4 **was determined that increasing the height of the Cape Pond Dam would not be**  
5 **permitted because Cape Pond is within the boundary of the Avalon Wilderness**  
6 **Reserve Area.” For the record, please file a copy of the relevant legislation.**  
7

8 A. Three pieces of relevant provincial legislation govern the Avalon Wilderness Reserve.  
9

10 The *Wilderness and Ecological Reserves Act* is provided as Attachment A. It provides  
11 the framework for establishing and regulating ecological and wilderness reserves within  
12 the province. Under Section 24 of the act, the following activities associated with the  
13 raising of Cape Pond Dam are prohibited within a wilderness reserve:  
14

- 15 (i) “construct a structure or reconstruct or add to a structure or build a road,  
16 path or track” [See 24.(1)(a)(i)]  
17 (ii) “within or outside a reserve, provisional reserve or emergency reserve  
18 alter the course of or amount of flow of water so as to affect that course or  
19 amount within a reserve, provisional reserve or emergency reserve.” [See  
20 24.(1)(b)]  
21 (iii) “remove from an ecological reserve, provisional ecological reserve or  
22 emergency ecological reserve or destroy or impair in it a plant, animal,  
23 fossil or object of historical or scientific interest.” [See 24.(3)(b)]  
24

25 The *Wilderness Reserve Regulations, 1997* is provided as Attachment B. It provides  
26 regulations for wilderness reserves under the authority of the above mentioned Act.  
27 Under Section 20, Newfoundland Power is permitted to occupy and use its structures and  
28 land as they were put in place prior to the creation of the reserve. Newfoundland Power  
29 is permitted to maintain its assets as under the conditions of Sections 23, 24 and 25.  
30 Similar to the above mentioned Act, construction of new structures is prohibited by  
31 Clause 7.(1)(b) and Section 19. The removal or destruction of wildlife (includes plants)  
32 is prohibited by Clause 7.(1)(f).  
33

34 The *Avalon Wilderness Reserve Order*, provided in Attachment C, outlines the physical  
35 area and management plan associated with the reserve.

**Wilderness and Ecological Reserves Act**

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RSNL1990 CHAPTER W-9

**WILDERNESS AND ECOLOGICAL RESERVES ACT**

Amended:

1993 cD-19.1 s21; 1994 c35; 1996 cR-10.1 s82; 1997 c13 s62;  
1997 c40; 1999 c33; 2004 cL-3.1 s68; 2006 c40 s21

**CHAPTER W-9**

**AN ACT TO PROVIDE FOR NATURAL AREAS IN THE PROVINCE TO  
BE SET ASIDE FOR THE BENEFIT, EDUCATION AND ENJOYMENT OF  
THE PEOPLE OF THE PROVINCE**

*Analysis*

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- [2. Definitions](#)
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## Short title

1. This Act may be cited as the *Wilderness and Ecological Reserves Act* .

1980 c2 s1

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## Definitions

2. In this Act
  - (a) "advisory council" means the Wilderness and Ecological Reserves Advisory Council;
  - (b) "ecological reserve" means an area referred to in section 5;
  - (c) "government" includes an agent of the Crown in right of the province, or of Canada ;
  - (d) "management plan" means a plan that sets out the purpose for which a reserve is to be created, the particular features that are of interest in it and the management techniques recommended for preservation or study of those features;
  - (e) "minister" means the minister appointed under the *Executive Council Act* to administer this Act;
  - (f) "reserve" means an ecological reserve or wilderness reserve; and
  - (g) "wilderness reserve" means an area referred to in section 4.

1980 c2 s2; 1981 c4 Sch F; 1989 c21 Sch B; [1993 cD-19.1 s21](#); [2006 c40 s21](#)

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## Application of Act

**3.** This Act applies to all land, including water, in the province notwithstanding another Act or law in the province permitting the use or disposition of or access to land.

1980 c2 s3

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## Labrador Inuit rights

**3.1** Notwithstanding section 3, this Act and regulations made under this Act shall be read and applied in conjunction with the *Labrador Inuit Land Claims Agreement Act* and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the *Labrador Inuit Land Claims Agreement Act*, the provision, term or condition of the *Labrador Inuit Land Claims Agreement Act* shall have precedence over the provision of this Act or a regulation made under this Act.

[2004 cL-3.1 s68](#)

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## Wilderness reserves

**4.** The Lieutenant-Governor in Council may set aside, as wilderness reserves, areas of the province that are subject to no or little human activity,

- (a) to provide for the continued existence of those areas as large wilderness areas to which people may come and in which they may hunt, fish, travel and otherwise experience and appreciate a natural environment;
- (b) to allow within those areas undisturbed interactions of living things and their environment;
- (c) to preserve those large areas that may be necessary for the continued survival of a particular species; or
- (d) to protect areas with primitive or extraordinary characteristics.

1980 c2 s4

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## Ecological reserves

**5.** The Lieutenant-Governor in Council may set aside, as ecological reserves, areas of the province that contain a representative or unique ecosystem, species or natural phenomena

- (a) to provide for scientific research and educational purposes in aspects of the natural environment;
- (b) to preserve the habitat of an animal or plant species that is rare or endangered;

- (c) to provide standards against which the effects of development in other areas may be measured;
- (d) to provide an opportunity for study of the recovery of ecosystems from the effects of modification by human beings;
- (e) to preserve rare botanical, zoological, geological or geographical characteristics;
- (f) to preserve representatives of distinct ecosystems in the province; or
- (g) to preserve organisms in their natural habitat to ensure the preservation of their gene pools.

1980 c2 s5

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### **Advisory council**

**6.** The Wilderness and Ecological Reserves Advisory Council is continued for the purpose of advising the Lieutenant-Governor in Council through the minister on matters in relation to the establishment, management and termination of reserves and for the better administration of this Act.

1980 c2 s6

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### **Council members**

**7.** (1) The Lieutenant-Governor in Council shall appoint up to 11 members to the advisory council with at least 6 of the 11 to represent the public.

(2) Members of the advisory council are appointed for a term of 3 years.

(3) A member on the expiration of his or her term of office is eligible for reappointment.

(4) Where a member of the advisory council during the term for which he or she was appointed stops being a member, or is unable to perform the duties of the office because of incapacity or illness, the Lieutenant-Governor in Council may appoint a person to hold office as a member of the advisory council for the remainder of that term.

1980 c2 s7

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### **Council officers**

**8.** (1) The members of the advisory council shall elect from among themselves a chairperson, for a term of 1 year immediately after his or her election, who shall preside at meetings of the advisory council and a vice-chairperson, for the same term, who shall preside in the absence of the chairperson.

(2) The chairperson and vice-chairperson are eligible for re-election.

(3) Where the chairperson and vice-chairperson are absent from a meeting of the advisory council, the members present shall elect a person from among themselves to act as chairperson for that meeting and while so acting that person has the powers of the chairperson.

1980 c2 s8

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## **Expenses**

**9.** (1) The expenses of the council are to be defrayed out of money appropriated out of the Consolidated Revenue Fund.

(2) A member of the advisory council is not entitled to payment for services performed as a member but he or she is entitled to be paid by the advisory council for travelling and other expenses reasonably incurred by him or her in attending meetings of the advisory council or in the discharge of duties assigned to the member by the advisory council.

1980 c2 s9

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## **Report to minister**

**10.** The advisory council shall make a report to the minister, in the form that the minister may direct, on the expenses and operations of the advisory council and shall make other reports in the form that the minister may direct.

1980 c2 s10

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## **Powers of council**

**11.** (1) The advisory council may examine an area of the province in order to determine which areas are suitable for the establishment of a reserve.

(2) The advisory council may accept recommendations from the public in relation to the establishment of or a change in a reserve.

1980 c2 s11

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## **Duties of council**

**12.** (1) The advisory council shall give information on the areas determined as suitable for the establishment of a reserve under section 11 to interested departments of the governments of the province and Canada and to interested boards, commissions or other bodies, whether incorporated or unincorporated, members of which or the members of the board of management or board of directors of which, are appointed by an Act or by the Lieutenant-Governor in Council.

(2) Where, in the opinion of the advisory council, the comments received under subsection (1) from the interested departments and bodies do not change the opinion as to the suitability of the area for the establishment of a provisional reserve, the advisory council shall give a report to the Lieutenant-Governor in Council.

(3) [Rep. by 1997 c40 s1]

1980 c2 s12; [1997 c40 s1](#)

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### **Duties of minister**

**13.** Where subsections 12(1) and (2) have been carried out, the minister shall prepare

- (a) a boundary description of the area that will constitute the provisional reserve; and
- (b) a statement of the purposes for establishing the provisional reserve.

[1997 c40 s2](#)

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### **Provisional reserve**

**14.** (1) After receiving a report under subsection 12(2) and the description and statement required by section 13, the Lieutenant-Governor in Council may order that a provisional reserve be established and that order shall contain that description and statement.

(2) An order made under this section is subordinate legislation for the purpose of the *Statutes and Subordinate Legislation Act* .

[1997 c40 s2](#)

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### **Information on reserves**

**15.** Within one year from the date of the establishment of a provisional reserve, the minister shall prepare and publish, in a newspaper in circulation in the area of the provisional reserve, a notice that contains

- (a) a boundary description of the area of the proposed reserve;
- (b) an outline of the management plan of the proposed reserve; and
- (c) a statement indicating that the minister requires written notice within the next 30 days where a member of the public intends to participate in a public hearing on the establishment of the reserve.

[1997 c40 s2](#)

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### **Public hearing**

**16.** (1) The minister shall set a time and place for the holding of a public hearing by the advisory council to consider submissions, representations and objections respecting the establishment of a reserve including the boundary description and management plan of the proposed area.

(2) The time of the holding of a public hearing shall be within 90 days of the date of publication of the notice referred to in section 15 but after 30 days notice has been given to the public of the time and place of the hearing.

[1980 c2 s16](#); [1991 c43 s21](#)



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## **Report to Lieutenant-Governor in Council**

**17.** (1) The advisory council shall report in writing to the Lieutenant-Governor in Council, through the minister, on the advisability of the establishment of a reserve including a review of the benefits and disadvantages of the establishment, and with a review on public hearing proceedings held under section 16, including its assessment of objections or reservations raised at the hearing.

(2) A report under subsection (1) shall be made within 120 days of the public hearing.

(3) Where the advisory council in its report made under subsection (1) recommends the establishment of a reserve, it shall include in that report

- (a) the boundary description, management plan and proposed regulations in relation to that proposed reserve as revised in consideration of the public hearing; and
- (b) comments on the rights and interests affected by the establishment of a reserve and an estimate of the compensation for those rights and interests.

1980 c2 s17; 1983 c85 s1

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## **Reserve established**

**18.** (1) After consideration of the report referred to in section 17, the Lieutenant-Governor in Council may order that the provisional reserve be discontinued or that a reserve be established.

(2) Where a provisional reserve is discontinued, the minister shall publish a notice to that effect in a newspaper in circulation in the area of the provisional reserve.

(3) Where a reserve is established, the minister shall publish a notice in a newspaper in circulation in the area of the reserve to indicate the establishment of the reserve, a description of the area involved and an outline of the management plan of the reserve.

(4) An order made under subsection (1) is subordinate legislation for the purpose of the *Statutes and Subordinate Legislation Act* .

[1997 c40 s3](#)

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## **Existing areas considered reserves**

**19.** The bird sanctuaries as described in the Schedule are considered to be reserves under this Act, and the bird sanctuaries are considered to include water around the sanctuaries that is within the jurisdiction of the province.

1983 c85 s3

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## **Reserve programs**

**20.** The minister may carry out measures or programs in a reserve,

- (a) for the preservation and protection of the reserve;

- (b) for biological or physical research; or
- (c) for anything necessary for the purpose of this Act.

1980 c2 s19

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### **Change in area or plan**

**21.** (1) The Lieutenant-Governor in Council may enlarge the area of a reserve and sections 12 to 18 apply, with the necessary changes, to establish the change.

(2) The Lieutenant-Governor in Council may decrease the area of a reserve and sections 15 to 18 apply, with the necessary changes, to establish the change.

(3) The Lieutenant-Governor in Council may, by order, change the management plan of a reserve.

(4) Before changing the area or management plan of a reserve under this section the Lieutenant-Governor in Council shall be supplied with recommendations of the advisory council in relation to the change.

1980 c2 s20

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### **Emergency reserve**

**22.** (1) The minister may order that an endangered area be established as an emergency reserve.

(2) In this section, an endangered area is an area that

(a) is under examination by the advisory council under section 11; or

(b) has been so examined and found suitable for the establishment in it of a reserve but is not yet established as a provisional reserve,

and in the opinion of the minister is in danger because of some imminent activity, action or event of becoming an area that would not be suitable for the establishment in it of a reserve.

(3) Sections 12 to 18 apply, with the necessary changes, in relation to establishing an emergency reserve as a reserve but a reserve may be established under this section only where it is established within 2 years from the date of the order referred to in subsection (1).

1980 c2 s21; 1983 c85 s4

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### **Acquisition of land**

**23.** (1) The Lieutenant-Governor in Council may authorize the minister

(a) to make an agreement with a person in relation to his or her interest, right, title or estate in land that is in a reserve, provisional reserve or in a emergency reserve; or

(b) to expropriate land that is in a reserve.

(2) For the purposes of expropriation under this section, the minister is an authority for the purposes of the *Expropriation Act*; and the provisions of that Act in relation to the manner of expropriation, assessment of compensation and rights and manner of appeal apply, with the necessary changes, to an expropriation under this Act.

1980 c2 s22; [1996 cR-10.1 s82](#); [1997 c40 s4](#)

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## **Prohibited activities**

### **24. (1) A person shall not**

- (a) within a reserve, provisional reserve or emergency reserve
  - (i) construct a structure or reconstruct or add to a structure or build a road, path or track, or
  - (ii) engage in the cutting or logging of trees, agriculture, mining, prospecting or claims staking; or
- (b) within or outside a reserve, provisional reserve or emergency reserve alter the course of or amount of flow of water so as to affect that course or amount within a reserve, provisional reserve or emergency reserve.

(2) A person shall not, within a wilderness reserve, provisional wilderness reserve or emergency wilderness reserve

- (a) use motorized vehicles or equipment;
- (b) land aircraft; or
- (c) conduct a spraying program against insect infestation, unless the minister has approved the program.

### **(3) A person shall not**

- (a) within an ecological reserve, provisional ecological reserve or emergency ecological reserve
  - (i) fish,
  - (ii) hunt, trap, net or snare an animal,
  - (iii) use motorized vehicles or equipment,
  - (iv) land aircraft, or
  - (v) conduct a spraying program against insect infestation, unless the minister has approved the program;
- (b) remove from an ecological reserve, provisional ecological reserve or emergency ecological reserve or destroy or impair in it a plant, animal, fossil or object of historical or scientific interest; or
- (c) introduce to an ecological reserve, provisional ecological reserve or emergency ecological reserve a plant or animal species.

1980 c2 s23; [1996 cR-10.1 s82](#); [1997 c13 s62](#); [1997 c40 s5](#)

## Exemptions

**25.** (1) The Lieutenant-Governor in Council may make regulations permitting the following activities to be performed or continued:

- (a) activities prohibited under subsection 24(3);
- (b) activities prohibited under subsection 24(2) where they are for the purpose of management of the area;
- (c) activities prohibited under section 24 that at the time of or immediately before the establishment of a provisional reserve are being carried out;
- (d) in an emergency reserve, activities prohibited under section 24 that are not in conflict with the purpose for which the emergency reserve was established; and
- (e) activities prohibited under section 24 for geological, geophysical and geological surveys that are done for the purpose of correlating information associated with mining or prospecting operations outside the reserve, provisional reserve or emergency reserve.

(2) Activities permitted under subsection (1) may be subject to those conditions that may be prescribed, but an activity described in paragraph (1)(c) may not be permitted to continue at a level of activity greater than the level at which the activity was carried out at the time of or immediately before, whichever is higher, the establishment of the provisional reserve.

(3) Notwithstanding section 24, an officer appointed under section 25.1 and a wild life officer, as defined in the *Wild Life Act*, may perform the following activities for the purpose of protection against or prevention of the commission of an offence under this Act or of the apprehension of a person who the wild life officer reasonably believes has committed an offence:

- (a) activities prohibited under paragraphs 24(2)(a) and (b);
- (b) activities prohibited under subparagraphs 24(3)(a)(iii) and (iv); and
- (c) activities prohibited under paragraph 24(3)(b) where the removal is necessary in order to provide evidence in relation to an offence.

[1980 c2 s24](#); [1996 cR-10.1 s82](#); [1997 c40 s6](#); [1999 c33 s1](#)

## Appointment of officers

**25.1** (1) The minister may appoint officers who shall exercise the powers and perform the duties that are conferred or imposed upon them by this Act or the regulations or assigned to them by the minister.

(2) An officer appointed under subsection (1) has and may exercise within a reserve, a provisional reserve or an emergency reserve the power and authority of a member of the Royal Newfoundland Constabulary for the purpose of this Act.

[1999 c33 s2](#)

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## Offences

**26.** (1) A person who contravenes this Act or the regulations is guilty of an offence and liable on summary conviction

- (a) in the case of a natural person,
  - (i) for a first offence, to a fine not exceeding \$5,000 and not less than \$200 or to imprisonment for a term not exceeding 60 days,
  - (ii) for a second offence, to a fine not exceeding \$10,000 and not less than \$500 or to imprisonment for a term not exceeding 120 days, and
  - (iii) for a third or subsequent offence, to a fine not less than \$1,000 or to imprisonment for a term not exceeding 6 months and not less than one month; and
- (b) in the case of a corporation,
  - (i) for a first offence, to a fine not less than \$5,000,
  - (ii) for a second offence, to a fine not less than \$10,000, and
  - (iii) for a third or subsequent offence, to a fine not less than \$20,000.

(2) A person convicted under this Act or a regulation for an offence involving damage to land included in a reserve, provisional reserve or an emergency reserve may be ordered, in addition to a fine under subsection (1),

- (a) to restore that land to the satisfaction of the advisory council; or
- (b) to pay the compensation to the Consolidated Revenue Fund that the judge may fix.

1980 c2 s25; [1999 c33 s3](#)

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## Offence under another Act

**27.** (1) Notwithstanding section 26, where an act or omission constitutes an offence under this Act and 1 or more other Acts, the offender is liable on summary conviction to a penalty that is at least equal to the highest minimum penalty in those Acts for that act or omission.

(2) The burden of establishing the highest minimum penalty referred to in subsection (1) is on the prosecutor and where no higher minimum penalty is established, the penalty provided for in section 26 applies.

1980 c2 s26

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## Act binds Crown

**28.** The Crown is bound by this Act.

1980 c2 s27

## Regulations

**29.** The Lieutenant-Governor in Council may make regulations

- (a) respecting the control or prohibition of a use, development or occupation of the land or natural resources in a reserve, provisional reserve or emergency reserve;
- (b) respecting the control or prohibition of the dumping, deposit or emission within a reserve, provisional reserve or emergency reserve of a substance;
- (c) respecting access to a reserve, provisional reserve or emergency reserve; and
- (d) generally, to give effect to the purpose of this Act.

1980 c2 s28; [1996 cR-10.1 s82](#); [1997 c40 s7](#)

## Schedule

A. [Rep. by 1994 c35 s1]

B. [Rep. by 1994 c35 s1]

C. Funk Island Seabird Sanctuary

### Description

Funk Island (49° 46'N, 53° 11'W) and the water surrounding it that is within the jurisdiction of the province.

D. Hare Bay Seabird Sanctuary

### Description

Spring Island (51° 14'N, 55° 50'N), Brent Island (51° 16'N, 55° 57'N), and Duck Island (51° 19'N) and the water surrounding them that is within the jurisdiction of the province.

E. Gannet Islands Seabird Sanctuary

### Description

A group of 6 islands (53° 56'N, 56° 32'W) known as Gannet Islands and Outer Gannet Island (54° 00'N, 52° 32'W) in Sandwich Bay, Labrador and the water surrounding them that is within the jurisdiction of the province.

1983 c85 s5; [1994 c35 s1](#)

**Wilderness Reserve Regulations**

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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* .

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## 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-doo's, 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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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### **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.

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### **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.

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### **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.

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### **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.

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### **Domesticated animals**

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

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### **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.

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## **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.

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## **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;

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## **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.

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## **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.

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## **Existing structures**

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

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### **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.

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### **Removal of structures**

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

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### **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.

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### **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.

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### **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.

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**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.

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### **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.

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### **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.

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### **Repeal**

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

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### **Schedule**

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

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**Avalon Wilderness Reserve Order**



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**Important Information**

(Includes details about the availability of printed and electronic versions of the Statutes.)

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**CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1088/96**

*Avalon Wilderness Reserve Order*  
under the  
*Wilderness and Ecological Reserves Act*  
(O.C. 96-199)

Under the authority of subsection 18(1) of the *Wilderness and Ecological Reserves Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following Order.

**ORDER**

*Analysis*

[1. Short title](#)

[2. Area included](#)

[3. Outline](#)

[4. Repeal](#)

[Schedule A](#)

[Schedule B](#)

**Short title**

- 1.** This Order may be cited as the *Avalon Wilderness Reserve Order*.

259/86 s1

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**Area included**

- 2.** The area included in the Avalon Wilderness Reserve is as set out in Schedule A.

259/86 s2

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## Outline

3. An outline of the Avalon Wilderness Reserve Management Plan is as set out in Schedule B.

259/86 s3

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## Repeal

4. The Order re Provisional Wilderness Reserve "The Avalon Wilderness Area", Newfoundland Regulation 284/84, and the Avalon Wilderness Reserve Order, 1986, Newfoundland Regulation 259/86, are repealed.

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## Schedule A

All that piece or parcel of land situate and being at the southeast section of the Avalon Peninsula in the province, abutted and bounded as follows, that is to say:

Beginning at a point at the top of Madisons Rock, that point having co-ordinates of north 5,237,550 metres and east 344,675 metres;

Then running in a southerly direction for a distance of 14,025 metres, more or less, to a point in the centre line of the old road at the east end of Mount Carmel Pond, that point having co-ordinates of north 5,223,550 metres and east 343,950 metres;

Then running in a southerly direction for a distance of 4,775 metres, more or less, to a point in the northerly shoreline of a pond, that point having co-ordinates of north 5,218,925 metres and east 342,775 metres;

Then running in a southerly direction for a distance of 4,400 metres, more or less, to a point in the northerly shoreline of a pond, that point having co-ordinates of north 5,214,575 metres and east 342,175 metres;

Then running in a southerly direction through the centre of the small brook as it flows into the south end of that pond for a distance of 7,725 metres, more or less, to a point having co-ordinates of north 5,207,000 metres and east 343,650 metres;

Then running in a southerly direction for a distance of 7,525 metres, more or less, to a point in the northwesterly shoreline of a pond, that point having co-ordinates of north 5,199,550 metres and east 342,675 metres;

Then running along the northwesterly shoreline of the pond and along the northwesterly, the easterly and the westerly shorelines and banks of a series of connecting ponds and brooks in a general southwesterly direction to a point in the southerly shoreline of a pond, that point having co-ordinates of north 5,192,650 metres and east 335,650 metres;

Then running in a westerly direction for a distance of 10,450 metres, more or less, to a point in the centre of the westernmost brook as it flows into the north end of Northwest Pond, that point having co-ordinates of north 5,192,575 metres and east 325,200 metres;

Then running in a westerly direction for a distance of 15,525 metres, more or less, to a point in the northerly shoreline of a pond into which Peters River flows, that point having co-ordinates of north 5,190,850 metres and east 309,775 metres;

Then running in a northeasterly direction for a distance of 19,775 metres, more or less, to a point in the junction of two brooks, that point having co-ordinates of north 5,209,125 metres and east 317,325 metres;

Then running in a northerly direction for a distance of 1,175 metres, more or less, to a point having co-ordinates of north 5,210,300 metres and east 317,225 metres;

Then running in a northeasterly direction for a distance of 4,575 metres, more or less, to a point in the centre of a brook, that point having co-ordinates of north 5,214,475 metres and east 319,075 metres;

Then running in a northwesterly direction for a distance of 7,800 metres, more or less, to a point having co-ordinates of north 5,222,175 metres and east 317,775 metres;

Then running in a northwesterly direction for a distance of 1,075 metres, more or less, to a point in the southeasterly bank of Murphy's River as it flows into Little Harbour River, that point having co-ordinates of north 5,223,200 metres and east 317,450 metres;

Then running along the southeasterly bank of Murphy's River in a general northeasterly direction to a point having co-ordinates of north 5,227,375 metres and east 324,375 metres;

Then running in a northeasterly direction for a distance of 2,000 metres, more or less, to a point in the southerly shoreline of a pond, that point having co-ordinates of north 5,229,350 metres and east 324,700 metres;

Then running in a northeasterly direction for a distance of 6,300 metres, more or less, to a point having co-ordinates of north 5,233,475 metres and east 329,450 metres;

Then running in a northeasterly direction for a distance of 8,575 metres, more or less, to a point on the top of Bosun, that point having co-ordinates of north 5,238,150 metres and east 336,650 metres;

Then running in an easterly direction for a distance of 8,050 metres, more or less, to the point of beginning, the above described piece or parcel of land containing an area of 1,070 square kilometres, more or less.

All bearings being referred to Zone 22 of the Universal Transverse Mercator Projection.

259/86 Sch A

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## **Schedule B**

### **Outline of Avalon Wilderness Reserve Management Plan**

The Avalon Wilderness Reserve is established for the purpose of protecting one of North America 's most southerly unspoiled barren lands, providing sanctuary for a variety of plant and wildlife species normally found much further north. It is of particular value in protecting the Avalon caribou herd. It is an important wilderness resource for the use of people close to the major population centre of the province.

Management policies aimed at achieving this include: no new development and restrictions on access, in particular motorized access; no habitat modification and allowing natural ecological succession to continue. Scientific study in the area will be encouraged and educational use will be permitted. Hunting, trapping and fishing will be allowed to continue. Permits for travel to the area will be required and the area will be posted with signs.

The managing agency for the area is Parks and Natural Areas Division of the Department of Tourism, Culture and Recreation.

259/86 Sch B