



# **THE NEWFOUNDLAND AND LABRADOR GAZETTE**

**EXTRAORDINARY**

Part II

**PUBLISHED BY AUTHORITY**

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ST. JOHN'S, TUESDAY, MARCH 17, 2009

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**NEWFOUNDLAND AND LABRADOR  
REGULATIONS**

**NLR 12/09**

**NLR 13/09**



**NEWFOUNDLAND AND LABRADOR  
REGULATION 12/09**

*Mistaken Point Ecological Reserve Order, 2009*  
under the  
*Wilderness and Ecological Reserves Act*  
(O.C. 2009-073)

*(Filed March 17, 2009)*

Under the authority of sections 21 and 22 of the *Wilderness and Ecological Reserves Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, March 17, 2009.

Gary Norris  
Clerk of the Executive Council

**ORDER**

*Analysis*

- |                  |            |
|------------------|------------|
| 1. Short title   | Schedule A |
| 2. Area included |            |
| 3. Outline       |            |
| 4. Repeal        | Schedule B |

Short title                    **1.** This order may be cited as the *Mistaken Point Ecological Reserve Order, 2009*.

Area included                **2.** The Mistaken Point Ecological Reserve is established and the area included is as set out in Schedule A.

- Outline                    **3.** An outline of the Mistaken Point Ecological Reserve Management Plan is as set out in Schedule B.
- Repeal                    **4. The *Mistaken Point Ecological Reserve Order, Consolidated Newfoundland and Labrador Regulation 1095/96, and the *Mistaken Point Extension Emergency Ecological Reserve Order, 2007*, Newfoundland and Labrador Regulation 32/07, are repealed.***

**Schedule A**

All that piece or parcel of land situate and being at Mistaken Point in the Province of Newfoundland and Labrador, in the Electoral District of Ferryland, abutted and bounded as follows, that is to say:

Beginning at a point having coordinates of east 327,333 metres and north 5,173,223 metres, and being in the westerly limit of the road, 20 metres wide, leading to Cape Race;

Then running in a general westerly direction for a distance of 50 metres, more or less, to a point on the easterly shoreline of Trepassey Bay, at low tide, having coordinates of east 327,278 metres and north 5,173,236 metres;

Then running along the sinuosities of the easterly shoreline of Trepassey Bay, at low tide, in a general easterly direction to a point on the shoreline of the Atlantic Ocean having coordinates of east 337,770 metres and north 5,167,135 metres;

Then running in a general north westerly direction for a distance of 50 metres, more or less, to a point having coordinates of east 337,727 metres and north 5,167,156 metres;

Then running in a general north westerly direction for a distance of 1,041 metres, more or less, to a point having coordinates of east 336,746 metres and north 5,167,518 metres, and being the southerly limit of the road, 20 metres wide, leading to Cape Race;

Then running along the southerly limit of the road, 20 metres wide, in a general westerly direction to a point having coordinates of east 336,687 metres and north 5,167,506 metres;

Then running along the easterly boundary of land granted by the Crown to John Neal and registered in Volume 17, Folio 52 in the Registry of Crown Grants in a general southerly direction for a distance of 130 metres, more or less, to a point having coordinates of east 336,635 metres and north 5,167,387 metres;

Then running in a general northwesterly direction along the southerly boundary of that land granted by the Crown to John Neal for a distance of 375 metres, more or less, to a point having coordinates of east 336,262 metres and north 5,167,438 metres;

Then running in a general southwesterly direction along the southerly boundary of land granted by the Crown to William Martin and registered in Volume 18, Folio 68 in the Registry of Crown Grants for a distance of 200 metres, more or less, to a point having coordinates of east 336,078 metres and north 5,167,357 metres;

Then running along the westerly boundary of that land, granted by the Crown to John Neal, in a general northerly direction for a distance of 107 metres, more or less, to a point having coordinates of east 336,095 metres and north 5,167,463 metres;

Then running in a general westerly direction for a distance of 816 metres, more or less, to a point having coordinates of east 335,280 and north 5,167,419 metres;

Then running in a general south westerly direction for a distance of 1381 metres, more or less, to a point having coordinates of east 334,355 metres and north 5,166,393 metres;

Then running in a general north westerly direction for a distance of 3,895 metres, more or less, to a point in the centre of a brook, that point having coordinates of east 330,587 metres and north 5,167,390 metres;

Then running in a general north westerly direction for a distance of 910 metres, more or less, to a point having coordinates of east 330,195 metres and north 5,168,211 metres;

Then running in a general north easterly direction for a distance of 49 metres, more or less, to a point having coordinates east 330,215 metres and north 5,168,253 metres;

Then running in a general north easterly direction for a distance of 100 metres, more or less, to a point having coordinates east 330,274 metres and north 5,168,335 metres;

Then running in a general north easterly direction for a distance of 146 metres, more or less, to a point having coordinates east 330,307 metres and north 5,168,477 metres;

Then running in a general north easterly direction for a distance of 173 metres, more or less, to a point having coordinates east 330,351 metres and north 5,168,644 metres;

Then running in a general north easterly direction for a distance of 82 metres, more or less, to a point having coordinates east 330,397 metres and north 5,168,712 metres;

Then running in a general north easterly direction for a distance of 300 metres, more or less, to a point having coordinates east 330,505 metres and north 5,168,993 metres, and being in the southerly limit of the road, 20 metres wide, leading to Cape Race;

Then running along the southerly limit of the road, 20 metres wide, in a general north westerly direction to a point having coordinates east 328,523 metres and north 5,171,214 metres, and being at the point of intersection of the westerly limit of the road with the southerly bank of Drook River;

Then running in a general north westerly direction for a distance of 93 metres, more or less, to a point having coordinates east 328,432 metres and north 5,171,231 metres;

Then running along the top of an embankment in a general north westerly direction for a distance of 80 metres, more or less, to a point having coordinates of east 328,395 metres and north 5,171,299 metres;

Then running in a general north easterly direction for a distance of 45 metres, more or less, to a point having coordinates east 328,433 metres and north 5,171,322 metres, and being in the westerly limit of the road, 20 metres wide, leading to Cape Race;

Then running along the westerly limit of the road, 20 metres wide, in a general north westerly direction to the point of beginning;

The above described piece or parcel of land containing an area of 5.7 km<sup>2</sup>, more or less.

Reserving and excepting nevertheless out of the above described piece or parcel of land, however, all those pieces or parcels of land lawfully alienated from the Crown.

Also, reserving out of the above described parcel of land, the Watern Cove Trail, 1.25 metres on both sides of the centreline, abutted and bounded as follows, that is to say:

Beginning at a point having coordinates east 336,092 and north 5,167,445 metres;

Then running in a general south westerly direction for a distance of 169 metres, more or less, to a point having coordinates east 335,996 metres and north 5,167,306 metres;

Then running in a general south westerly direction for a distance of 171 metres, more or less, to a point having coordinates east 335,837 metres and north 5,167,243 metres;

Then running in a general westerly direction for a distance of 328 metres, more or less, to a point having coordinates east 335,506 metres and north 5,167,250 metres;

Then running in a general westerly direction for a distance of 192 metres, more or less, to a point having coordinates east 335,314 metres and north 5,167,292 metres;

Then running in a general south westerly direction for a distance of 186 metres, more or less, to a point having coordinates east 335,191 metres and north 5,167,155 metres;

Then running in a general south westerly direction for a distance of 277 metres, more or less, to a point having coordinates east 335,114 metres and north 5,166,887 metres;

Then running in a general south westerly direction for a distance of 182 metres, more or less, to a point having coordinates east 334,957 metres and north 5,166,796 metres;

Then running in a general south westerly direction for a distance of 227 metres, more or less, to a point having coordinates east 334,838 metres and north 5,166,603 metres;

Then running in a general westerly direction for a distance of 60 metres, more or less, to a point having coordinates east 334,783 metres and north 5,166,610 metres; the above described piece or parcel of land containing an area of 0.004612 km<sup>2</sup>, more or less.

Also reserving out of the above described parcel of land, a section of land referred to as Parcel 1, as abutted and bounded as follows, that is to say:

Beginning at a point having coordinates east 334,777 metres and north 5,166,608 metres;

Then running in a general south westerly direction for a distance of 5 metres, more or less, to a point having coordinates east 334,775 metres and north 5,166,604 metres;

Then running in a general easterly direction for a distance of 4 metres, more or less, to a point having coordinates east 334,779 metres and north 5,166,603 metres;

Then running in a general north easterly direction for a distance of 7 metres, more or less, to a point having coordinates east 334,783 metres and north 5,166,609 metres;

Then running in a general westerly direction, following the Watern Cove Trail, while maintaining a distance of 1.25 metres south of the centreline for a distance of 6 metres, more or less, to the point of beginning; the above described piece or parcel of land containing an area of 0.000024 km<sup>2</sup>, more or less.

Also reserving out of the above described parcel of land, a section of land referred to as Parcel 2, as abutted and bounded as follows, that is to say:

Beginning at a point having coordinates east 334,777 metres and north 5,166,610 metres;

Then running in a general north westerly direction for a distance of 36 metres, more or less, to a point having coordinates east 334,750 metres and north 5,166,633 metres;

Then running in a general westerly direction for a distance of 16 metres, more or less, to a point having coordinates east 334,734 metres and north 5,166,634 metres;

Then running in a general southerly direction for a distance of 31 metres, more or less, to a point having coordinates east 334,729 metres and north 5,166,603 metres;

Then running in a general easterly direction for a distance of 31 metres, more or less, to a point having coordinates east 334,760 metres and north 5,166,601 metres;



Then running in a general northerly direction for a distance of 4 metres, more or less, to a point having coordinates east 334,759 metres and north 5,166,604 metres;

Then running in a general easterly direction for a distance of 19 metres, more or less, to a point having coordinates east 334,777 metres and north 5,166,608 metres;

Then running in a general northerly direction for a distance of 2.5 metres to the point of beginning; the above described piece or parcel of land containing an area of 0.001006 km<sup>2</sup>, more or less.

Also reserving out of the above described parcel of land, the Berry Picker's Trail, 1.25 metres on both sides of the centreline, abutted and bounded as follows, that is to say:

Beginning at a point having coordinates east 334,612 metres and north 5,166,677 metres;

Then running in a general southerly direction for a distance of 66 metres, more or less, to a point having coordinates east 334,636 metres and north 5,166,616 metres;

Then running in a general south easterly direction for a distance of 69 metres, more or less, to a point having coordinates east 334,678 metres and north 5,166,562 metres; the above described piece or parcel of land containing an area of 0.000343 km<sup>2</sup>, more or less.

Also reserving out of the above described parcel of land, a section of land referred to as Parcel 3, as abutted and bounded as follows, that is to say:

A circular parcel with its centre having coordinates east 334,396 metres and north 5,165,916 metres and having a diameter of 16 metres; the above described parcel of land containing an area of 0.0002 km<sup>2</sup>;

All coordinates are based on the Universal Transverse Mercator projection, Zone 22, with the central meridian of 51° west longitude, North American Datum 1983.

**Schedule B**

Outline of Mistaken Point Ecological Reserve  
Management Plan, 2009

The area known as Mistaken Point is established as an ecological reserve to preserve the unique fossils found there. Scientific research at the site will be encouraged, and educational use will be permitted where it does not conflict with the general objectives of preservation and scientific research. Hunting, fishing, berry picking and grazing of cattle will be permitted. Some conditions may apply.

The managing agency for the reserve is Parks and Natural Areas Division of the Department of Environment and Conservation.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 13/09**

*Fossil Ecological Reserve Regulations, 2009*  
under the  
*Wilderness and Ecological Reserves Act*  
(O.C. 2009-072)

*(Filed March 17, 2009)*

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 17, 2009.

Gary Norris  
Clerk of the Executive Council

**REGULATIONS**

*Analysis*

- |                             |                                       |
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| 1. Short title              | 11. Hunting and fishing               |
| 2. Definitions              | 12. Hiking                            |
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| 8. Exception for research   |                                       |
| 9. Educational activities   |                                       |
| 10. Property within reserve | Schedule                              |

Short title

**1.** These regulations may be cited as the *Fossil Ecological Reserve Regulations, 2009*.

## Definitions

**2. In these regulations**

- (a) "Act" means the *Wilderness and Ecological Reserves Act*;
- (b) "fossil protection zone" means an area defined by the managing agency to delineate the area where fossils are most vulnerable to the effects of erosion and human activities;
- (c) "management plan" means the management plan for a reserve on file with the managing agency;
- (d) "managing agency" means the Parks and Natural Areas Division of the Department of Environment and Conservation;
- (e) "permit" means a permit issued and valid under these regulations;
- (f) "reserve" means a fossil ecological reserve set aside under the Act, and described in the Schedule;
- (g) "structure" means a man-made object intended to be permanent or semi-permanent or temporary in nature and includes but is not limited to buildings, houses, cottages, cabins, wharves, docks, boathouses, slipways, trailers, mobile homes, tents, tent platforms, camps, shelters and recreational vehicles used for any purpose, but does not include semi-permanent blinds or signs erected under the authority of the management plan; and
- (h) "wildlife" means an animal or plant.

## Restrictions

**3. Within a reserve, a person shall not**

- (a) destroy, damage or remove any fossil material;
- (b) pollute or obstruct a stream or other body of water or dispose of any garbage;
- (c) build or erect or cause to have built or erected a structure;
- (d) destroy, damage, remove, disturb, or handle the home, den, or nest of wildlife;

- (e) destroy, damage, remove, disturb or handle an egg of any wild bird;
- (f) destroy, damage, or remove any wildlife or natural object;
- (g) 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, all-terrain vehicle, snow mobile, or other motorized conveyance;
- (j) land an aircraft;
- (k) operate a commercial establishment or commercial enterprise within a reserve, except guiding, touring, outfitting, fossil replication, photography, videography or sound recording, in accordance with a permit issued under these regulations;
- (l) operate a non-commercial establishment or non-commercial enterprise within a reserve except guiding, touring, outfitting, fossil replication, photography, videography or sound recording, in accordance with a permit issued under these regulations;
- (m) display, post or broadcast an advertisement;
- (n) prospect, claimstake, mine or quarry;
- (o) use explosives, mechanical and electrical rock cutting or removal tools (e.g. tile saws, percussion hammers);
- (p) use a bicycle;
- (q) land a boat;
- (r) camp; or
- (s) introduce a horse.

- Permits and licenses
- 4.** (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.
- Domestic animals
- 5.** The grazing of domestic animals may be permitted within a reserve provided it does not exceed existing limits at the time of the reserve establishment.
- Exception
- 6.** A person engaged in the administration or management of a reserve in the normal course of his or her duties is exempt from paragraphs 3(a), (d), (e), (f), (g), (i), (j), (o), (q), (r) and (s).
- Research in reserve
- 7.** 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.
- Exception for research
- 8.** A person engaged in a scientific study which is approved by the managing agency and for which a permit has been issued under section 7 may be exempted from paragraphs 3(a), (d), (e), (f), (j) and (q) and researchers who hold a valid permit may be allowed to use geological hammers, sledge hammers and rock chisels only if they are considered necessary for the research subject to the terms and conditions that the managing agency may determine.
- Educational activities
- 9.** 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.

Property within  
reserve

**10.** (1) Persons with legal title to structures and land within a reserve may continue to own those premises and to occupy and use them.

(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.

Hunting and fishing

**11.** With the exception of Fortune Head Ecological Reserve, all hunting and fishing within a reserve is allowed in accordance with permits or licences issued under the *Wild Life Act*, the *Migratory Birds Convention Act* ( Canada ) or the *Fisheries Act* ( Canada ).

Hiking

**12.** Hiking in a reserve is permitted but may be restricted to designated areas at the discretion of the managing agency.

Permit required

**13.** (1) A person engaged in a touring, guiding, outfitting, fossil replication, photography, videography or sound recording enterprise 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) Applications for a permit shall provide a full description of the enterprise planned.

Fossil protection  
zone

**14.** A person entering a fossil protection zone in the Mistaken Point Ecological Reserve shall, subject to paragraph 15(a), require a permit and those permits may be obtained from the management agency on submission of a written request outlining the activity, and subject to the terms and conditions that the managing agency may determine.

Mistaken Point  
Ecological Reserve

**15.** Within the Mistaken Point Ecological Reserve

(a) a person shall not disturb, touch or replicate a fossil, or enter the fossil protection zone as described by the managing agency, unless the person

(i) holds the required permit,

(ii) is engaged in the administration and management of the reserve, or

- (iii) is accompanying another person who is engaged in the administration and management of the reserve;
- (b) fires are prohibited except on the beach at Long Beach and Drook Beach;
- (c) berry picking is permitted; and
- (d) mushroom picking is permitted.

Application of regulations

**16.** These regulations shall apply to the fossil ecological reserves listed in the Schedule, except to the extent that they have been modified by the Order declaring a given Fossil Ecological Reserve in effect.

NLR 63/97 Rep.

**17. The *Fossil Ecological Reserve Regulations, Newfoundland and Labrador Regulation 63/97*, are repealed.**



**Schedule**

1. Fortune Head Ecological Reserve
2. Mistaken Point Ecological Reserve
3. Table Point Ecological Reserve

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## Extraordinary Gazette Index

<b>Title of Act and Subordinate Legislation made thereunder</b>	<b>CNLR or NL Reg.</b>	<b>Amendment</b>	<b>XNL Gazette Date &amp; Page No.</b>
<b>Wilderness and Ecological Reserves Act</b>			
Mistaken Point Ecological Reserve Order, 2009	NLR 12/09	R & S CNLR 1095/96 NLR 32/07	Mar 17/09 p. 3
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