

Wilderness Areas Protection Act

CHAPTER 27 OF THE ACTS OF 1998

as amended by

2005, c. 56, s. 18; 2009, c. 30; 2019, c. 39



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Published by Authority of the Speaker of the House of Assembly
Halifax

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CHAPTER 27 OF THE ACTS OF 1998
amended 2005, c. 56, s. 18; 2009, c. 30; 2019, c. 39

**An Act to Protect
Wilderness Areas in Nova Scotia**

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Short title

1 This Act may be cited as the *Wilderness Areas Protection Act*. 1998,
c. 27, s. 1.

OCTOBER 30, 2019

Purposes of Act

2 The purpose of this Act is to provide for the establishment, management, protection and use of wilderness areas, in perpetuity, for present and future generations, in order to achieve the following primary objectives:

- (a) maintain and restore the integrity of natural processes and biodiversity;
- (b) protect representative examples of natural landscapes and ecosystems;
- (c) protect outstanding, unique, rare and vulnerable natural features and phenomena,

and the following secondary objectives:

- (d) provide reference points for determining the effects of human activity on the natural environment;
- (e) protect and provide opportunities for scientific research, environmental education and wilderness recreation; and
- (f) promote public consultation and community stewardship in the establishment and management of wilderness areas,

while providing opportunities for public access for sport fishing and traditional patterns of hunting and trapping. 1998, c. 27, s. 2.

Interpretation

3 In this Act,

- (a) “campsite lease” means a campsite lease issued pursuant to the *Crown Lands Act*;
- (b) “Department” means the Department of ~~the~~ Environment;
- (c) “Director of Surveys” means the Director of Surveys appointed pursuant to the *Crown Lands Act*;
- (d) “enforcement officer” means a conservation officer within the meaning of the *Wildlife Act*, a regional, municipal or town police officer, a member of the Royal Canadian Mounted Police or a person designated pursuant to this Act;
- (e) “land” includes, where waters cover the land, all the waters thereon;
- (f) “licence” means a written approval or permit issued to a person pursuant to this Act or the regulations with respect to an activity, including terms and conditions of the licence and the renewal of a licence;
- (g) “mineral right” means a right issued pursuant to the *Mineral Resources Act*;
- (h) “Minister” means the Minister of ~~the~~ Environment;

(i) “Provincial Crown Lands Record Centre” means the Provincial Crown Lands Record Centre provided for pursuant to the *Crown Lands Act*;

(j) “Registrar of Crown Lands” means the Registrar of Crown Lands appointed pursuant to the *Crown Lands Act*;

(k) “structures or facilities” includes buildings, installations, boats and other equipment;

(l) “vehicle” means a motor vehicle, whether or not it is registered pursuant to the *Motor Vehicle Act*, and includes an all-terrain vehicle, a snowmobile, a motor boat, a motor vessel and an aircraft, except where the context otherwise requires;

(m) “wilderness area” means an area of land designated as a wilderness area pursuant to this Act;

(n) “wilderness recreation” means non-motorized, outdoor recreational activities that have minimal environmental impact, including nature-based tourism. 1998, c. 27, s. 3; 2019, c. 39, s. 1.

Application of Act to Crown

4 (1) This Act and the regulations bind Her Majesty in right of the Province and Her Majesty’s corporations, boards, commissions, agents, administrators, servants and employees.

(2) This Act binds Her Majesty in right of Canada and Her Majesty’s corporations, boards, commissions, agents, administrators, servants and employees.

(3) For greater certainty, the persons referred to in subsections (1) and (2) are subject to a prosecution, an order and other remedies pursuant to this Act and the regulations. 1998, c. 27, s. 4.

Conflict with other enactment

5 Where there is a conflict or inconsistency between this Act or the regulations and any other enactment, this Act and the regulations prevail. 1998, c. 27, s. 5.

Supervision and management

6 (1) The Minister is responsible for the general supervision and management of this Act and the regulations.

(2) Land designated as a wilderness area pursuant to this Act is under the administration and control of the Minister.

(3) The Minister may, in writing, delegate to any person a power or duty conferred or imposed on the Minister pursuant to this Act or the regulations. 1998, c. 27, s. 6.

Employees

7 Such employees as are necessary for the administration of this Act and the regulations shall be appointed in accordance with the *Civil Service Act*. 1998, c. 27, s. 7.

Enforcement officers

8 (1) Enforcement officers are responsible for the enforcement of this Act and the regulations.

(2) The Minister may designate any person or class of persons having, in the opinion of the Minister, the qualifications and experience to act as enforcement officers for the purpose of this Act and the regulations.

(3) An enforcement officer, in carrying out duties pursuant to this Act and the regulations, has the powers and authorities of a conservation officer pursuant to the *Wildlife Act* and the *Crown Lands Act* and, for greater certainty, Sections 88 to 100 of the *Wildlife Act* and Section 39 of the *Crown Lands Act* apply, *mutatis mutandis*.

(4) The protections afforded to

(a) a conservation officer by the *Wildlife Act* and the *Crown Lands Act*;

(b) an inspector appointed pursuant to the *Environment Act*; or

(c) a peace officer by any other enactment,

extend to an enforcement officer and to any other person while, and to the extent that, the person is in the course of assisting an enforcement officer. 1998, c. 27, s. 8; 2019, c. 39, s. 2.

Agreements

9 (1) The Minister may enter into an agreement with any federal, provincial or municipal government or any agency thereof, or with any person, including the owner of land adjacent to a wilderness area or a lessee or licensee within a wilderness area, for any purpose coming within this Act or the regulations.

(2) For the purpose of this Act, the Minister may acquire by exchange, purchase, gift or lease any land or interest in land from any person and may accept the transfer of administration and control of land from the Government of Canada or an agency thereof. 1998, c. 27, s. 9.

Duties and powers of Minister

10 (1) For the purpose of the administration and enforcement of this Act and the regulations and after engaging in such public consultation as the Minister considers appropriate, the Minister shall establish and administer such policies, programs, standards, guidelines, objectives, plans, codes of practice, directives and

approval processes as are necessary for the establishment, protection, management and use of wilderness areas.

(2) The Minister may

(a) establish advisory and *ad hoc* committees and retain experts to report to the Minister with respect to

(i) the content and administration of this Act and the regulations,

(ii) any policies, programs, standards, guidelines, objectives, plans, codes of practice, directives, approval processes or other matters under the administration of the Minister;

(b) specify the functions that the committees and experts are to perform, including the seeking of input from the public and the manner and time period within which those functions are to be performed;

(c) provide for the remuneration of, and payment of expenses to, experts and members of committees.

(3) The Minister may establish fees and prescribe forms for the provision, registration or filing of any information, documents, returns or reports, any application for, processing or issuance of a licence, any inspection or investigation and any services or materials provided in the course of the administration of this Act or the regulations.

(4) The Minister shall file, in the environmental registry established pursuant to the *Environment Act*, a copy of

(a) licences issued, and orders and decisions made, pursuant to this Act or the regulations;

(b) notices of designation served pursuant to this Act or the regulations;

(c) descriptions of wilderness areas designated pursuant to this Act;

(d) descriptions of wilderness areas changed by any actions taken pursuant to subsection 11(3) or (4);

(e) a management plan prepared for a wilderness area and a revised management plan;

(f) the Memorandum of Understanding dated June 24, 1998 referred to in subsection 11(2);

(g) policies, programs, standards, codes of practice, guidelines, objectives, plans, directives and approval processes established pursuant to this Act or the regulations;

- (h) convictions, penalties and other enforcement actions brought pursuant to this Act or the regulations;
- (i) information or documents required by the regulations to be included in the environmental registry; and
- (j) any other information or document considered appropriate by the Minister. 1998, c. 27, s. 10.

Wilderness areas

11 (1) The areas of land described in Schedule A to this Act, except any privately owned land included therein, are hereby designated as wilderness areas.

(2) The area of land described in Schedule B to this Act, except any privately owned land included therein, is hereby designated as a wilderness area and the Memorandum of Understanding dated June 24, 1998 applies to the area described in Schedule B and, for greater certainty, nothing shall be done pursuant to the Memorandum of Understanding that is illegal or otherwise contrary to this Act or the regulations.

(3) Subject to subsections (6), (7), (8) and (9), and only in order to achieve the purpose of this Act, the Minister, with the approval of the Governor in Council, may

- (a) designate, as a wilderness area, an area of Crown land in addition to those designated pursuant to this Act;
- (b) add an additional area of Crown land to a wilderness area;
- (c) with the written consent of the owner and subject to the term of consent, if any, and any other conditions included in the consent, designate privately owned land as, or add privately owned land to, a wilderness area;
- (d) alter the boundaries of a wilderness area in a manner that is consistent with an applicable management plan and that provides for more effective management and increased protection for the wilderness area;
- (e) determine the name by which a designated wilderness area is to be known,

and, where the authority pursuant to any clause of this subsection is exercised, the Minister shall cause to be deposited, in the Provincial Crown Lands Record Centre, a plan signed by the Director of Surveys showing the boundaries of the wilderness area for which it was made.

- (4)** Subject to subsections (6), (7) and (8), where
- (a) an owner of privately owned land adjacent to a wilderness area; or

(b) one or more residents of a community in close proximity to a wilderness area,

applies to the Minister with a request to alter a boundary of that wilderness area, the Minister, with the approval of the Governor in Council, may alter the boundary if the

(c) alteration is not inconsistent with any applicable management plan; and

(d) Minister is satisfied that the location of the boundary would have, before the boundary alteration, resulted in an undue hardship on the owner or the residents, as the case may be.

(5) Notwithstanding any enactment, the designation of a wilderness area shall not be revoked except by an Act of the Legislature.

(6) Before taking any action pursuant to clause (3)(a), (b), (d) or (e) or subsection (4), the Minister shall provide the public with

(a) at least sixty days notice of the intended action; and

(b) an opportunity for consultation on the intended action.

(7) The Minister shall cause the notice required pursuant to subsection (6) to be published in

(a) a newspaper circulating in the Province; and

(b) a local newspaper circulating in the area in which the land is located,

advising of the intended action and the timing of, and manner in which, the public consultation will occur.

(8) Where action is intended to be taken pursuant to subsection (3) or (4) to alter the boundaries of a wilderness area that includes privately owned land, the Minister shall serve notice of the intended action on the owner of the land as shown on the latest revised assessment roll and, where action is taken, the Minister shall cause notice of the alteration to be

(a) deposited in the registry of deeds for the registration district in which the land is situated; and

(b) served on the owner of the land as shown on the latest revised assessment roll.

(9) A socio-economic analysis of the impact of the designation of a wilderness area must be prepared, completed and made available to the public for every area proposed to be designated as a wilderness area on Crown land after this Act comes into force, and, for greater certainty, this subsection does not apply to an additional area of Crown land added to a wilderness area if that additional area has been given to the Crown by a private landowner. 1998, c. 27, s. 11; 2019, c. 39, s. 3.

Alteration of boundaries

12 Where

- (a) an additional area of Crown land is added pursuant to clause 11(3)(b);
- (b) privately owned land is added pursuant to clause 11(3)(c);
- (c) a wilderness area boundary is surveyed in order to more accurately identify the location of the boundary;
- (d) there is an omission from the description or an erroneous description in a wilderness area plan that is deposited in the Provincial Crown Lands Record Centre pursuant to this Act; or
- (e) a wilderness area boundary is altered pursuant to subsection 11(4),

the Registrar of Crown Lands shall deposit in the Provincial Crown Lands Record Centre a plan signed by the Director of Surveys in substitution for a previous plan deposited pursuant to this Act, and the substituted plan becomes, for the purpose of this Act and the regulations, the plan showing the boundaries of the wilderness area for which it was made. 1998, c. 27, s. 12.

Prohibition of certain activity by Crown

13 (1) Except as provided in this Act or the regulations, Her Majesty in right of the Province shall not grant, deed or lease, or issue an approval, licence, permit, easement or authorization, or permit any of the same, with respect to Crown land within a wilderness area, or any part thereof, pursuant to any enactment or other authority, whether under the administration of the Minister or not.

(2) For greater certainty, subsection (1) does not prevent an activity, or the licensing of an activity, authorized or permitted pursuant to this Act or the regulations.

(3) For greater certainty,

(a) notwithstanding the *Provincial Parks Act*, Her Majesty in right of the Province shall not designate a wilderness area as a provincial park; and

(b) Her Majesty in right of the Province shall not transfer the administration or control of, or otherwise convey, a wilderness area to the Government of Canada, or an agency thereof, for park purposes. 1998, c. 27, s. 13.

New wilderness areas

14 (1) The Minister shall promote the voluntary establishment of privately owned lands as new wilderness areas or as parts of designated wilderness areas.

(2) Where the owner of privately owned land gives written consent to the designation of that land as a wilderness area, a copy of the consent shall be filed in the office of the registry of deeds for the registration district in which the land is located, and the consent is binding for the term, to the extent and subject to the conditions specified in the consent upon the owner and all subsequent owners of the land, or any estate or interest therein, and the occupier of the land and the successors of the occupier.

(3) For greater certainty and subject to any terms and conditions that are included in a written consent given to designate privately owned land as a wilderness area, this Act and the regulations apply to such privately owned land for the period of the consent. 1998, c. 27, s. 14.

Management plans

15 (1) The Minister shall complete management plans to guide the protection, management or use of a specific wilderness area, a part of a specific wilderness area or any action or activity undertaken to manage a specific wilderness area.

(2) A management plan may be revised from time to time.

(3) Where a management plan is completed pursuant to subsection (1) or revised pursuant to subsection (2), the Minister shall engage in such public consultation on the management plan as the Minister considers appropriate.

(4) *repealed 2019, c. 39, s. 4.*

1998, c. 27, s. 15; 2019, c. 39, s. 4.

Encouragement of voluntary activities

16 The Minister shall encourage the voluntary planning and management of land adjoining or affecting wilderness areas in a manner consistent with the purpose of this Act and the regulations. 1998, c. 27, s. 16.

Prohibitions

- 17 (1) Within a wilderness area, no person shall
- (a) acquire a mineral right or petroleum right;
 - (b) construct or develop an energy-resource development, including a hydro-electric or water-resource development or associated impoundment;
 - (c) construct or develop a transmission or distribution line, pipeline or tunnel; or
 - (d) carry out forestry or ~~aquaculture~~ [aquaculture] activities.

(2) Except as provided in this Act or the regulations, within a wilderness area no person shall

- (a) carry out mineral or petroleum development, quarrying or mining;
- (b) construct, maintain or operate a structure or facility, utility line or bridge;
- (c) carry out agricultural activities;
- (d) create, construct, maintain or operate a trail, road, railway, aircraft landing strip or helicopter pad;
- (e) use or operate a vehicle or bicycle;
- (f) camp, tent or occupy the land;
- (g) alter the surface of the land;
- (h) remove, destroy, or damage any natural object, flora or fauna, whether living or dead;
- (i) remove, destroy or damage any object of scientific, historical, archaeological, cultural or palaeontological interest;
- (j) introduce a substance or thing that may destroy or damage existing flora, fauna or ecosystems;
- (k) dump or deposit any litter, garbage or refuse other than in containers provided or designated by the Minister for that purpose;
- (l) light or maintain a fire;
- (m) create a nuisance or act in a manner or do anything that may be, or may cause, a nuisance; or
- (n) carry on an activity that is restricted or prohibited by the regulations. 1998, c. 27, s. 17.

Exemption

18 Section 17 does not apply to an enforcement officer, an employee of the Department or any other person to whom a delegation has been made pursuant to subsection 6(3), while performing that person's duties, if the activity in which the person is engaged is necessary for the performance of that person's duties. 1998, c. 27, s. 18.

Permitted activities

19 The Minister may carry out, or authorize the carrying out of, activities within a wilderness area, including activities that would otherwise be prohibited pursuant to Section 17, for the responsible management, preservation or restoration of indigenous biodiversity of a wilderness area, including the protection of property, the health or safety of humans and the suppression of forest fires. 1998, c. 27, s. 19.

Permitted activities

20 The Minister may undertake or provide for environmental, educational and natural history interpretation in a wilderness area and, where these are undertaken or provided for, shall do so in a manner consistent with this Act, the regulations and any applicable management plan and they shall not contribute to degradation of the wilderness area. 1998, c. 27, s. 20.

Licence for scientific research

21 The Minister may issue a licence authorizing scientific research within a wilderness area, including the carrying out of activities necessary to such scientific research that would otherwise be prohibited pursuant to Section 17 without contributing to the degradation of the wilderness area. 1998, c. 27, s. 21.

Wilderness recreation

22 (1) In wilderness areas, the public may engage in wilderness recreation that is undertaken in a manner consistent with this Act, the regulations and any applicable management plan.

(2) Notwithstanding subsection (1), the Minister may make an order temporarily restricting or prohibiting activities in a wilderness area to protect property, the environment or the health or safety of humans. 1998, c. 27, s. 22.

Certain recreational activities

23 (1) Tenting, camping, lighting a fire or maintaining a fire are permitted within a wilderness area only at sites designated by the Minister or, where no sites are designated, pursuant to such terms and conditions as may be prescribed by a licence or order issued by the Minister.

(2) The Minister may, in a wilderness area

(a) designate, develop and manage a trail or route for wilderness recreation including, but not limited to, walking, hiking, canoeing, kayaking and cross-country skiing;

(b) construct, manage and maintain such structures or facilities as are, in the opinion of the Minister, required for wilderness recreation or for the management or use of a wilderness area;

(c) designate, construct, manage and maintain such parking areas as are, in the opinion of the Minister, required for wilderness recreation or for the management or use of a wilderness area, and upon which vehicle and bicycle use and operation is permitted.

(3) Within a wilderness area included in a Schedule to this Act, the Minister may designate a trail or route upon which the use and operation of snowmobiles is permitted if

(a) the trail was designated at any time before January 1, 2006, whether or not presently designated;

(b) the Minister has entered into a management agreement with a group or organization setting out the terms and conditions for the use of the trail;

(c) the Minister intends the relocation of the trail or route to another location outside the wilderness area, or near the wilderness area boundary where adverse environmental effects will be minimal; and

(d) in the opinion of the Minister, the continued use or operation of snowmobiles within the wilderness area will have a minimal environmental impact on the wilderness area.

(4) Within a wilderness area not included in a Schedule to this Act and within lands added to wilderness areas listed in a Schedule to the Act, the Minister may designate a trail or route upon which the use and operation of vehicles is permitted if

(a) the Minister has entered into a management agreement with a group or organization setting out the terms and conditions for the use of the trail;

(b) the trail or route existed before the area was designated as a wilderness area;

(c) the trail is an essential link with a more extensive trail network;

(d) the Minister intends the relocation of the trail or route to another location outside the wilderness area, or near the wilderness area boundary where adverse environmental effects will be minimal; and

(e) in the opinion of the Minister, the continued use or operation of vehicles within the wilderness area will have a minimal environmental impact on the wilderness area.

(4A) The Minister may issue a licence permitting the use of a motor boat, a motor vessel or an aircraft to enable access for wilderness recreation, sport fishing or traditional patterns of hunting or trapping if, in the opinion of the Minister,

(a) the continued use will have a minimal environmental impact on the wilderness area; and

(b) no reasonable alternative exists to enable the access.

(4B) Until January 1, 2012, the Minister may issue a licence permitting the holder of the licence to use a vehicle on an approved trail or route within the Polletts Cove-Aspy Fault Wilderness Area to enable access for moose hunting.

(4C) Where the conditions in clauses (4)(a), (d) and (e) are met, the Minister may designate one or more of the following trails or routes upon which the use and operation of vehicles is permitted:

- (a) River Philip Road, Economy River Wilderness Area;
- (b) Queensport Road, Bonnet Lake Barrens Wilderness Area;
- (c) The Bypass Trail located on the Snowmobilers Association of Nova Scotia trail #104, Jim Campbells Barren Wilderness Area;
- (d) Grant Lake–Ross Lake Connector Trail, Ogden Round Lake Wilderness Area;
- (e) Dominique Meadow Brook–Fountain Lake Connector Trail, Portapique River Wilderness Area.

(5) *repealed 2009, c. 30, s. 1.*

(6) The Minister may require a trail or route in a wilderness area to be realigned or re-routed as necessary to minimize the environmental impact on the wilderness area.

(7) A licence issued pursuant to this Section shall designate specific routes for use within the wilderness area and may contain such other terms and conditions as are considered necessary, in the opinion of the Minister, for the protection of the wilderness area. 1998, c. 27, s. 23; 2005, c. 56, s. 18; 2009, c. 30, s. 1; 2019, c. 39, s. 5.

Permitted activities

24 (1) In wilderness areas, the public may engage in

- (a) sport fishing; and
- (b) traditional patterns of hunting and trapping,

that are undertaken in a manner consistent with this Act, the regulations and any applicable management plan and in accordance with any applicable laws.

(2) Notwithstanding subsection (1), the Minister may make an order temporarily restricting or prohibiting the sport fishing, hunting or trapping referred to in subsection (1) or related activities, structures or facilities in a wilderness area to protect property, the environment or the health or safety of humans.

(3) The Minister may issue a licence permitting the holder of the licence to carry out a seal hunt authorized by the Department of Fisheries and Oceans (Canada) on Hay Island in Scatarie Island Wilderness Area.

(4) A licence issued pursuant to subsection (3) must only permit such activities as are required to conduct the hunt, and may contain such terms and conditions as the Minister considers necessary to minimize adverse environmental impacts and protect the wilderness area. 1998, c. 27, s. 24; 2009, c. 30, s. 2.

Existing interests

- 25 (1) Where a person other than Her Majesty, before
- (a) February 9, 1993, with respect to land in a wilderness area included in a Schedule to this Act; or
 - (b) the date of wilderness area designation with respect to any other land,

held any of the following interests:

- (c) a mineral right issued pursuant to the *Mineral Resources Act*;
- (d) a campsite lease issued pursuant to the *Crown Lands Act*; or
- (e) a permit, licence, lease, right, estate or other interest,

the interests may continue until their expiry, lawful termination or cancellation and may be renewed in a form and manner consistent with this Act or the legislation under which the interest was issued.

(2) A person acting pursuant to any interest referred to in subsection (1) shall do so in a manner that, in the opinion of the Minister, will have a minimal environmental impact on the wilderness area.

(3) For greater certainty, mineral development undertaken pursuant to subsection (1) is subject to the *Mineral Resources Act*, the *Environment Act*, including any required environmental assessments, the *Crown Lands Act* and any other applicable enactment.

(4) The Minister may issue a licence to the holder of any interest referred to in subsection (1) to carry out activities that would otherwise be prohibited pursuant to Section 17, if the activities are, in the opinion of the Minister, necessary for the proper exercise or utilization of the interest and do not contribute to the degradation of the wilderness area.

(5) In subsection (6), “vehicle” does not include a motor boat, a motor vessel or an aircraft.

(6) A licence issued pursuant to subsection (4) to a campsite lease or licence holder authorizing vehicle use may only be issued for the limited purpose of

- (a) maintaining or repairing structures associated with the campsite lease or licensed site; or
- (b) removing structures or materials associated with the campsite lease or licensed site. 1998, c. 27, s. 25; 2009, c. 30, s. 3; 2019, c. 39, s. 6.

Private land surrounded by wilderness areas**26** Where

- (a) privately owned land is surrounded by a
 - (i) wilderness area, or
 - (ii) wilderness area and a watercourse or the ocean; and
- (b) there is no alternative lawful access by land to such privately owned land,

the Minister shall issue a licence to the owner of the land allowing for such limited access, with or without conditions, as the Minister considers appropriate and the access shall be carried out consistent with any applicable management plan. 1998, c. 27, s. 26.

Private land partially surrounded by or adjacent to wilderness areas**26A** Where

- (a) privately owned land is partially surrounded by or is adjacent to a wilderness area;
- (b) there is no reasonable alternative for lawful access by land to such privately owned land; and
- (c) in the opinion of the Minister, use of the access would have a minimal environmental effect on the wilderness area,

the Minister may issue a licence to the owner of the land allowing for such limited access, with or without conditions, as the Minister considers appropriate and the access must be carried out consistent with any applicable management plan. 2019, c. 39, s. 7.

Sign and other markers

27 (1) The Minister may place notices, plaques, markers, signs or other devices in a wilderness area indicating that the land is a wilderness area or indicating activities that are permitted, restricted or prohibited pursuant to this Act, the regulations or any applicable management plan.

(2) No person shall

- (a) deface or remove a notice, plaque, marker, sign or other device posted in a wilderness area pursuant to this Act, the regulations or any applicable management plan; or
- (b) post a notice, plaque, marker, sign or other device in a wilderness area other than pursuant to this Act, the regulations or any applicable management plan.

(3) Evidence that a notice, plaque, marker, sign or other device has been posted pursuant to this Act, the regulations or any applicable management plan is *prima facie* proof that a notice, plaque, marker, sign or other device was posted. 1998, c. 27, s. 27.

Consequences of non-compliance with order

28 (1) A person who fails to comply with the terms and conditions of an order or licence issued pursuant to this Act or the regulations is guilty of an offence.

(2) An order made by the Minister pursuant to the authority of this Act or the regulations is a regulation within the meaning of the *Regulations Act* but, for greater certainty, subsection 39(4) does not apply to such an order.

(3) The Minister shall endeavour to give notice of any order made pursuant to this Act or the regulations to those affected by the order by whatever method the Minister considers appropriate. 1998, c. 27, s. 28.

Service of notice

29 (1) Service of any notice required to be made pursuant to this Act or the regulations is deemed to be sufficiently given or served

(a) upon a copy being personally given to, or served on, the person to whom it is directed; or

(b) five days after a copy is sent by mail to the person to whom it is directed at the last known address for that person.

(2) Where

(a) a person, upon whom service is required by this Act or the regulations to be made, cannot be identified; or

(b) the person's address is unknown,

service is sufficient if notice is affixed in a conspicuous place on the land affected by this Act or the regulations and a copy is delivered to any occupant of the land. 1998, c. 27, s. 29.

Offence

30 (1) Every person who contravenes this Act or the regulations is guilty of an offence and is liable, on summary conviction

(a) in the case of a corporation, to a fine not exceeding one million dollars; or

(b) in the case of an individual, to a fine not exceeding five hundred thousand dollars or to imprisonment for a term of not more than six months, or to both.

(2) Where a person is convicted of an offence pursuant to this Act or the regulations a second or subsequent time, the person is, notwithstanding subsection (1), liable to a fine not exceeding double the amount set out in that subsection.

(3) Where an offence pursuant to this Act or the regulations is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

(4) Where a person is convicted of an offence pursuant to this Act or the regulations and the court is satisfied that monetary benefits accrued to the person as a result of the commission of the offence

(a) the court may order the person to pay an additional fine in an amount equal to the court's estimation of the amount of the monetary benefits; and

(b) the additional fine is not limited by the maximum amount of any fine that may otherwise be imposed pursuant to this Act or the regulations. 1998, c. 27, s. 30.

Burden of proof in prosecution

31 (1) In a prosecution for an offence pursuant to this Act or the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.

(2) Where a corporation commits an offence pursuant to this Act or the regulations, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the violation of this Act or the regulations is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.

(3) Unless otherwise provided in this Act or the regulations, no person shall be convicted of an offence pursuant to this Act or the regulations if the person establishes that the person exercised all due diligence to prevent the commission of the offence. 1998, c. 27, s. 31.

Additional powers of court

32 (1) Where a person is convicted of an offence, the court may, in addition to any punishment imposed, order that anything seized by means of, or in relation to which, the offence was committed, or any proceeds of its disposition, be forfeited to Her Majesty in right of the Province.

(2) Where the court does not order a forfeiture pursuant to subsection (1), the thing seized, or the proceeds of its disposition, shall be returned to

(a) its lawful owner; or

(b) the person lawfully entitled to it,

if the possession of the thing seized would be lawful. 1998, c. 27, s. 32.

Retention of goods until fine paid

33 Where a fine is imposed on a person convicted of an offence, anything seized, or any proceeds of its disposition, may be retained until the fine is paid or the thing may be sold in satisfaction of the fine and the proceeds applied, in whole or in part, in payment of the fine. 1998, c. 27, s. 33.

Additional powers of court

34 Where a person is convicted of an offence, the court may, in addition to any punishment imposed and having regard to the nature of the offence and the circumstances surrounding its commission, make an order containing one or more of the following prohibitions, directions or requirements:

(a) prohibiting the person from doing any act or engaging in any activity that could, in the opinion of the court, result in the continuation or repetition of the offence;

(b) directing the person to take any action that the court considers appropriate to remedy any damage done to, or to prevent any adverse effects on, a wilderness area, that results from or may result from the commission of the offence;

(c) directing the person to pay to the Minister compensation, in whole or in part, for the cost of any remedial or preventive action taken by, or on behalf of, the Minister as a result of the commission of the offence;

(d) directing the person to post a bond or pay into court an amount of money that the court considers appropriate for the purpose of ensuring compliance with any prohibition, direction or requirement made pursuant to this Section. 1998, c. 27, s. 34.

Order to appear

35 (1) Where a court has made an order, the court may, on application by the offender or Her Majesty in right of the Province, require the offender to appear before it and, after hearing the offender and Her Majesty, may make an order

(a) changing the original order or the conditions specified in it;

(b) relieving the offender absolutely or partially from compliance with any or all of the order;

(c) reducing the period for which the original order is to remain in effect;

(d) extending the period for which the original order is to remain in effect for an additional period not to exceed one year.

(2) Before making an order pursuant to subsection (1), the court may direct that notice be given to any persons the court considers to be interested and the court may hear any such persons.

(3) Where an application made pursuant to this Section in respect of an offender has been heard by a court, no other application pursuant to this Section may be made with respect to the offender except with leave of the court. 1998, c. 27, s. 35.

Limitation period

36 (1) Proceedings by way of summary conviction in respect of an offence pursuant to this Act or the regulations may not be commenced more than two years after the later of

- (a) the date on which the offence was committed; or
- (b) the date on which evidence of the offence first came to the attention of an enforcement officer or the Minister, whichever occurs first.

(2) A document purporting to have been issued by the Minister, certifying the day on which the Minister became aware of evidence of the offence, is admissible without proof of the signature or official character of the individual appearing to have signed the document and, in the absence of evidence to the contrary, is proof of the matter certified. 1998, c. 27, s. 36.

Compensation

37 (1) Subject to subsection (2), a person may be awarded compensation by the Minister, with the approval of the Governor in Council, for fees, rentals and expenditures fairly and reasonably incurred by reason of any act or thing done pursuant to this Act or the regulations which has a detrimental effect on the person.

(2) No compensation shall be awarded pursuant to subsection (1) for

- (a) loss of income or profit;
- (b) loss of anticipated income, profit, products or opportunities; or
- (c) the value of anything in, on or under the surface of any land.

(3) For greater certainty, notwithstanding the *Expropriation Act*, and in particular Section 4 thereof, or any enactment, no claim for compensation lies against Her Majesty in right of the Province by reason of any act or thing done pursuant to this Act or the regulations, except as provided pursuant to this Section.

(4) A decision pursuant to this Section is final and binding.

(5) Where a person makes a claim for compensation pursuant to subsection (1), the Minister

- (a) shall require the person to provide

- (i) evidence of the particulars of the expenditures incurred in the form of a statutory declaration, and
 - (ii) such other information as the Minister may require; and
- (b) may determine the form, manner in which and conditions and terms under which any compensation is awarded. 1998, c. 27, s. 37.

Claim for compensation

38 Notwithstanding Section 37, where a licence has been issued pursuant to Section 26 to a person who owns land completely surrounded by a wilderness area and reasonable access for the use of the land is not provided by the licence, the person is not precluded from making a claim for compensation pursuant to the *Expropriation Act* if that person can establish a right to compensation pursuant to that Act. 1998, c. 27, s. 38.

Regulations

- 39** (1) The Governor in Council may make regulations
- (a) respecting the erection, development, operation, maintenance, use or licensing of structures or facilities or the type of construction, location or cost of structures or facilities within a wilderness area;
 - (b) respecting the posting, erection or other display of notices, plaques, markers, signs or other devices in a wilderness area;
 - (c) for the classification or zoning of wilderness areas and the uses to which each classification or zone may be put;
 - (d) controlling, licensing, regulating, restricting or prohibiting any entry, use, activity, development or occupation of the land or of any of the natural features, phenomena or processes in a wilderness area;
 - (e) regulating, restricting or prohibiting modes of travel in or through a wilderness area;
 - (f) respecting any activity undertaken in accordance with a mineral right or other interest held before the coming into force of this Act;
 - (g) respecting any matter necessary or advisable for the administration of a system of administrative penalties;
 - (h) respecting information or documents required to be included in the environmental registry;
 - (i) defining a word or expression used, but not defined, in this Act or further defining a word or expression used in this Act;

(j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

(3) A regulation made pursuant to subsection (1) may be made applicable to all wilderness areas or to any wilderness area or to any part of a wilderness area.

(4) A regulation made pursuant to subsection (1), or a substantive amendment thereto, shall not be made until there has been such public consultation as the Minister considers appropriate. 1998, c. 27, s. 39.

Effective date

40 Subsection 11(2) and Schedule B to this Act have effect on and after the earlier of

(a) the date a management plan is completed and signed by the Minister for the area of land described in Schedule B; or

(b) June 30, 1999. 1998, c. 27, s. 40.

In force - June 30, 1999

SCHEDULE A

1. ALDER GROUND WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Guysborough, Province of Nova Scotia, shown outlined in bold line as Alder Ground Wilderness Area on Plan C.L.R. No. E-21-16 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

2. BOGGY LAKE WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Guysborough and Halifax, Province of Nova Scotia, shown outlined in bold line as Boggy Lake Wilderness Area on Plan C.L.R. No. E-21-17 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

3. BONNET LAKE BARRENS WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Guysborough, Province of Nova Scotia, shown outlined in bold line as Bonnet Lake Barrens Wilderness Area on Plan C.L.R. No. E-21-12 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

4. BOWERS MEADOWS WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Shelburne, Province of Nova Scotia, shown outlined in bold line as Bowers Meadows Wilderness Area on Plan C.L.R. No. E-21-30 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

5. CANSO COASTAL BARRENS WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Guysborough, Province of Nova Scotia, shown outlined in bold line as Canso Coastal Barrens Wilderness Area on Plan C.L.R. No. E-21-13 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

6. CLATTENBURGH BROOK WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Halifax, Province of Nova Scotia, shown outlined in bold line as Clattenburgh Brook Wilderness Area on Plan C.L.R. No. E-21-20 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

7. CLOUD LAKE WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Kings and Annapolis, Province of Nova Scotia, shown outlined in bold line as Cloud Lake Wilderness Area on Plan C.L.R. No. E-21-25 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

8. ECONOMY RIVER WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Colchester and Cumberland, Province of Nova Scotia, shown outlined in bold line as Economy River Wilderness Area on Plan C.L.R. No. E-21-23 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

9. FRENCH RIVER WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Victoria, Province of Nova Scotia, shown outlined in bold line as French River Wilderness Area on Plan C.L.R. No. E-21-3 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

10. GABARUS WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Cape Breton, Province of Nova Scotia, shown outlined in bold line as Gabarus Wilderness Area on Plan C.L.R. No. E-21-9 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

11. JIM CAMPBELLS BARREN WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Inverness, Province of Nova Scotia, shown outlined in bold line as Jim Campbells Barren Wilderness Area on Plan C.L.R. No. E-21-31 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

12. LAKE ROSSIGNOL WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Queens, Province of Nova Scotia, shown outlined in bold line as Lake Rossignol Wilderness Area on Plan C.L.R. No. E-21-27 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

13. LISCOMB RIVER WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Guysborough, Province of Nova Scotia, shown outlined in bold line as Liscomb River Wilderness Area on Plan C.L.R. No. E-21-14 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

14. MARGAREE RIVER WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Inverness, Province of Nova Scotia, shown outlined in bold line as Margaree River Wilderness Area on Plan C.L.R. No. E-21-2 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

15. MCGILL LAKE WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Annapolis, Province of Nova Scotia, shown outlined in bold line as McGill Lake Wilderness Area on Plan C.L.R. No. E-21-26 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

16. MIDDLE RIVER FRAMBOISE WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Cape Breton and Richmond, Province of Nova Scotia, shown outlined in bold line as Middle River Framboise Wilderness Area on Plan C.L.R. No. E-21-8 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

17. MIDDLE RIVER WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Victoria and Inverness, Province of Nova Scotia, shown outlined in bold line as Middle River Wilderness Area on Plan C.L.R. No. E-21-5 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

18. NORTH RIVER WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Victoria, Province of Nova Scotia, shown outlined in bold line as North River Wilderness Area on Plan C.L.R. No. E-21-6 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

19. OGDEN ROUND LAKE WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Guysborough, Province of Nova Scotia, shown outlined in bold line as Ogden Round Lake Wilderness Area on Plan C.L.R. No. E-21-11 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

20. PORTAPIQUE RIVER WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Colchester and Cumberland, Province of Nova Scotia, shown outlined in bold line as Portapique Wilderness Area on Plan C.L.R. No. E-21-24 deposited on May 20, 1998, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

21. SCATARIE ISLAND WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Cape Breton, Province of Nova Scotia, shown outlined in bold line as Scatarie Island Wilderness Area on Plan C.L.R. No. E-21-10 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

22. SUGARLOAF MOUNTAIN WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Inverness, Province of Nova Scotia, shown outlined in bold line as Sugarloaf Mountain Wilderness Area on Plan C.L.R. No. E-21-4 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

23. TANGIER GRAND LAKE WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Halifax, Province of Nova Scotia, shown outlined in bold line as Tangier Grand Lake Wilderness Area on Plan C.L.R. No. E-21-18 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

24. TERENCE BAY WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Halifax, Province of Nova Scotia, shown outlined in bold line as Terence Bay Wilderness Area on Plan C.L.R. No. E-21-22 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

25. THE BIG BOG WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Guysborough, Province of Nova Scotia, shown outlined in bold line as The Big Bog Wilderness Area on Plan C.L.R. No. E-21-15 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

26. TIDNEY RIVER WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Shelburne and Queens, Province of Nova Scotia, shown outlined in bold line as Tidney River Wilderness Area on Plan C.L.R. No. E-21-29 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

27. TOBEATIC WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Annapolis, Digby, Yarmouth, Shelburne and Queens, Province of Nova Scotia, shown outlined in bold line as Tobeatic Wilderness Area on Plan C.L.R. No. E-21-28 deposited on May 20, 1998, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

28. TROUT BROOK WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Inverness and Victoria, Province of Nova Scotia, shown outlined in bold line as Trout Brook Wilderness Area on Plan C.L.R. No. E-21-7 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

29. WAVERLEY - SALMON RIVER LONG LAKE WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Halifax, Province of Nova Scotia, shown outlined in bold line as Waverley-Salmon River Long Lake Wilderness Area on Plan C.L.R. No. E-21-21 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

30. WHITE LAKE WILDERNESS AREA

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the County of Halifax, Province of Nova Scotia, shown outlined in bold line as White Lake Wilderness Area on Plan C.L.R. No. E-21-19 deposited on December 9, 1997, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

1998, c. 27, Sch. A; O.I.C. 2018-188.

SCHEDULE B

POLLETTS COVE - ASPY FAULT

ALL and singular that certain lot, piece, parcel or tract of land and land covered by water located in the Counties of Inverness and Victoria, Province of Nova Scotia, shown outlined in bold line as Polletts Cove-Aspy Fault on Plan C.L.R. No. E-21-1 deposited on June 24, 1998, at the Provincial Crown Lands Record Centre, Nova Scotia Department of Lands and Forestry, Halifax, Nova Scotia.

1998, c. 27, Sch. B; O.I.C. 2018-188.
