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# MANAGEMENT PLAN



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# CAPE ST. MARY'S ECOLOGICAL RESERVE



**Parks and Natural Areas Division  
Department of Environment and Conservation  
Government of Newfoundland and Labrador**

1994

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## FOREWORD

In 1980, the **Wilderness and Ecological Reserves Act** was enacted to protect and preserve special and representative natural areas in Newfoundland and Labrador. Several areas of the Province have been set aside as Ecological Reserves under the Act. These areas contain representative or unique ecosystems, species, or naturally occurring phenomena. The objectives of establishing an Ecological Reserve as stated in Section 5 of the Act are:

- (a) To provide for scientific research and educational purposes in aspects of the natural environment;
- (b) To preserve the habitat of an animal or plant species that is rare or endangered;
- (c) To provide standards against which the effects of development in other areas may be measured;
- (d) To provide an opportunity for study of the recovery of ecosystems from the effects of modification by human beings;
- (e) To preserve rare botanical, zoological, geological or geographical characteristics;
- (f) To preserve representatives of distinct ecosystems in the province; or
- (g) To preserve organisms in their natural habitat to ensure the preservation of their gene pools.

## INTRODUCTION

The coastal waters of Newfoundland and Labrador are some of the most productive in the world. This is largely due to the nutrient-rich Labrador Current which supports an impressive quantity and diversity of marine life, including seabirds. In addition, our coastline has a number of sites which are well suited as breeding seabird habitat. These two factors have resulted in Newfoundland and Labrador having some of the largest and most spectacular seabird colonies in the world, for example:

- More Leach's Storm-Petrels breed off Newfoundland and Labrador than anywhere else in the world. Baccalieu Island is the largest Leach's Storm-Petrel colony in the world and the Witless Bay Islands the second largest.
- A major proportion of the western North Atlantic populations of Common Murre and Atlantic Puffin breed on islands off our coast.
- Three of the six gannetries in the western North Atlantic are in Newfoundland and Labrador, and Funk Island and Cape St. Mary's are the second and the fourth largest gannetries in North America, respectively.

The Cape St. Mary's Seabird Ecological Reserve is a spectacular seabird breeding site. With an impressive diversity of breeding seabirds and the fourth largest concentration of Northern Gannets in North America, it is an internationally significant seabird colony. Cape St. Mary's is the southernmost breeding site for Northern Gannets and Thick-billed Murres in the world. The waters off the Cape are also very important wintering sites for seaducks, including the Harlequin Duck, a species of special concern (COSEWIC 2001).

Cape St. Mary's offers a magnificent opportunity to experience seabirds, while having only a low level of impact on them. The unique experience that the Cape has to offer is internationally known, and ever growing numbers of people are visiting the area to seek that experience.

The colonial breeding strategy adopted by seabirds has many adaptive advantages, but also makes them highly vulnerable to a number of risks. Included are potential negative impacts of human presence, depleted food stocks, interactions with fishery activities and marine pollution.

Cape St. Mary's Seabird Ecological Reserve was originally designated as a Wildlife Reserve under the **Wildlife Act** in 1964 when it was administered by the Wildlife Division, Government of Newfoundland and Labrador. In 1980, however, the **Wilderness and Ecological Reserves Act** was enacted and, in 1983, the Cape St. Mary's Seabird Sanctuary was established as a Seabird Ecological Reserve. It is now administered and managed by Parks and Natural Areas Division, Department of Environment and Conservation. The Canadian Wildlife Service has management responsibility for the seabirds within the Reserve under the **Migratory Birds**

**Convention Act (1914).**

This Management Plan documents the objectives of the Ecological Reserve and addresses a number of issues arising mainly from potential conflicts between the objectives of the Reserve and other land or water uses. It was produced by a Seabird Ecological Reserve Management Committee comprised of representatives from Parks and Natural Areas Division, Wildlife Division, Canadian Wildlife Service, and the Wilderness and Ecological Reserves Advisory Council.

## **OBJECTIVES OF CAPE ST. MARYS SEABIRD ECOLOGICAL RESERVE**

The following objectives, in order of priority, outline the reasons why Cape St. Mary's Seabird Ecological Reserve was established, and the fundamental basis for which management decisions are made:

1. To preserve an internationally important seabird breeding colony and overwintering site that is essential to the maintenance of species diversity, composition and abundance at levels sufficient to ensure viable, long-term populations;
2. To maintain the coastal headland ecosystems and the surrounding waters with their associated vistas, vegetation, and fauna in a condition no less pristine than at the time the Reserve was initially established (in 1983);
3. To provide the public with controlled opportunities to see and learn about seabirds and the ecosystems of which they are a part;
4. To foster scientific studies which are permitted to ensure the achievement of the previous three objectives.

## **1.0 CAPE ST. MARY'S SEA BIRD ECOLOGICAL RESERVE**

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### **1.1 Location and Setting**

Located on the Southwestern tip of the Avalon Peninsula (Figure 1), Cape St. Mary's is home to a rich and diverse seabird colony. The Cape St. Mary's Seabird Ecological Reserve is unique among Newfoundland seabird colonies in that it contains the only major colony located on the mainland portion of the island. Breeding areas in all other Seabird Ecological Reserves are located on small offshore islands where visitation is restricted or difficult to achieve. The Cape is situated approximately 19 km from the community of St. Brides and visitors can drive to within 1 km of the main nesting area and walk to a viewpoint only 10-20 metres from the colony. Visitors can observe the nesting seabirds from this area without disturbing the sensitive colony. The other colonies are too fragile to withstand such visitation.

The marine bird breeding community of the Cape extends along precipitous (100-125 m) coastal cliffs for more than 5 km and includes as many as 53,000 seabirds. The sea stack of the Cape (Bird Rock) has been separated from the mainland by erosion and serves as excellent nesting habitat for Northern Gannets.

### **1.2 Reserve Boundary**

The original 1983 boundary was reduced to accommodate the community pasture to the northwest of the Reserve. The lighthouse enclave, access road, parking area, and about two hectares of land containing the interpretation centre, are excluded from the Reserve. The seaward boundary extends west for about 3 nautical miles and then swings south and east to a point about 2 nautical miles south of Redland Point. Figure 1 shows the boundary of the ecological reserve and a boundary description is provided in Appendix IV.

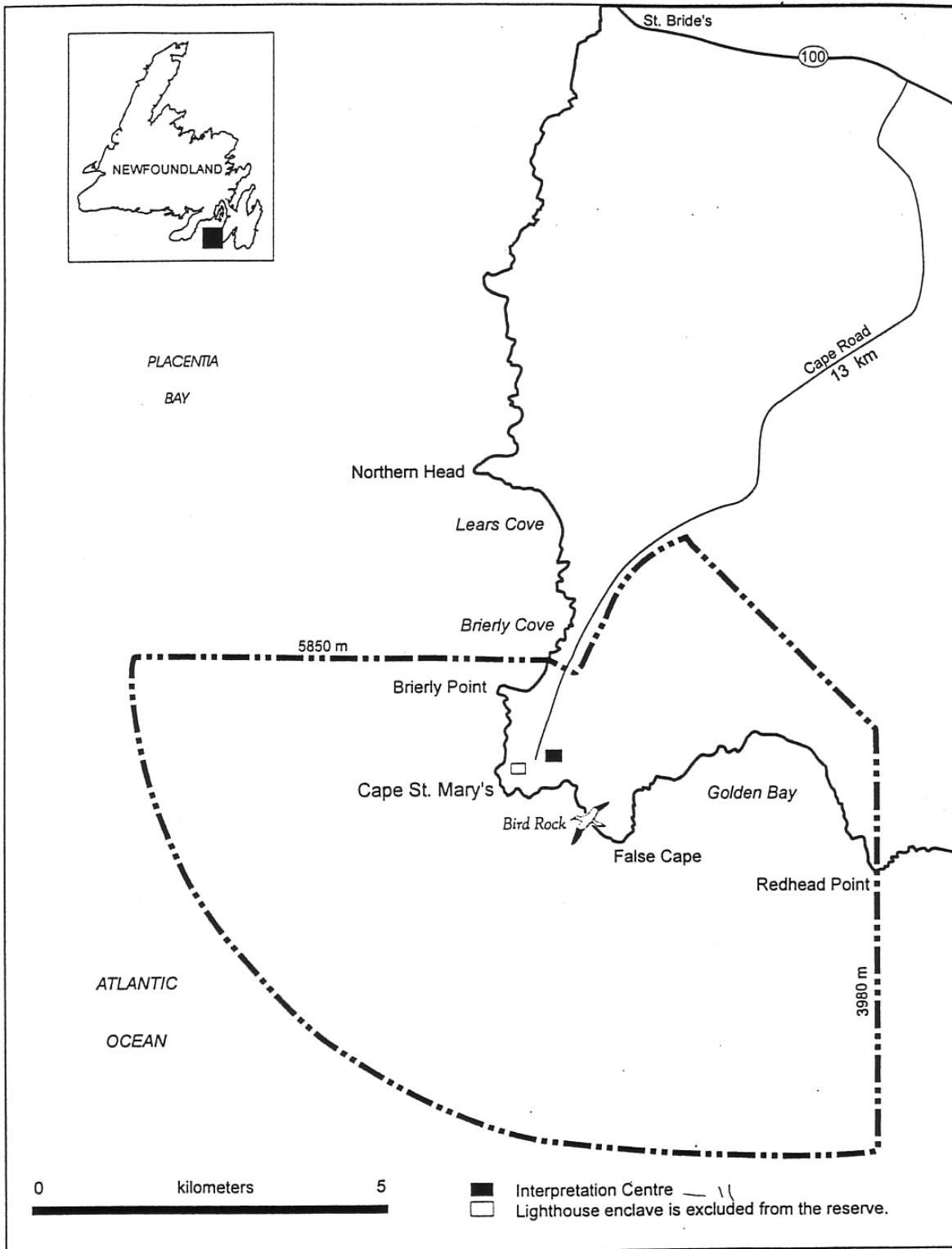


Figure 1. Location of Cape St. Mary's Ecological Reserve.



### **1.3 Natural Features**

#### **1.3.1 Seabird Species and Nesting Sites**

A total of ten (10) seabird species breed at Cape St. Mary's (see Appendix I for population estimates). The birds are concentrated in a relatively small area and although there is some overlap, each species is adapted to different nesting habitats.

The **Northern Gannet**, the most conspicuous seabird at Cape St. Mary's, dominates the sea stack, known as "Bird Rock". In recent years there has been an expansion of the colony to the steep slope of the adjacent mainland.

The **Black-legged Kittiwake (Tickleace, Lady-bird)** builds a nest on small outcrops of the cliff face that are too small for other nest-builders to occupy. They generally have a clutch size of 2, though 3 eggs are sometimes laid.

**Common Murres (Turrs)** also nest on the cliff face, laying a single egg on the bare rock of the narrow ledges. The related **Thick-billed Murres (Turrs, Arctic Turrs, Northern Turrs)**, generally Arctic breeders, are found in small numbers among the Common Murres.

**Black Guillemots (Sea-pigeons)** and **Razorbills (Tinkers)** breed in lower densities than the other resident alcids. Both species prefer sites that afford cover on ledges, either between boulders or in crevices. Neither Guillemots nor Razorbills build a true nest. They lay their egg(s) on bare rock or on a loose arrangement of pebbles, feathers and pieces of vegetation. Guillemots breed much lower on the cliff face than Razorbills; often just above the high tide mark. The Guillemot lays 2 eggs, while the Razorbill lays only one.

A small, mixed colony of **Great** and **Double-crested Cormorants (Shags)** may be

found on the rocky shoreline in Golden Bay. On average, both species lay 3 to 4 eggs in a bulky nest of sticks and seaweed built on cliff ledges. **Herring Gulls and Great Black-backed Gulls (Saddlebacks)** breed in small numbers at Cape St. Mary's. Their nests are built on the ground, where both species lay 2 to 3 eggs. Appendix I lists the number of breeding seabirds in the Reserve.

### ***1.3.2 Non-breeding Seabird Distribution***

Cape St. Marys Ecological Reserve is an important wintering site for **Thick-billed Murres, Dovekies (Bullbirds), and Common Murres**. In addition, Cape St. Mary's is an extremely important wintering site for seaducks. The shallow waters off the headland provide excellent feeding grounds for the birds and coastal rock outcrops provide resting habitat and shelter.

The Cape is the most important wintering site in the province for the **Harlequin Duck (Lords and Ladies)**, a species that is designated special concern in eastern North America by the Committee on the Status of Endangered Wildlife in Canada, (COSEWIC 2001). The most recent count (1991) of these birds off the Cape numbered only 20, where once thousands inhabited our coastline. This decline will likely result in extinction unless serious steps are taken to ensure the survival of this species in Newfoundland. Cape St. Mary's Seabird Ecological Reserve can play a significant role in the survival of this and other species by providing protected winter habitat where they will not be hunted or otherwise disturbed.

**Common Eiders** also find food and refuge in the headland ecosystem of Cape St. Mary's. An important resource in Newfoundland, this bird has also dramatically declined in numbers in recent years. Other sea duck species wintering at the Cape include **King Eider, Black Scoter, White-winged Scoter and Long-tailed Duck**. Numbers of seaducks observed during Christmas bird counts are listed in Appendix II.

### **1.3.3 Land Birds**

The most common breeding land birds at Cape St. Mary's are the **Horned Lark** and the **Water Pipit**, both open country ground nesters. **Common Ravens** breed along the top of the cliff ledges and, in addition, the small patches of forest in Golden Bay provide limited breeding habitat for woodland songbirds, including **Blackpoll Warbler**, **Yellow-rumped Warbler** and **Boreal Chickadee**.

During fall migration, a large and varied number of species pass through the area. Flocks of **Whimbrels**, **Lesser Golden-Plovers**, and **Black-bellied Plovers** are seen early in the migration period. These are followed by several species of raptors, including **Sharp-shinned Hawk**, **Rough-legged Hawk**, **Merlin**, and **Kestrel**.

Spring is often heralded by the appearance of uncommon species, as the Cape provides the first body of land for vagrant migrating land birds that have been blown off course by strong winds. Many of these have a natural distribution further south, though some are from as far away as Europe. Appendix III provides a comprehensive list of both the common and uncommon species seen at Cape St. Mary's:

### **1.3.4 Mammals**

In addition to its rich avifauna the Cape is an excellent spot for viewing whales - **Humpback**, **Fin** and **Minke whales** are the most common. **White-sided** and **White-beaked Dolphins**, **Harbour Porpoises** and **Pothead**s can also be seen. **Grey Seals** and **Harbour Seals** can often be found at Golden Bay or Brierly Cove. Land mammals seen at the Cape include **Moose**, **Red Fox**, **Ermine**, **Meadow Vole** and **Masked Shrew**, with the possibility of **Mink** near streams and **Snowshoe Hare** in forested areas.

### **1.3.5 Flora**

Cape St. Mary's falls within the Eastern Hyper-oceanic Barrens Ecoregion as described by Damman (1983). The typical species of these rocky headlands and hill tops include **Diapensia** and **Racomitrium lanuginosum**, a hardy arctic alpine moss. These species give way to a predominance of **Pink Crowberry** in open barrens, while **Beach Head Iris** and **Cinnamon Fern** dominate in gullies and at the base of steep hills. In Golden Bay, forests of **Balsam fir**, **Black spruce** and **White Spruce** have formed. In areas where sheep are grazing extensively, ericaceous shrubs have been replaced by herbaceous flower and grass species.

### **1.3.6 Climate**

As a result of its coastal location the Cape experiences a modified maritime climate. Summers are relatively cool with abundant precipitation throughout the year. The area is frequently inundated by fog, caused by the common onshore winds predominantly from the southwest during the summer season. The presence of fog and high winds sometimes requires that special care be taken when walking along the cliffs at Cape St. Mary's

### **1.3.7 Topography**

Cape St. Mary's is a headland area consisting of extensive undulating coastal barrens, terminating seawards by steep, 100 metre cliffs. The sea stack, approximately 90 metres, adjacent to the Cape is one of the most significant geomorphological features of the area in terms of coastal erosion processes.

### **1.3.8 *Geology and Soils***

The dominant soil type of the Cape can be generally classified as a Humoferric Podzol, i.e. a sandy loam till which is exceedingly stony, derived primarily from grey slate.

The geology of the area is dominated by late Proterozoic continental sediments of the Musgravetown Group, consisting of grey to green tuffaceous siltstone and arkose with interbedded red sandstone and siltstone. Differential weathering and erosion of these flat lying sediments led to the formation of a sea stack. These erosion processes are continuing at the Cape, and portions of the cliff face occasionally come loose and topple into the ocean.

## **2.0 MANAGEMENT ISSUES AND ACTIONS**

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The Management Issues concerning Cape St. Mary's Ecological Reserve arise from the high level of resource use activities occurring within the Reserve. It is the purpose of this Management Plan to outline these issues and establish the appropriate regulations, in order to ensure that the objectives of the Cape St. Mary's Seabird Ecological Reserve are met.

Cape St. Mary's and its adjacent waters were given Ecological Reserve status primarily because of their provincial, national, and international importance to breeding, migrating and overwintering birds. To reflect this significance, the management policy governing the regulations gives priority to the conservation of breeding seabirds, overwintering seabirds and their habitats, and is congruent in purpose to the preservation and protection objectives of the **Wilderness and Ecological Reserves Act** and the **Migratory Birds Convention Act**.

### **2.1 Management and Administration**

Parks and Natural Areas Division is responsible for the management and administration of the Reserve under the **Wilderness and Ecological Reserves Act**. The Canadian Wildlife Service shares in the responsibility of seabird protection in the Reserve through the regulations of the **Migratory Birds Convention Act**.

#### **Actions**

- A Seabird Management Advisory Committee will be established to advise Parks and Natural Areas Division concerning all Seabird Ecological Reserves, including the implementation of this Management Plan, research access requests, and management issues. The Committee will be chaired by Parks and Natural Areas Division, and include representatives of Wildlife Division and Canadian Wildlife Service. It will meet as required but not less than once per annum. Each year,

one meeting will be scheduled so as to facilitate timely evaluation of research access requests.

- Parks and Natural Areas Staff, Provincial Wildlife Conservation Officers, Canadian Wildlife Service Enforcement Co-ordinators and the Royal Canadian Mounted Police (RCMP) have authority to enforce the Cape St. Mary's Ecological Reserve regulations. The help of these agencies in the enforcement of the regulations will be actively solicited. Special enforcement attention will be given to the area by the Canadian Wildlife Service and the RCMP as detailed in the **Canadian Wildlife Service Enforcement Plan** for Placentia Detachment. Emphasis will be placed on infractions involving the taking of the special concern Harlequin Ducks.
- Parks and Natural Areas Division will be responsible for ensuring that visitors conduct themselves in a manner that conforms with the proposed Cape St. Mary's Seabird Ecological Reserve Regulations. This responsibility will be carried out primarily through the staffing of the Reserve and the education of the public.

## ***2.2 Fishing Activity and Marine Animal By-catch***

Since 1980, there has been a 31% decline in the Common Murre breeding population in study plots at Cape St. Mary's (Piatt, unpublished data). This decline is quite possibly mirrored in the population as a whole. The most important contributing factor is likely the drowning of birds in the local gill net fishery. The use of monofilament gill nets is quite recent in the fishery, and as such is a new pressure on the seabirds. Common Murres are caught most often at Cape St. Mary's while Black Guillemots, Northern Gannets, and Greater Shearwaters are caught less frequently.

Most net mortality of seabirds occurs during the 4-6 week period when capelin move inshore to spawn. The number of seabirds killed varies quite substantially from year to

year, and some years is alarmingly high. In the early 1970's, 10-20% of the Common Murre breeding population were drowned in gill nets each summer; in 1982, 16.3% of the breeding population was killed. Further effects on the population result because the deaths occur during the peak of the breeding season, and it is unlikely that an adult can successfully rear a chick without its mate. Because seabirds have evolved to withstand a yearly mortality rate of approximately only 10%, even net mortality figures in the order of 2-4% are significant. It is important to note that by-catch in gill nets is but one of a number of cumulative anthropogenic causes of mortality which include oil pollution, hunting, and reduction in food supply.

The mortality of seabirds in fishing gear is clearly contrary to the fundamental purpose of the Cape St. Mary's Ecological Reserve. Furthermore, under the **Wilderness and Ecological Reserves Act**, fishing is not permitted within an Ecological Reserve unless provision is made for such an activity within the Regulations. The Reserve waters have been used as fishing grounds for decades, however, and are important to a number of fishermen in the area. Some balance is required therefore between protecting the seabirds and marine mammals that use the Reserve waters, and facilitating fishing activity in the area. Although this issue may seem less urgent considering the various salmon and cod moratoriums currently in place, the actions outlined in this plan anticipate the reactivation of those fisheries in the future.



## **Actions**

- There will be no restrictions placed on the commercial fisheries in the marine component of the Seabird Ecological Reserve
  
- Recreational fishing will be allowed in the marine component of the Reserve subject to the restrictions of Section 2.6
  
- Parks and Natural Areas Division will support initiatives of the Canadian Wildlife Service and Department of Fisheries and Oceans toward long-term solutions for incidental by-catch. It is recommended that experimentation be undertaken on alternate fishing gear types, with the intention of eliminating gear that catches marine animals. Public education initiatives will be pursued to help facilitate this transition.

### **2.3 *Livestock Management***

Sheep grazing has been a traditional activity for many years with sheep roaming freely throughout the Reserve, including the area in the vicinity of Bird Rock. Sheep grazing has caused some modification to the endemic vegetation and will require monitoring to ensure further disturbance is minimized.

#### **Actions**

- Sheep grazing will be allowed, provided that significant features of the Reserve are not jeopardized. If at any time it is shown that the sheep are jeopardizing any significant feature of the Reserve, sheep grazing in the Reserve may be reduced or terminated.
  
- The use of motorized vehicles will not be permitted in sheep management.
  
- Other than sheep, no livestock will be permitted to graze in the Reserve.

## **2.4 Hunting**

The Reserve is very important for wintering seabirds and alcid and hunting activity is incompatible with the seabird preservation objective of the Reserve.

### **Actions**

- In accordance with the ***Wilderness and Ecological Reserves Act***, hunting is prohibited in the Reserve.
- Firearms must be wrapped and cased while in the Reserve and its waters.

## **2.5 Tourism/Access**

Cape St. Mary's is an internationally important tourist attraction for Newfoundland. Tourism activities will be supported provided they are in harmony with the objectives of the Reserve. Essential amenities and interpretive programs will be provided. Visitor services within the Reserve however, will be minimal in order to maintain the unique experience Cape St. Mary's offers and to comply with the ***Wilderness and Ecological Reserves Act***.

### **Actions**

- Visitor numbers will be kept at a level that does not compromise the integrity of the Reserve. Interpretive facilities will be provided on land outside the Reserve.
- In accordance with the ***Wilderness and Ecological Reserves Act***, no new structures, paths, tracks, or fences will be developed within the Reserve.
- Visitors will be warned about the dangers of the high cliffs through the placement of signs and verbal warnings from Parks and Natural Areas Staff.

## **2.6 Tour Boat and Other Vessel Operation**

The Reserve provides excellent opportunities to observe, from the water, breeding seabirds and other marine life, such as whales. There is a concern with the effect that tour boats and other vessels may have on the Reserve's wildlife. Both the distance at which boats approach the shoreline and their operation (e.g. speed, activities on board) may potentially impact breeding seabirds, in particular. It is necessary to institute guidelines that will minimize potential impacts on the Reserve's resource yet allows for a high quality experience for visitors.

### **Actions**

- Motorized boats will not be permitted within 100 m of Bird Rock or the cliffs containing nesting birds during the breeding season (April 1 to October 30).
- Non-motorized boats will not be permitted within 20 m of Bird Rock or the cliffs containing nesting birds during the breeding season.
- Noise level, originating from either the boat or from the people on board, is to be kept below a level which causes disturbance to the birds.
- Tour boat operators will require a yearly permit from Parks and Natural Areas Division for each vessel they operate within the reserve. Qualifications for the permit will include:
  1. compliance with Canadian Coast Guard safety regulations;
  2. demonstration of an up-to-date knowledge of the components of the reserve, including seabirds and marine mammals;
  3. adherence to a Tour Boat Operator Code of conduct, to be developed in cooperation between Parks and Natural Areas Division and the tour boat operators;
  4. attendance at an informational workshop to be organized by Parks and Natural Areas Division.

- The chasing and harassment of whales is prohibited by the **Cetacean Protection Regulations** under the **Federal Fisheries Act**. In association with these regulations, guidelines regarding tour boat operations and cetaceans have been developed by the Department of Fisheries and Oceans.

## **2.7 Information/Education**

Cape St. Mary's provides a unique opportunity to inform and educate the public about the natural history and value of seabirds and coastal ecosystems. The site is readily accessible and tourists are encouraged to visit and experience this natural wonder.

### **Action**

- An interpretation centre located adjacent to the Reserve will provide an orientation to the site and highlight the significance of the reserve, the seabirds, and the coastal ecosystem.

## **2.8 Research and Monitoring**

One of the objectives of the Cape St. Mary's Seabird Ecological Reserve is to foster scientific studies which are required to ensure the achievement of the following objectives:

- (a) To preserve an internationally important seabird breeding and overwintering colony that is essential to the maintenance of species diversity, composition and abundance at levels sufficient to ensure viable long-term populations; and
- (b) To maintain the coastal headland ecosystems and the surrounding waters of the Reserve with their associated vistas, flora and fauna in a condition no less pristine than at the time the Reserve was initially established (in 1983).

### **Actions**

- A **Research Strategy and Action Plan** for the Reserve will be produced by Parks and Natural Areas Division drawing upon the expertise within the Seabird Management Advisory Committee.
- Research in the Reserve will be authorized by Research Permits from Parks and Natural Areas Division and the Canadian Wildlife Service, as appropriate.
- The research of highest priority will be that which addresses management issues, with an emphasis on marine birds.
- In issuing research permits, preference will be given to research activities identified in the Research Strategy and Action Plan.
- The killing of birds for scientific or other research purposes will not be permitted except in special circumstances where the desired information could not otherwise be obtained.

### **2.9 Ecological Integrity**

It is essential that the ecological integrity of Cape St. Mary's Seabird Reserve be protected. This necessitates the prohibition of a number of activities that would be detrimental to natural ecological processes.

#### **Actions**

- In accordance with the Wilderness and Ecological Reserves Act, the use of motorized vehicles or equipment is prohibited in the terrestrial portion of the Reserve.
- Except for scientific purposes covered by permits, and except for fishing, there

shall be no disturbance or damage to, or removal of any plant, animal, or natural object from the Reserve.

- Ecosystems of the Reserve shall be allowed to follow their present succession unless deliberate management is required for the preservation of an indigenous plant or animal species.
- Dumping, depositing or the emission of any substance is prohibited in the Reserve.

### **2.10 Recreational Activity**

The Cape St. Mary's Seabird Reserve can sustain a certain level of recreational activity without causing disturbance to seabirds or the habitat protected within the Reserve. It is important that the allowable activity is clearly defined and restrictions stated.

#### **Actions**

- Hiking is permitted throughout the entire Reserve, except through areas containing breeding seabirds.
- Visitors will be required to carry garbage out of the Reserve.
- Camping is prohibited in the Reserve.
- Bicycling is prohibited in the Reserve.
- Open and contained fires are prohibited in the Reserve.

## **2.11 Large Vessel Traffic**

Information from the Canadian Coast Guard indicates that approximately 4,600 large vessels pass through Placentia Bay each year, and over 15,000 pass by the vicinity of the Cape each year. This may increase 2 or 3 fold when Hibernia off-shore oil development gets fully underway. Information from the Canadian Coast Guard indicates that most of this traffic occurs approximately 16 km offshore. Smaller vessels have been observed within 1.5 - 5 km off Cape St. Mary's. Vessel traffic poses a significant threat to the Reserve in that oil pollution can result from accidental spills and deliberate illegal bilge flushing. Marine oil pollution is lethal to breeding and wintering seabirds. Depending on wind, tides and currents, spills occurring some distance from the Reserve can have as negative an impact as those occurring within the Reserve itself.

### **Actions**

- Parks and Natural Areas Division will participate in efforts to educate the public about the effects of oil pollution on seabirds.
- Tankers, freighters, draggers and other large commercial vessels will be prohibited from operating within Reserve waters.

## **2.12 Aircraft Activity**

Aircraft travel near seabird colonies is disruptive to breeding birds. Canadian Coast Guard helicopters used to service the light station are restricted to the airspace above the road and enclave, which are not included in the Reserve.

### **Actions**

- Aircraft flying over the Reserve must, if safety permits, maintain an altitude of at least 300 metres from April 1 to October 30 inclusive.
- No aircraft is permitted to take off or land in the Reserve from April 1 to October 30 inclusive.

### **2.13 Domestic Animals**

Pets can be extremely destructive at a seabird colony by chasing birds, digging up nests and eating eggs or chicks.

#### **Action**

- Domestic animals, other than those noted elsewhere in this plan, are excluded from the Reserve. Seeing-eye dogs are an exception and are permitted in any portion of the Reserve where public access is provided but must be kept under control at all times.



**APPENDIX I - Seabird Populations**

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Breeding Populations (Pairs) of Seabirds at Cape St. Mary's  
Seabird Ecological Reserve, 1993 (After Montevecchi & Tucks, 1987)

Species	Estimated Number of Breeding Pairs <sup>1</sup>
Northern Gannet	5485
Herring Gull	+
Great Black-Backed Gull	+
Black-Legged Kittiwake	10,000
Common Murre	10,000*
Thick-Billed Murre	1,000
Razorbill	100
Black Guillemot	+
Great Cormorant	?
Double-Crested Cormorant	?
Leach's Storm Petrel	?

<sup>1</sup> + = Present, numbers unknown

? = possibly breeds

\* = possibly reduced by as much as 31% (Piatt, unpublished data)

***APPENDIX II - Wintering Seaduck Species***

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Wintering sea duck species and numbers at Cape St. Mary's:  
Christmas Bird Counts 1979- 1992

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Species	1979	1980	1981	1982	1983	1984	1985	1986'	1988	1989	1990	1991	1992
Common Eider	7389	4045	2678	4785	2618	1065	4991	3158	2050	2113	971	730	3146
King Eider	3	-	-	1	2	2	8	3	-	1	-	-	1
Harlequin	80	143	101	71	56	90	52	38	31	32	12	20	20
Long-tailed Duck	490	176	142	333	117	198	332	157	113	152	270	299	90
SurfScoter	-	1	-	-	-	1	-	-	-	-	-	-	-
Black Scoter	731	694	569	582	400	300	360	172	368	290	235	98	112
White-Winged Scoter	1	5	1	1	5	1	1	31	-	2	-	-	7
Red-Breasted Merganser	37	31	28	67	32	9	60	14	28	64	12	42	33

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NB. Data for 1987 is not available.

### ***APPENDIX III - Birds Seen at Cape St. Mary's***

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This list is a compilation of birds seen at the Cape over the years, and includes vagrants, migrants, winter residents and breeders.

BLACKBIRD Rusty, Red-winged	EAGLE Bald	HARRIER Northern	MERGANSER Common, Red-breasted
BOBOLINK	EIDER Common, King	HAWK Rough-legged Sharp-shinned	MERLIN
BUNTING Indigo, Snow	FALCON Peregrine	HERON Great Blue	MOCKINGBIRD Northern
CATBIRD Gray	FINCH Purple	HUMMINGBIRD Ruby-throated	MURRE Common, Thick-billed
CHAT Yellow-breasted	FLICKER Northern	JAEGAR Pomarine, Parasitic, Long-tailed	NUTHATCH Red-breasted
CHICKADEE Black-capped Boreal	FLYCATCHER Yellow-bellied	JUNCO Dark-eyed	WATER DUCK
CORMORANT Double-Crested Great	FULMAR Northern	KESTREL American	ORIOLE Northern
COWBIRD Brown-headed	GANNET Northern	KINGBIRD Eastern	OSPREY
CROSSBILL Red White-winged	GOOSE Canada	KINGFISHER Belted	OWL Great Horned, Snowy, Short-eared
CUCKOO Yellow-billed	GOSHAWK Northern	KINGLET Golden-crowned, Ruby-crowned	PHALAROPE Red, Red-necked
CROW American	GREBE Red-necked	KITTI WAKE Black-legged	PIPIT American
DICKCISSEL	GROSBEAK Blue, Evening, Pine, Rose-breasted	KNOT Red	PINTAIL Northern
DOVE Rock, Mourning	GUILLEMOT Black	LARK Horned	PLOVER Black-bellied, Greater Golden, Lesser Golden, Semipalmated
DOVEKIE	GULL Glaucous, Great Black-backed Herring, Iceland, Ring-billed, Sabine's	LONGSPUR Lapland	PTARMIGAN Willow
DOWITCHER	GYRFALCON	LOON Common, Red-throated	
DUCK American Black, Harlequin, Long-tailed			

PUFFIN Atlantic	STORM-PETREL Leach's, Wilson's	YELLOWTHROAT Common
RAZORBILL	SWALLOW Bank, Barn, Cliff, Tree	
RAVEN Common	TEAL Blue-winged, Green-winged	
REDPOLL Common	THRUSH Gray-cheeked, Hermit, Swainson's	
REDSTART American	TERN Arctic, Caspian, Common	
ROBIN American	TURNSTONE Ruddy	
RUFF	VIREO Red-eyed	
SANDERLING	WARBLER Bay-breasted, Black-and-white, Blackpoll, Black-throated Green, Blue-winged, Cape May, Magnolia, Mourning, Palm, Tennessee, Wilson's, Yellow, Yellow-rumped	
SANDPIPER Baird's, Least, Pectoral, Purple, Buff-breasted, Semipalmated, Spotted, White-rumped	WATER THRUSH Northern	
SCOTER Black, Surf, White-winged	WAXWING Bohemian	
SISKIN Pine	WHEATEAR Northern	
SHEAR WATER Greater, Manx, Sooty	WHIMBREL	
SKUA Great, South Polar	WOODPECKER Hairy	
SNIPE Common	WREN Winter	
SPARROW Chipping, Fox, Grasshopper, Lark, Savannah, Song, Swamp, White-throated, White-crowned	YELLOWLEGS Greater	
STARLING European		

**APPENDIX IV - Reserve Order and Regulations**

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*Cape St. Mazy's Ecological Reserve Order*  
under the  
*Wilderness and Ecological Reserves Act*  
(O.C. 96-199)

Under the authority of section 21 of the *Wilderness and Ecological Reserves Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following Order.

**ORDER**

Analysis

Section:

1. Short title
2. Area included
3. Outline

Section:

4. Repeal  
Schedule A  
Schedule B

Short title	1.	This Order may be cited as the Cape St. Mazy's Ecological Reserve Order. 139/94 si
Area included	2.	The area included in the Cape St. Mary's Ecological Reserve is as set out in Schedule A. 139/94s2
Outline	3.	An outline of the Cape St. Mary's Ecological Reserve Management Plan is as set out in Schedule B. 139/94 s3
Repeal	4.	The Cape St. Mary's Seabird Ecological Reserve Order, 1994, Newfoundland Regulation 139/94, is repealed.

## Schedule A

All that piece or parcel of land and territorial waters known as the Cape St. Mary's Ecological Reserve situated in the province, bounded as follows:

Beginning at a point of land known as Redland Point at the eastern extremity of Golden Bay, having map scaled co-ordinates 718,910 metres east and 5,187,910 metres north:

Then running due north a distance of 2,000 metres to a point having co-ordinates 718, 910 metres east and 5,189,910 metres north;

Then running north  $44^{\circ} 35'$  west a distance of 3,950 metres, more or less, to its intersection with the southern limit of the Cape St. Mary's access road:

Then following that road limit in a general southwesterly direction, offset 15.24 metres from the centre line, to its intersection with the projection of the St. Brides Community Pasture southwestern boundary line across the highway;

Then running across the highway and along the St. Brides Community Pasture lands north  $67^{\circ}$  west a distance of 280 metres. more or less, to a point on the eastern shoreline of Brierly Cove, having map scaled co-ordinates 714,350 metres east and 5,190,930 metres north;

Then running due west a distance of 5,850 metres to a point having co-ordinates 708,500 metres east and 5,190,930 metres north;

Then following a left circular arc of a circle, having a radius of 7,000 metres and a centre of map scaled co-ordinates 715,500 metres east and 5,190,930 metres north, an arc length of 10,995.6 metres to a point having co-ordinates 715,500 metres east and 5,183,930 metres north;

Then running due east a distance of 3,410 metres to a point having co-ordinates 718,910 metres east and 5,183,930 metres north;

Then running due north a distance of 3,980 metres to the point of beginning;

All co-ordinates, bearings and distances being referenced to the Universal Transverse Mercator Projection (Zone 21) and the North American Datum of 1983;

Reserving out of the Cape St. Mary's Ecological Reserve, the Cape St. Mary's access road right-of-way leading from the St. Brides Community Pasture southern boundary to the Cape St. Mary's lighthouse and having a width of 30.48 metres;

Also reserving out of the Cape St. Mary's Ecological Reserve all that piece or parcel of land described by Allan Carew in a survey dated November 30, 1993. bounded as follows:

Beginning at a point in the southeasterly limit of a road leading to the lighthouse from Route # 100, 30.48 metres wide, that point being a distance 1,317.655 metres on a bearing of south 28° 23' 16" west from Control Monument No. 4209002 (Gold);

Then running by Crown land south 32° 14' east 173.28 metres;

Then running by Crown land south 67° 19' west 152.53 metres;

Then running by Crown land and partly by land of the Department of Transport north 32° 14' west 121.92 metres;

Then running by the southeastern limit of the road leading to the lighthouse from Route # 100 north 59° 12' east 76.75 metres;

Then running by the same north 36° 59' east 78.82 metres, more or less, to the point of beginning and containing an area of 2.106 hectares;

All bearings being referred to the meridian of 530 west longitude of the 3° Transverse Mercator Projection and the North American Datum of 1983, all linear measurements are horizontal ground distances;

Also reserving out of the Cape St. Mary's Ecological Reserve all that piece of land owned by Her Majesty the Queen in right of Canada for use by the Marine Services Branch. Department of Transport. situated at the southern extent of the Cape St. Mary's access road and bounded by a chain linked fence which surrounds the lighthouse and support buildings and equipment.

139/94 Sch A

## **Schedule B**

### **Outline of Cape St. Mary's Ecological Reserve Management Plan**

The Cape St. Mary's Ecological Reserve is established for the purpose of protecting a spectacular seabird breeding site. The reserve provides habitat for a diversity of breeding seabirds which includes the fourth largest concentration of Northern Gannets in North America. It is an internationally significant seabird colony.

Management policies have been devised for the reserve to protect its significant ecological features. These include no new development such as roads, cottages and wharves. Resource development will not be permitted. Natural succession will be allowed to continue with no habitat modifications to occur. Scientific research and educational use in the reserve will be encouraged.

The administration of the management plan is the responsibility of Parks and Natural Areas Division, Department of Environment and Conservation.

139/94 Sch B



*Seabird Ecological Reserve Regulations*  
under the  
*Wilderness and Ecological Reserves Act*  
(O. C. 97-246)

*(Filed May 21, 1997)*

Under the authority of sections 25 and 29 of the Wilderness and Ecological Reserves Act, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 13, 1997

John Cummings  
Deputy Clerk of the Executive Council

**REGULATIONS**

*Analysis*

Section:

1. Short title
2. Definitions
3. Permits and licences
4. Fishing permitted
5. Restrictions
6. Operation of boat

Section:

7. Operation of aircraft.
  8. Domestic animal
  9. Tour boat
  10. Exception
  11. Application of regulations
- Schedule

- Short title      1.      These regulations may be cited as the *Seabird Ecological Reserve Regulations*.
- Definitions      2.      In these regulations
- (a)      “Act” means the *Wilderness and Ecological Reserves Act*;
  - (b)      “aircraft” means a machine for flying and includes fixed or rotary winged airplanes, gliders and hang gliders;
  - (c)      “animal” means a living thing, other than man, that is not a plant;
  - (d)      “bicycle” means a vehicle powered by pedals, gears or any non-motorized means of propulsion;
  - (e)      “camp” means a trailer, recreational vehicle, tent or shelter erected or used for any purpose;
  - (f)      “commercial fishing” means fishing carried out under licences issued by the Federal Department of Fisheries and Oceans;
  - (g)      “firearm” means a device whereby a missile is discharged by means of an explosive propellant or by means of compressed air or by a spring, and includes sporting guns, repeating guns, pump guns, set guns, swivel guns, punt guns, rifles, pistols and revolvers of every description, hunting bows and arrows of every description;
  - (h)      “hum” means to chase, pursue, worry, follow after, or on the trail of, lie in wait for, or attempt to capture, kill, injure, or harass wildlife whether or not that wildlife is subsequently captured, killed, or injured;
  - (i)      “management plan” means the management plan for a declared Seabird Ecological Reserve on file with the managing agency;
  - (j)      “minister” means the minister appointed under the *Executive Council Act* to administer the Act:

- (k) “motorized boat” means a water craft equipped with a mechanical means of propulsion;
- (l) “motorized vehicle” means a motor car, motor truck, four wheel drive vehicle, all-terrain vehicle, tracked vehicle or any other motorized conveyance designed for on or off-road use;
- (m) “personal water craft” means jet-skis, sea-doos, wave-runners and the like but excludes ordinary motorized boats, kayaks and canoes;
- (n) “permit” means a permit issued and valid under these regulations;
- (o) “reserve” means a Seabird Ecological Reserve as established under the Act and listed in the attached Schedule;
- (p) “structure” means any man-made object intended to be permanent, semi-permanent or temporary in nature and includes but is not limited to buildings, houses, cottages, cabins, wharves, docks, boat houses and slipways, trailers, mobile homes, tent platforms, camps shelters and recreational vehicles used for any purpose, but does not include semi-permanent blinds, the upkeep and repair of existing structures, or signs erected under the authority of the management plan;
- (q) “tourboat” includes a boat which transports a person for any consideration; and
- (r) “wildlife” means an animal or plant.

Permits and li- 3.  
cences

- (1) The minister, or a person authorized by the minister, may issue a permit or other written authorization that allows certain activities to be carried on in a reserve, subject to the restrictions imposed by these regulations and the Act.
- (2) A permit or written authorization shall be issued in accordance with the guidelines described in the management plan for a reserve.
- (3) The activities referred to in subsection 3(1) may be limited by the conditions declared on the permit or in the written authorization.

- (4) Persons who are required to have permits to enter a reserve must have the permit in their possession at all times while in a reserve.
  - (5) A person who enters a portion of a reserve shall comply with all restrictions set out in these regulations and posted signs.
- Fishing permitted
- 4. (1) Commercial and recreational fishing in accordance with other applicable legislation is permitted within the marine waters of a reserve.
  - (2) Angling in accordance with other applicable legislation is permitted.
  - (3) Within the Baccalieu Island Ecological Reserve, berry picking is permitted except in areas of high concentration of seabirds breeding, where access permits are necessary.
- Restrictions
- 5. Within a reserve, a person shall not
    - (a) pollute or obstruct a stream or other body of water;
    - (b) dispose of any garbage;
    - (c) build or erect, or cause to have built or erected a structure, path or fence;
    - (d) hunt, remove, or disturb any wildlife;
    - (e) destroy, damage, remove, disturb or handle the home, den or nest of any wildlife species;
    - (f) be in possession of a firearm unless the firearm is securely wrapped and tied;
    - (g) destroy, damage, remove, disturb or handle the egg of any wild bird;
    - (h) destroy, damage, disturb or remove sand, soil, gravel, fossil plant, natural object, or a part of it;
    - (i) destroy, damage, or remove a sign or- other government property;

- (j) operate or be in possession of any motorized vehicle on the terrestrial portion of a reserve;
- (k) light or maintain fires, open or contained in boats, except contained fires which are permitted in ships traveling through the marine portion of a reserve:
- (l) erect or maintain a camp, or otherwise carry on any camping activity;
- (m) apply any chemical to a reserve;
- (n) operate or be in possession of a personal water craft within a reserve:
- (o) operate or be in possession of a bicycle; and
- (p) display, post or broadcast an advertisement.

Operation of boat

- 6. (1) Within the marine portion of the Baccalieu Island and Cape St. Mary's Ecological Reserves, a person shall not
  - (a) operate a motorized boat within 100 meters of cliffs containing nesting birds from April 1 to October 30; and
  - (b) operate an unmotorized boat within 20 meters of cliffs containing nesting seabirds from April 1 to October 30;
- (2) Within the Witless Bay Island Ecological Reserve, a person shall not
  - (a) operate a motorized boat within 20 meters of Gull, Great and Pee Pee Island from April 1 to September 1;
  - (b) operate an unmotorized boat, within 15 meters of Gull, Great and Pee Pee island from April 1 to September 1;
  - (c) operate a motorized boat within 100 meters of Green Island from April 1 to September 1: and
  - (d) operate an unmotorized boat within 50 meters of Green Island from April 1 to September 1:

- (3) A person shall not within a Seabird Ecological Reserve
  - (a) operate a dragger, tanker, freighter, barge, or a vessel longer than 20 meters; and
  - (b) operate a boat in a manner that disturbs wildlife or allows noise from the boat or persons on board to disturb wildlife;
  
- Operation of aircraft
  - 7. (1) A person shall not
    - (a) operate an aircraft over the Cape St. Mary's and Baccalieu Island Reserves at an altitude less than 300 meters between the dates of April 1 and October 30; and
    - (b) operate an aircraft over the Witless Bay Islands Reserve at an altitude less than 300 meters between April 1 and September
  
  - (2) An aircraft shall not
    - (a) take off or land in the Cape St. Mary's and Baccalieu Island Reserves between the dates of April 1 and October 30; and
    - (b) take off or land in the Witless Bay Islands Reserve between the dates April 1 and September 1.
  
- Domestic animal
  - 8. (1) Subject to subsections (2) and (3), a person shall not allow a domestic animal to enter a reserve.
  
  - (2) A person may enter a reserve with a dog if
    - (a) the dog is a seeing eye dog specially trained for that purpose and is being used for that purpose; and
    - (b) the seeing eye dog is kept under control at all times.
  
  - (3) A person may keep sheep within the Cape St. Mary's Ecological Reserve in accordance with the management plan for the reserve.
  
- Tour boat
  - 9. (1) A person shall not operate or cause to be operated a tour boat or guiding enterprise within a reserve unless the operator is in possession of a permit issued under section 3.

(2) In addition to these regulations, the operator shall comply with conditions set out in the permit.

Exception

**10.**

(1) A person engaged in the administration or management of Seabird Ecological Reserves in the normal course of his or her duties, is exempt from sections 5(d), (e), (f), (g), (h), (i), (k), (1) and(p), section 6(1), 6(2) and section 7.

(2) Within the Cape St. Mary's Ecological Reserve, a person engaged in the administration and management of this reserve, in the normal course of his or her duties. is also exempt from paragraphs 5(j) and(o).

(3) A person engaged in a scientific study approved by the Parks and Natural Areas Division and in possession of all requisite permits, may be exempted from paragraphs 5(d), (e), (f), (g), (h) and (1), subsections 6(1), (2) and section 7.

(4) Commercial fishers while engaged in fishing are exempt from paragraphs 5(d) and (h) and subsections 6(1) and (2) to the extent that it is necessary for the proper conduct of this fishing activity.

(5) Any person engaged in recreational fishing is exempt from paragraphs 5(d) and (h) to the extent that is necessary for the proper conduct of this activity.

(6) Within the Baccalieu Island Ecological Reserve, any employee of the federal Department of Transport, or a person working on the behalf of that department.

(a) is exempt from paragraph 5(c) for the purpose of maintaining existing paths or structures associated with the operation and maintenance of the facilities existing prior to provisional reserve establishment:

(b) is exempt from paragraph (d) for the purposes of cutting trees for boat building as outlined under the management plan of the reserve:

(c) is exempt from subsection 6(1) and section 7 for the purpose of transporting persons or goods to and from the existing facilities, in accordance with the procedures outlined under the management plan of the reserve:

(d) is exempt from subsection 8(1), in accordance with the conditions outlined under the management plan of the reserve.

(6) Within the Baccalieu Island Ecological Reserve, any employee of the Federal- Department of Environment, or a person working on the behalf of that department. is exempt from subsections 6(1) and (3) and section 7 for the purpose of transporting persons or goods to maintain the existing Department of Environment facilities, in accordance with procedures outlined under the management plan for the reserve.

(7) Within the Baccalieu Island Ecological Reserve,

(a) any person in the process of landing a boat in Ned Walsh's Cove or London Cove, is exempted from subsection 6(1); and

(b) any person is permitted to have a small open or contained fire on the designated landing sites of Ned Walsh's Cove and London Cove.

(8) At the Witless Bay Islands Ecological Reserve, a tour boat having a permit issued under section 9 is exempt from subsection 6(2), notwithstanding anything in the management plan to the contrary.

(9) Any person in possession of a valid access permit. is exempt from subsections 6(1) and (2) for the purpose of using a boat to land on the islands.

Application of regulations

**11.** These regulations shall apply to the Seabird Ecological Reserves listed in the Schedule, except to the extent that they have been modified by the Order declaring a given Seabird Ecological Reserve in effect.