



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **NATURAL AREAS PROTECTION ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to May 13, 2021. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## NATURAL AREAS PROTECTION ACT

### CHAPTER N-2

#### 1. Definitions

In this Act

- (a) “**Minister**” means the Minister of Environment, Energy and Climate Action;
- (b) “**natural area**” means a parcel of land designated as such under section 3 that
  - (i) contains natural ecosystems or constitutes the habitat of rare, endangered or uncommon plant or animal species,
  - (ii) contains unusual botanical, zoological, geological, morphological or palaeontological features,
  - (iii) exhibits exceptional and diversified scenery,
  - (iv) provides haven for seasonal concentrations of birds and animals, or
  - (v) provides opportunities for scientific and educational programs in aspects of the natural environment. *1988, c.46, s.1; 1989(2nd), c.1, s.2; 1993, c.29, s.4; 1997,c.20,s.3; 2000,c.5,s.3; 2004,c.36,s.3; 2009,c.73,s.2; 2012,c.17,s.2; 2015,c.28,s.3; 2019,c.1,s.3; 2021,c.8,s.3.*

#### 2. Object

The object of this Act is to preserve natural areas in the province. *1988, c.46, s.2.*

#### 3. Designation of natural areas

- (1) The Minister may, by order, designate any area of land as a natural area if
  - (a) the land is Crown land;
  - (b) the Minister has entered into an agreement pursuant to section 4 with a private landowner for the purchase, lease or acquisition of the land; or
  - (c) a private landowner has registered a restrictive covenant affecting the land pursuant to section 5.

#### Rights not conferred by designation

- (2) The designation of any area as a natural area does not confer any right to use land within the natural area which a person would not have in the absence of the designation.

#### Removal of designation

- (3) The Minister may, by order, revoke all or part of a designation made under subsection (1) in respect of the area or a part of the area of land to which the designation applies where the Minister is satisfied that
  - (a) either

- (i) natural processes have significantly diminished, impaired or eliminated the plant or animal species, features, scenery, havens or opportunities referred to in subclauses 1(b)(i) to (v) for which the area or part of the area of land was designated as a natural area, or
- (ii) the interests of the community or region in which the natural area is located are better served by removing the designation and allowing the use of the land for development or other purposes; and
- (b) the land to which the designation applies is Crown land.

#### **Public notice and consultation**

- (4) No order respecting a designation shall be made under subsection (1) or (3) with respect to Crown land unless the Minister has first
  - (a) published a notice in the Gazette and other media
    - (i) indicating the intention to make an order designating or revoking the designation of an area of land or part of an area of land as a natural area, and
    - (ii) inviting public representations on the matter within the period specified in the notice of no less than two weeks; and
  - (b) considered any public representations received within the period specified in the notice. *1988, c.46, s.3; 2005, c.13, s.1.*

#### **4. Agreements**

- (1) A private landowner who wishes to have his land designated as a natural area may enter into an agreement with the Minister for the purchase, lease or acquisition of the land by the government.

#### **Terms *re* management**

- (2) An agreement under subsection (1) shall set out the terms and conditions under which the land will be managed as a natural area. *1988, c.46, s.4.*

#### **5. Restrictive covenant**

- (1) Without prejudice to section 4, a private landowner may impose a restrictive covenant on his or her land by entering into an agreement with the Minister or with any other person.

#### **Elements of covenant**

- (2) A restrictive covenant pursuant to subsection (1) may
  - (a) be positive or negative in nature;
  - (b) declare that such uses of the land as may be specified therein are forfeited;
  - (c) be registered as a deed under the *Registry Act* R.S.P.E.I. 1988, R-10, and, where so registered, it
    - (i) shall run with the land and be binding on the land-owner and his or her successors in title, and
    - (ii) may be enforced, by injunction, by either party to the agreement mentioned in subsection (1), against a party to the covenant and his or her successors in title to the land,

even where the person seeking to enforce the covenant owns no other land which would be accommodated or benefited by the covenant. *1992, c.50, s.1.*

**6. Advisory Committee**

- (1) The Minister may appoint an Advisory Committee to advise him on the designation and management of natural areas.

**Expense allowances**

- (2) Members of the Committee shall receive such expense allowances as the Lieutenant Governor in Council may determine. *1988, c.46, s.6.*

**7. Regulations**

The Lieutenant Governor in Council, on the recommendation of the Minister, may make regulations

- (a) with respect to the designation of land as a natural area;
- (b) defining the objectives, purpose and function of a natural area;
- (c) regulating activities that may take place in a natural area;
- (d) respecting the management and protection of natural areas;
- (e) respecting any other matter incidental to the protection of natural areas;
- (f) creating offences with respect to activities in a natural area and prescribing penalties therefore; and
- (g) respecting the persons or officers, or classes of persons or officers, who have the power and authority to enforce the regulations; and
- (h) respecting the powers and duties of persons or officers who enforce the regulations. *1988, c.46, s.7; 2006, c.16, s.63(9.1).*