



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

NATURAL AREAS PROTECTION ACT REGULATIONS

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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NATURAL AREAS PROTECTION ACT

Chapter N-2

REGULATIONS

Pursuant to section 7 of the *Natural Areas Protection Act* R.S.P.E.I. 1988, Cap. N-2 Council made the following regulations:

1. Definitions

In these regulations

- (a) “**Act**” means the *Natural Areas Protection Act*;
- (b) “**management plan**” means a plan approved by the Minister for the management of a natural area;
- (c) “**natural area**” means land that has been designated as such by order of the Minister pursuant to section 3 of the Act;
- (d) “**owner**” means the person in whom a natural area is legally vested. (EC54/89)

2. Purpose

The purpose of creating natural areas is to conserve for posterity the aesthetic, scenic and natural character and condition of ecosystems, and to prevent their exploitation for commercial purposes. (EC54/89)

3. Activities prohibited in natural area

- (1) Within or upon a natural area, no person shall engage in or permit any of the following activities:
 - (a) cutting, destroying or removing of trees, shrubs or other vegetation;
 - (b) planting or otherwise introducing non-native plant or animal species;
 - (c) operating snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other motor vehicles;
 - (d) creating, constructing or paving roads or other rights-of-way, driveways, docks, landing strips or parking lots;
 - (e) erecting or constructing buildings, signs, fences or structures of any kind;
 - (f) dumping, filling, excavating, mining, drilling, dredging or otherwise adding or removing topsoil, loam, gravel, sand, rock, minerals, gas or petroleum products or other surface or sub-surface material of any kind;

- (g) constructing drainage ditches, dams, retaining walls, transmission towers and lines, pipelines or other undertaking which affects the topography of the land.

Exception, activity pursuant to management plan

- (2) The Minister may authorize the person responsible for the management of any natural area to engage in an activity prohibited by subsection (1) if satisfied that such activity is necessary for the proper management of the area pursuant to a management plan. *(EC54/89; 132/06)*

3.1 Exception, activity pursuant to authorization

- (1) The Lieutenant Governor in Council may, in writing, authorize the person responsible for the management of any natural area to engage in an activity prohibited by subsection 3(1) if the Lieutenant Governor in Council is satisfied that such activity is necessary in the public interest.

Terms and conditions

- (2) Terms and conditions may be attached
 - (a) by the Minister to an authorization issued under subsection 3(2); and
 - (b) by the Lieutenant Governor in Council to an authorization issued under subsection (1).

Repeal

- (3) This section is repealed on April 1, 2006. *(EC132/06)*

3.2 Permit such an activity

- (1) Notwithstanding subsection 3(1) and subject to subsection (3) and (4), a person may engage in an activity prohibited by subsection 3(1) in respect of a natural area, or permit such an activity, if
 - (a) a valid authorization, issued under subsection 3(2) or 3.1(1), is held by the person responsible for the management of the natural area; and
 - (b) the activity is carried out in accordance with the terms and conditions, if any, set out in the authorization.

Effect of repeal

- (2) For greater certainty, the repeal of section 3.1 does not effect the validity of an authorization issued under that section or the continued application of the terms and conditions attached to an authorization under that section.

Revocation

- (3) The Minister may revoke an authorization issued to a person under subsection 3(2) where the Minister is satisfied that the person has contravened a condition attached to the authorization.

Idem

- (4) The Lieutenant Governor in Council may revoke an authorization to a person issued under subsection 3.1(1) where the Lieutenant Governor in Council is satisfied that the person has contravened a condition attached to the authorization. *(EC132/06)*



4. Alienation of interest in natural area

No person shall convey any interest in a natural area or portion thereof, whether by way of grant, deed, mortgage, lease, license, easement, right-of-way or otherwise, without first obtaining the written consent of the Minister. (EC54/89)

5. Report

Where any of the activities set out in subsection 3(1) have occurred within or upon a natural area without the permission or participation of the owner, upon learning of the occurrence, the owner shall report to the Minister the occurrence and the particulars thereof. (EC54/89)

6. Identifying plaque

- (1) The Minister may cause an identifying plaque or other notice to be erected upon a natural area.

Powers of entry

- (2) The Minister or any person authorized by the Minister may, at any time, enter upon a natural area for the purpose of inspection or enforcement of the Act or the regulations but may not enter structures or buildings in the natural area. (EC54/89)

7. Offence and restitution

- (1) Any person who violates these regulations is guilty of an offence and is liable upon summary conviction to a fine not exceeding \$1,000, and upon conviction the judge may order that person to pay such restitution as the judge thinks fit to any person aggrieved by the violation.

Continuing offence

- (2) Where a violation of these regulations continues for more than one day, the offender is guilty of a separate offence for each day that the violation continues.

Limitation period for prosecution

- (3) Proceedings in respect to an offence under these regulations may be instituted at any time within two years after the time when the subject matter of the proceedings arose. (EC54/89)

8. Injunction

- (1) A violation of these regulations may be restrained by injunction at the instance of the Minister upon application to the Supreme Court, and the court shall grant the injunction upon being satisfied that the granting of the injunction is advisable to ensure compliance with these regulations.

Form of injunction

- (2) An injunction granted pursuant to subsection (1) may be prohibitive or mandatory in nature, and, where mandatory, may require the taking of action to restore the natural area affected by the violation. (EC54/89)

9. Saving for other restrictions

The restrictions herein on the use of natural areas are in addition to any such restrictions established or set out in any restrictive covenants, easements, leases, licenses or other documents or agreements with respect to any natural area. (EC54/89)

10. Conservation officer may enforce Act

A conservation officer appointed under the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1 has the power and authority to enforce the Act and these regulations. (EC137/10)

