Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MA/58/2016]

On June 23, 2016, the Department of Municipal Affairs received your request for access to the following records/information:

“All correspondence between Town Council of Witless Bay and Municipal Affairs regarding Crown Lands and requests or applications for Crown Land Reserves in Witless Bay since January 2014 to present.”

On July 15, 2016 you clarified your request, indicating that you are seeking the following:

• “An application or request for a Crown lands reserve under section 8 of the Lands Act from the Town of Witless Bay that was made in 2014 regarding 99 hectares of land in the area of Mullowney’s Lane, Ragged Beach and Gallows Cove.

• Recent correspondence between the Town of Witless Bay and the Department of Municipal Affairs regarding the 2014 application/request by the Town.

• Information on any applications and related documents the Town submitted to MIGA involving Crown Lands in the area of Mullowney’s Lane, Gallows Cove or Ragged Beach since January 2016 (not just the Reserve). Also, correspondence between the Town and MIGA regarding Crown land in that area.”

I am pleased to inform you that a decision has been made by the Deputy Minister of the Department to provide access to the requested information. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Act. A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive

P.O. Box 8700, St. John’s, NL Canada A1B 4J6 t 709.729-6528 f 709.729-4475
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 729-6528 or by e-mail at scottwinters@gov.nl.ca.

Sincerely,

Scott Winters
Manager of Accountability / ATIPP Coordinator
Good morning Deputy Minister Chippett,

Council is respectfully requesting that the Department consider waiting until we hold our next public meeting, June 14th to register the plan. Council has not had an opportunity to discuss and officially determine the specifics surrounding the purposes relating to future development within the Crown Land Reserve area. Thank you.

Geraldine Caul  
Town Clerk/Manager for  
Town of Witless Bay Council

Mayor Despres,

As per my correspondence yesterday and discussion at the meeting with the Town Council on Tuesday, see below regarding information on establishing Crown land reserves for various purposes within the Town of Witless Bay. In particular, we note the potential instruments for each possible use as well as the timeframe associated with each and the internal process we need to follow. As you can see the size of land to be reserved is a factor and therefore larger pieces require a more substantial process. You should also note that any of these reserves would be referred to all departments and agencies for their comments and to determine if terms and conditions need to apply.

If you require further detail please let me know. If you need assistance with the mapping of the areas you may bring forward in application I would suggest you or staff visit someone at Howley Building in St. John’s. We could set that up if it was desired. I hope this helps. I am still gathering information on whether Witless Bay needs any further approvals for this approach under the Municipalities Act and will advise shortly.

Regards,
Crown lands reserve under the Community Sustainability Plan (CSP).

- April 29, 2015 the Province announced details of a Community Sustainability Partnership (CSP) with municipalities to enhance economic and social development.

- Under the CSP municipalities were offered the opportunity to apply to reserve Crown lands for economic development for a maximum of 5 years.

- Information on the option to reserve Crown lands and the process was sent to municipalities by e-mail or regular mail. The letter is attached.

Lands Branch policy for short term reserves of Crown lands for municipalities

- Lands Branch policy provides the opportunity for municipalities to reserve Crown lands for up to 12 months to a maximum of 20 hectares without the approval of the Lieutenant-Governor in Council for the purpose of rezoning the land or to provide for long term planning.

- For this type of reserve to be established the municipality must submit a written request to the Lands Branch, Municipal Affairs, outlining the rationale for the reserve.

- The request will be reviewed by the Lands Branch and if approved it will be identified on the Provincial Land Use Atlas and all applications for Crown lands will be prohibited for the 12 months.

Reservation of Crown lands for conservation purposes

- Under section 8(1) of the Lands Act the Minister may set apart Crown lands for a purpose and period set out in the order for Crown lands up to 100 hectares in area. A reserve in excess of 100 hectares requires the approval of the Lieutenant-Governor in Council under section 8(2). An order made under section 8(2) is also required to be published in the Gazette and in 1 or more issues of a newspaper published or circulating in the area of the province in which the lands are located.

- Procedure for establishing reserves;

a) A request is submitted to the Director of Land Management stating the purpose, accompanied by supporting rationale and location maps for distribution to the Interdepartmental Land Use Committee (ILUC) for review and comments.

b) The Director of Land Management will notify the Regional Lands Office to defer the processing of Crown lands applications until a decision on the request is made.

c) If approved, the reserve may be made subject to conditions as identified during the ILUC review or as prescribed by the department, which may include a time frame.
d) The reserve is recorded on the Provincial Land Use Atlas.

e) Crown lands applications may or may not be accepted based on the purpose and conditions as identified in the reserve order.

Regards,

Jamie

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Dear Mayor and Councillors:

Re: Municipal Crown Lands Reserves

Building on the strong supports and significant investments the Provincial Government has made in our communities over the last decade, the Government of Newfoundland and Labrador announced the Community Sustainability Partnership on April 29, 2015. This partnership is more than just fiscal in nature in that it enhances supports to communities and strengthens the social and economic fabric of our regions.

Under the Community Sustainability Partnership between the municipalities and the province, government will utilize provisions under section 8 of the Lands Act to create reserves for the purpose of assisting municipalities in acquiring Crown lands at market value for social and economic development purposes. The creation of a reserve allows for a phased approach to residential, industrial or commercial development within an area over a period of five years, as demand and municipal finances warrant.

The procedures respecting the creation of a Municipal Crown lands reserve are attached to this letter and outlined below:

i. The reserve will be solely within either the municipal or planning area boundary of the municipality requesting the reserve.

ii. The reserve will be subject to requirements of section 8 of the Lands Act.

iii. The reserve will be in effect for a period of five years from the date of ministerial approval.

iv. The municipality may purchase all or part of the land within the reserve during the five year period, subject to market value at the time of purchase.

v. The term of the reserve will not be subject to an extension or renewal and the municipality must make a new application to purchase any Crown lands within the reserve.

vi. Any proposal to expand a reserve created under this policy will require submission of a new application for the additional lands.

vii. Only the municipality will be permitted to apply for lands within the reserve area.

viii. The reserve may be cancelled at any time at the discretion of the minister and only applies to Crown lands.
A municipality must submit a Crown lands application with a detailed development plan and a written request to reserve a parcel of Crown lands for future development. If the application is complete, and accepted for registration, it will be evaluated and be referred to applicable government departments and external agencies for comment. Please note the acceptance of a Crown lands application does not provide a guarantee that the reserve will be approved. During the processing of the application there may be land use concerns identified that would prohibit all or a portion of the reserve from being established such as: an archeological site or presence of a rare plant or animal species. If the application is approved, a reserve would be created under section 8 of the Lands Act which would prevent applications from any other parties for the land for a period of five years.

The reserve would allow the municipality to purchase parcels of land within the reserve area at market value over a five year term as demand and finances warrant. The application process for subsequent grants to individual parcels of land within the approved reserve would be expedited because further referrals would not be required. All applications for individual parcels (phases) must include the following: area of land requested, number of lots and the location of future roads.

For further information or to obtain Crown lands applications municipalities are asked to contact their nearest Regional Lands Office or visit the department’s website at http://www.miga.gov.nl.ca/department/contact_crownlands.html.

Sincerely,

Darren Moore
Director, Land Management

Attachment: Municipal Crown Lands Reserves Policy and Procedure

cc: Ms. Milly Meaney, Director, Crown Lands Administration Division, Municipal and Intergovernmental Affairs
cc: Mr. Andrew Pike, Manager of Crown Lands Administration Division Municipal and Intergovernmental Affairs
cc: Mr. Corrie Davis, Manager, Land Use Planning, Municipal and Intergovernmental Affairs
cc: Mr. Steve Barnable, Manager, Crown Lands Eastern Region, Municipal and Intergovernmental Affairs
cc: Mr. Rodger Primmer, Manager, Crown Lands Central Region, Municipal and Intergovernmental Affairs
cc: Mr. Jonathan Grandy, Manager, Crown Lands Western Region, Municipal and Intergovernmental Affairs
cc: Mr. Paul Aylward, Manager, Crown Lands Labrador Region, Municipal and Intergovernmental Affairs
cc: Mr. Dan Hynes, Regional Director, Western Regional Office, Municipal and Intergovernmental Affairs
cc: Mr. Dan Noseworthy, Regional Director, Eastern Regional Office, Municipal and Intergovernmental Affairs
cc: Mr. Andy Morgans, Director, Local Governance, Municipal and Intergovernmental Affairs
cc: Ms. Lorelei Roberts-Loder, Director, Community Sustainability Partnership, Municipal and Intergovernmental Affairs
Municipal Crown Lands Reserves

POLICY AP.040

OBJECTIVE

Allow for the creation of reserves under section 8 of the Lands Act so municipalities can acquire Crown lands for development.

PARAMETERS

At the request of a municipality the Lands Branch will create a Crown lands reserve for residential, commercial or industrial development by a municipality subject to the following:

i. The reserve will be solely within either the municipal or planning area boundary of the municipality requesting the reserve.

ii. The reserve will be subject to requirements of section 8 of the Lands Act.

iii. The reserve will be in effect for a period of five years from the date of ministerial approval.

iv. The municipality may purchase all or part of the land within the reserve during the five year period, subject to market value at the time of purchase.

v. The term of the reserve will not be subject to an extension or renewal, and the municipality must make a new application to purchase any Crown lands within the reserve.

vi. Any proposal to expand a reserve created under this policy will require submission of a new application for the additional lands.
vii. Only the municipality will be permitted to apply for lands within the reserve area.

viii. The reserve may be cancelled at any time at the discretion of the minister and only applies to Crown lands.

PROCEDURE

i. The municipality shall submit a Crown lands application and a written request to reserve a parcel of Crown lands for future residential, commercial or industrial development. A detailed development plan is required upon submission of the application and it shall include the location of future roads, municipal servicing, utilities, and lot configuration.

ii. Lands Branch will register and evaluate the application and refer it to applicable government departments and external agencies for review.

iii. If the application is approved a reserve shall be created under section 8 of the Lands Act following the standard Lands Branch process for creation of a reserve. This process includes: rationale for the reserve, timeframe, conditions/comments identified during the application review, and identification on the Provincial Land Use Atlas.

iv. The municipality will purchase all or part of the land within the reserve at market value during the reserve period with no requirement for further referrals. All applications for individual parcels (phases) must include the following: area of land requested, number of lots, location of roads, and confirmation the municipality will accept ownership and maintenance of the infrastructure when completed to their standards.
Good morning Honourable Minister Joyce and Deputy Minister Chippett,

As a follow up to discussions of our last meeting relating to a Crown Reserve for Witless Bay, please see the attached letter detailing Council's request to the Department of Environment and Conservation Minister to establish a reservation of Crown Lands in Witless Bay. This letter confirms that there is already an active application in place, and has been since July 15, 2014. The Department is yet to apprise the Town of the status of this application. Our Council is requesting that you please assess and review this request prior to registering the Town Plan. Thank you.

Geraldine Caul
Town Clerk/Manager
Town of Witless Bay
Good afternoon Mr. Moore,

I asked Sebastien to confirm on the map the area in question and this was his response:

“The Crown land Reserve would take in the Crown Land in both the red and the green areas identified on this map showing “Ragged Beach Area”. The motion Council made was for a reserve that is 450 metres in width from the water line, which means that the Crown Land Reserve would not take in everything that’s in the green area. Making the boundary coincide with the domestic cutting area (i.e. the orange dots) will result in a coherent line. This will leave out the triangular piece to the West of the map.” Thank you.

Geraldine Caul
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
15 July 2014

Hon. Vaughn Granter
Minister
Department of Environment and Conservation
4th Floor, West Block, Confederation Building
P.O. Box 8700
St. John's, NL A1B 4J6
(709) 729-2577

Hon. Minister Granter,

Re: Request for Minister to Establish a 'Reservation of Crown Lands' in Witless Bay, as per Section 8 of the Lands Act.

At the July 8th, 2014 Public Meeting of the Town Council of Witless Bay, Council discussed and approved a motion to request that the Minister, by order, reserve and set apart Crown Lands within our Town boundaries for the Purpose and Period set out below, as permitted under Section 8 of the province's Lands Act.

The motion approved by Council states:

Be it resolved Council petition the Department of Environment & Conservation to establish a Crown Land Reserve under Section 8 of the Crown Lands Act along the southern coastline of Witless Bay. This Crown Land Reserve should begin at the first section of Crown Land located south of Mullowney's Lane, extend south to the end of the Witless Bay boundary for a width of 450 metres, and encompass an area of 99 hectares.

THE PURPOSE: To protect and provide for current and future generations open and unfettered access to and use of this very unique natural and pristine ocean shoreline and wilderness environment, bordering on the world-renowned Witless Bay Ecological Reserve, for traditional and historical uses and activities, and public enjoyment.

THE SPECIFIC AREA: That area of Crown Lands comprising the southern coastline of the Town of Witless Bay, commencing at the most northerly border of Crown Land located south of Mullowney's Lane, and extending south to the Town's southwest boundary, and then extending inland for a width of 450 metres along the coastline, and in total encompassing an area not exceeding 99 hectares.
THE TIME PERIOD: In perpetuity.
Minister, we request a meeting with you and your senior staff to discuss in further detail the reasons why the Town is making this formal request, the context for, and its relevance to, both the Provincial Interest and the Town’s Municipal Interest, and how this Crown Lands Reserve flows from and integrates with the Town Vision, the Town Municipal Plan, existing environmental and development strategies for the Northeast Avalon region, and your Government’s increasing interest and action on ecological integrity and environmental protection. In addition, we wish to discuss with you and your staff the process and timing of your action, and how we can work together in the most positive and proactive manner to bring this initiative to life. In the interim, we have prepared the following Backgrounder with the support points which have informed Council and guided the analysis and discussions that have led to this formal request.

Commitment to Sustainable Development and Balance. The Town of Witless Bay recognizes the critical importance of securing a fair and sensible balance between sustainable residential and business development, and the protection of our natural environment. That’s the reason why, in our new Town Plan, we have set aside significant conservation zones within our municipal boundaries; at the same time, we have also rezoned significant portions of the Town for residential, commercial, and industrial development.

He Who Doesn’t Learn from History is Bound to Repeat It. We are keenly aware of the intense pressures for development in many communities in the Northeast Avalon region. Failures to plan, poor planning, and ad-hoc and reactionary decision-making often result in disastrous and irreversible consequences. Beyond the negative consequences within our borders here in the Northeast Avalon region, our research has also revealed the very negative consequences which resulted from the short-sightedness of Municipal and Provincial Governments in Nova Scotia – as well as in PEI and Maine and along the Eastern Seaboard – in allowing Crown Lands in coastal areas be converted into private and commercial developments, resulting in massive over-development as well as practically eliminating access for local residents and citizens, and visitors to the pristine rural (and previously publically owned) ocean coastline, and the traditional land uses and activities which had been locally accessed and practiced for centuries. For this reason, the Town Council of Witless Bay is fully committed to Intelligent and Informed and proactive planning for smart land use for the decades and generations yet to come.

Government’s “Coastal and Ocean Management Strategy and Policy Framework.” Council has also been inspired and guided in its decision to establish this Crown Land Reserve by your Government’s Coastal and Ocean Management Strategy and Policy Framework and its objective. We recognize this Strategy and Framework as an Intelligent and Informed and proactive initiative, with its strategy and plan developed hand-in-hand with multiple community stakeholders over the past five (5) years. We agree wholeheartedly with two key priorities identified in this Strategy and Policy Framework document:

1. Healthy Marine Environments;
2. Social, Cultural, and Economic Sustainability.

In addition, Council is in complete alignment and agreement with Government’s vision and the Plan’s conclusion that “Healthy and productive coastal areas and ocean resources contribute to a prosperous economy, and to the well-being of present and future generations of
Newfoundlander and Labradorians."

The "Municipal Interest." The Town of Witless Bay is requesting that the Minister establish a Crown Lands Reserve to protect and safeguard this fragile coastline area in order to protect the Town's Municipal interest.

1. Protection of our Town's Tourism Industry and Tourism Potential. Witless Bay has a fledgling and growing tourism and hospitality industry. Two Consultant's Reports have identified Tourism as the Town's best opportunity for robust and sustainable economic growth. Our town has a rich portfolio of world-class natural attractions to promote to the tourism market generally, and to the 450,000 annual non-resident visitors to St. John's. This tourism product portfolio includes the globally recognized Witless Bay Ecological Reserve, the province's most accessible whale watching, North America's largest (and most accessible) colony of Atlantic Puffins (and other seabirds), the most accessible section of the province's East Coast Trail, as well as a stunningly pristine ocean coastline which National Geographic rated the Top Coastal Destination in the World in 2010. As a result, the Town is currently developing a comprehensive and integrated Tourism Development Strategy and Plan - to guide and stimulate the growth of this high-potential source of sustainable economic growth for the benefit of the Town, the region, the province, as well as future generations. Protection of these key assets through the establishment of a Crown Lands Reserve is essential to our Strategy and Plan.

2. Protection of our Coastline from Suburban Sprawl. As noted in the "He Who Doesn't Learn from History..." section, we have all seen how increasing pressures for residential and other commercial developments have resulted in haphazard and ad-hoc suburban sprawl into pristine rural and shoreline areas - and, along the way, step by step, the irreplaceable loss of public lands and coastline. There are a growing number of examples here in the Northeast Avalon region. In Nova Scotia, and other parts of the Maritimes and the Eastern Seaboard, governments have had to resort to legislative action - and the expenditure of very large amounts of Government money to buy and repatriate coastal properties in order to set them aside for public use. It would have been so much simpler, sensible and much less expensive, to have proactively avoided the loss of Crown Lands in the first place.

The Town Council of Witless Bay has the responsibility, as vested to the Town by Provincial legislation, for directing and managing the lands - and land use - within its boundaries; this is a responsibility which we hold as a sacred trust and, to enable execution of which, we request that the Minister establish this Crown Land Reserve under Section 8 of the Lands Act. The importance of this particular parcel of Crown Land to the public, and for public use by both local residents as well as visitors, was clearly and unequivocally established by the strong opposition to a 2011 rezoning and subdivision proposal for this specific area of Crown Land: during the short public consultation phase of the rezoning process, Council received some 1,400 individual letters of opposition, almost a full third of which came directly from residents of Witless Bay; furthermore, the letters of opposition went one step further, and stated their "...objection to the Town making any changes to the traditional use and long-standing 'Rural' zoning designation of lands in the Ragged Beach area..." The creation of this Crown Lands Reserve will ensure that we will protect this small but critical portion of our
coastal land for public use.

3. **Protection of Our Unique Coastline for Future Generations.** “We do not own the land; we are but guardians of it for future generations.” Council has made the decision that the time to make responsible choices for future generations is now. Council has zoned a significant portion of our municipality as Conservation in the new Town Plan; however, we are all aware – and very concerned – that the protection that a Conservation zoning offers is only as strong as the next amendment to the Town Plan.

When we imagine New York City without Central Park, or St. John's without Bowling Park and Signal Hill, we are faced with a surprisingly bleaker picture of these cities. Many decades ago, planners and governments in these cities had the foresight and determination to set aside and protect in perpetuity these natural areas for future generations to enjoy. Even small rural towns, such as Witless Bay, have a sacred responsibility to do the same – to protect the irreplaceable natural areas and public lands which characterize our landscape and represent a deep part of our traditional culture and way of life. This southern coastline area of Witless Bay is a signature feature in our Town’s landscape. It expresses the character and soul of our people and ancestors. And it must be protected as a Crown Lands Reserve for future generations.

4. **Protection of a Key Community Asset.** One of many recent initiatives of Council to bring together and unite the citizens of our Town, in support of community spirit and pride, is the Town’s entry (for the very first time) in the 2014 Municipalities NL Tidy Towns competition. Our dramatic and pristine coastline has been identified as one of Witless Bay’s key assets by the Community Enhancement and Tidy Towns Committee. The Tidy Towns competition cares deeply about protecting natural resources, and it identifies this criterion in 3 of its 8 categories. Judging will likely favour a town with the initiative to truly protect a key asset in its area. A Tidy Town win results in improved resources, greater economic growth, and healthier citizens.

5. **Protection of the Witless Bay Ecological Reserve and Its Seabird Populations.** Memorial University seabird researcher Dr. Bill Montvecchi has stated that “of all the Ecological Seabird Reserves in Newfoundland and Labrador, the Witless Bay Ecological Reserve is the one in closest proximity to coastal communities – and the one most at risk to human activities and development.” Research shows conclusively that human activity can drastically and negatively impact seabird populations; one reason is because seabirds are especially vulnerable to artificial lights from streetlights, from vehicles, and from residences.

In Witless Bay, we have been witness to this devastating impact on young seabird populations every summer: young puffins, leaving their nesting burrows for the very first time, become dangerously disoriented by (and attracted to) the lights of nearby human habitation and, as a result, end up on the streets and parking lots of Witless Bay, where they are killed by vehicles and domestic pets. The creation of this Crown Lands Reserve will ensure that there will not be any additional light pollution emitted from this coastal shoreline located immediately adjacent to and facing the Witless Bay Ecological Reserve.
6. Protection of the East Coast Trail. The section of the East Coast Trail known as the 'Beaches Path' runs through the area of coastline selected by Council for this Crown Lands Reserve. The 'Beaches Path' is one of the most easily accessible and highly used trails in the entire East Coast Trail system. More than 20,000 people who hike this trail every year already provide Witless Bay with a significant number of visitors; these visitors, including many travellers from Europe and the USA, make a significant economic contribution (and social enrichment) to our Town's tourism and service industry. In addition, residents of the Town and people of all ages from all over the Avalon and beyond love this Trail; the shoreline and beaches that border it are cherished and used by families and couples and children for family, social, and traditional cultural and lifestyle uses. It is a Crown Jewel — fragile and irreplaceable public lands owned and treasured by all.

Sections of this trail are under constant threat from coastal erosion due to more frequent storm surges in recent years. Protection of this coastline will ensure the necessary adjustments to the location of the trail as needed. The East Coast Trail needs the protection afforded by the creation of this Crown Lands Reserve.

The "Provincial Interest." Minister, in addition to the important matters of 'Town Interest' noted above, there are also a number of highly important matters and vital assets which are of 'Provincial Interest' — and which will be protected by the creation of this Crown Lands Reserve.

1. Protection of the "Provincial Interest" in the fragile Witless Bay Ecological Reserve, and in this ocean shoreline environment and lands which are immediately adjacent to it.

2. Protection of the "Provincial Interest" in the East Coast Trail, and the province's investment in both the East Coast Trail and in Tourism. This shoreline area is one of the most accessible, and most used sections of the entire East Coast Trail system.

3. Protection of the "Provincial Interest" in the Tourism Industry. The province has invested more than $70,000,000 in tourism marketing, promotion, and 'product' development — over the past five (5) years alone — to attract high-end tourists to Newfoundland. Of the more than 500,000 'non-resident' visitors to Newfoundland, more than 450,000 visit St. John's. This Crown Lands Reserve area, including the Witless Bay Ecological Reserve, as well as the East Coast Trail from Ragged Beach to Mobile, is a highly important, highly differentiated, and easily accessible 'product' experience that's located within 25 minutes travel of St. John's; it offers a highly desirable 'product' experience, as well as an excellent opportunity to generate visitor satisfaction and delight, as well as positive word-of-mouth referrals and editorial coverage in the decades ahead. The Province needs to protect and preserve this 'Crown Jewel' in perpetuity.

4. Protection and preservation of the "Provincial Interest" in these Crown Lands, and its unique ocean shoreline, which have received international attention and acclaim, and which National Geographic has named as the Top Coastal Tourism Destination in the entire world. This highly rated Jewel in the province's Tourism crown, and valuable
economic and cultural asset, is (if not now prevented) at very high risk of being lost forever.

5. **Protection of the “Provincial Interest”** in one of the few remaining, undisturbed, completely unsettled and undeveloped rural ocean shoreline environments in the Northeast Avalon — and protection of the unspoiled physical environment and ecology, unique flora and fauna, wildlife, and traditional uses and activities in practice for hundreds of years. This area of Crown Land must be set aside and held in Reserve, in its current state, in perpetuity, for current and future generations, for the “Provincial Interest.”

6. **Protection of the “Provincial Interest”** in Seabird Populations and Ecology in the Witless Bay Ecological Reserve — and, more specifically, the prevention of further artificial night light pollution (from lights in new houses and streetlights) which currently causes serious mortality rates among baby Puffins and Leach’s Storm-Petrels each summer — a significant problem, as documented and supported by scientists, ecologists, and experts such as Dr. Bill Montvecchi over the past 25 years. This area is described as a “global seabird capital...that warrants very careful and special protection...”. The ‘Provincial Interest’ extends beyond the Tourism and economic assets which this area represents — to global scientific and research and ecological assets and responsibilities; the province needs to avoid short-sightedness and prevent, for example, the situation in Maine where once-thriving Puffin and seabird colonies have been decimated — and that state has ‘imported’ Puffins from the Witless Bay Ecological Reserve in an attempt to restock its coastal islands and regenerate Puffin colonies.

Minister, in addition to protection of the ‘Provincial Interest’ and the ‘Town Interest’, we are also guided by the concept of ‘Crown Land’, and the responsibility and authority vested to municipalities for Crown Lands within their boundaries.

**Crown Lands.** More than 89% of the total land area in Canada (8,886,356 km²) is Crown Land. Almost 95% of all land area in Newfoundland and Labrador is Crown Land.

In the USA, Crown Land is defined as “a repository of land held by the federal government, to be used for the benefit of the nation as a whole”. In Manitoba, Crown Lands are held and used for environmental protection, public recreation, resource management, and research. In no part of Canada is Crown Land held by governments for anything but the public good.

In Newfoundland and Labrador, it used to be that most Crown Land could only be leased — and never sold — meaning that ownership always remained vested in the people. Times have changed. Over the past 20 years or so, changes in legislation and government practice have resulted in a ripe opportunity for individuals and corporations to acquire full and absolute ownership of Crown Lands for personal and private use, commercial benefit, and pursuit of profit, in perpetuity. Whether the negative consequences and problems associated with removing the public’s right to long-standing and traditional uses of Crown and public lands we now witness in Newfoundland and Labrador today were ever anticipated by Government, is unclear. But one thing is clear to all well-meaning and clear thinking citizens and governments: our people’s most cherished and most valued and most valuable and irreplaceable Crown Lands should not — and cannot — be taken away from the people and handed over to individuals and corporations for personal and private use and commercial profit. It is our sacred trust — as
Municipal Governments, and as Provincial and Federal Governments — to protect our most valuable Crown Lands, in perpetuity, as was the original objective and continued practice intended by the legal and judicial system we inherited from Britain.

And that, Minister, is the underpinning of our request to you — to act under the authority vested in you through Section 8 of the Lands Act. It’s clear that this authority was specifically created by the legislators of our Province in anticipation of the need to protect public Crown Lands — and the need to balance out and provide protection to the most vulnerable land assets with the change to selling versus leasing Crown Lands.

It is in this spirit, and under the principles which public and Crown Lands were first established — held in trust for the people by the Government — that Town Council of Witless Bay has made this request for timely action by you and your staff.

Could you please acknowledge receipt of this request and application, provide us with the requisite information on the process and next steps to bring this Crown Land Reserve to life, and the time(s) when you will be available to meet with Council.

We look forward to discussing this request with you.

Sincerely,

[Signature]

Town Council of Witless Bay

Cc:
Hon. Tony Corneil, Minister, Department of Tourism, Culture, and Recreation
Hon. Dan Crummell, Minister, Department of Municipal and Intergovernmental Affairs
Hon. Keith Hutchings, Minister, Department of Fisheries and Aquaculture
Hon. Steve Kent, Former Minister, Department of Municipal and Intergovernmental Affairs, Candidate for leader of the Conservative Party of Newfoundland and Labrador