

# Royal Gazette

Prince Edward Island

Postage paid in cash at First Class Rates

PUBLISHED BY AUTHORITY

VOL. CXXXIV - NO. 49

Charlottetown, Prince Edward Island, December 6, 2008

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
BECK, George Carrette Montague (Formerly of Commercial Road) Kings Co., PE December 6, 2008 (49-10)*	Carl Burke (EX.)	Cox & Palmer PO Box 516 Montague, PE
JEFFERY, Annabelle Marguerite Toronto Ontario December 6, 2008 (49-10)*	Wendy Lynn Fitzpatrick Elizabeth Ann Cole (EX.)	Allen J. MacPhee Law Corporation PO Box 238 Souris, PE
KEARNS, Anne Patterson Meadowbank Queens Co., PE December 6, 2008 (49-10)*	Robert Champion (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
MacLEOD, Mary Elizabeth Belle River Queens Co., PE December 6, 2008 (49-10)*	Robert Panting (EX.)	Cox & Palmer PO Box 516 Montague, PE
MAYNE, Mary Elaine Summerside Prince Co., PE December 6, 2008 (49-10)*	Cheryl Turner Lori Mayne Clark Kris Mayne (EX.)	McLellan Brennan 37 Central Street Summerside, PE
PAUGH, Eurilla Elsie Woodstock Prince Co., PE December 6, 2008 (49-10)*	Keith Paugh (EX.)	McInnes Cooper PO Box 177 O'Leary, PE
PINEAU, Joseph Alan	Barry Pineau (AD.)	Stewart McKelvey

\*Indicates date of first publication in the Royal Gazette.

This is the **official** version of the Royal Gazette. The electronic version may be viewed at:

<http://www.gov.pe.ca/royalgazette>

**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
Rustico Queens Co., PE December 6, 2008 (49-10)*		PO Box 2140 Charlottetown, PE
CURTIS, Ruth Roberta Charlottetown Queens Co., PE November 29, 2008 (48-09)	Richey Mayne (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
GILLIS, Hugh Donald Summerside Prince Co., PE November 29, 2008 (48-09)	Deborrah Kaye Gillis Samuel Dale Gillis (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
GRADY, Mary Agnes Charlottetown Queens Co., PE November 29, 2008 (48-09)	Ann "Colleen" Jaskiewicz E. "Patrick" O'Grady (EX.)	Catherine M. Parkman Law Office PO Box 1056 Charlottetown, PE
HANEVELD, Lambertus Bernardus (Bert) Lower Montague Kings Co., PE November 29, 2008 (48-09)	Verna Blanche Haneveld Lambert Bernard (Barry) Haneveld (EX.)	Cox & Palmer PO Box 486 Charlottetown, PE
HENDRICKEN, Phelan John Mermaid Queens Co., PE November 29, 2008 (48-09)	Howard Rodgerson Joseph P. Hendricken (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
MacDONALD, Jonathan S. Concord New Hampshire, USA November 29, 2008 (48-09)	Keith Philbrick (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
LORANGER, Jean Joseph Henrico Port Alberni British Columbia November 29, 2008 (48-09)	Gabrielle Mary Madsen (AD.)	Cox & Palmer PO Box 516 Montague, PE
MICHELFELDER, Lawrence	Richard A. Michelfelder (AD.)	Cox & Palmer

**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
(Larry) J. Brigantine New Jersey, USA November 29, 2008 (48-09)		PO Box 516 Montague, PE
ADAMS, Ralph Edward Margate Prince Co., PE November 22, 2008 (47-08)	Violet May Adams (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
ELLIS, Freeman Calgary Alberta November 22, 2008 (47-08)	Maurice Wayne Ellis Elaine Lacroix (EX.)	McLellan Brennan 37 Central Street Summerside, PE
LIVINGSTONE, Kenneth George High Bank Kings Co., PE November 22, 2008 (47-08)	Theressa A. Livingstone (EX.)	Cox & Palmer PO Box 486 Charlottetown, PE
MacCANNELL, Marion Charlottetown Queens Co., PE November 22, 2008 (47-08)	Robert Vatcher (EX.)	Catherine M. Parkman Law Office PO Box 1056 Charlottetown, PE
WHITE, George North Granville Queens Co., PE November 22, 2008 (47-08)	Ella White (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
HARNISH-WELLS, Doreen Stratford Queens Co., PE November 22, 2008 (47-08)	Trudy Pelley (AD.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
BURNS, Donald E. Charlottetown Queens Co., PE November 15, 2008 (46-07)	Stacey Linger (EX.)	Campbell Stewart PO Box 485 Charlottetown, PE
RAMSAY, Ernest Birch Summerside Prince Co., PE November 15, 2008 (46-07)	Ronald Ramsay (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
SPENCE, Grace	Sherry Spence	Campbell Lea

**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
Charlottetown Queens Co., PE November 15, 2008 (46-07)	Roger Spence (EX.)	PO Box 429 Charlottetown, PE
TAYLOR, Myrtle Vera Norboro Queens Co., PE November 15, 2008 (46-07)	Clark Taylor (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
THOMPSON, Edith Gertrude Summerside (Formerly of Margate) Prince Co., PE November 15, 2008 (46-07)	Shelley E. Cameron Carl K. Thompson (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
YORSTON, Elizabeth "Betty" Mary Georgetown Kings Co., PE November 15, 2008 (46-07)	Winston Jr. Yorston Russell A. Yorston Chad P. Yorston (EX.)	Cox & Palmer PO Box 516 Montague, PE
DARROW, William B. Honey Grove Pennsylvania, USA November 8, 2008 (45-06)	John F. Meigs (EX.)	Campbell Lea PO Box 429 Charlottetown, PE
EGAN, Grant Martin Collingwood Ontario November 8, 2008 (45-06)	Beverley Lee (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
GALLANT, Bernadette Margaret Summerside Prince Co., PE November 8, 2008 (45-06)	Deborah Gallant (EX.)	Matheson & Murray PO Box 875 Charlottetown, PE
GARDINER, Lorne Marvin Clinton, Kensington RR#6 (Formerly of Stanley Bridge) Queens Co., PE November 8, 2008 (45-06)	Elizabeth Joyce Gardiner (EX.)	McLellan Brennan 37 Central Street Summerside, PE
LIVINGSTONE, Donald Milton	Donald George	McInnes Cooper

**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
Sarnia Ontario November 8, 2008 (45-06)	Livingstone (EX.)	BDC Place Suite 620, 119 Kent Street Charlottetown, PE
BACON, Jacquelyn Ann Pawtucket Rhode Island, USA November 1, 2008 (44-05)	James Michael Bacon (EX.)	Cox & Palmer PO Box 40 Alberton, PE
BOEHNER, Florence Mabel (also known as Florence Mabel Boehner-Kennedy) Montague Kings Co., PE November 1, 2008 (44-05)	Wayne Boehner Karen Duffy (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
CHAMPION, Mildred Kathleen Kensington Prince Co., PE November 1, 2008 (44-05)	Alan Russell Champion (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
CUDMORE, Donna Marilyn Charlottetown Queens Co., PE November 1, 2008 (44-05)	Karen Cudmore (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
GILLIS, Eleanor Arleen Summerside Prince Co., PE November 1, 2008 (44-05)	Deborrah Kaye Gillis Samuel Dale Gillis (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
KAYS, Esma Mary Charlottetown Queens Co., PE November 1, 2008 (44-05)	Diane Kays (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
MacAULAY, Malcolm Kenneth Scott Summerside Prince Co., PE November 1, 2008 (44-05)	Christine Bateman (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
POWER, George Emmett	Linda Power (EX.)	Robert McNeill

**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
Summerside Prince Co., PE November 1, 2008 (44-05)		251 Water Street Summerside, PE
PROSSER, Alyce Margaret Cumberland Rhode Island, USA November 1, 2008 (44-05)	James A. Prosser (EX.)	Cox & Palmer PO Box 40 Alberton, PE
SCULLY, Charles Stephen Mermaid/Charlottetown RR#5 Queens Co., PE November 1, 2008 (44-05)	Elaine Scully (EX.)	Boardwalk Law Offices 220 Water Street Parkway Charlottetown, PE
COUGHLIN, Clarence Samuel Conway Prince Co., PE November 1, 2008 (44-05)	Eunice Coughlin (AD.)	McInnes Cooper PO Box 177 O'Leary, PE
ANDERSON, George Thomas Charlottetown Queens Co., PE October 25, 2008 (43-04)	Etta Marie Anderson (EX.)	Reagh & Reagh 17 West Street Charlottetown, PE
DesROCHES, Lucy Mary Summerside Prince Co., PE October 25, 2008 (43-04)	Sheila Arsenault (EX.)	Ramsay & Clark PO Box 96 Summerside, PE
GALLANT, James Vincent Hunter River Queens Co., PE October 25, 2008 (43-04)	Louis Gallant (EX.)	E. W. Scott Dickieson Law Office PO Box 1453 Charlottetown, PE
MATHESON, Malcolm Garfield Charlottetown (Formerly of Rose Valley) Queens Co., PE October 25, 2008 (43-04)	J. Deryl Newson (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
TAPP, Helen Nepean (Formerly of Ottawa) Ontario October 25, 2008 (43-04)	Judie Beazley Roland Tapp (EX.)	McLellan Brennan 37 Central Street Summerside, PE

**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
TURPIN, Bessie (Betty) Amelia Charlottetown Queens Co., PE October 25, 2008 (43-04)	David Kent Turpin (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
MacQUARRIE, Neil Nine Mile Creek Queens Co., PE October 25, 2008 (43-04)	Stephen MacQuarrie (AD.)	Robert R. MacArthur PO Box 127 Cornwall, PE
STEELE, John Duncan Canton, Norfolk Co. Massachusetts, USA October 25, 2008 (43-04)	Anita Steele (AD.)	Campbell Lea PO Box 429 Charlottetown, PE
MacKAY, Alward Murray Charlottetown Queens Co., PE October 18, 2008 (42-03)	Robert Ian MacKay David Allan MacKay (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
BECK, Leith Montague (Formerly of Abney) Kings Co., PE October 18, 2008 (42-03)	Barry Beck (AD.)	Cox & Palmer PO Box 516 Montague, PE
MacKENZIE, Laughlin Montague (Formerly of Pembroke) Kings Co., PE October 18, 2008 (42-03)	Marjorie Dockendorff Mary Dalton (AD.)	Cox & Palmer PO Box 516 Montague, PE
CLARK, Fay Alberton Prince Co., PE October 11, 2008 (41-02)	David Clark (EX.)	Cox & Palmer PO Box 40 Alberton, PE
CLOUTIER, Laurent St. Eustache Quebec October 11, 2008 (41-02)	Marguerite (Cloutier) Hayes (EX.)	Cox & Palmer 82 Summer Street Summerside, PE

**CANADA**  
**PROVINCE OF PRINCE EDWARD ISLAND**  
**IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
GILLIS, Mary "Eveline" Belle River Queens Co., PE October 11, 2008 (41-02)	Norman Gillis (EX.)	Cox & Palmer PO Box 516 Montague, PE
HANDRAHAN, Vincent Peter Kensington Prince Co., PE October 11, 2008 (41-02)	Arthur O'Malley Bill Harper Bernard Handrahan (EX.)	Donald Schurman 155A Arcona Street Summerside, PE
McSWAIN, Hilda Bernice Port Colborne Ontario October 11, 2008 (41-02)	Richard MacGregor Sterling Anderson (EX.)	McInnes Cooper BDC Place Suite 620, 119 Kent Street Charlottetown, PE
BERNARD, Marie St. Eustache Quebec October 11, 2008 (41-02)	Marguerite (Cloutier) Hayes (AD.)	Cox & Palmer 82 Summer Street Summerside, PE
GILL, Anne T. Elliotvale Kings Co., PE October 11, 2008 (41-02)	J. Thomas Gill (AD.)	Campbell Stewart PO Box 485 Charlottetown, PE
GILL, Raymond Elliotvale Kings Co., PE October 11, 2008 (41-02)	J. Thomas Gill (AD.)	Campbell Stewart PO Box 485 Charlottetown, PE
LITTLE, Barbara Ann Summerside Prince Co., PE October 11, 2008 (41-02)	Heather McAllister (AD.)	Lyle & McCabe PO Box 300 Summerside, PE
BRAHAM, Rilla Kensington Prince Co., PE October 4, 2008 (40-01)	Bernard McCabe (EX.)	Cox & Palmer 82 Summer Street Summerside, PE
CHAPPELL, Frederick James Kensington Prince Co., PE October 4, 2008 (40-01)	James Brian Lynwood Chappell (EX.)	Ramsay & Clark PO Box 96 Summerside, PE



**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
KEOUGH, George Nelson Victoria Prince Co., PE October 4, 2008 (40-01)	Vincent Keough (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
WHEELER, Elvira Christina Charlottetown Queens Co., PE October 4, 2008 (40-01)	David Wheeler (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
WHITE, Ethel Lorna Dartmouth Nova Scotia October 4, 2008 (40-01)	John Gavin Alexander White (EX.)	Key McKnight & Maynard PO Box 1570 Summerside, PE
MacLELLAN, Mary R. Charlottetown Queens Co., PE September 27, 2008 (39-52)	Norman Keizer (EX.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
MacDONALD, Ross William Louisville, Kentucky USA September 27, 2008 (39-52)	Thomas MacDonald (AD.)	Donald Schurman 155A Arcona Street Summerside, PE
GRAHAM, Elizabeth Margaret Charlottetown Queens Co., PE September 20, 2008 (38-51)	Kathryn Elizabeth Graham (EX.)	Matheson & Murray PO Box 875 Charlottetown, PE
HARBER, Elizabeth T. Charlottetown Queens Co., PE September 20, 2008 (38-51)	Kevin Jenkins (EX.)	Carr Stevenson & MacKay PO Box 522 Charlottetown, PE
HOGAN, Richard (Rick) Stratford Queens Co., PE September 20, 2008 (38-51)	Mireille Poirier Barry Hildebrandt (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
MURPHY, Mary St. Clair Charlottetown Queens Co., PE September 20, 2008 (38-51)	Brendon Wallace Murphy (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE

**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
TURNER, David Leroy Cavendish Queens Co., PE September 20, 2008 (38-51)	Byron Turner Laurel Turner- Dobberfuhl (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
WILLIS, Reta Jane Parkwest Lodge (Formerly of Cornwall) Queens Co., PE September 20, 2008 (38-51)	Carl B. Willis (EX.)	Stewart McKelvey PO Box 2140 Charlottetown, PE
TOBIN, James Michael Calgary Alberta September 20, 2008 (38-51)	Evelyn Lees (AD.)	Macnutt & Dumont PO Box 965 Charlottetown, PE
ADAMS, Loletta Ella Charlottetown Queens Co., PE September 13, 2008 (37-50)	Thane Earle Adams Dean Brent Adams (EX.)	Stewart McKelvey Stirling Scales PO Box 2140 Charlottetown, PE
ARSENAULT, Arthur D. St. Edwards Prince Co., PE September 13, 2008 (37-50)	Melvina Arsenault (EX.)	Lyle & McCabe PO Box 300 Summerside, PE
GALLANT, Mary Laurinda Wellington Prince Co., PE September 13, 2008 (37-50)	Edward Clark (EX.)	Key McKnight & Maynard PO Box 1570 Summerside, PE
GROVES, Joanne Marie North Rustico Queens Co., PE September 13, 2008 (37-50)	Patricia (Patti) Pineau (EX.)	E. W. Scott Dickieson Law Office PO Box 1453 Charlottetown, PE
SPINNER, Earl Harold Charlottetown Queens Co., PE September 13, 2008 (37-50)	Edgar Doucette (EX.)	Matheson & Murray PO Box 875 Charlottetown, PE
CURRIE, Doris Hamilton Ontario September 6, 2008 (36-49)	Leland Currie (EX.)	Cox & Palmer PO Box 40 Alberton, PE

**CANADA  
PROVINCE OF PRINCE EDWARD ISLAND  
IN THE SUPREME COURT - ESTATES DIVISION**

TAKE NOTICE that all persons indebted to the following estates must make payment to the personal representative of the estates noted below, and that all persons having any demands upon the following estates must present such demands to the representative within six months of the date of the advertisement:

Estate of: Date of the Advertisement	Personal Representative: Executor/Executrix (Ex) Administrator/Administratrix (Ad)	Place of Payment
HOWATT, Blanche Summerside Prince Co., PE September 6, 2008 (36-49)	Rev. Arthur Davies Donald Howatt (EX.)	Lyle & McCabe PO Box 300 Summerside, PE
MacAULAY, Ronald Bernard Souris Kings Co., PE September 6, 2008 (36-49)	Mary Estelle MacAulay (EX.)	Collins & Associates National Bank Tower Suite 200, 134 Kent Street Charlottetown, PE
MacLEOD, Ella Mae North Rustico Queens Co., PE September 6, 2008 (36-49)	Donna Lee MacLeod (EX.)	E. W. Scott Dickieson Law Office PO Box 1453 Charlottetown, PE

The following order was approved by Her Honour the Lieutenant Governor in Council dated 25 November 2008.

**EC2008-723****HOLLAND COLLEGE ACT  
BOARD OF GOVERNORS OF HOLLAND COLLEGE  
APPOINTMENTS**

Pursuant to subsection 6(1) of the *Holland College Act* R.S.P.E.I. 1988, Cap. H-6 Council made the following appointments:

<b>NAME</b>	<b>TERM OF APPOINTMENT</b>
via clause (c)	
Phillip A. Jost Summerside (vice Bill Dalziel, term expired))	25 November 2008 to 25 November 2011
via clause (d)	
Joan Connell Stanhope (vice Rory Hergert, term expired)	25 November 2008 to 25 November 2011
Susan MacKenzie Stratford (vice Ken MacRae, resigned)	25 November 2008 to 25 November 2011

Signed,

Robert Allan Rankin  
Clerk of the Executive Council

PROCLAMATION

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

*(Great Seal)*  
ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. BARBARA A. HAGERMAN  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

GREETING  
A PROCLAMATION

WHEREAS in and by section 5 of Chapter 4 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2008 and in the fifty-seventh year of Our Reign intituled "An Act to Amend the Agricultural Crop Rotation Act" it is enacted as follows:

"This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.",

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2008, 2nd Session, c. 4 should come into force on the 6th day of December, 2008,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that the said Act being "An Act to Amend the Agricultural Crop Rotation Act" passed in the fifty-seventh year of Our Reign shall come into force on the 6th day of December, two thousand and eight of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable Barbara A. Hagerman, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this twenty-fifth day of November in the year of Our Lord two thousand and eight and in the fifty-seventh year of Our Reign.

By Command,

ROBERT ALLAN RANKIN  
Clerk of the Executive Council

**PROCLAMATION**

CANADA  
PROVINCE OF PRINCE EDWARD ISLAND

*(Great Seal)*  
ELIZABETH THE SECOND, by the  
Grace of God of the United Kingdom,  
Canada and Her other Realms and  
Territories, QUEEN, Head of the  
Commonwealth, Defender of the Faith.

HON. BARBARA A. HAGERMAN  
Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any wise concern:

GREETING  
A PROCLAMATION

WHEREAS in and by section 17 of Chapter 13 of the Acts passed by the Legislature of Prince Edward Island in the 2nd Session thereof held in the year 2008 and in the fifty-seventh year of Our Reign intituled "An Act to Amend the Environmental Protection Act" it is enacted as follows:

"This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.",

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2008, 2nd Session, c. 13 should come into force on the 6th day of December, 2008,

NOW KNOW YE that We, by and with the advice and consent of our Executive Council for Prince Edward Island, do by this Our Proclamation ORDER AND DECLARE that the said Act being "An Act to Amend the Environmental Protection Act" passed in the fifty-seventh year of Our Reign shall come into force on the 6th day of December, two thousand and eight of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable Barbara A. Hagerman, Lieutenant Governor of the Province of Prince Edward Island, at Charlottetown this twenty-fifth day of November 2008 in the year of Our Lord two thousand and eight and in the fifty-seventh year of Our Reign.

By Command,

ROBERT ALLAN RANKIN  
Clerk of the Executive Council

**EPPEI 08-12  
EGG PRODUCERS OF PRINCE EDWARD ISLAND**

**BOARD ORDER: EPPEI 08-12  
EFFECTIVE: November 30, 2008  
ISSUED: November 27, 2008**

Under the *Natural Products Marketing Act*, R.S.P.E.I.1988, Cap. N-3, the Egg Commodity Marketing Regulations and the Prince Edward Island Egg Order made pursuant to the Agricultural Products Marketing Act (Canada), the Egg Producers of Prince Edward Island makes the following Order:

**PRICE DETERMINATION ORDER - AMENDMENT**

- Application      1. This Order amends the prices contained in Section 4 of Board Order 86-7.
- Prices amended    2. Section 4 of Board Order 86-7 is hereby amended by the deletion of clauses (a), (b) and (d) and the substitution thereof of the following:

(a) minimum Canada Grade A Producer Price by the dozen:

Extra Large	\$1.71
Large	\$1.71
Medium	\$1.59
Small	\$1.11

(b) suggested minimum Canada Grade A Wholesale Carton Price:

Extra Large	\$2.31
Large	\$2.28
Medium	\$2.16
Small	\$1.68

(d) minimum Canada Grade A Spot Price:

Extra Large	\$2.18
Large	\$2.15
Medium	\$2.03
Small	\$1.55

- Commencement    3. This Order shall come into force on the 30th day of November, 2008.

Dated at Charlottetown, Prince Edward Island, this 27th day of November, 2008.

Leith Murray, Chairman  
Donald Drake, Secretary

**NOTICE OF DISSOLUTION**

*Partnership Act*  
R.S.P.E.I. 1988, Cap. P-1

Public Notice is hereby given that a Notice of Dissolution has been filed under the *Partnership Act* for each of the following:

Name: HUGHES MOTOR SPORTS  
Owner: Ronald Hughes  
Registration Date: November 26, 2008  
<sup>49</sup>

**NOTICE OF GRANTING LETTERS PATENT**

*Companies Act*  
R.S.P.E.I. 1988, Cap. C-14, s.11,

Public Notice is hereby given that under the *Companies Act* Letters Patent have been issued by the Minister to the following:

Name: HISLANDER LTD.  
38 Brittany Drive  
Charlottetown, PE C1A 8W8  
Incorporation Date: November 26, 2008

Name: HUGHES MOTOR SPORTS INC.  
Brackley Beach  
Winsloe RR #9, PE C1E 1Z3  
Incorporation Date: November 26, 2008

Name: KENTDALE ORGANIC PRODUCE INC.  
1067 Winsloe Road  
Winsloe RR 9, PE C1E 1Z3  
Incorporation Date: November 26, 2008

Name: SUTTON HOLDINGS INC.  
25001 Hwy #2  
RR #4, Kensington, PE C0B 1M0  
Incorporation Date: November 20, 2008  
<sup>49</sup>

**NOTICE OF REGISTRATION**

*Partnership Act*  
R.S.P.E.I. 1988, Cap. P-1, s.52 and s.54(1)

Public Notice is hereby given that the following Declarations have been filed under the *Partnership Act*:

Name: MAAX  
Owner: MAAX BATH INC.  
160 boul. St. Joseph  
Lachine, PQ H8S 2L3  
Registration Date: November 20, 2008

Name: MAAX COLLECTION  
Owner: MAAX BATH INC.  
160 boul. St. Joseph  
Lachine, PQ H8S 2L3  
Registration Date: November 20, 2008

Name: MAAX INDUSTRIES  
Owner: MAAX BATH INC.  
160 boul. St. Joseph  
Lachine, PQ H8S 2L3  
Registration Date: November 20, 2008

Name: ADVANTA BY MAAX  
Owner: MAAX BATH INC.  
160 boul. St. Joseph  
Lachine, PQ H8S 2L3  
Registration Date: November 20, 2008

Name: PC FINANCIAL INSURANCE/  
ASSURANCE PC FINANCE  
Owner: PC FINANCIAL INSURANCE  
BROKER INC./COURTIER  
D'ASSURANCE PC FINANCE INC.  
2202 Eglinton Avenue East  
Suite 105  
Toronto, ON MIL 2N3  
Registration Date: November 24, 2008

Name: SILVER LINING ENERGY SOLUTIONS  
Owner: 100359 P.E.I. INC.  
47 Glencove Drive  
Stratford, PE C1B 1Y2  
Registration Date: November 25, 2008

Name: PRECISION DOCUMENT MANAGEMENT  
Owner: MICROTECH SUPPLY & SERVICES INC.  
5 Lower Marshfield Road  
Charlottetown, PE C1A 7J7  
Registration Date: November 27, 2008

Name: JANA INTERNATIONAL SPORTSWEAR  
Owner: JMAX GLOBAL DISTRIBUTORS INC.  
P.O. Box 49130  
2900 - 595 Burrard Street  
Vancouver, BC V7X 1J5  
Registration Date: November 26, 2008



Name: JANA INTERNATIONAL  
LICENSEWEAR  
Owner: JMAX GLOBAL DISTRIBUTORS  
INC.  
P.O. Box 49130  
2900 - 595 Burrard Street  
Vancouver, BC V7X 1J5  
Registration Date: November 26, 2008

Name: JANA & COMPANY  
Owner: JMAX GLOBAL DISTRIBUTORS  
INC.  
P.O. Box 49130  
2900 - 595 Burrard Street  
Vancouver, BC V7X 1J5  
Registration Date: November 26, 2008

Name: HASCO FACTORS  
Owner: JMAX GLOBAL DISTRIBUTORS  
INC.  
P.O. Box 49130  
2900 - 595 Burrard Street  
Vancouver, BC V7X 1J5  
Registration Date: November 26, 2008

Name: GAULTS HOSPITALITY  
Owner: JMAX GLOBAL DISTRIBUTORS  
INC.  
P.O. Box 49130  
2900 - 595 Burrard Street  
Vancouver, BC V7X 1J5  
Registration Date: November 26, 2008

Name: GAULTS  
Owner: JMAX GLOBAL DISTRIBUTORS  
INC.  
P.O. Box 49130  
2900 - 595 Burrard Street  
Vancouver, BC V7X 1J5  
Registration Date: November 26, 2008

Name: BUTLER - 2008  
Owner: Gerard H. J. Devoe  
323 Albion Road  
R R # 2  
St. Peter's, PE C0A 2A0  
Registration Date: November 21, 2008

Name: CHINADA OLDTIME CRAFTS  
Owner: Jie Yang  
11 Spring Park Road  
Apt.305  
Charlottetown, PE C1A 3X5  
Registration Date: November 24, 2008

Name: EMERALD ISLE PROPERTY  
MANAGEMENT  
Owner: Paul MacKinnon  
P.O. Box 5520  
R R # 2, Hunter River, PE C0A 1N0  
Registration Date: November 26, 2008

Name: EYEWIRE CONSULTING GROUP  
Owner: 7079150 Canada Inc.  
c/o Sergei Belov  
12 Ducks Landing  
Stratford, PE C1B 2X8  
Registration Date: November 27, 2008

Name: HECKBERT REPTILES  
Owner: Gregory Heckbert  
400 Riverdale Road, Route 245  
Riverdale, Bonshaw, PE C0A 1C0  
Registration Date: November 21, 2008

Name: HOWES HALL GALLERY  
Owner: Janet Mays  
RR #9, 100 Dunes View Drive  
Charlottetown, PE C1E 1Z3  
Owner: Betty Jenkins  
4 Rosemount Boulevard  
P.O. Box 6805  
Cornwall, RR 4, PE C0A 1H0

Owner: Margaret Muzika  
46 Eagles Path  
Box 9305, West Covehead  
York, PE C0A 1P0  
Owner: Mary R. M. Robertson  
76 Shoreline Drive  
West Covehead, PE C0A 1P0

Owner: Linda Shaw Packard  
3285 Brackley Pt. Road  
Winsloe RR #9, PE C1E 1Z3

Owner: Mary Ploughman Jones  
33 MacPhail Park Road, Orwell  
RR #2 Vernon Bridge, PE C0A 2E0  
Owner: Mary Carr-Chaisson  
25 Woodlawn Drive  
Charlottetown, PE C1A 6K8

Registration Date: November 26, 2008

Name: J. MARSHALL'S HEATING  
Owner: Jeremy Marshall  
Box 6119, Cornwall, PE C0A 1H0  
Registration Date: November 26, 2008

Name: MILLVALE ENVIRONMENTAL  
SERVICES  
Owner: C. St. Clair Murphy  
4775 Millvale Road  
R R # 2, Breadalbane, PE C0A 1E0  
Registration Date: November 28, 2008

Name: PAULA'S RESTAURANT  
 Owner: Paula Brown  
 319 Grafton St. Lane  
 Charlottetown, PE C1A 1L9  
 Registration Date: November 25, 2008

Name: THE BUTLER  
 Owner: Ian Scott Robertson  
 15 Nicholson Street  
 Montague, PE C0A 1R0  
 Owner: Gerard Henry Joseph Devoe  
 323 Albion Road  
 RR 2, St. Peter's, PE C0A 2A0  
 Registration Date: November 24, 2008

49

**NOTICE OF  
 REVIVED COMPANIES**

*Companies Act*

R.S.P.E.I. 1988, Cap. C-14 s.73

Public Notice is hereby given that under the *Companies Act* the following companies have been revived:

Name: ZAKMAC HOLDINGS LTD.  
 Effective Date: November 25, 2008

49

**APPLICATION FOR LEAVE  
 TO SURRENDER CHARTER**

CANADA  
 PROVINCE OF  
 PRINCE EDWARD ISLAND

IN THE MATTER of section 74 of the *Companies Act*, R.S.P.E.I., 1988, Cap. C-14

AND IN THE MATTER of the surrender of Charter of **HDS HOLDINGS INC.**

TAKE NOTICE that HDS Holdings Inc., a body corporate with head office at Salmon Arm, Province of British Columbia, intends to apply under section 74 of the *Companies Act*, R.S.P.E.I., 1988, Cap. C-14 for leave to surrender its charter.

DATED at Charlottetown this 27th day of November, 2008.

Paul D. Michael  
 Solicitor for HDS Holdings Inc.  
 Campbell Lea  
 15 Queen Street

P.O. Box 429, Charlottetown, PE C1A 7K7

49

**NOTICE  
 CHANGE OF NAME**

Be advised that a name change under the *Change of Name Act* S.P.E.I. 1997, C-59 was granted as follows:

Former Name: **BEVERLEY ANNE COLES**  
 Address: 168 DORCHESTER STREET  
 CHARLOTTETOWN PE  
 C1A 1E3

Present Name: **BEVERLY ANNE COLES**

December 02, 2008

T.A. Johnston  
 Director of Vital Statistics

49

**NOTICE  
 CHANGE OF NAME**

Be advised that a name change under the *Change of Name Act* S.P.E.I. 1997, C-59 was granted as follows:

Former Name: **ANDREW GARNHUM**  
 Address: 4334 RTE 225 RR 4  
 BREADALBANE PE  
 C0A 1E0

Present Name: **ANDREW MACDONALD  
 GARNHUM**

December 03, 2008

T.A. Johnston  
 Director of Vital Statistics

49

**NOTICE OF TAX SALE**

There will be sold at public auction at the Prince County Courthouse, Summerside, Prince Edward Island on Monday, December 15th, A.D. 2008, at the hour of 12:15 in the afternoon, real property located at 71 Boadway St. N., Kensington, in Prince County, Prince Edward Island, being identified as **parcel number 78071-000**, and assessed in the name of the **Estate of Owen Larkin**.

This property is being sold for non-payment of taxes in accordance with Section 16 of the *Real Property Tax Act*. A more complete legal description may be obtained by contacting Matthew B. MacFarlane of the law firm of McInnes Cooper, at 494 Granville Street, Summerside, Prince Edward Island, C1N 4K4, who acts for the Province in connection with this sale.

The said property will be sold subject to a reserve bid and conditions of sale.

DATED at Charlottetown, Prince Edward Island, this 2nd day of December, A.D., 2008.

E.A. Gaudet

Provincial Tax Commissioner for P.E.I.

49-50

#### NOTICE OF TAX SALE

There will be sold at public auction at the Prince County Courthouse, Summerside, Prince Edward Island on Monday, December 15th, A.D. 2008, at the hour of 12:15 in the afternoon, real property located at, Kensington, in Prince County, Prince Edward Island, being identified as **parcel number 884056-000**, and assessed in the name of **John Walter Condon**.

This property is being sold for non-payment of taxes in accordance with Section 16 of the *Real Property Tax Act*. A more complete legal description may be obtained by contacting Matthew B. MacFarlane of the law firm of McInnes Cooper, at 494 Granville Street, Summerside, Prince Edward Island, C1N 4K4, who acts for the Province in connection with this sale.

The said property will be sold subject to a reserve bid and conditions of sale.

DATED at Charlottetown, Prince Edward Island, this 2nd day of December, A.D., 2008.

E.A. Gaudet

Provincial Tax Commissioner for P.E.I.

49-50

#### INDEX TO NEW MATTER VOL. CXXXIV - NO. 49 December 6, 2008

#### APPOINTMENTS

##### Holland College Act

Board of Governors of Holland College  
Connell, Joan ..... 1074  
Jost, Phillip A. .... 1074  
MacKenzie, Susan ..... 1074

#### BOARD ORDERS

##### Natural Products Marketing Act

Egg Producers of Prince Edward Island  
Price Determination Order - Amendment  
EPPEI 08-12 ..... 1077

#### COMPANIES ACT NOTICES

**Application for Leave to Surrender Charter**  
HDS Holdings Inc. .... 1080

##### Granting Letters Patent

Hislander Ltd. .... 1078  
Hughes Motor Sports Inc. .... 1078  
Kenddale Organic Produce Inc. .... 1078  
Sutton Holdings Inc. .... 1078

##### Revived Companies

Zakmac Holdings Ltd. .... 1080

#### ESTATE NOTICES

##### Administrators' Notices

Pineau, Joseph Alan ..... 1064

##### Executors' Notices

Beck, George Carrette ..... 1063  
Jeffery, Annabelle Marguerite ..... 1063  
Kearns, Anne Patterson ..... 1063  
MacLeod, Mary Elizabeth ..... 1063  
Mayne, Mary Elaine ..... 1063  
Paugh, Eurilla Elsie ..... 1063

#### MISCELLANEOUS NOTICES

##### Change of Name Act

Coles, Beverly Anne ..... 1080  
Coles, Beverley Anne ..... 1080  
Garnhum, Andrew MacDonald ..... 1080  
Garnhum, Andrew ..... 1080

##### Real Property Tax Act

Tax Sale  
Estate of  
Larkin, Owen ..... 1080  
Property of  
Condon, John Walter ..... 1081

#### PARTNERSHIP ACT NOTICES

##### Dissolutions

Hughes Motor Sports ..... 1078

**Registrations**

Advanta By Maax .....	1078	Maax Industries .....	1078
Butler - 2008 .....	1079	Maax Collection .....	1078
Butler, The .....	1080	Maax .....	1078
Chinada Oldtime Crafts .....	1079	Millvale Environmental Services .....	1079
Emerald Isle Property Management .....	1079	Paula's Restaurant .....	1080
Eyewire Consulting Group .....	1079	PC Financial Insurance/Assurance PC	
Gaults .....	1079	Finance .....	1078
Gaults Hospitality .....	1079	Precision Document Management .....	1078
Hasco Factors .....	1079	Silver Lining Energy Solutions .....	1078
Heckbert Reptiles .....	1079		
Howes Hall Gallery .....	1079	<b>PROCLAMATIONS</b>	
J. Marshall's Heating .....	1079	An Act to Amend the	
Jana International Sportswear .....	1078	Agricultural Crop Rotation Act .....	1075
Jana & Company .....	1079	Environmental Protection Act .....	1076
Jana International Licensewear .....	1079		

---

The ROYAL GAZETTE is issued every Saturday from the office of Michael Fagan, Queen's Printer, PO Box 2000, Charlottetown, PEI C1A 7N8. All copy must be received by the Tuesday preceding day of publication. The subscription rate is \$55.00 per annum, postpaid; single copies are \$2.00 each, postpaid or \$1.00 each, over the counter.

---

**PART II**  
**REGULATIONS**

---

**EC2008-718**

**AGRICULTURAL CROP ROTATION ACT**  
**GENERAL REGULATIONS**  
**AMENDMENT**

(Approved by Her Honour the Lieutenant Governor in Council dated 25 November 2008.)

Pursuant to section 13 of the *Agricultural Crop Rotation Act* R.S.P.E.I. 1988, Cap. A-8.01, Council made the following regulations:

**1. Subsection 1(1) of the *Agricultural Crop Rotation Act* General Regulations (EC166/02) is amended**

**(a) in clause (a), by the deletion of the words “S.P.E.I. 2001, c.25” and the substitution of the words “R.S.P.E.I. 1988, Cap. A-8.01”;**

**(b) in clause (c), by the deletion of the words “and Forestry”; and**

**(c) by the revocation of clause (g).**

**2. Subclause 4(a)(iii) of the regulations is revoked.**

**3. Subsection 5(3) of the regulations is amended by the deletion of the words “and section 8 of the Act apply” and the substitution of the words “of the Act applies”.**

**4. Section 9 of the regulations is revoked.**

**5. These regulations come into force on December 6, 2008.**

**EXPLANATORY NOTES**

**SECTION 1** corrects the citation to the Act, name of the Department and revokes a clause that is no longer needed.

**SECTION 2** revokes a provision in the regulations that is going to be addressed in new regulations made pursuant to the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9.

**SECTION 3** removes a reference to the Act that has been repealed.

**SECTION 4** revokes a provision in the regulations that is going to be addressed in new regulations made pursuant to the *Environmental Protection Act*.

**SECTION 5** provides for the commencement of these regulations.

Certified a true copy,  
Robert Allan Rankin  
Clerk of the Executive Council

**EC2008-720**

**ENVIRONMENTAL PROTECTION ACT  
WATERCOURSE AND WETLAND PROTECTION  
REGULATIONS**

(Approved by Her Honour the Lieutenant Governor in Council dated 25 November 2008.)

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

**PART I - DEFINITIONS**

Definitions	<b>1.</b> (1) In these regulations
Act	(a) “Act” means the <i>Environmental Protection Act</i> ;
agricultural crop	(b) “agricultural crop” means any crop that is cultivated for the production of food, fibre or pharmaceuticals, and without limiting the generality of the foregoing, includes row crops;
authorization	(c) “authorization” means an authorization in respect of an intensive livestock operation, granted pursuant to section 10, and includes an amended authorization, and an authorization varied or confirmed by the Commission pursuant to section 13;
bog	(d) “bog” means a wetland covered by <i>sphagnum</i> mosses, with peat underneath;
buffer zone	(e) “buffer zone” means the 15-metre-wide area referred to in section 3;
certificate	(f) “certificate” means a valid and current Watercourse, Wetland, and Buffer Zone Activity Certificate granted pursuant to section 4;
cultivate	(g) “cultivate” means to dig, plant, cut, prune, irrigate, fertilize, tend, till, manage, farm, maintain, spray, plough, harvest or engage in any other activity related to growing or harvesting, and “cultivation” means the act of doing any of the above;

- (h) “Department” means the Department of Environment, Energy and Forestry; Department
- (i) “emergency field order” means an order issued pursuant to subsection 11(5), and includes an emergency field order varied or confirmed by the Commission pursuant to section 13; Emergency Field Order
- (j) “grass headland exemption” means a grass headland exemption granted pursuant to section 7 and includes an amended grass headland exemption, and a grass headland exemption varied or confirmed by the Commission pursuant to section 13; grass headland exemption
- (k) “grass headland variance” means a Grass Headland Variance granted pursuant to section 7, and includes an amended variance and a variance varied or confirmed by the Commission pursuant to section 13; grass headland variance
- (l) “heavy equipment” includes heavy equipment
- (i) excavators, mechanical tree harvesters, porters, skidders, and wood processors,
- (ii) tractors over 50 horsepower, and
- (iii) graders, front-end loaders, and bulldozers
- but does not include wheeled and tracked equipment when being used in the active suppression of wildfire;
- (m) “highway” means every road, street, lane, or alley which has been created by and is maintained by the federal, provincial or a municipal government, and is used by the general public for the passage of vehicles, and includes any bridges over which every such road, street, lane, or alley is laid; highway
- (n) “inspector” means inspector
- (i) a person who has been appointed as an environment officer pursuant to the Act or appointed as a conservation officer pursuant to the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, or who is an *ex officio* conservation officer pursuant to that Act,
- (ii) a person who has been appointed as a peace officer pursuant to the *Police Act* R.S.P.E.I. 1988, Cap. P-11, or
- (iii) a person who has been appointed as a natural resources inspector pursuant to the *Wildlife Conservation Act*;
- (o) “landlocked pond” means an excavated depression or hole in the terrain, that holds water some or all of the time, and does not have any of the following characteristics landlocked pond
- (i) an inlet or outlet,
- (ii) hydric soil, or
- (iii) aquatic or water-tolerant vegetation;
- (p) “license” means a Watercourse, Wetland and Buffer Zone Activity Business License granted pursuant to section 5, and includes an amended license; license

---

licensee	(q) “licensee” means a person who holds a license;
management plan	(r) “management plan” means a management plan as defined in subsection 9(1), and includes an amended management plan and a management plan varied or confirmed by the Commission pursuant to section 13;
meadow	(s) “meadow” means a wetland that has fluctuating water tables, lacks trees, and is covered in water-tolerant <i>Graminoid</i> vegetation;
Minister	(t) “Minister” means the Minister of Environment, Energy and Forestry;
motor vehicle	(u) “motor vehicle” means a vehicle that is powered, drawn, propelled or driven by any means other than muscular power;
officer	(v) “officer” means (i) a person who has been appointed as an environment officer pursuant to the Act, (ii) a person who has been appointed as a conservation officer pursuant to the <i>Wildlife Conservation Act</i> , or who is an <i>ex officio</i> conservation officer pursuant to that Act;
permit	(w) “permit” means a Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit granted pursuant to section 6, and includes an amended permit and a permit varied or confirmed by the Commission pursuant to section 13;
permittee	(x) “permittee” means a person who has a permit granted pursuant to these regulations;
Prince Edward Island Wetland Inventory	(y) “Prince Edward Island Wetland Inventory” means the geographic information system database of wetlands on Prince Edward Island maintained by the Department;
provincial parcel of land	(z) “provincial parcel of land” means a parcel of land having a parcel identifier number assigned by the Provincial Treasury of Prince Edward Island;
row crop	(aa) “row crop” means any crop planted in rows that are wide enough apart to allow for inter-row cultivation, and without limiting the generality of the foregoing, includes potatoes, carrots, rutabagas, onions, cole crops, string beans, dry beans, sugar beets, beets, sweet potatoes, parsnips, pumpkins and lettuce;
seasonally flooded flats	(bb) “seasonally flooded flats” means a wetland formed by rivers overflowing their banks to a depth of at least 12 inches annually during spring, winter and late fall;
sediment bed	(cc) “sediment bed” means a depression or low area of mud, silt, sand, gravel, rock or bedrock, or a combination thereof, which has a defined path which was formed or apparently formed by flowing water;



- (dd) “shrub swamp” means a wetland containing nutrient-rich, highly decomposed woody plant and organic material and has as its dominant cover shrubs and herbaceous vegetation, including but not limited to alders; shrub swamp
- (ee) “watercourse” means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body, any water therein, and any part thereof, up to and including the watercourse boundary; watercourse
- (ff) “watercourse boundary” means watercourse  
boundary
- (i) in a non-tidal watercourse, the edge of the sediment bed, and
- (ii) in a tidal watercourse, the top of the bank of the watercourse, and where there is no discernible bank, means the mean high water mark of the watercourse;
- (gg) “wetland” wetland
- (i) an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the wetland boundary, and
- (ii) without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island Wetland Inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow;
- (hh) “wetland boundary” means where the vegetation in a wetland changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation; wetland boundary
- (ii) “wooded swamp” means a wetland dominated by water-tolerant trees or shrubs growing in a muck soil and covered by a moss layer at least 30 centimetres thick. wooded swamp

(2) In these regulations, any reference to a certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan, being required, means a valid and current certificate, license, permit, authorization, grass headland variance, or grass headland exemption or management plan, as the case may be. Reference

## PART II – WATERCOURSES AND WETLANDS

2. (1) No person shall, without a license or a Watercourse or Wetland Activity Permit, and other than in accordance with the terms and conditions thereof, alter a watercourse or a wetland, or any part thereof, or water flow therein, in any manner, or engage in any of the following activities in or on a watercourse or a wetland: Prohibition

- (a) drain, pump, dredge, excavate, or remove soil, water, mud, sand, gravel, stones, rubbish, rocks, aggregate or material or objects of any kind;
- (b) dump or infill, or deposit soil, water, mud, sand, gravel, stones, rubbish, litter, rocks, aggregate or material or objects of any kind;
- (c) construct or place, repair or replace, demolish or remove, buildings or structures or obstructions of any kind, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works;
- (d) operate heavy equipment or a motor vehicle on the sediment bed, beach or bank of a watercourse, with the exception of the operation of a motor vehicle on a beach for the conduct of activities related to the legal harvesting of a fishery resource or the legal removal of beach material, and the exception of the launching of a boat;
- (e) operate heavy equipment or a motor vehicle on a wetland, except a boat on the water of a wetland;
- (f) disturb, remove, alter, disrupt or destroy the ground in any manner;
- (g) disturb, remove, alter, disrupt or destroy vegetation in any manner, including but not limited to the cutting of live trees or live shrubs; or
- (h) carry out any type of watercourse or wetland enhancement activity, including but not limited to debris removal, habitat development, or placement of structures.

*Idem* (2) No person shall, without a license or a Watercourse or Wetland Activity Permit, and other than in accordance with the terms and conditions thereof, cause or permit the engaging in any of the activities listed in subsection (1).

Exemption (3) The cutting of live trees and live shrubs in a wooded swamp is exempted from the prohibition in clause (1)(g).

### PART III – BUFFER ZONES

Application of prohibitions **3.** (1) Where a watercourse is solely a landlocked pond

- (a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and
- (b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.

*Idem* (2) Where a wetland is solely a landlocked pond or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow

- (a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and
- (b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.

*Idem* (3) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, alter or

disturb the ground or soil within 15 metres of a watercourse boundary or a wetland boundary, or cause or permit the alteration or disturbance of the ground or soil, therein, in any manner.

(4) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, engage in or cause or permit the engaging in any of the following activities within 15 metres of a watercourse boundary or a wetland boundary: *Idem*

- (a) drain, pump, dredge, excavate, or remove soil, water, mud, sand, gravel, stones, rocks, or aggregate;
- (b) dump or infill, or deposit soil, water, mud, sand, gravel, stones, rubbish, litter, rocks, aggregate or material or objects of any kind;
- (c) construct or place, repair or replace, demolish or remove, buildings or structures or obstructions of any kind, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works;
- (d) operate heavy equipment or a motor vehicle, other than
  - (i) upon a highway,
  - (ii) upon a private road, right-of-way, or driveway which was approved prior to the enactment of these regulations by the provincial government or a municipal government in a building permit or a subdivision plan, or
  - (iii) for the conduct of activities directly related to the legal harvesting of a fishery resource, the legal removal of beach material, or the cultivating of an agricultural crop;
- (e) disturb, remove, alter, disrupt or destroy the ground in any manner;
- (f) cut down live trees or live shrubs;
- (g) cultivate an agricultural crop;
- (h) spray or apply pesticides in any manner.

(5) The land within 15 metres of a watercourse boundary or a wetland boundary referred to in subsections (3) and (4) shall be known as a buffer zone. *Measurement*

(6) For the avoidance of doubt, clause (4)(f) does not prohibit the pruning of trees or shrubs in a buffer zone, provided it is undertaken without engaging in any of the other activities prohibited by subsections (3) and (4). *Permitted activities*

(7) The planting of grass, trees or shrubs is exempted from the prohibitions in subsection (3) and clause (4)(e), provided it is undertaken without engaging in any of the other activities prohibited by subsections (3) and (4), and provided that only hand tools are used. *Exemption*

(8) The use of a ride-on lawn mower to cut grass in a buffer zone is exempted from the prohibition in clause (4)(d). *Idem*

PART IV – WATERCOURSE, WETLAND AND BUFFER ZONE  
ACTIVITY CERTIFICATE

- person, defined      **4.** (1) For the purposes of subsection (2), “person” does not include a corporation.
- Certificate            (2) The Minister may grant a Watercourse, Wetland, and Buffer Zone Activity Certificate to a person who provides
- (a) a completed application, on a form approved by the Minister, accompanied by the application fee of \$200;
  - (b) satisfactory proof of successful completion, within four years prior to the date of submission of the application, of a watercourse, wetland and buffer zone activity and alteration training course acceptable to the Minister; and
  - (c) any further documentation requested by the Minister.
- Expiry                 (3) A certificate expires on the earlier of
- (a) two years from the date of issuance; or
  - (b) on the revocation by the Minister, for good and sufficient reason, after providing the holder of the certificate with an opportunity to be heard, in writing.
- Exemption            (4) A person who holds a certificate is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), provided that
- (a) the person has a license or is employed by a corporate licensee, and complies with the terms and conditions of that license;
  - (b) the person complies with the requirements of the Department’s Construction Standards for Activity in Watercourses and Wetlands in carrying out the activity; and
  - (c) the person supervises and directs the activity.

PART V – WATERCOURSE, WETLAND AND BUFFER ZONE  
ACTIVITY BUSINESS LICENSE

- License application   **5.** (1) The Minister may grant a Watercourse, Wetland, and Buffer Zone Activity Business License
- (a) to a natural person who holds a Watercourse, Wetland, and Buffer Zone Activity Certificate, and who provides a completed application, on a form approved by the Minister, accompanied by the application fee of \$200, and any further information or documentation requested by the Minister; or
  - (b) to a corporation which employs at least one person who holds a Watercourse, Wetland, and Buffer Zone Activity Certificate, and which provides a completed application, on a form approved by the Minister, accompanied by the application fee of \$200, and any further information or documentation requested by the Minister.
- Exemption            (2) A licensee which is a corporation is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), for the activities listed in Schedule A, provided that the licensee ensures that

- (a) an employee who holds a Certificate personally directs and supervises all watercourse, wetland, and buffer zone activities and alterations undertaken by the corporation pursuant to the license;
- (b) no watercourse, wetland or buffer zone activity or alteration is carried out other than that which is specifically listed on the license; and
- (c) all activities are carried out in compliance with the Department's Construction Standards for Activity in Watercourses and Wetlands, and these requirements are conditions of the license.
- (3) A licensee who is a natural person is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), for the activities listed in Schedule A, provided that the licensee *Idem*
- (a) personally directs and supervises all watercourse, wetland and buffer zone activities and alterations undertaken by the person pursuant to the license;
- (b) ensures that no watercourse, wetland or buffer zone activity or alteration is carried out other than that which is specifically listed on the license; and
- (c) ensures that all activities are carried out in compliance with the Department's Construction Standards for Activity in Watercourses and Wetlands, and these requirements are conditions of the license.
- (4) At least 24 hours prior to commencing an alteration or activity undertaken pursuant to a license, the licensee shall complete and file with or fax to the Department a notification form provided in Schedule B and this requirement is a condition of the license. *Notification form*
- (5) The Minister may include such additional terms and conditions in a license as the Minister considers necessary or advisable for the protection or benefit of the environment. *Additional terms and conditions*
- (6) A license expires on the earlier of *Expiry*
- (a) two years from the date of issuance;
- (b) the licensee, if a natural person, ceasing to hold a certificate; or
- (c) the license being revoked by the Minister.
- (7) The Minister may *Amendment of license*
- (a) amend a license or vary the terms or conditions thereof, where the Minister considers it necessary or advisable for the protection or benefit of the environment; or
- (b) revoke a license where the Minister determines there is good and sufficient reason.
- (8) No amendment or revocation shall be made to a license without prior notice and an opportunity to be heard, in writing, being given to the licensee. *Idem*

PART VI – WATERCOURSE, WETLAND AND BUFFER ZONE  
ACTIVITY PERMIT

Exemption	<b>6.</b> (1) The registered owner of a provincial parcel of land is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), for the activities listed in Schedule A, provided that the owner engages a person who has a license to do the activity or alteration, and that the owner permits and facilitates access to and inspection of the parcel upon which any activity authorized by the license occurs.
Permits	(2) The Minister may grant a Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit or a permit pertaining to a combination thereof, to a person who provides a completed application, and any further information or documentation requested by the Minister, including, but not limited to, plans and documents, mitigation procedures, and proof of ownership of the land on which the activity is to take place.
Terms and conditions	(3) The Minister may include such terms and conditions in a permit as the Minister considers necessary or advisable for the protection or benefit of the environment.
Expiry	(4) A permit expires on the earlier of (a) the date indicated on the permit; or (b) the permit being revoked by the Minister.
Extension, amendment	(5) The Minister may (a) extend the expiry date on a permit, upon request, prior to the expiry date; (b) amend a permit or vary the terms or conditions thereof, where the Minister considers it necessary or advisable for the protection or benefit of the environment; or (c) revoke a permit where the Minister determines there is good and sufficient reason.
Amendment	(6) No amendment or revocation shall be made to a permit without prior notice and an opportunity to be heard, in writing, being given to the permittee.
Notice	(7) In issuing or amending a permit, the Minister may require that notice of the application be given to the public or particular members thereof, and the manner and content of such notice shall be as directed by the Minister.

PART VII – GRASS HEADLANDS

Application of section	<b>7.</b> (1) The requirements of this section do not apply (a) where the row crop being cultivated is corn; (b) where there is a management plan for the parcel or parcels of land being cultivated, and the cultivation is being done in accordance with that management plan; or
------------------------	---

- (c) where the boundary referred to in subsection (2) pertains to
- (i) a watercourse that is solely a landlocked pond, or
  - (ii) a wetland that is solely a landlocked pond, or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow.

(2) No person shall, without a grass headland variance or grass headland exemption, and other than in accordance with the terms and conditions thereof, cultivate a row crop within 200 metres of any watercourse boundary or wetland boundary unless every row that ends within 200 metres of any watercourse boundary or wetland boundary ends at

- (a) a grass headland; or
- (b) a buffer zone.

(3) In subsection (2), “grass headland” means an area of live perennial grass

- (a) which was planted prior to the calendar year in which the row crop was planted;
- (b) which is at least 10 metres in width, measured commencing at the end of each row and continuing in the same direction as each row; and
- (c) no part of which is contained within a buffer zone.

(4) For the avoidance of doubt, if both ends of a row of a row crop are within 200 metres of a watercourse boundary or a wetland boundary, then the requirements herein apply to both ends of the row, unless a grass headland variance or grass headland exemption is obtained.

(5) In any prosecution for a violation of subsection (2) or (6), the burden of proving that a grass headland was planted prior to the year in which the row crop was planted is on the defendant, to establish on a balance of probabilities.

(6) No person shall assist or cause or permit the cultivation of a row crop in violation of subsection (2).

(7) The Minister may grant a grass headland variance or grass headland exemption to a person who provides a completed application, and any further information or documentation requested by the Minister, including, but not limited to, plans and documents, and proof of ownership of the land on which the activity is to take place.

(8) The Minister may include such terms and conditions in a grass headland variance or grass headland exemption as the Minister considers necessary or advisable for the protection or benefit of the environment.

(9) A grass headland variance or grass headland exemption expires on the earlier of

- (a) the date indicated in the variance or exemption; or
- (b) the variance or exemption being revoked by the Minister.

- Extension, amendment (10) The Minister may
- (a) extend the expiry date on a grass headland variance or grass headland exemption, upon request prior to the expiry date;
  - (b) amend a grass headland variance or grass headland exemption or the terms or conditions thereof where the Minister considers it necessary or advisable for the protection or benefit of the environment; or
  - (c) revoke a grass headland variance or grass headland exemption where the Minister determines there is good and sufficient reason.
- Notice (11) No amendment or revocation shall be made to a grass headland variance or grass headland exemption without prior notice and an opportunity to be heard, in writing, being given to the holder thereof.

#### PART VIII – CULTIVATING ON SLOPED LAND PROHIBITION

- Definitions **8. (1)** In this section,
- (a) “Prince Edward Island Sloped Land Inventory” means the database layer produced by the Department’s Geographic Information System Database, which identifies land in the province having a slope greater than 9%; and
  - (b) “row crop” does not include corn.
- Prince Edward Island Sloped Land Inventory
- row crop
- Prohibition (2) No person shall, on any provincial parcel of land, cultivate one or more hectares of row crop on any area of that parcel which has a slope which is greater than 9%, unless there is a management plan for that area and the cultivation of the row crop is done, pursuant to, and in accordance with, that management plan.
- Identified land (3) Where land is identified in the Prince Edward Island Sloped Land Inventory, it is deemed to
- (a) have a slope greater than 9%; and
  - (b) be one hectare or more in size, unless the contrary is proven on a balance of probabilities.

#### PART IX – MANAGEMENT PLANS

- Definitions **9. (1)** In this section
- (a) “management plan” means a plan that is approved by a management specialist and contains a soil and crop management component that addresses crop sequences, tillage practices, planting of cover crops, and any other soil conservation practices that may be prescribed by a management specialist;
  - (b) “management specialist” means a person who has been appointed as a management specialist pursuant to subsection (2).
- management plan
- management specialist
- (2) The Minister may appoint as a management specialist a person whom the Minister is satisfied has expertise in agricultural engineering and who is registered



- (a) as an agrologist pursuant to the provisions of the *Agrologists Act* R.S.P.E.I. 1988, Cap. A-10; or  
 (b) as an engineer pursuant to the provisions of the *Engineering Profession Act* R.S.P.E.I. Cap. E-8.1.

(3) The appointment of a management specialist may be for such term and be subject to such conditions as stipulated in the appointment, and may be revoked by the Minister at will. *Idem*

(4) An application for approval of a management plan may be made in the form as set out in Schedule C. Application

(5) A management specialist may approve a management plan upon receipt of a completed application, and any further information or documentation requested by the management specialist, including, but not limited to, plans and documents, and proof of ownership of the land on which the activity is to take place. Approval

(6) A management specialist may include such terms and conditions in a management plan as the management specialist considers necessary or advisable for the protection or benefit of the environment. *Idem*

(7) A management specialist may amend the terms or conditions of a management plan where the management specialist considers it necessary or advisable for the protection or benefit of the environment. Extension, amendment

(8) No amendment shall be made to a management plan without prior notice, in writing, and an opportunity to be heard, being given to the owner of the land and any person cultivating the land. Notice

(9) A management specialist shall file a management plan, and any amendment thereof, with the Resource Inventory and Modelling Section of the Department. Filing of plan

(10) A management plan expires on the date indicated in the management plan or upon cancellation by the Minister. Expiration

- (11) The Minister may cancel a management plan Cancellation
- (a) for good and sufficient reason, after providing the owner of the land, and any person cultivating the land, with an opportunity to be heard, in writing; or  
 (b) upon application by the owner of the land and any person cultivating the land.

(12) The Minister's office shall notify the Resource Inventory and Modelling Section of the Department of the cancellation of a management plan. Notification

#### PART X – INTENSIVE LIVESTOCK OPERATIONS

**10.** (1) In this section,

Definitions

intensive livestock operation	(a) “intensive livestock operation” means a place where livestock are found in a density greater than seven animal units per acre of living space, with the calculation of animal units to be determined by reference to Column 2 of Schedule D;
livestock	(b) “livestock” means cattle, horses, swine, poultry, sheep, goats, fox and mink;
livestock waste	(c) “livestock waste” means <ul style="list-style-type: none"> <li>(i) feces and manure or manure and associated feed losses,</li> <li>(ii) urine from livestock and associated livestock bedding and waste water, litter, or wash water or water contaminated by either urine or feces,</li> <li>(iii) wasted feed, milkhouse waste, hair, feathers or other debris associated with an agricultural operation, or</li> <li>(iv) any combination of the above;</li> </ul>
living space	(d) “living space” means any confined area to which livestock have access.
Determination of density	(2) For the avoidance of doubt, <ul style="list-style-type: none"> <li>(a) whether an operation contains one type of livestock or a combination of two or more, the density is to be determined by reference to the total animal units, as set out in Column 2 of Schedule D; and</li> <li>(b) where there is more than one living space on a provincial parcel of land, the density of each living space is to be calculated separately and each one which contains more than seven animal units per acre constitutes an intensive livestock operation.</li> </ul>
Prohibition, discharge	(3) The owner and operator of an intensive livestock operation shall ensure that no livestock waste from the operation enters a watercourse or a wetland.
Burden of proof	(4) Where livestock waste from an intensive livestock operation enters a watercourse or a wetland, the burden of proof is on the owner and operator of the intensive livestock operation to establish due diligence, on a balance of probabilities.
Determining due diligence	(5) In determining whether an owner or operator exercised due diligence, the following are among the factors which may be taken into account <ul style="list-style-type: none"> <li>(a) whether the operation had earthen berms or other types of physical barriers to prevent the livestock waste from entering the watercourse or wetland; and</li> <li>(b) whether the operation had a self-contained watertight holding facility into which the livestock waste is diverted.</li> </ul>
Prohibition	(6) Within 90 metres of a watercourse boundary or a wetland boundary, no person shall, without a written authorization from the Minister

- (a) construct an intensive livestock operation, or any part thereof, or add livestock, structures or facilities to any existing intensive livestock operation;
- (b) commence an intensive livestock operation or any activity connected thereto; or
- (c) assist in or cause or permit clause (a) or (b).

(7) The requirements of subsection (6) do not apply where the boundary referred to in subsection (6) pertains to Exemption

- (a) a watercourse that is solely a landlocked pond; or
- (b) a wetland that is solely a landlocked pond, or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow.

(8) The distance between a watercourse boundary or a wetland boundary and an intensive livestock operation shall be measured from the wetland boundary or watercourse boundary to the nearest point of living space. Measurement

#### PART XI – INSPECTIONS AND ORDERS

**11.** (1) It is a condition of every license, permit, authorization, management plan, grass headland variance and grass headland exemption under these regulations that the holder thereof shall permit and facilitate access to and inspection of any property upon which the holder carries on any activity authorized by the license, permit, authorization, management plan, grass headland variance or grass headland exemption. Condition, access and inspection

(2) To ensure or determine compliance with these regulations, an inspector or an officer may Powers of inspectors and officers

- (a) enter upon and pass through or over private property without being liable for trespass, including but not limited to land where agricultural crops are being cultivated or may be cultivated;
- (b) enter and inspect any premises, excluding a private dwelling house;
- (c) inspect and conduct tests, and take photographs, surveys, measurements, and samples of soil and vegetation or other matter, and samples of water or any other liquid;
- (d) require a landowner or lessee to produce for inspection any survey plans, leases, agreements, estimates, statements of account, or other documents or records that pertain to activity carried out on the land;
- (e) require any person to produce for inspection any certificate, license, permit, authorization, management plan, grass headland variance or grass headland exemption that person has, claims to have, or would, in the opinion of the inspector or officer, be required to have to carry out the activity or operation; and
- (f) receive copies of any records or documents produced under clauses (d) and (e), and retain the same for the purpose of copying and returning them.

Power to stop vehicle	(3) For the purposes of enforcing these regulations, an officer may signal or request any person driving a motor vehicle to stop, and thereupon the person shall bring the vehicle to a stop and shall not proceed until permitted to do so by the officer.
Standards	(4) For the avoidance of doubt, the standards established herein are minimum standards and nothing contained herein, nor compliance with these regulations and the standards incorporated herein, nor compliance with the terms and conditions of any license, permit, authorization, management plan, grass headland variance or grass headland exemption precludes the issuance of an order pursuant to subsection (5), or an environmental protection order pursuant to sections 7 or 7.1 of the Act where the Minister believes, on reasonable and probable grounds, that a threat to the environment or environmental health is occurring or has occurred.
Verbal order, emergency field order	(5) Where an officer believes, on reasonable grounds, that an activity is occurring or has occurred which is a violation of these regulations and time is of the essence to take remedial action to protect the environment, the officer may issue a verbal order or an emergency field order, as set out in the form in Schedule E, to the person committing or apparently committing the violation, or to the person in charge or apparently in charge of the activity which constitutes the violation, or to the registered owner of the property on which it is or has occurred, to cease the activity and commence remedial measures as directed.
Prohibition	(6) No person shall fail or refuse to comply with a verbal order or an emergency field order.

#### PART XII - GENERAL

Delegation	<b>12.</b> (1) The Minister may delegate to any Minister of the Crown in right of the province or to a Director or other employee within the Minister's Department any power conferred on the Minister under these regulations, and the Minister, Director or other employee to whom the power is delegated may then exercise the power subject to any terms and conditions that the Minister prescribes.
Completion of work	(2) A person to whom a license, permit, authorization, grass headland variance or grass headland exemption is granted, or for whom a management plan is approved, shall be deemed to have accepted responsibility for all work done pursuant thereto.
Effect of granting	(3) The granting of a certificate, license, permit, authorization, grass headland variance or grass headland exemption or the approving of a management plan, does not exempt the person to whom it is granted or for whom it is approved from the provisions of any Act of the Legislature or the regulations under such Act, or any Act of the Parliament of Canada or the regulations made under such Act.

- (4) Neither the Minister, the Department nor any employee or officer of the Crown is liable for any loss or damage caused or occasioned by Exemption from liability
- (a) any activity or alteration for which a license, permit, authorization, grass headland variance or grass headland exemption was granted or for which a management plan was approved pursuant to these regulations;
  - (b) the revocation of any certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan; or
  - (c) the amendment of any certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan.
- (5) No action or other proceeding for damages lies or shall be instituted against No action lies
- (a) the Minister or any person acting for the Minister pursuant to a delegation of power under subsection (1);
  - (b) an inspector or an officer; or
  - (c) any person lawfully assisting or acting under the direction of any person referred to in clauses (a) and (b),
- for anything done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under these regulations, or for any neglect or default in the performance or exercise in good faith of any such duty or power.
- (6) The issuance of a certificate, license, permit, authorization, grass headland variance or grass headland exemption and the approval of a management plan pursuant to these regulations are conditional on Conditions
- (a) all material facts in the application having been disclosed; and
  - (b) the facts, representations and other information contained in the application being true, accurate and complete.
- (7) No person shall give false or misleading information in an application, report or statement or any other document submitted or made to the Minister under these regulations. Prohibition
- (8) Grounds for refusing or revoking a certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan, include, but are not limited to Grounds for refusal, revocation
- (a) current or prior non-compliance by the holder with the Act or any regulations made thereunder, or with any term or condition of a certificate, license, permit, authorization, grass headland variance, grass headland exemption or management plan;
  - (b) discovery of relevant information not disclosed or not available at the time the certificate, license, permit, authorization, grass headland variance or grass headland exemption was granted or the management plan was approved;
  - (c) information being received that the activity being carried on pursuant to the certificate, license, permit, authorization, grass headland variance, grass headland exemption or management plan is

affecting the property in question in a way not anticipated, or the property of other persons; and

(d) discovery of a threat to the environment or environmental health that is, or is apparently, being caused by or exacerbated by the activity being carried on pursuant to the certificate, license, permit, authorization, grass headland variance, or grass headland exemption or management plan.

Prosecution

(9) In any prosecution for a violation of these regulations

(a) the registered owner of the property upon which any activity prohibited or regulated by these regulations occurs is deemed to have caused or permitted the activity, unless it is established, on a balance of probabilities, that the registered owner did not cause or permit the activity, and the burden of proof is on the registered owner to so prove, on a balance of probabilities;

(b) where an area is identified as open water, deep marsh, shallow marsh, brackish marsh or salt marsh in the Prince Edward Island Wetland Inventory, that is *prima facie* evidence that the area comes within the requirements of these regulations, unless the contrary is proved on a balance of probabilities, and the burden is on the defendant to so prove;

(c) no exception, exemption, proviso, excuse or qualification prescribed by these regulations is required to be set out or negated, as the case may be, in an information or summary offence ticket laid with respect to a charge under these regulations; and

(d) the burden of proving that any exception, exemption, proviso, excuse or qualification prescribed by these regulations operates in favour of the defendant is on the defendant, to prove on a balance of probabilities, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, proviso, excuse, or qualification does not operate in favour of the defendant, whether or not it is set out in the information or summary offence ticket.

Reasonable assistance

(10) All persons to whom a request is made by an inspector or an officer under these regulations shall provide all reasonable assistance to enable the inspector or the officer to carry out his or her functions under these regulations, and shall furnish the inspector or officer with all information reasonably required to administer or enforce these regulations.

Prohibition

(11) No person shall impede or obstruct or knowingly make false or misleading statements to an inspector or an officer engaged in carrying out the inspector's or officer's functions under these regulations.

### PART XIII - APPEALS

Island Regulatory and Appeals Commission

**13.** (1) In this section, "Commission" means the Island Regulatory and Appeals Commission established pursuant to section 2 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11.

- (2) A person may, within 21 days of Notice of appeal  
 (a) the refusal, revocation or amendment of a permit, grass headland variance, grass headland exemption, or authorization;  
 (b) the refusal of approval of a management plan; or  
 (c) the issuance of an emergency field order  
 appeal the same by filing a notice of appeal with the Commission, in the form prescribed by the Commission.
- (3) A notice of appeal under subsection (1) may be filed only by a *Idem*  
 person who  
 (a) is the holder of, or an applicant for, a permit, grass headland variance, grass headland exemption or authorization;  
 (b) is the applicant for or is subject to a management plan; or  
 (c) is subject to an emergency field order,  
 or by anyone else determined by the Commission to be personally or adversely affected by the matter so as to have standing.
- (4) Subject to adherence to the rules of natural justice, the Procedure  
 Commission shall determine its own procedure.
- (5) The Commission may vary, confirm, or rescind the decision being Powers  
 appealed.
- (6) The initiation of an appeal does not abrogate the requirement to Duty to comply  
 comply with the decision being appealed.
- (7) The Department shall implement an order made by the Implementation of  
order  
 Commission.

#### PART XIV – OFFENCES AND PENALTIES

- 14.** (1) No person shall violate any provision of these regulations or the Offence  
 terms or conditions of any certificate, permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order.
- (2) Any natural person who violates Offence, penalty  
 (a) any provision of these regulations, other than subsection 8(2); or  
 (b) any term, condition, or provision of any certificate, permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order,  
 is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$3,000 or more than \$10,000, and to pay such restitution as the judge thinks fit to any person aggrieved or affected by the violation.
- (3) Any corporation which violates *Idem*  
 (a) any provision of these regulations, other than subsection 8(2); or  
 (b) any term, condition, or provision of any certificate, permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order,

is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$10,000 or more than \$50,000, and to pay such restitution as the judge thinks fit to any person aggrieved or affected by the violation.

*Idem* (4) Any officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in or participates in, the commission of an offence by that corporation under subsection (3) is guilty of an offence and is liable, in respect of the commission of an offence by the corporation under subsection (3), to any penalty set out in subsection (2).

*Idem* (5) Any natural person or corporation who or which violates subsection 8(2) of these regulations or the terms, conditions or provisions of a management plan, is guilty of an offence and is liable, on summary conviction, to a fine of \$1,000 per hectare of land cultivated in violation of subsection 8(2), and to pay such restitution as the judge thinks fit to any person aggrieved or affected by the violation.

Separate offence (6) Where a violation of any provision of these regulations or the terms or conditions of any permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order continues for more than one day, the offender is guilty of a separate offence for each day that the violation continues.

Commencement **15.** These regulations come into force on December 6, 2008.



**SCHEDULE****SCHEDULE A****ACTIVITIES WHICH A LICENSEE MAY ENGAGE IN**

**SHORE STABILIZATION** - A licensee may, for the purpose of and in the course of, doing shore stabilization, and only to the extent necessary to secure shore stabilization equipment or materials, and for no other purpose or effect, do the following:

**IN A WETLAND OR A WATERCOURSE:** engage in any of the activities listed in subsection 2(1) of the regulations, with the exception of the activities listed in clause 2(1)(e);

**IN A BUFFER ZONE:** engage in any of the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b), (g) and (h).

**LANDSCAPING IN A BUFFER ZONE** - A licensee may, for the purpose of and in the course of, doing landscaping in a buffer zone, and only to the extent necessary to do landscaping in a buffer zone, and for no other purpose or effect, do the following:

**IN A BUFFER ZONE:** engage in the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b),(c), (f), (g), and (h).

**OPERATION OF MACHINERY ON A BEACH OR SHORELINE** - A licensee may, for the purpose of and in the course of, operating heavy equipment on a beach, and only to the extent necessary to perform maintenance on an existing shore access or the removal of beach material, and for no other purpose or effect, do the following:

**ON A BEACH:** engage in the activities listed in clause 2(1)(d) of the regulations;

**IN A BUFFER ZONE:** engage in the activities listed clause 3(4)(d) of the regulations.

**MINOR BRIDGE REPAIRS** - A licensee may do minor bridge repairs in a watercourse or wetland as outlined in clause 2(1)(c) of the regulations.

**FEDERAL WHARF REPAIRS** - A licensee may, for the purpose of and in the course of, doing federal wharf repairs and only to the extent necessary to do federal wharf repairs, and for no other purpose or effect, do the following:

**IN A WETLAND OR A WATERCOURSE:** engage in any of the activities listed in subsection 2(1) of the regulations, with the exception of the activities listed in clauses 2(1)(d), (e), (g) and (h);

**IN A BUFFER ZONE:** engage in any of the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b), (f), (g) and (h).

## SCHEDULE B

## NOTIFICATION FORM

by licensee of Activity in a Watercourse, Wetland, or Buffer Zone  
pursuant to subsection 5(4) of these regulations

Subsection 5(4) of these regulations requires that a licensee must, at least 24 hours prior to commencing an alteration or activity undertaken pursuant to a license, complete this form and file it with or fax it to the Department.

Personal information on this form is collected as it relates directly to and is necessary for the required notification to perform a watercourse and wetland activity. If you have any questions about this collection of personal information, you may contact the Director of Water Management, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5000.

<b>Licensee</b>	
Name:	
Company:	
Phone:	Fax:
Mailing Address:	
Province:	Postal Code:
E-mail:	
<b>Project Information</b>	
<b>Type of Project:</b>	
<input type="checkbox"/> Shore Stabilization	
<input type="checkbox"/> Shore Stabilization	
<input type="checkbox"/> Landscaping in a Buffer Zone	
<input type="checkbox"/> Operation of Machinery on a Beach or Shoreline	
<input type="checkbox"/> Federal Wharf Repairs	
<input type="checkbox"/> Minor Bridge Repairs	
<b>Description:</b>	
<b>Date work is to Commence (dd/mm/yyyy):</b>	
<b>Property Information:</b>	
Property Owner(s) Name:	
Property Owner(s) Address:	
Property Tax #:	
Community:	County:
Work location on Property (describe):	

Licensee Signature: ..... Date: .....

**Personally deliver or fax this Notification Form to:**

Department of Environment, Energy & Forestry  
Water Management Division  
Watercourse and Wetland Activity Program  
PO Box 2000, Charlottetown, PE C1A 7N8  
4th Floor Jones Building, 11 Kent Street  
Charlottetown, PE C1A 7N8  
Tel: (902)-368-5000 - Fax: (902) 368-5830

**SCHEDULE C**

**FORM FOR APPLYING FOR APPROVAL OF A  
MANAGEMENT PLAN**  
(Section 9 of these regulations)

**TO: THE DEPARTMENT OF ENVIRONMENT, ENERGY & FORESTRY**

1. Name of Applicant:.....

2. Address and telephone numbers of Applicant:  
.....  
.....

3. Location of the land: .....  
(Please attach map showing location.)

4. Provincial Parcel number(s):.....

5. Owner of the land (if different from applicant):.....

6. Reason for application [Check box or boxes that apply]:  
 To not require grass headlands [to come within exception in clause 7(1)(b)]  
 To be able to cultivate row crops on land with slope greater than 9% [to come within exception in subsection 8(2)]

**Signature of Applicant [and signature, address, and telephone number of landowner, if Applicant is not landowner].....**  
.....

(Management plan attachments)  
.....  
.....

**SCHEDULE D**  
**INTENSIVE LIVESTOCK OPERATIONS**

[Density of Livestock - subsections 10(1) and (2) of these regulations]

COLUMN 1	COLUMN 2	COLUMN 3
Animal	Animal Unit	Density which constitutes “Intensive Livestock Operation” more than:
horses	1 horse = 1 animal unit	7 horses per acre of living space
dairy cows	1 dairy cow = 1 animal unit	7 dairy cows per acre of living space
beef cows	1 beef cow = 1 animal unit	7 beef cows per acre of living space
beef feeders	2 beef feeders = 1 animal unit	14 beef feeders per acre of living space
dairy heifers	2 dairy heifers = 1 animal unit	14 dairy heifers per acre of living space
adult sheep	4 adult sheep = 1 animal unit	28 adult sheep per acre of living space
feeder lambs	10 feeder lambs = 1 animal unit	70 feeder lambs per acre of living space
adult goats	4 adult goats = 1 animal unit	28 adult goats per acre of living space
feeder goats	10 feeder goats = 1 animal unit	70 feeder goats per acre of living space
swine	4 swine = 1 animal unit	28 swine per acre of living space
laying hens	125 laying hens = 1 animal unit	875 laying hens per acre of living space
broilers	200 broilers = 1 animal unit	1400 broilers per acre of living space
turkeys	75 turkeys = 1 animal unit	525 turkeys per acre of living space
adult foxes*	40 adult foxes = 1 animal unit	280 adult foxes per acre of living space
adult mink*	80 adult mink = 1 animal unit	560 adult mink per acre of living space

\* Offspring are not to be included until they are market size.

SCHEDULE E

EMERGENCY FIELD ORDER

pursuant to subsection 11(5) of these regulations

WHEREAS I BELIEVE, ON REASONABLE GROUNDS, THAT

On property located at or near .....
County, Prince Edward Island, an activity is occurring or has occurred,
namely.....
.....(description
of the activity), which activity is a violation of ..... of these regulations;

AND WHEREAS I BELIEVE ON REASONABLE GROUNDS, THAT time is of the
essence for remedial action to protect the environment;

AND WHEREAS, I am an environment officer designated pursuant to the Act, and an
officer pursuant to these regulations;

I THEREFORE ORDER YOU,

.....
(name of person/corporation issued to), of .....
(address of person/corporation) as

- the person committing or apparently committing the violation
the person in charge or apparently in charge of the activity which constitutes the
violation
the registered owner of the property on which the activity is occurring or has
occurred,

TO IMMEDIATELY CEASE the following activity
.....
and commence the following remedial measures.

on or before .....day, the ..... day of ....., 200...., at
..... o'clock in the ..... (after or fore) noon.

DATED AT ....., ..... County, Prince
Edward Island, this ..... day of ....., 200....

.....
Signature of Officer

.....
Printed name of Officer

**EXPLANATORY NOTES**

**SECTION 1** provides definitions for the regulations.

**SECTION 2** outlines the prohibitions in watercourses and wetlands that are designed to ensure protection for aquatic habitat and wildlife.

**SECTION 3** outlines the prohibitions in buffer zones adjacent to watercourses and wetlands to provide protection for watercourses, wetlands, aquatic habitat and wildlife.

**SECTION 4** indicates the process for obtaining a certificate that qualifies a person to get licensed to carry out, on an ongoing basis, alterations or other activities in a watercourse, wetland or buffer zone, or to perform such activities for a licensed corporation.

**SECTION 5** sets out the process for a natural person or a corporation to obtain a license.

**SECTION 6** provides a process for persons to obtain permits to carry out alterations or other activities in watercourses, wetlands and buffer zones.

**SECTION 7** establishes a requirement for grass headlands for row crops located within 200 metres of watercourses and wetlands, to protect them from concentrated run-off.

**SECTION 8** sets out the prohibitions for cultivating row crops on high-sloped land.

**SECTION 9** provides the process for approval of management plans to obtain exemptions from the requirements of sections 7 and 8.

**SECTION 10** provides prohibitions and required authorizations for intensive livestock operations near watercourses and wetlands.

**SECTION 11** outlines powers of inspection and other provisions for compliance and enforcement purposes.

**SECTION 12** provides general conditions on the administration of the regulations.

**SECTION 13** provides for appeals of permits, variances, exemptions and authorizations granted pursuant to the regulations.

**SECTION 14** sets out the offence and penalty provision for non-compliance with the regulations.

**SECTION 15** provides for the commencement of these regulations.

Certified a true copy,  
Robert Allan Rankin  
Clerk of the Executive Council

**PART II**  
**REGULATIONS INDEX**

Chapter Number	Title	Original Order Reference	Amendment	Authorizing Order and Date	Page
A-8.01	<b>Agricultural Crop Rotation Act</b> General Regulations	EC166/02	s.1(1)(a) s.1(1)(c) s.1(1)(g) [rev] s.4(a)(iii) [rev] s.5(3) s.9 [rev] [eff] Dec. 6/08	EC2008-718 (25.11.08)	213-214
E-9	<b>Environmental Protection Act</b> Watercourse and Wetland Protection Regulations		[new] [eff] Dec. 6/08	EC2008-720 (25.11.08)	214-239



---

**PART II**  
**REGULATIONS**

---

**EC2008-718**

**AGRICULTURAL CROP ROTATION ACT**  
**GENERAL REGULATIONS**  
**AMENDMENT**

(Approved by Her Honour the Lieutenant Governor in Council dated 25 November 2008.)

Pursuant to section 13 of the *Agricultural Crop Rotation Act* R.S.P.E.I. 1988, Cap. A-8.01, Council made the following regulations:

**1. Subsection 1(1) of the *Agricultural Crop Rotation Act* General Regulations (EC166/02) is amended**

**(a) in clause (a), by the deletion of the words “S.P.E.I. 2001, c.25” and the substitution of the words “R.S.P.E.I. 1988, Cap. A-8.01”;**

**(b) in clause (c), by the deletion of the words “and Forestry”; and**

**(c) by the revocation of clause (g).**

**2. Subclause 4(a)(iii) of the regulations is revoked.**

**3. Subsection 5(3) of the regulations is amended by the deletion of the words “and section 8 of the Act apply” and the substitution of the words “of the Act applies”.**

**4. Section 9 of the regulations is revoked.**

**5. These regulations come into force on December 6, 2008.**

**EXPLANATORY NOTES**

**SECTION 1** corrects the citation to the Act, name of the Department and revokes a clause that is no longer needed.

**SECTION 2** revokes a provision in the regulations that is going to be addressed in new regulations made pursuant to the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9.

**SECTION 3** removes a reference to the Act that has been repealed.

**SECTION 4** revokes a provision in the regulations that is going to be addressed in new regulations made pursuant to the *Environmental Protection Act*.

**SECTION 5** provides for the commencement of these regulations.

Certified a true copy,  
Robert Allan Rankin  
Clerk of the Executive Council

**EC2008-720**

**ENVIRONMENTAL PROTECTION ACT  
WATERCOURSE AND WETLAND PROTECTION  
REGULATIONS**

(Approved by Her Honour the Lieutenant Governor in Council dated 25 November 2008.)

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

**PART I - DEFINITIONS**

Definitions	<b>1.</b> (1) In these regulations
Act	(a) “Act” means the <i>Environmental Protection Act</i> ;
agricultural crop	(b) “agricultural crop” means any crop that is cultivated for the production of food, fibre or pharmaceuticals, and without limiting the generality of the foregoing, includes row crops;
authorization	(c) “authorization” means an authorization in respect of an intensive livestock operation, granted pursuant to section 10, and includes an amended authorization, and an authorization varied or confirmed by the Commission pursuant to section 13;
bog	(d) “bog” means a wetland covered by <i>sphagnum</i> mosses, with peat underneath;
buffer zone	(e) “buffer zone” means the 15-metre-wide area referred to in section 3;
certificate	(f) “certificate” means a valid and current Watercourse, Wetland, and Buffer Zone Activity Certificate granted pursuant to section 4;
cultivate	(g) “cultivate” means to dig, plant, cut, prune, irrigate, fertilize, tend, till, manage, farm, maintain, spray, plough, harvest or engage in any other activity related to growing or harvesting, and “cultivation” means the act of doing any of the above;

- (h) “Department” means the Department of Environment, Energy and Forestry; Department
- (i) “emergency field order” means an order issued pursuant to subsection 11(5), and includes an emergency field order varied or confirmed by the Commission pursuant to section 13; Emergency Field Order
- (j) “grass headland exemption” means a grass headland exemption granted pursuant to section 7 and includes an amended grass headland exemption, and a grass headland exemption varied or confirmed by the Commission pursuant to section 13; grass headland exemption
- (k) “grass headland variance” means a Grass Headland Variance granted pursuant to section 7, and includes an amended variance and a variance varied or confirmed by the Commission pursuant to section 13; grass headland variance
- (l) “heavy equipment” includes heavy equipment
- (i) excavators, mechanical tree harvesters, porters, skidders, and wood processors,
- (ii) tractors over 50 horsepower, and
- (iii) graders, front-end loaders, and bulldozers
- but does not include wheeled and tracked equipment when being used in the active suppression of wildfire;
- (m) “highway” means every road, street, lane, or alley which has been created by and is maintained by the federal, provincial or a municipal government, and is used by the general public for the passage of vehicles, and includes any bridges over which every such road, street, lane, or alley is laid; highway
- (n) “inspector” means inspector
- (i) a person who has been appointed as an environment officer pursuant to the Act or appointed as a conservation officer pursuant to the *Wildlife Conservation Act* R.S.P.E.I. 1988, Cap. W-4.1, or who is an *ex officio* conservation officer pursuant to that Act,
- (ii) a person who has been appointed as a peace officer pursuant to the *Police Act* R.S.P.E.I. 1988, Cap. P-11, or
- (iii) a person who has been appointed as a natural resources inspector pursuant to the *Wildlife Conservation Act*;
- (o) “landlocked pond” means an excavated depression or hole in the terrain, that holds water some or all of the time, and does not have any of the following characteristics landlocked pond
- (i) an inlet or outlet,
- (ii) hydric soil, or
- (iii) aquatic or water-tolerant vegetation;
- (p) “license” means a Watercourse, Wetland and Buffer Zone Activity Business License granted pursuant to section 5, and includes an amended license; license

---

licensee	(q) “licensee” means a person who holds a license;
management plan	(r) “management plan” means a management plan as defined in subsection 9(1), and includes an amended management plan and a management plan varied or confirmed by the Commission pursuant to section 13;
meadow	(s) “meadow” means a wetland that has fluctuating water tables, lacks trees, and is covered in water-tolerant <i>Graminoid</i> vegetation;
Minister	(t) “Minister” means the Minister of Environment, Energy and Forestry;
motor vehicle	(u) “motor vehicle” means a vehicle that is powered, drawn, propelled or driven by any means other than muscular power;
officer	(v) “officer” means (i) a person who has been appointed as an environment officer pursuant to the Act, (ii) a person who has been appointed as a conservation officer pursuant to the <i>Wildlife Conservation Act</i> , or who is an <i>ex officio</i> conservation officer pursuant to that Act;
permit	(w) “permit” means a Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit granted pursuant to section 6, and includes an amended permit and a permit varied or confirmed by the Commission pursuant to section 13;
permittee	(x) “permittee” means a person who has a permit granted pursuant to these regulations;
Prince Edward Island Wetland Inventory	(y) “Prince Edward Island Wetland Inventory” means the geographic information system database of wetlands on Prince Edward Island maintained by the Department;
provincial parcel of land	(z) “provincial parcel of land” means a parcel of land having a parcel identifier number assigned by the Provincial Treasury of Prince Edward Island;
row crop	(aa) “row crop” means any crop planted in rows that are wide enough apart to allow for inter-row cultivation, and without limiting the generality of the foregoing, includes potatoes, carrots, rutabagas, onions, cole crops, string beans, dry beans, sugar beets, beets, sweet potatoes, parsnips, pumpkins and lettuce;
seasonally flooded flats	(bb) “seasonally flooded flats” means a wetland formed by rivers overflowing their banks to a depth of at least 12 inches annually during spring, winter and late fall;
sediment bed	(cc) “sediment bed” means a depression or low area of mud, silt, sand, gravel, rock or bedrock, or a combination thereof, which has a defined path which was formed or apparently formed by flowing water;

- (dd) “shrub swamp” means a wetland containing nutrient-rich, highly decomposed woody plant and organic material and has as its dominant cover shrubs and herbaceous vegetation, including but not limited to alders; shrub swamp
- (ee) “watercourse” means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any stream, spring, creek, brook, river, lake, pond, bay, estuary or coastal body, any water therein, and any part thereof, up to and including the watercourse boundary; watercourse
- (ff) “watercourse boundary” means watercourse  
boundary
- (i) in a non-tidal watercourse, the edge of the sediment bed, and
- (ii) in a tidal watercourse, the top of the bank of the watercourse, and where there is no discernible bank, means the mean high water mark of the watercourse;
- (gg) “wetland” wetland
- (i) an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the wetland boundary, and
- (ii) without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island Wetland Inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow;
- (hh) “wetland boundary” means where the vegetation in a wetland changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation; wetland boundary
- (ii) “wooded swamp” means a wetland dominated by water-tolerant trees or shrubs growing in a muck soil and covered by a moss layer at least 30 centimetres thick. wooded swamp

(2) In these regulations, any reference to a certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan, being required, means a valid and current certificate, license, permit, authorization, grass headland variance, or grass headland exemption or management plan, as the case may be. Reference

## PART II – WATERCOURSES AND WETLANDS

2. (1) No person shall, without a license or a Watercourse or Wetland Activity Permit, and other than in accordance with the terms and conditions thereof, alter a watercourse or a wetland, or any part thereof, or water flow therein, in any manner, or engage in any of the following activities in or on a watercourse or a wetland: Prohibition

- (a) drain, pump, dredge, excavate, or remove soil, water, mud, sand, gravel, stones, rubbish, rocks, aggregate or material or objects of any kind;
- (b) dump or infill, or deposit soil, water, mud, sand, gravel, stones, rubbish, litter, rocks, aggregate or material or objects of any kind;
- (c) construct or place, repair or replace, demolish or remove, buildings or structures or obstructions of any kind, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works;
- (d) operate heavy equipment or a motor vehicle on the sediment bed, beach or bank of a watercourse, with the exception of the operation of a motor vehicle on a beach for the conduct of activities related to the legal harvesting of a fishery resource or the legal removal of beach material, and the exception of the launching of a boat;
- (e) operate heavy equipment or a motor vehicle on a wetland, except a boat on the water of a wetland;
- (f) disturb, remove, alter, disrupt or destroy the ground in any manner;
- (g) disturb, remove, alter, disrupt or destroy vegetation in any manner, including but not limited to the cutting of live trees or live shrubs; or
- (h) carry out any type of watercourse or wetland enhancement activity, including but not limited to debris removal, habitat development, or placement of structures.

*Idem* (2) No person shall, without a license or a Watercourse or Wetland Activity Permit, and other than in accordance with the terms and conditions thereof, cause or permit the engaging in any of the activities listed in subsection (1).

Exemption (3) The cutting of live trees and live shrubs in a wooded swamp is exempted from the prohibition in clause (1)(g).

### PART III – BUFFER ZONES

Application of prohibitions **3.** (1) Where a watercourse is solely a landlocked pond
 

- (a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and
- (b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.

*Idem* (2) Where a wetland is solely a landlocked pond or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow
 

- (a) the prohibition in subsection (3) does not apply to cultivating an agricultural crop; and
- (b) the prohibitions in clauses (4)(d), (f), (g), and (h) do not apply.

*Idem* (3) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, alter or

disturb the ground or soil within 15 metres of a watercourse boundary or a wetland boundary, or cause or permit the alteration or disturbance of the ground or soil, therein, in any manner.

(4) No person shall, without a license or a Buffer Zone Activity Permit, and other than in accordance with the conditions thereof, engage in or cause or permit the engaging in any of the following activities within 15 metres of a watercourse boundary or a wetland boundary: *Idem*

- (a) drain, pump, dredge, excavate, or remove soil, water, mud, sand, gravel, stones, rocks, or aggregate;
- (b) dump or infill, or deposit soil, water, mud, sand, gravel, stones, rubbish, litter, rocks, aggregate or material or objects of any kind;
- (c) construct or place, repair or replace, demolish or remove, buildings or structures or obstructions of any kind, including but not limited to bridges, culverts, breakwaters, dams, wharves, docks, slipways, decks, or flood or erosion protection works;
- (d) operate heavy equipment or a motor vehicle, other than
  - (i) upon a highway,
  - (ii) upon a private road, right-of-way, or driveway which was approved prior to the enactment of these regulations by the provincial government or a municipal government in a building permit or a subdivision plan, or
  - (iii) for the conduct of activities directly related to the legal harvesting of a fishery resource, the legal removal of beach material, or the cultivating of an agricultural crop;
- (e) disturb, remove, alter, disrupt or destroy the ground in any manner;
- (f) cut down live trees or live shrubs;
- (g) cultivate an agricultural crop;
- (h) spray or apply pesticides in any manner.

(5) The land within 15 metres of a watercourse boundary or a wetland boundary referred to in subsections (3) and (4) shall be known as a buffer zone. *Measurement*

(6) For the avoidance of doubt, clause (4)(f) does not prohibit the pruning of trees or shrubs in a buffer zone, provided it is undertaken without engaging in any of the other activities prohibited by subsections (3) and (4). *Permitted activities*

(7) The planting of grass, trees or shrubs is exempted from the prohibitions in subsection (3) and clause (4)(e), provided it is undertaken without engaging in any of the other activities prohibited by subsections (3) and (4), and provided that only hand tools are used. *Exemption*

(8) The use of a ride-on lawn mower to cut grass in a buffer zone is exempted from the prohibition in clause (4)(d). *Idem*

PART IV – WATERCOURSE, WETLAND AND BUFFER ZONE  
ACTIVITY CERTIFICATE

- person, defined      **4.** (1) For the purposes of subsection (2), “person” does not include a corporation.
- Certificate            (2) The Minister may grant a Watercourse, Wetland, and Buffer Zone Activity Certificate to a person who provides
- (a) a completed application, on a form approved by the Minister, accompanied by the application fee of \$200;
  - (b) satisfactory proof of successful completion, within four years prior to the date of submission of the application, of a watercourse, wetland and buffer zone activity and alteration training course acceptable to the Minister; and
  - (c) any further documentation requested by the Minister.
- Expiry                 (3) A certificate expires on the earlier of
- (a) two years from the date of issuance; or
  - (b) on the revocation by the Minister, for good and sufficient reason, after providing the holder of the certificate with an opportunity to be heard, in writing.
- Exemption            (4) A person who holds a certificate is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), provided that
- (a) the person has a license or is employed by a corporate licensee, and complies with the terms and conditions of that license;
  - (b) the person complies with the requirements of the Department’s Construction Standards for Activity in Watercourses and Wetlands in carrying out the activity; and
  - (c) the person supervises and directs the activity.

PART V – WATERCOURSE, WETLAND AND BUFFER ZONE  
ACTIVITY BUSINESS LICENSE

- License application   **5.** (1) The Minister may grant a Watercourse, Wetland, and Buffer Zone Activity Business License
- (a) to a natural person who holds a Watercourse, Wetland, and Buffer Zone Activity Certificate, and who provides a completed application, on a form approved by the Minister, accompanied by the application fee of \$200, and any further information or documentation requested by the Minister; or
  - (b) to a corporation which employs at least one person who holds a Watercourse, Wetland, and Buffer Zone Activity Certificate, and which provides a completed application, on a form approved by the Minister, accompanied by the application fee of \$200, and any further information or documentation requested by the Minister.
- Exemption            (2) A licensee which is a corporation is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), for the activities listed in Schedule A, provided that the licensee ensures that



- (a) an employee who holds a Certificate personally directs and supervises all watercourse, wetland, and buffer zone activities and alterations undertaken by the corporation pursuant to the license;
- (b) no watercourse, wetland or buffer zone activity or alteration is carried out other than that which is specifically listed on the license; and
- (c) all activities are carried out in compliance with the Department's Construction Standards for Activity in Watercourses and Wetlands, and these requirements are conditions of the license.
- (3) A licensee who is a natural person is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), for the activities listed in Schedule A, provided that the licensee *Idem*
- (a) personally directs and supervises all watercourse, wetland and buffer zone activities and alterations undertaken by the person pursuant to the license;
- (b) ensures that no watercourse, wetland or buffer zone activity or alteration is carried out other than that which is specifically listed on the license; and
- (c) ensures that all activities are carried out in compliance with the Department's Construction Standards for Activity in Watercourses and Wetlands, and these requirements are conditions of the license.
- (4) At least 24 hours prior to commencing an alteration or activity undertaken pursuant to a license, the licensee shall complete and file with or fax to the Department a notification form provided in Schedule B and this requirement is a condition of the license. *Notification form*
- (5) The Minister may include such additional terms and conditions in a license as the Minister considers necessary or advisable for the protection or benefit of the environment. *Additional terms and conditions*
- (6) A license expires on the earlier of *Expiry*
- (a) two years from the date of issuance;
- (b) the licensee, if a natural person, ceasing to hold a certificate; or
- (c) the license being revoked by the Minister.
- (7) The Minister may *Amendment of license*
- (a) amend a license or vary the terms or conditions thereof, where the Minister considers it necessary or advisable for the protection or benefit of the environment; or
- (b) revoke a license where the Minister determines there is good and sufficient reason.
- (8) No amendment or revocation shall be made to a license without prior notice and an opportunity to be heard, in writing, being given to the licensee. *Idem*

PART VI – WATERCOURSE, WETLAND AND BUFFER ZONE  
ACTIVITY PERMIT

Exemption	<b>6.</b> (1) The registered owner of a provincial parcel of land is exempt from the requirement to obtain a permit under subsections 2(1) and (2), 3(3) and (4), for the activities listed in Schedule A, provided that the owner engages a person who has a license to do the activity or alteration, and that the owner permits and facilitates access to and inspection of the parcel upon which any activity authorized by the license occurs.
Permits	(2) The Minister may grant a Watercourse or Wetland Activity Permit or a Buffer Zone Activity Permit or a permit pertaining to a combination thereof, to a person who provides a completed application, and any further information or documentation requested by the Minister, including, but not limited to, plans and documents, mitigation procedures, and proof of ownership of the land on which the activity is to take place.
Terms and conditions	(3) The Minister may include such terms and conditions in a permit as the Minister considers necessary or advisable for the protection or benefit of the environment.
Expiry	(4) A permit expires on the earlier of (a) the date indicated on the permit; or (b) the permit being revoked by the Minister.
Extension, amendment	(5) The Minister may (a) extend the expiry date on a permit, upon request, prior to the expiry date; (b) amend a permit or vary the terms or conditions thereof, where the Minister considers it necessary or advisable for the protection or benefit of the environment; or (c) revoke a permit where the Minister determines there is good and sufficient reason.
Amendment	(6) No amendment or revocation shall be made to a permit without prior notice and an opportunity to be heard, in writing, being given to the permittee.
Notice	(7) In issuing or amending a permit, the Minister may require that notice of the application be given to the public or particular members thereof, and the manner and content of such notice shall be as directed by the Minister.

PART VII – GRASS HEADLANDS

Application of section	<b>7.</b> (1) The requirements of this section do not apply (a) where the row crop being cultivated is corn; (b) where there is a management plan for the parcel or parcels of land being cultivated, and the cultivation is being done in accordance with that management plan; or
------------------------	---

- (c) where the boundary referred to in subsection (2) pertains to
- (i) a watercourse that is solely a landlocked pond, or
  - (ii) a wetland that is solely a landlocked pond, or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow.

(2) No person shall, without a grass headland variance or grass headland exemption, and other than in accordance with the terms and conditions thereof, cultivate a row crop within 200 metres of any watercourse boundary or wetland boundary unless every row that ends within 200 metres of any watercourse boundary or wetland boundary ends at

- (a) a grass headland; or
- (b) a buffer zone.

(3) In subsection (2), “grass headland” means an area of live perennial grass

- (a) which was planted prior to the calendar year in which the row crop was planted;
- (b) which is at least 10 metres in width, measured commencing at the end of each row and continuing in the same direction as each row; and
- (c) no part of which is contained within a buffer zone.

(4) For the avoidance of doubt, if both ends of a row of a row crop are within 200 metres of a watercourse boundary or a wetland boundary, then the requirements herein apply to both ends of the row, unless a grass headland variance or grass headland exemption is obtained.

(5) In any prosecution for a violation of subsection (2) or (6), the burden of proving that a grass headland was planted prior to the year in which the row crop was planted is on the defendant, to establish on a balance of probabilities.

(6) No person shall assist or cause or permit the cultivation of a row crop in violation of subsection (2).

(7) The Minister may grant a grass headland variance or grass headland exemption to a person who provides a completed application, and any further information or documentation requested by the Minister, including, but not limited to, plans and documents, and proof of ownership of the land on which the activity is to take place.

(8) The Minister may include such terms and conditions in a grass headland variance or grass headland exemption as the Minister considers necessary or advisable for the protection or benefit of the environment.

(9) A grass headland variance or grass headland exemption expires on the earlier of

- (a) the date indicated in the variance or exemption; or
- (b) the variance or exemption being revoked by the Minister.

Extension, amendment (10) The Minister may

- (a) extend the expiry date on a grass headland variance or grass headland exemption, upon request prior to the expiry date;
- (b) amend a grass headland variance or grass headland exemption or the terms or conditions thereof where the Minister considers it necessary or advisable for the protection or benefit of the environment; or
- (c) revoke a grass headland variance or grass headland exemption where the Minister determines there is good and sufficient reason.

Notice (11) No amendment or revocation shall be made to a grass headland variance or grass headland exemption without prior notice and an opportunity to be heard, in writing, being given to the holder thereof.

#### PART VIII – CULTIVATING ON SLOPED LAND PROHIBITION

Definitions **8.** (1) In this section,

- (a) “Prince Edward Island Sloped Land Inventory” means the database layer produced by the Department’s Geographic Information System Database, which identifies land in the province having a slope greater than 9%; and
- (b) “row crop” does not include corn.

Prince Edward Island Sloped Land Inventory

row crop

Prohibition (2) No person shall, on any provincial parcel of land, cultivate one or more hectares of row crop on any area of that parcel which has a slope which is greater than 9%, unless there is a management plan for that area and the cultivation of the row crop is done, pursuant to, and in accordance with, that management plan.

Identified land (3) Where land is identified in the Prince Edward Island Sloped Land Inventory, it is deemed to

- (a) have a slope greater than 9%; and
- (b) be one hectare or more in size, unless the contrary is proven on a balance of probabilities.

#### PART IX – MANAGEMENT PLANS

Definitions **9.** (1) In this section

- (a) “management plan” means a plan that is approved by a management specialist and contains a soil and crop management component that addresses crop sequences, tillage practices, planting of cover crops, and any other soil conservation practices that may be prescribed by a management specialist;
- (b) “management specialist” means a person who has been appointed as a management specialist pursuant to subsection (2).

management plan

management specialist

(2) The Minister may appoint as a management specialist a person whom the Minister is satisfied has expertise in agricultural engineering and who is registered

- (a) as an agrologist pursuant to the provisions of the *Agrologists Act* R.S.P.E.I. 1988, Cap. A-10; or  
 (b) as an engineer pursuant to the provisions of the *Engineering Profession Act* R.S.P.E.I. Cap. E-8.1.

(3) The appointment of a management specialist may be for such term and be subject to such conditions as stipulated in the appointment, and may be revoked by the Minister at will. *Idem*

(4) An application for approval of a management plan may be made in the form as set out in Schedule C. Application

(5) A management specialist may approve a management plan upon receipt of a completed application, and any further information or documentation requested by the management specialist, including, but not limited to, plans and documents, and proof of ownership of the land on which the activity is to take place. Approval

(6) A management specialist may include such terms and conditions in a management plan as the management specialist considers necessary or advisable for the protection or benefit of the environment. *Idem*

(7) A management specialist may amend the terms or conditions of a management plan where the management specialist considers it necessary or advisable for the protection or benefit of the environment. Extension, amendment

(8) No amendment shall be made to a management plan without prior notice, in writing, and an opportunity to be heard, being given to the owner of the land and any person cultivating the land. Notice

(9) A management specialist shall file a management plan, and any amendment thereof, with the Resource Inventory and Modelling Section of the Department. Filing of plan

(10) A management plan expires on the date indicated in the management plan or upon cancellation by the Minister. Expiration

- (11) The Minister may cancel a management plan Cancellation
- (a) for good and sufficient reason, after providing the owner of the land, and any person cultivating the land, with an opportunity to be heard, in writing; or  
 (b) upon application by the owner of the land and any person cultivating the land.

(12) The Minister's office shall notify the Resource Inventory and Modelling Section of the Department of the cancellation of a management plan. Notification

#### PART X – INTENSIVE LIVESTOCK OPERATIONS

**10.** (1) In this section,

Definitions

intensive livestock operation	(a) “intensive livestock operation” means a place where livestock are found in a density greater than seven animal units per acre of living space, with the calculation of animal units to be determined by reference to Column 2 of Schedule D;
livestock	(b) “livestock” means cattle, horses, swine, poultry, sheep, goats, fox and mink;
livestock waste	(c) “livestock waste” means <ul style="list-style-type: none"> <li>(i) feces and manure or manure and associated feed losses,</li> <li>(ii) urine from livestock and associated livestock bedding and waste water, litter, or wash water or water contaminated by either urine or feces,</li> <li>(iii) wasted feed, milkhouse waste, hair, feathers or other debris associated with an agricultural operation, or</li> <li>(iv) any combination of the above;</li> </ul>
living space	(d) “living space” means any confined area to which livestock have access.
Determination of density	(2) For the avoidance of doubt, <ul style="list-style-type: none"> <li>(a) whether an operation contains one type of livestock or a combination of two or more, the density is to be determined by reference to the total animal units, as set out in Column 2 of Schedule D; and</li> <li>(b) where there is more than one living space on a provincial parcel of land, the density of each living space is to be calculated separately and each one which contains more than seven animal units per acre constitutes an intensive livestock operation.</li> </ul>
Prohibition, discharge	(3) The owner and operator of an intensive livestock operation shall ensure that no livestock waste from the operation enters a watercourse or a wetland.
Burden of proof	(4) Where livestock waste from an intensive livestock operation enters a watercourse or a wetland, the burden of proof is on the owner and operator of the intensive livestock operation to establish due diligence, on a balance of probabilities.
Determining due diligence	(5) In determining whether an owner or operator exercised due diligence, the following are among the factors which may be taken into account <ul style="list-style-type: none"> <li>(a) whether the operation had earthen berms or other types of physical barriers to prevent the livestock waste from entering the watercourse or wetland; and</li> <li>(b) whether the operation had a self-contained watertight holding facility into which the livestock waste is diverted.</li> </ul>
Prohibition	(6) Within 90 metres of a watercourse boundary or a wetland boundary, no person shall, without a written authorization from the Minister

- (a) construct an intensive livestock operation, or any part thereof, or add livestock, structures or facilities to any existing intensive livestock operation;
- (b) commence an intensive livestock operation or any activity connected thereto; or
- (c) assist in or cause or permit clause (a) or (b).

(7) The requirements of subsection (6) do not apply where the boundary referred to in subsection (6) pertains to Exemption

- (a) a watercourse that is solely a landlocked pond; or
- (b) a wetland that is solely a landlocked pond, or solely or a combination of seasonally flooded flats, a shrub swamp, a wooded swamp, a bog or a meadow.

(8) The distance between a watercourse boundary or a wetland boundary and an intensive livestock operation shall be measured from the wetland boundary or watercourse boundary to the nearest point of living space. Measurement

#### PART XI – INSPECTIONS AND ORDERS

**11.** (1) It is a condition of every license, permit, authorization, management plan, grass headland variance and grass headland exemption under these regulations that the holder thereof shall permit and facilitate access to and inspection of any property upon which the holder carries on any activity authorized by the license, permit, authorization, management plan, grass headland variance or grass headland exemption. Condition, access and inspection

(2) To ensure or determine compliance with these regulations, an inspector or an officer may Powers of inspectors and officers

- (a) enter upon and pass through or over private property without being liable for trespass, including but not limited to land where agricultural crops are being cultivated or may be cultivated;
- (b) enter and inspect any premises, excluding a private dwelling house;
- (c) inspect and conduct tests, and take photographs, surveys, measurements, and samples of soil and vegetation or other matter, and samples of water or any other liquid;
- (d) require a landowner or lessee to produce for inspection any survey plans, leases, agreements, estimates, statements of account, or other documents or records that pertain to activity carried out on the land;
- (e) require any person to produce for inspection any certificate, license, permit, authorization, management plan, grass headland variance or grass headland exemption that person has, claims to have, or would, in the opinion of the inspector or officer, be required to have to carry out the activity or operation; and
- (f) receive copies of any records or documents produced under clauses (d) and (e), and retain the same for the purpose of copying and returning them.

Power to stop vehicle	(3) For the purposes of enforcing these regulations, an officer may signal or request any person driving a motor vehicle to stop, and thereupon the person shall bring the vehicle to a stop and shall not proceed until permitted to do so by the officer.
Standards	(4) For the avoidance of doubt, the standards established herein are minimum standards and nothing contained herein, nor compliance with these regulations and the standards incorporated herein, nor compliance with the terms and conditions of any license, permit, authorization, management plan, grass headland variance or grass headland exemption precludes the issuance of an order pursuant to subsection (5), or an environmental protection order pursuant to sections 7 or 7.1 of the Act where the Minister believes, on reasonable and probable grounds, that a threat to the environment or environmental health is occurring or has occurred.
Verbal order, emergency field order	(5) Where an officer believes, on reasonable grounds, that an activity is occurring or has occurred which is a violation of these regulations and time is of the essence to take remedial action to protect the environment, the officer may issue a verbal order or an emergency field order, as set out in the form in Schedule E, to the person committing or apparently committing the violation, or to the person in charge or apparently in charge of the activity which constitutes the violation, or to the registered owner of the property on which it is or has occurred, to cease the activity and commence remedial measures as directed.
Prohibition	(6) No person shall fail or refuse to comply with a verbal order or an emergency field order.

#### PART XII - GENERAL

Delegation	<b>12.</b> (1) The Minister may delegate to any Minister of the Crown in right of the province or to a Director or other employee within the Minister's Department any power conferred on the Minister under these regulations, and the Minister, Director or other employee to whom the power is delegated may then exercise the power subject to any terms and conditions that the Minister prescribes.
Completion of work	(2) A person to whom a license, permit, authorization, grass headland variance or grass headland exemption is granted, or for whom a management plan is approved, shall be deemed to have accepted responsibility for all work done pursuant thereto.
Effect of granting	(3) The granting of a certificate, license, permit, authorization, grass headland variance or grass headland exemption or the approving of a management plan, does not exempt the person to whom it is granted or for whom it is approved from the provisions of any Act of the Legislature or the regulations under such Act, or any Act of the Parliament of Canada or the regulations made under such Act.



- (4) Neither the Minister, the Department nor any employee or officer of the Crown is liable for any loss or damage caused or occasioned by Exemption from liability
- (a) any activity or alteration for which a license, permit, authorization, grass headland variance or grass headland exemption was granted or for which a management plan was approved pursuant to these regulations;
  - (b) the revocation of any certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan; or
  - (c) the amendment of any certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan.
- (5) No action or other proceeding for damages lies or shall be instituted against No action lies
- (a) the Minister or any person acting for the Minister pursuant to a delegation of power under subsection (1);
  - (b) an inspector or an officer; or
  - (c) any person lawfully assisting or acting under the direction of any person referred to in clauses (a) and (b),
- for anything done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under these regulations, or for any neglect or default in the performance or exercise in good faith of any such duty or power.
- (6) The issuance of a certificate, license, permit, authorization, grass headland variance or grass headland exemption and the approval of a management plan pursuant to these regulations are conditional on Conditions
- (a) all material facts in the application having been disclosed; and
  - (b) the facts, representations and other information contained in the application being true, accurate and complete.
- (7) No person shall give false or misleading information in an application, report or statement or any other document submitted or made to the Minister under these regulations. Prohibition
- (8) Grounds for refusing or revoking a certificate, license, permit, authorization, grass headland variance or grass headland exemption or management plan, include, but are not limited to Grounds for refusal, revocation
- (a) current or prior non-compliance by the holder with the Act or any regulations made thereunder, or with any term or condition of a certificate, license, permit, authorization, grass headland variance, grass headland exemption or management plan;
  - (b) discovery of relevant information not disclosed or not available at the time the certificate, license, permit, authorization, grass headland variance or grass headland exemption was granted or the management plan was approved;
  - (c) information being received that the activity being carried on pursuant to the certificate, license, permit, authorization, grass headland variance, grass headland exemption or management plan is

affecting the property in question in a way not anticipated, or the property of other persons; and

(d) discovery of a threat to the environment or environmental health that is, or is apparently, being caused by or exacerbated by the activity being carried on pursuant to the certificate, license, permit, authorization, grass headland variance, or grass headland exemption or management plan.

Prosecution

(9) In any prosecution for a violation of these regulations

(a) the registered owner of the property upon which any activity prohibited or regulated by these regulations occurs is deemed to have caused or permitted the activity, unless it is established, on a balance of probabilities, that the registered owner did not cause or permit the activity, and the burden of proof is on the registered owner to so prove, on a balance of probabilities;

(b) where an area is identified as open water, deep marsh, shallow marsh, brackish marsh or salt marsh in the Prince Edward Island Wetland Inventory, that is *prima facie* evidence that the area comes within the requirements of these regulations, unless the contrary is proved on a balance of probabilities, and the burden is on the defendant to so prove;

(c) no exception, exemption, proviso, excuse or qualification prescribed by these regulations is required to be set out or negated, as the case may be, in an information or summary offence ticket laid with respect to a charge under these regulations; and

(d) the burden of proving that any exception, exemption, proviso, excuse or qualification prescribed by these regulations operates in favour of the defendant is on the defendant, to prove on a balance of probabilities, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, proviso, excuse, or qualification does not operate in favour of the defendant, whether or not it is set out in the information or summary offence ticket.

Reasonable assistance

(10) All persons to whom a request is made by an inspector or an officer under these regulations shall provide all reasonable assistance to enable the inspector or the officer to carry out his or her functions under these regulations, and shall furnish the inspector or officer with all information reasonably required to administer or enforce these regulations.

Prohibition

(11) No person shall impede or obstruct or knowingly make false or misleading statements to an inspector or an officer engaged in carrying out the inspector's or officer's functions under these regulations.

### PART XIII - APPEALS

Island Regulatory and Appeals Commission

**13.** (1) In this section, "Commission" means the Island Regulatory and Appeals Commission established pursuant to section 2 of the *Island Regulatory and Appeals Commission Act* R.S.P.E.I. 1988, Cap. I-11.

- (2) A person may, within 21 days of Notice of appeal  
 (a) the refusal, revocation or amendment of a permit, grass headland variance, grass headland exemption, or authorization;  
 (b) the refusal of approval of a management plan; or  
 (c) the issuance of an emergency field order  
 appeal the same by filing a notice of appeal with the Commission, in the form prescribed by the Commission.
- (3) A notice of appeal under subsection (1) may be filed only by a *Idem*  
 person who  
 (a) is the holder of, or an applicant for, a permit, grass headland variance, grass headland exemption or authorization;  
 (b) is the applicant for or is subject to a management plan; or  
 (c) is subject to an emergency field order,  
 or by anyone else determined by the Commission to be personally or adversely affected by the matter so as to have standing.
- (4) Subject to adherence to the rules of natural justice, the Procedure  
 Commission shall determine its own procedure.
- (5) The Commission may vary, confirm, or rescind the decision being Powers  
 appealed.
- (6) The initiation of an appeal does not abrogate the requirement to Duty to comply  
 comply with the decision being appealed.
- (7) The Department shall implement an order made by the Implementation of  
order  
 Commission.

#### PART XIV – OFFENCES AND PENALTIES

- 14.** (1) No person shall violate any provision of these regulations or the Offence  
 terms or conditions of any certificate, permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order.
- (2) Any natural person who violates Offence, penalty  
 (a) any provision of these regulations, other than subsection 8(2); or  
 (b) any term, condition, or provision of any certificate, permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order,  
 is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$3,000 or more than \$10,000, and to pay such restitution as the judge thinks fit to any person aggrieved or affected by the violation.
- (3) Any corporation which violates *Idem*  
 (a) any provision of these regulations, other than subsection 8(2); or  
 (b) any term, condition, or provision of any certificate, permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order,

is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$10,000 or more than \$50,000, and to pay such restitution as the judge thinks fit to any person aggrieved or affected by the violation.

*Idem* (4) Any officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in or participates in, the commission of an offence by that corporation under subsection (3) is guilty of an offence and is liable, in respect of the commission of an offence by the corporation under subsection (3), to any penalty set out in subsection (2).

*Idem* (5) Any natural person or corporation who or which violates subsection 8(2) of these regulations or the terms, conditions or provisions of a management plan, is guilty of an offence and is liable, on summary conviction, to a fine of \$1,000 per hectare of land cultivated in violation of subsection 8(2), and to pay such restitution as the judge thinks fit to any person aggrieved or affected by the violation.

Separate offence (6) Where a violation of any provision of these regulations or the terms or conditions of any permit, license, authorization, grass headland variance, grass headland exemption, management plan or emergency field order continues for more than one day, the offender is guilty of a separate offence for each day that the violation continues.

Commencement **15.** These regulations come into force on December 6, 2008.

**SCHEDULE****SCHEDULE A****ACTIVITIES WHICH A LICENSEE MAY ENGAGE IN**

**SHORE STABILIZATION** - A licensee may, for the purpose of and in the course of, doing shore stabilization, and only to the extent necessary to secure shore stabilization equipment or materials, and for no other purpose or effect, do the following:

**IN A WETLAND OR A WATERCOURSE:** engage in any of the activities listed in subsection 2(1) of the regulations, with the exception of the activities listed in clause 2(1)(e);

**IN A BUFFER ZONE:** engage in any of the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b), (g) and (h).

**LANDSCAPING IN A BUFFER ZONE** - A licensee may, for the purpose of and in the course of, doing landscaping in a buffer zone, and only to the extent necessary to do landscaping in a buffer zone, and for no other purpose or effect, do the following:

**IN A BUFFER ZONE:** engage in the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b),(c), (f), (g), and (h).

**OPERATION OF MACHINERY ON A BEACH OR SHORELINE** - A licensee may, for the purpose of and in the course of, operating heavy equipment on a beach, and only to the extent necessary to perform maintenance on an existing shore access or the removal of beach material, and for no other purpose or effect, do the following:

**ON A BEACH:** engage in the activities listed in clause 2(1)(d) of the regulations;

**IN A BUFFER ZONE:** engage in the activities listed clause 3(4)(d) of the regulations.

**MINOR BRIDGE REPAIRS** - A licensee may do minor bridge repairs in a watercourse or wetland as outlined in clause 2(1)(c) of the regulations.

**FEDERAL WHARF REPAIRS** - A licensee may, for the purpose of and in the course of, doing federal wharf repairs and only to the extent necessary to do federal wharf repairs, and for no other purpose or effect, do the following:

**IN A WETLAND OR A WATERCOURSE:** engage in any of the activities listed in subsection 2(1) of the regulations, with the exception of the activities listed in clauses 2(1)(d), (e), (g) and (h);

**IN A BUFFER ZONE:** engage in any of the activities listed in subsection 3(3) of the regulations, and in any of the activities listed in subsection 3(4) of the regulations, with the exception of the activities listed in clauses 3(4)(b), (f), (g) and (h).

**SCHEDULE B****NOTIFICATION FORM**

by licensee of Activity in a Watercourse, Wetland, or Buffer Zone  
pursuant to subsection 5(4) of these regulations

Subsection 5(4) of these regulations requires that a licensee must, at least 24 hours prior to commencing an alteration or activity undertaken pursuant to a license, complete this form and file it with or fax it to the Department.

Personal information on this form is collected as it relates directly to and is necessary for the required notification to perform a watercourse and wetland activity. If you have any questions about this collection of personal information, you may contact the Director of Water Management, 11 Kent Street, Jones Building, Charlottetown, PEI C1A 7N8, Phone: (902) 368-5000.

<b>Licensee</b>	
Name:	
Company:	
Phone:	Fax:
Mailing Address:	
Province:	Postal Code:
E-mail:	
<b>Project Information</b>	
<b>Type of Project:</b>	
<input type="checkbox"/> Shore Stabilization	
<input type="checkbox"/> Shore Stabilization	
<input type="checkbox"/> Landscaping in a Buffer Zone	
<input type="checkbox"/> Operation of Machinery on a Beach or Shoreline	
<input type="checkbox"/> Federal Wharf Repairs	
<input type="checkbox"/> Minor Bridge Repairs	
<b>Description:</b>	
<b>Date work is to Commence (dd/mm/yyyy):</b>	
<b>Property Information:</b>	
Property Owner(s) Name:	
Property Owner(s) Address:	
Property Tax #:	
Community:	County:
Work location on Property (describe):	

Licensee Signature: ..... Date: .....

**Personally deliver or fax this Notification Form to:**

Department of Environment, Energy & Forestry  
Water Management Division  
Watercourse and Wetland Activity Program  
PO Box 2000, Charlottetown, PE C1A 7N8  
4th Floor Jones Building, 11 Kent Street  
Charlottetown, PE C1A 7N8  
Tel: (902)-368-5000 - Fax: (902) 368-5830

**SCHEDULE C**

**FORM FOR APPLYING FOR APPROVAL OF A  
MANAGEMENT PLAN**  
(Section 9 of these regulations)

**TO: THE DEPARTMENT OF ENVIRONMENT, ENERGY & FORESTRY**

1. Name of Applicant:.....

2. Address and telephone numbers of Applicant:  
.....  
.....

3. Location of the land: .....  
(Please attach map showing location.)

4. Provincial Parcel number(s):.....

5. Owner of the land (if different from applicant):.....

6. Reason for application [Check box or boxes that apply]:  
 To not require grass headlands [to come within exception in clause 7(1)(b)]  
 To be able to cultivate row crops on land with slope greater than 9% [to come within exception in subsection 8(2)]

**Signature of Applicant [and signature, address, and telephone number of landowner, if Applicant is not landowner].....**  
.....

(Management plan attachments)  
.....  
.....

**SCHEDULE D**  
**INTENSIVE LIVESTOCK OPERATIONS**

[Density of Livestock - subsections 10(1) and (2) of these regulations]

COLUMN 1	COLUMN 2	COLUMN 3
Animal	Animal Unit	Density which constitutes “Intensive Livestock Operation” more than:
horses	1 horse = 1 animal unit	7 horses per acre of living space
dairy cows	1 dairy cow = 1 animal unit	7 dairy cows per acre of living space
beef cows	1 beef cow = 1 animal unit	7 beef cows per acre of living space
beef feeders	2 beef feeders = 1 animal unit	14 beef feeders per acre of living space
dairy heifers	2 dairy heifers = 1 animal unit	14 dairy heifers per acre of living space
adult sheep	4 adult sheep = 1 animal unit	28 adult sheep per acre of living space
feeder lambs	10 feeder lambs = 1 animal unit	70 feeder lambs per acre of living space
adult goats	4 adult goats = 1 animal unit	28 adult goats per acre of living space
feeder goats	10 feeder goats = 1 animal unit	70 feeder goats per acre of living space
swine	4 swine = 1 animal unit	28 swine per acre of living space
laying hens	125 laying hens = 1 animal unit	875 laying hens per acre of living space
broilers	200 broilers = 1 animal unit	1400 broilers per acre of living space
turkeys	75 turkeys = 1 animal unit	525 turkeys per acre of living space
adult foxes*	40 adult foxes = 1 animal unit	280 adult foxes per acre of living space
adult mink*	80 adult mink = 1 animal unit	560 adult mink per acre of living space

\* Offspring are not to be included until they are market size.



SCHEDULE E

EMERGENCY FIELD ORDER

pursuant to subsection 11(5) of these regulations

WHEREAS I BELIEVE, ON REASONABLE GROUNDS, THAT

On property located at or near .....
County, Prince Edward Island, an activity is occurring or has occurred,
namely.....
.....(description
of the activity), which activity is a violation of ..... of these regulations;

AND WHEREAS I BELIEVE ON REASONABLE GROUNDS, THAT time is of the
essence for remedial action to protect the environment;

AND WHEREAS, I am an environment officer designated pursuant to the Act, and an
officer pursuant to these regulations;

I THEREFORE ORDER YOU,

.....
(name of person/corporation issued to), of .....
(address of person/corporation) as

- the person committing or apparently committing the violation
the person in charge or apparently in charge of the activity which constitutes the
violation
the registered owner of the property on which the activity is occurring or has
occurred,

TO IMMEDIATELY CEASE the following activity
.....
and commence the following remedial measures.

on or before .....day, the ..... day of ....., 200...., at
..... o'clock in the ..... (after or fore) noon.

DATED AT ....., ..... County, Prince
Edward Island, this ..... day of ....., 200....

.....
Signature of Officer

.....
Printed name of Officer

**EXPLANATORY NOTES**

**SECTION 1** provides definitions for the regulations.

**SECTION 2** outlines the prohibitions in watercourses and wetlands that are designed to ensure protection for aquatic habitat and wildlife.

**SECTION 3** outlines the prohibitions in buffer zones adjacent to watercourses and wetlands to provide protection for watercourses, wetlands, aquatic habitat and wildlife.

**SECTION 4** indicates the process for obtaining a certificate that qualifies a person to get licensed to carry out, on an ongoing basis, alterations or other activities in a watercourse, wetland or buffer zone, or to perform such activities for a licensed corporation.

**SECTION 5** sets out the process for a natural person or a corporation to obtain a license.

**SECTION 6** provides a process for persons to obtain permits to carry out alterations or other activities in watercourses, wetlands and buffer zones.

**SECTION 7** establishes a requirement for grass headlands for row crops located within 200 metres of watercourses and wetlands, to protect them from concentrated run-off.

**SECTION 8** sets out the prohibitions for cultivating row crops on high-sloped land.

**SECTION 9** provides the process for approval of management plans to obtain exemptions from the requirements of sections 7 and 8.

**SECTION 10** provides prohibitions and required authorizations for intensive livestock operations near watercourses and wetlands.

**SECTION 11** outlines powers of inspection and other provisions for compliance and enforcement purposes.

**SECTION 12** provides general conditions on the administration of the regulations.

**SECTION 13** provides for appeals of permits, variances, exemptions and authorizations granted pursuant to the regulations.

**SECTION 14** sets out the offence and penalty provision for non-compliance with the regulations.

**SECTION 15** provides for the commencement of these regulations.

Certified a true copy,  
Robert Allan Rankin  
Clerk of the Executive Council

**PART II**  
**REGULATIONS INDEX**

Chapter Number	Title	Original Order Reference	Amendment	Authorizing Order and Date	Page
A-8.01	<b>Agricultural Crop Rotation Act</b> General Regulations	EC166/02	s.1(1)(a) s.1(1)(c) s.1(1)(g) [rev] s.4(a)(iii) [rev] s.5(3) s.9 [rev] [eff] Dec. 6/08	EC2008-718 (25.11.08)	213-214
E-9	<b>Environmental Protection Act</b> Watercourse and Wetland Protection Regulations		[new] [eff] Dec. 6/08	EC2008-720 (25.11.08)	214-239