Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FA/43/2017

On August 23, 2017, The Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"I am requesting surveys or maps completed by or submitted to the department in relation to the crown land right of way and crown land at Mullowney's Lane in the Town of Witless Bay since January 2017. Further, I am requesting any correspondence to or between the Department and [redacted] from September 2014."

I am pleased to inform you that a decision has been made by the Deputy Minister of FLR to provide access to most of the requested records. Access to the remaining records has been withheld as per the following exceptions to disclosure:

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P.O. Box 13004, Stn. A  
St. John's, NL A1B 3V8

Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

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 (a copy of this section of the Act has been enclosed for your reference).

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 contact me by telephone at 709-729-3730 or by email at hollyphilpott@gov.nl.ca

Sincerely,

[Signature]

Holly Philpott
ATIPP Coordinator

Enclosures;
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days
(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).
October 22, 2015

To Whom It May Concern:

Please be advised that [redacted] submitted a letter to the Town on April 14, 2014 requesting confirmation of the existence of a historical right-of-way to his property located in Gallows Cove. This letter was presented to Council at the Town’s public meeting that was held on May 13, 2014, and Mayor Sebastien Despres explained that Council has no interest in preventing residents from using any existing right of way to access their property, and that there was no need to draft a letter to [redacted] to confirm the existence of the right-of-way.

Regards,

[Signature]

Town of Witless Bay
I can’t find anything.

Amanda Humby – Land Management Officer
Department of Municipal Affairs
Crown Lands Division
Howley Building, Higgins Line
St. John’s, NL
Tel: 729-2146
Fax: 729-0726

Can you please verify if anyone had any contact with the Town of Witless Bay since January concerning any issues in this area should check your emails also

Gary, can you look into this one for Scott. Scott feels that we have bullet one covered in the attachment. Look at the area outlined in red and for the first part be mindful of the date (since January 2016). Scott says he needs it by Monday.

Steve Barnable
Regional Lands Manager - Eastern

From: Howe, Peter
Sent: Friday, July 15, 2016 12:02 PM
To: Winters, Scott; Barnable, Steve; Pike, Andrew D.
Cc: Moore, Darren E.; Hearns, Peter
Andrew/Steve,

Please give high priority.

Steve, as well are there any other applications, requests, related documents in that area by the Town?

Darren, do Peter Hearns need to check as well?

Peter Howe
Assistant Deputy Minister – Lands Branch
Department of Municipal Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL A1B 4J6

t: 709-729-3236
e: phowe@gov.nl.ca

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From: Winters, Scott
Sent: July 15, 2016 11:59 AM
To: Barnable, Steve; Pike, Andrew D.
Cc: Howe, Peter
Subject: Atipp info required for MA 58 2016

Hi folks –

Please see the attached document as it relates to the atipp request below in red text. Can you advise at your earliest convenience if you have any other documents or correspondence with the Town of Witless Bay regarding any of the request below.

Unfortunately I am really against the clock on this. Your response or at least a discussion on what is involved with this would be appreciated by end of today.

In addition to what you listed, we are seeking information on any applications and related documents the Town submitted to MIGA involving Crown Lands in the area of Mullowneys 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. Thank you for your assistance

- 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 Muloney’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.

Cheers,
Scott

Scott Winters
Manager of Accountability
From: MYLER, Gary
Sent: Monday, September 19, 2016 2:21 PM
To: Barnable, Steve
Cc: Byrne, Richard
Ron Hart Witless Bay

Someone? the weekend was fencing land and placed a post in the middle of the 13 foot right of way to property. He was going to check with the Council to see if they have any concerns or knowledge about the fencing.
From: [redacted]@gmail.com
Sent: Friday, September 30, 2016 3:25 PM
To: Byrne, Richard
Subject: Fwd: Survey Map and Description of Mullowneys Lane Right Of Way On [redacted] Survey
Attachments: Scan 3.tif; Scan 2.tif

-------- Forwarded message --------
From: [redacted]@gmail.com
Date: Fri, Sep 30, 2016 at 3:05 PM
Subject: Survey Map and Description of Mullowneys Lane Right Of Way On [redacted] Survey
To: [redacted]@gmail.com

Attached is copy of latest Survey Description dated Sept. 29, 2016 re [redacted]
On Fri, Sep 30, 2016 at 3:05 PM, [Redacted] wrote:
Attached is copy of latest Survey Description dated Sept. 29, 2016 re:
From: Humby, Amanda
Sent: Monday, October 3, 2016 10:08 AM
To: MYLER, Gary
Subject: FW: Survey Map and Description of Mullowneys Lane Right Of Way On Survey
Attachments: Scan 3.tif; Scan 2.tif

From Rick

Amanda Humby – Land Management Officer
Department of Municipal Affairs
Crown Lands Division
Howley Building, Higgins Line
St. John’s, NL
Tel: 729-2196
Fax: 729-0726

From: Byrne, Richard
Sent: Monday, October 03, 2016 10:07 AM
To: Humby, Amanda
Subject: FW: Survey Map and Description of Mullowneys Lane Right Of Way On Survey

Rick Byrne
Land Management Officer
Lands Branch
Department of Municipal Affairs
Howley Building, 85 Higgins Line
Tel: (709) 729-3233 Fax: (709) 729-3923
richardbyrne@gov.nl.ca

From: [redacted]
Sent: Friday, September 30, 2016 3:42 PM
To: Byrne, Richard
Subject: Fwd: Survey Map and Description of Mullowneys Lane Right Of Way On Survey

---------- Forwarded message ----------
From: [redacted]
Date: Fri, Sep 30, 2016 at 3:25 PM
Subject: Fwd: Survey Map and Description of Mullowneys Lane Right Of Way On Survey
To: richardbyrne@gov.nl.ca
-------------- Forwarded message ------------
From: [Redacted]
Date: Fri, Sep 30, 2016 at 3:05 PM
Subject: Survey Map and Description of Mullowneys Lane Right Of Way On [Redacted] Survey
To: [Redacted]

Attached is copy of latest Survey Description dated Sept. 29, 2016 re: [Redacted]
Steve – As you are probably already aware we did not go to the site on Wednesday, but we were up there yesterday, Thursday.

Unfortunately the GPS unit was not working so we could not collect any data.

We did find the corner pins on the Eastern boundary on the Dave Vallis survey for [redacted] and the fence (posts only) does not fall on the eastern boundary – the fence is located to the east of the boundary.

We were informed by [redacted] while at the site, the fence was erected on his “historical” boundary.

James is going to check the GPS unit and have it repaired if needed.

We will return to the site next week with our repaired GPS unit or with a rental unit if necessary........................RENNIE

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From: Barnable, Steve
Sent: Thursday, October 13, 2016 8:56 AM
To: Grace, Tony
Cc: Wakeham, Rennie
Subject: RE: ILLEGAL FENCE

Very timely. I was speaking to James Farewell as this came in. He and Rennie Wakeham were up there yesterday and took survey data which they will be plotting to determine the exact location of the fence. As the alleged encroachment is within a very small range, precise survey measurements were needed. We will know more when the data is processed.

---

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch
Department of Municipal and Intergovernmental Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

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From: Grace, Tony
Sent: Thursday, October 13, 2016 8:43 AM
To: Barnable, Steve
Cc: Meaney, Milli
Subject: FW: ILLEGAL FENCE

Steve can we please provide information form the deputy regarding this issue.

I know we have been working diligently to resolve some of the issues in Witlessbay.
From: Chippett, Jamie  
Sent: October 13, 2016 8:02 AM  
To: Grace, Tony  
Subject: FW: ILLEGAL FENCE

Good morning Tony

Please check into the fence issue. I think Milly has some experience with it.

Thanks  
Jamie

From: [REDACTED]@hotmail.com  
Sent: Wednesday, October 12, 2016 10:13 PM  
To: Joyce, Eddie; Hounsell, Sandy; Chippett, Jamie; Hutchings, Keith  
Subject: ILLEGAL FENCE

Dear Minister Joyce,

It's.app. two and a half months since I notified Mayor Despres and the Town Council of Witless Bay concerning an illegal application they approved at a Public Meeting on July 26, 2016. This application with an incorrect and altered survey was knowingly used by Council to grant a fence permit to [REDACTED] # 4 Mullowneys Lane. This permit was granted intentionally to block the Public Right of Way leading to private lands and beyond. Mayor Despres, Deputy Mayor Wiseman, and Councillors Carey and Smart has shown bias on several occasions pertaining to private land around ragged beach and their intention is to stop any development in this area no matter what the cost to the Taxpayers. In my opinion this is a Criminal Act and Abuse of Power under the leadership of Mayor Despres and his Council of Wiseman, Carey and Smart, this is just another act of corruption blatantly shown by this Council since its election. To date I have received no response from any of my correspondence from Mayor Despres or Council pertaining to this matter. Minister Joyce it's time once again to listen to the Residents and disband this Council.

Sincerely,

[REDACTED]

Resident.
November 2, 2016

Town of Witless Bay
P.O. Box 130
Witless Bay, NL
A0A 4K0

Attn: Mayor Deprés,

Please find attached a copy of a Removal Notice posted on a fence being erected on Crown Lands adjacent to Mr. property off Mullowneys Lane in the Town of Witless Bay. Also attached are maps depicting the subject location.

For further information concerning this matter, please contact the Regional Lands Office as listed below.

Regards,

Steve Barnable, Manager
Eastern Regional Lands Office
November 2, 2016

Mr. [Redacted]
General Delivery
Mullowneys Lane
Witless Bay, NL
A0A 4K0

REMOVAL NOTICE
the Lands Act, SNL 1991 c36

According to the records of the Crown Lands Administration Division of the Department of Municipal Affairs, a Crown title has not been issued to the land on which you have a FENCE ERECTED, located at or near your property on Mullowneys Lane in the town of Witless Bay in the Province of Newfoundland and Labrador.

You are hereby ordered pursuant to subsection 32(1) of the Act, to remove this FENCE from Crown lands and restore the site to its original condition within sixty (60) days from the date of posting or service of this notice if you cannot provide proof of an issued Crown title to this Department within sixty (60) days from the date of this Notice.

Your failure to do so will result in this Department removing or demolishing the said structure pursuant to the subsection 32(5) and the costs and expenses of removal or demolition may be recovered from you as a debt due to the Crown pursuant to subsection 32(6).

On summary conviction, you will be liable to a fine of not less than $1,000.00 or a term of imprisonment not exceeding three (3) months or to both the fine and imprisonment pursuant to subsection 31(1). As well, you may be liable to a penalty of $25.00 for each day that the structure remains on Crown land after the date of service of this notice pursuant to subsection 32(4).

For further information concerning this Notice or the submission of a Crown land application, please contact the Regional Lands Office as listed below.

[Signature]
REGIONAL LANDS MANAGER

[Signature]
DATE

cc: Mayor Sébastien Deprès, Town of Witless Bay
Government of Newfoundland & Labrador
Department of Municipal Affairs

Location of fence erected by [redacted] in October, 2018 - shown in red

Survey for [redacted] in 1997 by
Kevin Williams, N.L.S.

Survey for [redacted] Sept 2018 by
David Veilis N.L.S.

Survey for [redacted] July 1974 by
K.F. Williams N.L.S.

Plotted by using the 1974 survey and the distances shown on the Veilis survey for the R-O-W

Scale 1:2,692

Crown Lands Division

NOTE TO USERS
The information on this map was sampled from land surveys registered in the Crown Lands Registry.

Since the majority of land owners have information on all land ownership within the Province, the information depicted cannot be considered accurate.

The boundaries shown are intended to be used as an aide to land titles issued by the Crown. The accuracy of the lines is not sufficient for measurement purposes and does not guarantee titles.

Users finding any errors or omissions in this map should note it to the Crown Title Mapping Section, Newry Building, Happy Line, St. John's, Newfoundland.

Users noting errors or omissions can contact the Crown Title Mapping Section by telephone at 729-3221.

Survey lines may not be plotted due to Crown Lands Reference missing from the Crown Lands Reference Sheet or not plotted due to insufficient survey information.

The User hereby indemnifies and holds harmless the Minister, the officers, employees and agents from and against all claims, demands, losses, actions or causes of action, damages of any kind arising in whole or in part from the use of this map, including but not limited to, the Minister, his or her officers, employees and agents shall not be liable for any loss or damage to any party in any way as a result of using this map.

For inquiries, please contact a Regional Lands Office:
Corner Brook - 627-2367
Gander - 236-1493
Goose Bay - 729-2488
St. John's - 729-2804
Corner Brook - 488-4074
All severing on this page has been done so under S40(1) of the Act.

Scale 1:3,000
Compiled on September 29, 2016

Crown Lands Division
It seems to me that he does not understand that the poles are not on land and have to be moved back onto his property.

Milly, Tony see below. A good response from representing

Steve Barnable
Regionel Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch
Department of Municipal and Intergovernmental Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

Mr. Barnable, your information accurately represents the position of. The problem arises from others of self interest misrepresenting the position of Lands Branch. Both were informed by others with interest in the area that an easement had been identified across the properties by your office. As is the norm in these land situations, misinformation heightens the anxiety and stress and things tend to get out of control.

I trust you will understand that when others misrepresent the position of the NL Government, and surveyors appear without identifying their intrusion on the properties and claiming instructions from Lands Branch, it becomes disturbing from a land holder’s perspective. My purpose in writing to you was to confirm this information, or in this case, to identify misinformation. Your information lays waste to these false claims, I thank you. From my perspective there is no conflict.

I will advise as to the intrusion on Crown Land and arrange for your field agent to instruct on the matter without interference or conflict.

Thank you
FYI

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch
Department of Municipal and Intergovernmental Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

Mr. Steve Barnable
Lands Branch

The ongoing issue of trespass on our land by those seeking access to lands beyond our boundaries has resulted in a high level of stress and anxiety. We are not in a position to hire expensive legal services to outline our position and to assist us with documentation and communication. Ongoing health issues have been intensified by the ongoing harassment by others and we have asked our neighbour [redacted], who is well versed in these matters, to assist us. It is important to note that we will be seeking advice from our family doctor on risks to our health, and we ask for your cooperation in avoiding any further health risks.

[redacted] has graciously agreed to help us construct the history of our land boundaries and to address any issues in writing that your office may need. We will pledge to fully cooperate with you and the staff of the Lands Branch in resolving the issue before us. Due to our current health status we are not in a position to arrange any site meetings with you or your staff at this time. I trust you will understand that any demands that would heighten stress and anxiety will be considered unreasonable and unwarranted.

We ask that you copy [redacted] on any correspondence either through email or other means. The following is contact information for [redacted]

Press Esc or click anywhere to return to Mail.
FYI

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch
Department of Municipal and Intergovernmental Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

Mr. Barnable, I write to introduce myself and advise that I have agreed to assist with the current land boundary issue recently raised by your office. I am a resident of Witless Bay and a neighbour of the I was born in Witless Bay and have full knowledge of the lands in question. You may recognize my name as we have communicated in the past.

I also bring your attention to the copy of an email below that authorizes me to assist and represent who has land adjacent to. I met with him recently on his land and we subsequent meetings to discuss the history of his family land holdings. family can trace roots to around 1850 in Witless Bay and has full knowledge of the area and his land holdings. The original family homestead is still active in Witless Bay.

The family came to Witless Bay in the mid-late 1950’s and gained permission to use a small garden adjacent to property by the previous owner a . As you may be aware, the were the main families in the area. The original pathway used to use the garden runs north and south between the property and the property and is unaffected by the boundary fence of land. In the 1960’s the family moved up to the main harbour when a relocation program was instituted by the NL government. My information is that this resulted in the parts of the pathway being overgrown from lack of consistent use. There are other factors that affected the boundaries and clear definition of the historical pathway that is still unobstructed that I will cover in the report. There never was an ability to drive to the potato garden, and any use of Mr. land for access by vehicle was unknown to him, and certainly not approved by him, was simple occasional trespass.

The issue that has plagued both and is the false claim that there is an easement across the land running across the property to gain access to claim. The claim is full accessible down the north-south historical pathway between the two properties. This pathway is not obstructed by either or As such, I fail to see an issue for Crown lands other than in providing full disclosure to Lands Branch of historical fact.
Rather than going into the ownership details and historical access detail in this communication, I am simply reassuring you that no Crown land has been appropriated nor obstructed by [redacted]. A full documented report will be prepared and a meeting with your staff will be set to outline both [redacted] property boundaries, and to also instruct on the location of the historical access to Crown land beyond the properties of [redacted] and [redacted].

With the assistance of others, and by means of a manufactured belief that there was access across the [redacted] property from the [redacted] property have created this pseudo claim. [redacted] wishes to create a road to his property via a route that makes no geographical sense, and which cannot be supported by historical fact. The [redacted] property is directly south of the [redacted] property and to suggest that there was a road across two neighboring properties running west to east is absurd. This is a private land claim, and since no access to Crown land has, or is, being affected, I am mystified that [redacted] is being pressured by your office to disown his land boundaries.

With respect to [redacted] claim that is being disputed, he registered access to his property with the Town of Witless Bay declaring that his access to the disputed lands was from Gallows Cove Road along the beach. If you or your staff will contact the Town office you will be able to confirm this fact. I raise this issue because [redacted] unsuccessfully attempted to purchase land from [redacted] to construct a road across his property. The past years have been difficult for [redacted] who lives in Witless Bay, and it has seriously affected his health. [redacted] and is likewise physically and psychologically affected by false claims of an easement across his land.

As part of the report I will be preparing for [redacted]. In support of their claim, will be reference to a similar attempt in 1990 to clear a road across the [redacted] property in the same location. Local residents stopped this and filed affidavits that no access was ever in place in 1990. Your office was involved in an investigation at that time, and it puzzles me as to why anything has changed since 1990. It now appears that [redacted] is revisiting that failed attempt with a self-serving story of an easement. From the perspective of [redacted], the issue is between [redacted] and any claims to your office are based on false claim, and not historical fact. [redacted] has refused to sell land to [redacted] to gain access across his land. [redacted] has to rely on his registration of documents and a survey.

The Town of Witless has refused a permit to [redacted] for Crown land between the [redacted] property and his claim. The Town refused because there is no development access to the [redacted] property claim. I have suggested to [redacted] and [redacted] that local resident [redacted] should be part of any conflict management initiatives. There is no interest in having [redacted] as a participant.

I send this email to assure you that this matter will be dealt with in time and with proper documentation and historical evidence. I ask that you remain patient, and that you will assure [redacted] that he will not be subject to additional pressure from your office at this time. I have asked [redacted] to obtain a letter of confirmation as to the state of his health currently, and the effect of unrelenting pressure should it continue. There are no emergencies that I am aware of that would demand that [redacted] remove a lawful boundary marker immediately without any evidence of wrongdoing.

Unfortunately [redacted] has refused. However I will continue to communicate with your office as the need arises. I will arrange a meeting in Witless Bay with [redacted] and myself. My wish is to have a Town representative present as well. [redacted] position will be represented by me as indicated.

With respect

NOTE ATTACHMENT
To: [redacted]@yahoo.com>
I accept your offer to represent my Witless Bay property interests in any proceedings before Lands
Branch.....

Sent from my iPad
I am glad that you were able to get the sense of the matter from the materials.

While our field staff may enter upon private lands in carrying out their duties, should any owners be around, they identify themselves and relate the nature of their business. Not sure there, if you were referring to our staff or surveyors for private companies.

Thank you very much for your assistance in this matter and I hope that it alleviates concerns. I have copied Rick Byrne, Land Management Officer to provide any assistance that might be needed.

Steve Barnable
Regional Lands Manager - Eastern
Crown Lands Administration Division, Lands Branch
Department of Municipal and Intergovernmental Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

Mr. Barnable, your information accurately represents the position of The problem arises from others of self interest misrepresenting the position of Lands Branch. Both were informed by others with interest in the area that an easement had been identified across the properties by your office. As is the norm in these land situations, misinformation heightens the anxiety and stress and things tend to get out of control.

I trust you will understand that when others misrepresent the position of the NL Government, and surveyors appear without identifying their intrusion on the properties and claiming instructions from Lands Branch, it becomes disturbing from a land holder’s perspective. My purpose in writing to you was to confirm this information, or in this case, to identify misinformation. Your information lays waste to these false claims, I thank you. From my perspective there is no conflict.

I will advise as to the intrusion on Crown Land and arrange for your field agent to instruct on the matter without interference or conflict.

Thank you
3 Nov 2016

Mr. Steve Barnable
Lands Branch

Re: Email 1 Nov 2016 from [REDACTED]

The ongoing issue of trespass on our land by those seeking access to lands beyond our boundaries has resulted in a high level of stress and anxiety. We are not in a position to hire expensive legal services to outline our position and to assist us with documentation and communication. [REDACTED] ongoing health issues have been intensified by the ongoing harassment by others and we have asked our neighbour [REDACTED] who is well versed in these matters, to assist us. It is important to note that we will be seeking advice from our family doctor on risks to [REDACTED] health, and we ask for your cooperation in avoiding any further health risks.

[REDACTED] has graciously agreed to help us construct the history of our land boundaries and to address any issues in writing that your office may need. We will pledge to fully cooperate with you and the staff of the Lands Branch in resolving the issue before us. Due to [REDACTED] current health status we are not in a position to arrange any site meetings with you or your staff at this time. I trust you will understand that any demands that would heighten stress and anxiety will be considered unreasonable and unwarranted.

We ask that you copy [REDACTED] on any correspondence either through email or other means. The following is contact information for [REDACTED].

[REDACTED]@outlook.com

Thank you,

[REDACTED] Witless Bay
FYI

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch
Department of Environment and Conservation
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

From: [REDACTED]@gmail.com
Sent: Tuesday, January 03, 2017 8:25 PM
To: Joyce, Eddie; Barnable, Steve; Moore, Darren E.; Hounsell, Sandy; Meaney, Milly; Hutchings, Keith
Subject: FENCE REMOVAL- MULLOWNEYS LANE

On Nov. 2, 2016 your Department issued a letter to [REDACTED] giving him 60 days to remove a fence on Crown land blocking a public right of way to private lands. As of today January 3, 2017 [REDACTED] has not adhered to the removal order from your Department.

I along with other private land owners and general public have been barred from accessing our private lands and crown lands beyond since early September, 2016 because of a fence permit that was approved on an altered survey and was sanctioned by Mayor Despres, Deputy Mayor Wiseman and Councillors Carey and Smart.

I respectfully request your Department to investigate this matter as soon as possible. I will be awaiting your reply on this urgent matter. You can contact me at [REDACTED]

Thank you
REMOVAL NOTICE
the Lands Act, SNL 1991 c36

According to the records of the Crown Lands Administration Division of the Department of Municipal Affairs, a Crown title has not been issued to the land on which you have a POST IN THE GROUND WITH A "PRIVATE PROPERTY NO TRESPASSING" SIGN attached, located at or near your property on Mullowneys Lane in the town of Witless Bay in the Province of Newfoundland and Labrador.

You are hereby ordered pursuant to subsection 32(1) of the Act, to remove this POST from Crown lands and restore the site to its original condition within Thirty (30) days from the date of posting or service of this notice if you cannot provide proof of an issued Crown title to this Department within thirty (30) days from the date of this Notice.

Your failure to do so will result in this Department removing or demolishing the said structure pursuant to the subsection 32(5) and the costs and expenses of removal or demolition may be recovered from you as a debt due to the Crown pursuant to subsection 32(6).

On summary conviction, you will be liable to a fine of not less than $1,000.00 or a term of imprisonment not exceeding three (3) months or to both the fine and imprisonment pursuant to subsection 31(1). As well, you may be liable to a penalty of $25.00 for each day that the structure remains on Crown land after the date of service of this notice pursuant to subsection 32(4).

For further information concerning this Notice or the submission of a Crown land application, please contact the Regional Lands Office as listed below.

S40(1)

REGIONAL LANDS MANAGER

DATE

Jan. 6, 2017
Thanks Rick and Jeff, much appreciated.

Steve,

Myself and Jeff Nickerson removed 5 fence posts here today from Crown Lands and eliminated the "blockage" to Crown Lands.
In addition, a post on Crown Lands here with a "Private Property No Trespassing" sign attached was posted with a Removal Notice for within 30 days from today.

Rick Byrne
Land Management Officer
Lands Branch
Department of Municipal Affairs
Howley Building, 85 Higgins Line
Tel: (709) 729-3233 Fax: (709) 729-3923
richardbyrne@gov.nl.ca

FYI

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch
Department of Environment and Conservation
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726
From: [Redacted]@gmail.com
Sent: Tuesday, January 03, 2017 8:25 PM
To: Joyce, Eddie; Barnable, Steve; Moore, Darren E.; Hounsell, Sandy; Meaney, Milly; Hutchings, Keith
Subject: FENCE REMOVAL- MULLOWNEYS LANE

On Nov. 2, 2016 your Department issued a letter to [Redacted] giving him 60 days to remove a fence on Crown land blocking a public right of way to private lands. As of today January 3, 2017 [Redacted] has not adhered to the removal order from your Department.

I along with other private land owners and general public have been barred from accessing our private lands and crown lands beyond since early September, 2016 because of a fence permit that was approved on an altered survey and was sanctioned by Mayor Despres, Deputy Mayor Wiseman and Councillors Carey and Smart.

I respectfully request your Department to investigate this matter as soon as possible. I will be awaiting your reply on this urgent matter. You can contact me at [Redacted]

Thank you
19 Jan 2017

Mr. Steve Barnable, Manager
Eastern Regional Lands Office
PO Box 8700, Howley Building
Higgins Line
St. John's, NL
A1B 4J6

Mr. Barnable, at the request of Lands Branch we removed the fence posts that intruded onto the public crown land path running between our land and the [REDACTED] property. A few days ago workers representing Lands Branch came on our property without notice and cut of posts that were clearly on our property. Despite our protestations and information that we had removed the posts that were required to be removed, the reply from the workers was indignant and unaccommodating. No attempt was made to contact their superiors or to even consider that there might be a mistake.

We had asked [REDACTED] our neighbor to assist us in understanding the issues involved. He indicated to us that he had communicated with your office and that he was assured that Lands Branch would honor the survey showing the boundaries of our land. Unfortunately [REDACTED], I am unable to recall his name. However, he suggested that there may be a standing order from another division of Lands Branch, and that poor communication caused the unfortunate incident. He also suggested that we contact you directly to have someone from Lands Branch meet with us to mediate this problem and avoid a protracted conflict.

We put forward two questions: (1) Was then information provided to us that Lands Branch would honor the long standing survey of our property? (2) Is Lands Branch prepared to have an authority arrange a meeting at our home to clarify the issue? In our judgement this issue should not require any complicated solutions.

It may be helpful for your office to know that the Town of Witless Bay ordered us to put some flood control measures in place to avoid damage to the town road abutting our property. At that time the Town of Witless Bay acknowledged that the survey of our property is the same survey that is in place today. The Town ordered us to dig a trench along the boundary of our property to allow a flow of rain water away from the Town road-Mullowney's Lane.

If we had not done this the Town was prepared to complete the work and expense us for the adjustment to the terrain. The ditch is still in place and [REDACTED] suggested that this may be misleading Lands Branch staff to assume the ditch as the boundary of our land. This matter needs the attention of a Lands Branch authority to avoid unnecessary litigation.
To confirm, the posts that were unlawfully cut down by lands Branch were on our surveyed property. We ask that you act on this matter immediately.

Thank you,
Philpott, Holly

From: Barnable, Steve
Sent: Tuesday, March 14, 2017 8:51 AM
To: Byrne, Richard
Cc: Deering, Keith; Moore, Darren E.
Subject: FW: FENCE REMOVAL - MULLOWNEY’S LANE

Rick, see below. As we have discussed, please revisit with surveyors, next chance you get. Thanks.

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch
Department of Fisheries and Land Resources
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

From: Deering, Keith
Sent: Monday, March 13, 2017 5:09 PM
To: Barnable, Steve
Cc: Moore, Darren E.
Subject: Fw: FENCE REMOVAL - MULLOWNEY’S LANE

FYI

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Companion, Lori Anne <LoriAnneCompanion@gov.nl.ca>
Sent: Monday, March 13, 2017 3:47 PM
To: O’Keefe, Dorothy; Deering, Keith; Worthman, Matthew; Gray, Lisa
Subject: FW: FENCE REMOVAL - MULLOWNEY’S LANE

From: Joyce, Eddie
Sent: Monday, March 13, 2017 3:11 PM
To: Companion, Lori Anne
Cc: Crocker, Steve; Glynn, Valerie
Subject: FW: FENCE REMOVAL - MULLOWNEY’S LANE

For your information and review. Thank you, Eddie

ATIPPA Section 40 (1)

From: [redacted]
Sent: Friday, March 10, 2017 8:18 AM
To: Grace, Tony <TonyGrace@gov.nl.ca>
Cc: Joyce, Eddie <ejoyce@gov.nl.ca>
Subject: FW: FENCE REMOVAL - MULLOWNEY’S LANE
Hello Tony

[Redacted] asked me to forward this correspondence (see below) from MIGA that she referenced in her message last night. The concern is that the posts that continue to obstruct the Crown Land right of way are placed where we will have to travel. We visited the site yesterday and noticed that what looks like the “travelled portion” is not the center of the ROW. The ROW is to the right and there are posts in the middle of the ROW. Spring is fast approaching and we want to use that ROW to access our land. This ROW does not cross over or impact any private property and is clearly marked on all surveys of the area.

We are hoping that the Lands department can remedy this situation.

Thanks

[Redacted]

----------
From: Barnable, Steve <stevebarnable@gov.nl.ca>
Date: Thu, Feb 16, 2017 at 1:28 PM
To: [Redacted], "Joyce, Eddie" <ejoyce@gov.nl.ca>, "Meaney, Milly" <MillyMeane@gov.nl.ca>, "Moore, Darren E." <dmoore@gov.nl.ca>, "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>, "Hutchings, Keith" <keithhutchings@gov.nl.ca>, "Grace, Tony" <TonyGrace@gov.nl.ca>

Good day [Redacted] Staff from the Crown Lands Administration Division visited the site accompanied by a licenced (Newfoundland Land Surveyor) survey inspector. Posts for a fence within the travelled portion of the pathway on Crown land were removed. The altered survey that you reference was not used for the confirmation of the boundary and would have no bearing on the determination of the path.

Field staff will be revisiting this site regarding this and other matters related to access to take further measurements to determine if further action is warranted.

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch
Department of Municipal and Intergovernmental Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

From: [Redacted]@gmail.com
Sent: Wednesday, February 15, 2017 9:43 PM
To: Joyce, Eddie; Meaney, Milly; Barnable, Steve; Moore, Darren E.; Hounsell, Sandy; Hutchings, Keith; Grace, Tony
Subject: FENCE REMOVAL - MULLOWNEY'S LANE

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Good for me

Steve Barnable
Regional Lands Manager - Eastern
Crown Lands Administration Division, Lands Branch
Department of Fisheries and Land Resources
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

From: Byrne, Richard
Sent: Tuesday, March 14, 2017 12:25 PM
To: Barnable, Steve
Cc: Wakeham, Rennie; Farewell, James
Subject: RE: FENCE REMOVAL - MULLOWNEY’S LANE

Steve, as weather looks poor for the week, I guess we can aim for good weather day next week when good for Rennie and James. Is this good?

Rick

From: Barnable, Steve
Sent: Tuesday, March 14, 2017 8:51 AM
To: Byrne, Richard
Cc: Deering, Keith; Moore, Darren E.
Subject: FW: FENCE REMOVAL - MULLOWNEY’S LANE

Rick, see below. As we have discussed, please revisit with surveyors, next chance you get. Thanks.

Steve Barnable
Regional Lands Manager - Eastern
Crown Lands Administration Division, Lands Branch
Department of Fisheries and Land Resources
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

From: Deering, Keith
Sent: Monday, March 13, 2017 5:09 PM
To: Barnable, Steve
Cc: Moore, Darren E.
Subject: FW: FENCE REMOVAL - MULLOWNEY’S LANE
Sent from my BlackBerry 10 smartphone on the Bell network.

From: Companion, Lori Anne <LoriAnneCompanion@gov.nl.ca>
Sent: Monday, March 13, 2017 3:47 PM
To: O'Keefe, Dorothy; Deering, Keith; Worthman, Matthew; Gray, Lisa
Subject: FW: FENCE REMOVAL - MULLOWNEY'S LANE

---

From: Joyce, Eddie
Sent: Monday, March 13, 2017 3:11 PM
To: Companion, Lori Anne
Cc: Crocker, Steve; Glynn, Valerie
Subject: FW: FENCE REMOVAL - MULLOWNEY'S LANE

For your information and review. Thank you, Eddie

---

From: [redacted]@bellaliant.net
Sent: Friday, March 10, 2017 8:18 AM
To: Grace, Tony <TonyGrace@gov.nl.ca>
Cc: Joyce, Eddie <ejoyce@gov.nl.ca>
Subject: FW: FENCE REMOVAL - MULLOWNEY'S LANE

Hello Tony

I asked me to forward this correspondence (see below) from MiGA that she referenced in her message last night. The concern is that the posts that continue to obstruct the Crown Land right of way are placed where we will have to travel. We visited the site yesterday and noticed that what looks like the “travelled portion” is not the center of the ROW. The ROW is to the right and there are posts in the middle of the ROW. Spring is fast approaching and we want to use that ROW to access our land. This ROW does not cross over or impact any private property and is clearly marked on all surveys of the area.

We are hoping that the Lands department can remedy this situation.

Thanks

---

From: Barnable, Steve <stevebarnable@gov.nl.ca>
Date: Thu, Feb 16, 2017 at 1:28 PM
To: [redacted]<gmail.com>, "Joyce, Eddie" <ejoyce@gov.nl.ca>, "Meaney, Milly" <MillyMeaney@gov.nl.ca>, "Moore, Darren E." <dmoore@gov.nl.ca>, "Hounsell, Sandy" <SandyHounsell@gov.nl.ca>, "Hutchings, Keith" <keithhutchings@gov.nl.ca>, "Grace, Tony" <TonyGrace@gov.nl.ca>

Good day...

Staff from the Crown Lands Administration Division visited the site accompanied by a licenced (Newfoundland Land Surveyor) survey inspector. Posts for a fence within the travelled portion of the pathway on
Crown land were removed. The altered survey that you reference was not used for the confirmation of the boundary and would have no bearing on the determination of the path.

Field staff will be revisiting this site regarding this and other matters related to access to take further measurements to determine if further action is warranted.

Steve Barnable  
Regional Lands Manager - Eastern  

Crown Lands Administration Division, Lands Branch  
Department of Municipal and Intergovernmental Affairs  
Howley Building, Higgins Line  
P.O. Box 8700  
St. John's, NL A1B 4J6  
Tel: (709) 729-2654 Fax: (709) 729-0726  

From: [E-mail address]  
Sent: Wednesday, February 15, 2017 9:43 PM  
To: Joyce, Eddie; Meaney, Milly; Barnable, Steve; Moore, Darren E.; Hounsell, Sandy; Hutchings, Keith; Grace, Tony  
Subject: FENCE REMOVAL - MULLOWNEY'S LANE

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Steve,

will meet with you and me on March 28, 2017 11 am to discuss his situation on Mullowneys Lane. Sherry has set up a Meeting request for then.

Rick Byrne
Land Management Officer
Lands Branch
Department of Fisheries and Land Resources
Howley Building, 85 Higgins Line
Tel: (709) 729-3233 Fax: (709) 729-3923
richardbyrne@gov.nl.ca
Farewell, James
Thursday, May 4, 2017 2:36 PM
Byrne, Richard
FW: Ditch and Post Location
MAP.jpg

From: Farewell, James
Sent: Thursday, April 06, 2017 4:19 PM
To: Barnable, Steve; Wakeham, Rennie
Subject: RE: Ditch and Post Location

Revised Map. Disregard previous one.

From: Farewell, James
Sent: Thursday, April 06, 2017 3:52 PM
To: 'Barnable, Steve'; 'Wakeham, Rennie'
Subject: Ditch and Post Location
Mullowneys Lane, Witless Bay, NL

ALL THAT piece or parcel of land situate and being, south west of Mullowneys Lane, in the Town of Witless Bay, in the Province of Newfoundland, bounded and abutted as follows: that is to say beginning at a point, said point having M.T.M. Grid Co-ordinates (C.M. 53°) (NAD 83) of N 5 235 900.386 and E 318 860.061.

THENCE RUNNING South twenty two degrees twenty four minutes fifty one seconds West (S22°24'51"W), a distance of 73.463 meters by Mullowneys Lane and by land of [redacted] to a point;

THENCE North eighty four degrees thirty eight minutes nine seconds West (N84°38'09"W), a distance of 34.534 meters by land now or formerly [redacted] to a point;

THENCE North twelve degrees thirty seven minutes fifty six seconds East (N12°37'56"E), a distance of 25.123 meters by land now or formerly [redacted] to a point;

THENCE North nine degrees forty one minutes twelve seconds East (N09°41'12"E), a distance of 37.716 meters by land now or formerly [redacted] to a point;

THENCE turning and running North eighty six degrees thirty six minutes fifty one seconds East (N86°36'51"E), a distance of 50.642 meters by land of unknown ownership to the PLACE OF BEGINNING and containing in all an area of 0.2730 hectares as more particularly described and delineated on plan 15278 hereto annexed, dated, Nov. 12, 15.

ALL bearings are referred to Grid North.
Town Council

PERMIT GRANTED

DA# 2016-20  July 29 /2016

NAME  

ADDRESS  4 Mullowney's Lane

SPECIFICATION  Fence property

EXPIRES  July 29 /2017  B. Hangla

Town Clerk
PRELIMINARY APPLICATION TO DEVELOP LAND

Civic address of the proposed development: 4 Mallowney's Lane

Estimated cost: $500

Describe location from the nearest prominent landmark: Adjacent to drainage ditch over remains of previous fence.

Describe proposed development: Boundary Fence

Land to be developed:

- Area: 2790 m² (minimum 1500 m² for house)
- Frontage: 50.64 m X Depth: 73.463 m (Minimum proportions for house: 30 m X 60 m or 60 m X 30 m)

Ownership of Land: CROWN / CORPORATION / APPLICANT / OTHER: APPLICANT

Area of adjacent land in same ownership: N/A m²

Land use zoning of this area: Residential

Does development conform to zoning? YES / NO

Type of Vegetation (circle all that apply): FOREST / SCRUB / BARREN / CLEARED / OTHER:

Buildings to be demolished: N/A

Present use of all adjacent land (e.g. Residential, Commercial, Unused, etc.): S40(1)

West side: 

East Side: 

North side: 

South Side: 

Water supply (Type of well): Surface

Sewage Disposal: Septic

Describe proposed means of access to site: Via Mallowney’s Lane
Building #1  Use: _____________________________  # of Bedrooms: ___  Apartment?: YES / NO
Size: _______ m² (____ m X ____ m)  Height: _______ m
(House max. 8m)
Setback from road: _______ m
(8m to 32m - OR- 32m to 100m)

Building #2  Use: _____________________________  # of Bedrooms: ____  Apartment?: YES / NO
Size: _______ m² (____ m X ____ m)  Height: _______ m
(House max. 8m)
Setback from road: _______ m
(8m to 32m - OR- 32m to 100m)

Building #3  Use: _____________________________  # of Bedrooms: ____  Apartment?: YES / NO
Size: _______ m² (____ m X ____ m)  Height: _______ m
(House max. 8m)
Setback from road: _______ m
(8m to 32m - OR- 32m to 100m)

Other items of note: ____________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

I, _____________________________ of Witless Bay in the Province of Newfoundland and Labrador, solemnly declare that the plans, specifications and statements herein conform to the requirements of the Town of Witless Bay and are made with full knowledge of the circumstances connected with same. I declare that all regulations will be complied with, whether specified herein or not. I make this solemn declaration, conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Signed at_________________________  Date: July 7, 2016

Witness

Submit to:
Town of Witless Bay
P.O. Box 130
Witless Bay, NF
A0A 4K0
(709) 334-3407

Office use only:
Site zoning: _____________________________  Permitted use: _____________________________
Variance required?: _____________________________  Variance: _______%
Development standards given to applicant: _____________________________
Development standards able to be met: _____________________________
Referrals required: _____________________________

This form is not valid until all questions are answered correctly and it is signed, witnessed and dated.
f. Boundary Fence – 4 Mullowney’s Lane

2016-179 Councillor Ralph Carey/Councillor Kevin Smart
Be it resolved Council approve fencing of property subject to limits of current survey.
Motion carried unanimously.

[Signature] Councillor [Name]
Potential copyright material

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

From: Barnable, Steve
Sent: Monday, June 05, 2017 8:51 AM
To: Byrne, Richard
Cc: Norman, Frank
Subject: FW: Crown Land Obstruction
Importance: High

Rick, to investigate today. Frank, create complaint folder.

Steve Barnable
Regional Lands Manager - Eastern
Crown Lands Administration Division, Lands Branch
Department of Fisheries and Land Resources
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

From: Moore, Darren E.
Sent: Thursday, June 1, 2017 9:07 AM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: Grace, Tony <TonyGrace@gov.nl.ca>
Subject: FW: Crown Land Obstruction
Importance: High

Steve,

See information below and a have action started immediately to have these obstructions removed.

From: Grace, Tony
Sent: Thursday, June 01, 2017 8:57 AM
To: Moore, Darren E.
Subject: Fw: Crown Land Obstruction
Importance: High

Sent from my BlackBerry 10 smartphone on the Bell network.

From: ********@bellalant.net>
Sent: Thursday, June 1, 2017 8:01 AM
To: Grace, Tony
Cc: Barnable, Steve

ATIPPA Section 40 (1)
Hello Tony

I notice on the government website that you are involved with “enforcement” with the Department so we are hoping you can help with the situation involving the blockage of a Crown Land right of way at Mullowneys Lane in Witless Bay. We’ve had several constructive meetings over the winter with Steve Barnable and met with Crown Lands survey crew at the site and understand from Steve that a survey plan of the right of way will be available soon.

Crown Lands department have already taken action against [REDACTED] (on the southside of the right of way) and forced the removal of his fence posts. In the last week, the other landowner on the northside of the right of way, [REDACTED] has constructed additional fence posts, once again obstructing the right of way and passage to Crown Lands. There is a deliberate attempt by these two landowners to close off this public right of way on Crown land, preventing private property owners from accessing their properties and the public from accessing the Crown Land in behind the [REDACTED] properties. It is obvious that these people have no intention of respecting this public right of way. This right of way is noted on these two landowners’ surveys (showing the ROW between their properties), has been recognized by Crown Lands department, the Town of Witless Bay and is clearly visible on aerial photography dating back to the 1940s and has never been in dispute. The controversy has been the exact survey points, which is why the survey team has been involved. It is imperative that Crown Lands department mark this right of way to prevent further obstructions and controversy. We have attached pictures of the latest Crown Land obstruction. We are requesting the Department enforce the Act and have the obstruction removed and make available their survey of the ROW as soon as possible.

Your help or direction would be much appreciated.

Regards
As requested.

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch Department of Fisheries and Land Resources Howley Building, Higgins Line P.O. Box 8700 St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

-----Original Message-----
From: Moore, Darren E.
Sent: Friday, May 26, 2017 12:19 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>

Steve,

Please provide me with a response.

thanks

-----Original Message-----
From: Wheeler, Lisa
Sent: Friday, May 26, 2017 11:40 AM
To: Moore, Darren E.

I sent this one to Steve Barnable and yourself back at the end of March; however, I don't see that a response was received. I do know that we did another response for [REDACTED] regarding the Crown land move, but this is another issue.

Can you please follow up on this and see what has happened with this one?

Thank you,
Lisa Wheeler

-----Original Message-----
From: Wheeler, Lisa
Sent: Monday, March 27, 2017 4:35 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: Moore, Darren E. <dmoore@gov.nl.ca>; Deering, Keith <keithdeering@gov.nl.ca>
Subject: Draft required - FW: COR/2017/00857 : To Eddie Joyce and Tony Grace / March 9 2017 / Crown Land Obstruction / Forwarded to Minister Steve Crocker

Good Afternoon gentlemen,

Another draft response for Minister Crocker's signature is required.

Thank you,

Lisa Wheeler

-----Original Message-----
From: O'Keefe, Dorothy
Sent: Monday, March 13, 2017 4:18 PM
To: Deering, Keith
Cc: Wheeler, Lisa
Subject: COR/2017/00857 : To Eddie Joyce and Tony Grace / March 9 2017 / Crown Land Obstruction / Forwarded to Minister Steve Crocker

Keith,

For appropriate action.

Dorothy

Dorothy O'Keefe
Administrative Assistant to the Minister (A) Department of Fisheries and Land Resources Government of Newfoundland and Labrador Petten Building, 30 Strawberry Marsh Road St. John's, NL A1B 4J6
(t) 709 729-3722
(f) 709 729-0360
From: Joyce, Eddie  
Sent: Monday, March 13, 2017 3:12 PM  
To: Companion, Lori Anne 
CC: Crocker, Steve; Glynn, Valerie  
Subject: FW: Crown Land Obstruction

Please review and take appropriate action. Thank you, Eddie

From: [Redacted]@bellaliant.net  
Sent: Thursday, March 9, 2017 8:27 PM  
To: Grace, Tony <TonyGrace@gov.nl.ca>; Joyce, Eddie <ejoyce@gov.nl.ca>  
Subject: Crown Land Obstruction

Dear Mr. Grace
We have on-going concerns regarding the Crown Land obstructions on a public right of way at the end of Mullowneys Lane in the Town of Witless Bay. We are hoping you can assist us with this injustice.

[Redacted] was ordered to remove the fence posts causing an obstruction by January 2017. All posts were not removed and he was given another 30 days. I am assuming he has been fined, but the posts remain. Mr. Barnable, as a representative for MIGA, replied to this concern expressed by [Redacted] by writing in part:

“Good day [Redacted]. Staff from the Crown Lands Administration Division visited the site accompanied by a licenced (Newfoundland Land Surveyor) survey inspector. Posts for a fence within the travelled portion of the pathway on Crown land were removed.”

Private land owners in the area and the general public find this response unacceptable. The “travelled part of the right of way” is ambiguous and confusing. The fact of the matter is that there are fence posts erected on the ROW that interfere with our access and the clearing of the brush on this part of the ROW. We are requesting that these obstructions be removed so we can ensure public access to this ROW and the lands in the area.

We are requesting that these illegal obstructions in the form of fence posts be removed.

Thank you for your attention to this matter.
As the Minister now responsible for Crown lands, I write in response to an email dated March 9, 2017 to Mr. Tony Grace, then Assistant Deputy Minister, Lands. Your email was forwarded by my colleague, the Hon. Eddie Joyce, regarding posts within the right of way of a cart path in the ragged Beach area of Witless Bay.

As you have noted, the fence posts were posted for removal and most have been removed. Further action will be taken to remove those which do not obstruct the path, but which remain at the periphery.

I trust that you will find this satisfactory.

If you have any further questions concerning this matter, please contact Mr. Steve Barnable, Regional Lands Manager, Eastern Regional Lands Office, Howley Building, Higgins Line, St. John's, NL A1B 4J6, telephone: (709) 729 – 2654 or email: stevebarnable@gov.nl.ca.

Sincerely,

STEVE CROCKER, MHA
District of Trinity-Bay de Verde
Minister of Fisheries and Land Resources

cc: Mr. Steve Barnable, Manager, Eastern Regional Lands Office
Philpott, Holly

From: O'Keefe, Dorothy
Sent: Wednesday, May 31, 2017 11:47 AM
To: Hamlyn, Jayne
Subject: FW: Crown Land Reserve for Ragged Beach, Witless bay, NL

Jayne,

For TRIM and routing.

Dorothy

Dorothy O'Keefe
Administrative Assistant to the Minister (A)
Department of Fisheries and Land Resources
Government of Newfoundland and Labrador
Petten Building, 30 Strawberry Marsh Road
St. John's, NL A1B 4J6

(t) 709 729-2504
(f) 709 729-0360

From: Glynn, Valerie
Sent: Wednesday, May 31, 2017 11:08 AM
To: O'Keefe, Dorothy <dorothyokeefe@gov.nl.ca>
Subject: FW: Crown Land Reserve for Ragged Beach, Witless bay, NL

Hi Dorothy, another one re: Crown Lands - Witless Bay. Thanks, Connie

From: Joyce, Eddie
Sent: Monday, May 29, 2017 10:51 PM
To: Glynn, Valerie
Cc: Chippett, Jamie
Subject: FW: Crown Land Reserve for Ragged Beach, Witless bay, NL

Please review and take appropriate action. Thanks, Eddie

From: [redacted]@yahoo.ca
Sent: Monday, May 29, 2017 10:47 PM
To: Joyce, Eddie <ejoyce@gov.nl.ca>
Subject: Crown Land Reserve for Ragged Beach, Witless bay, NL

Mr. Joyce: I am sending you this email to voice my deep disappointment concerning the lack of action or a decision on our council's application for 99 hectares of Crown Land to be set aside as an ecological reserve. Twice our municipal government has sent in proposals and still there seems to be something or someone holding up the process. A lot of townspeople are quite concerned about this and rightly so. For several years now several developers have tried just about every means possible to get the land around Ragged Beach declared residential so that they can line their pockets. These people have no regard whatsoever for the environment and for the considerable inconvenience and great imposition on several current landowners in the area who want the land surrounding Ragged Beach left in its current
pristine and unspoiled condition. I have vehemently opposed these developers ever since they saw what an enormous amount of money they stood to make if they were given the opportunity to desecrate this beautiful area with mansions— if [redacted] gets his foot in the door. Over the past few years, all my protests have gotten me are thousands of dollars in legal fees from being falsely charged with assault—the word of 3 against 1—despite my being totally truthful and there have been threats against my pets as well as several costly instances of vandalism something that never took place in my [redacted] years living here. This is the type of people who want to develop this area, they will let nothing nor nobody stand in their way. Further to that, in Oct. 2015 [redacted], a close friend of [redacted] who also envisions a big windfall from any development, hired an excavator—trespassed across my land and proceeded to completely flatten a swath of trees up to 20 feet wide and at least 100 yards long. Despite the RCMP and a representative of either Dept. of Lands, Wildlife etc. responding to my phonecall little or nothing was done to them, yet over the past year I have been virtually crucified by the Dept. of Lands because I had put 1/2 dozen fence posts along what for the past [redacted] years has been accepted as the Eastern boundary of my land. A lot of people have become very suspicious and cynical about this situation especially, it isn't hard to be suspicious about this when someone can destroy a large tract of Crown Land with apparent impunity and I get threatened with fines and/or court action for daring to put a half dozen posts on my property—mostly to deter further trespass and destruction of my land. Of course to add to the cynicism of the townsfolk one of the aforementioned developers was audacious enough to seek and get a seat on council and is now deputy mayor (that is being contested in the courts as his residency in the town is also suspect) and the sister of [redacted] also managed to get a seat on council and ascended to the Mayor's chair. Mr. Joyce, it is imperative that the government decides to grant the Town of Witless Bay the 99 hectares of land for an ecological reserve because to do otherwise would most assuredly ruin the whole area and we will be cursed by many future generations for letting the love of money take precedence over the love of nature. God forbid such an abomination happens.

Thank you for taking the time to read this email.
Also to be placed within that complaint folder.

Steve Barnable
Regional Lands Manager - Eastern
Crown Lands Administration Division, Lands Branch
Department of Fisheries and Land Resources
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 726-0726

From: Moore, Darren E.
Sent: Monday, June 5, 2017 8:18 AM
To: Deering, Keith <keithdeering@gov.nl.ca>
Cc: Barnable, Steve <stevebarnable@gov.nl.ca>
Subject: RE: Crown Land Right of Way Obstruction - Mullowneys Lane, Gallows Cove

I have this gone to Steve for an immediate inspection and a removal notice will be prepared asap.

From: Deering, Keith
Sent: Monday, June 5, 2017 8:16 AM
To: Moore, Darren E.
Subject: Fw: Crown Land Right of Way Obstruction - Mullowneys Lane, Gallows Cove

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Grace, Tony <TonyGrace@gov.nl.ca>
Sent: Monday, June 5, 2017 8:13 AM
To: Deering, Keith
Subject: FW: Crown Land Right of Way Obstruction - Mullowneys Lane, Gallows Cove

Good Evening;
As councillors for the Town of Witless Bay we are writing concerning a serious issue regarding a new obstruction at a public right of way on Mullowneys Lane extension, Gallows Cove. On Saturday, June 3, 2017 we received a complaint and we visited the site. Upon arrival we found a fence being erected upon the public right away. This fence was being erected on a permit issued to [REDACTED] to fence his property boundary not the public right of way which would block residents from using this right of way to crown lands and private lands beyond. We advised the worker to remove the fence posts. Could Crown Land please identify the boundaries of this right of way so the Town will not be dealing with this issue on a constant basis. Please look into this important matter as soon as possible. We can be reached at the phone numbers listed below.

Thank you

Councillor Swain - Public Works - Town of Witless Bay - cell [REDACTED]
Councillor Paul - Public Works - Town of Witless Bay - cell [REDACTED]

Sent from Outlook
Phipott, Holly

From: Barnable, Steve
Sent: Tuesday, June 6, 2017 11:11 AM
To: Moore, Darren E.
Attachments: Email FW: Crown Land Obstruction.html; To Eddie Joyce and Tony Grace / March 9 2017 Crown Land Obstruction Forwarded to Minister Steve Crocker.tr5; COR 2017 00857 Min Response Cart Path Posts Ragged Beach.doc

Here it is.

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch Department of Fisheries and Land Resources Howley Building, Higgins Line P.O. Box 8700 St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

-----Original Message-----
From: Barnable, Steve
Sent: Monday, May 29, 2017 9:44 AM
To: Moore, Darren E. <dmoore@gov.nl.ca>

As requested.

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch Department of Fisheries and Land Resources Howley Building, Higgins Line P.O. Box 8700 St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

-----Original Message-----
From: Moore, Darren E.
Sent: Friday, May 26, 2017 12:19 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>

Steve,

Please provide me with a response.
thanks

-----Original Message-----
From: Wheeler, Lisa
Sent: Friday, May 26, 2017 11:40 AM
To: Moore, Darren E.

I sent this one to Steve Barnable and yourself back at the end of March; however, I don't see that a response was received. I do know that we did another response for regarding the Crown land move, but this is another issue.

Can you please follow up on this and see what has happened with this one?

Thank you,

Lisa Wheeler

-----Original Message-----
From: Wheeler, Lisa
Sent: Monday, March 27, 2017 4:35 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: Moore, Darren E. <dmoore@gov.nl.ca>; Deering, Keith <keithdeering@gov.nl.ca>
Subject: Draft required - FW: COR/2017/00857 : To Eddie Joyce and Tony Grace / March 9 2017 / Crown Land Obstruction / Forwarded to Minister Steve Crocker

Good Afternoon gentlemen,

Another draft response for Minister Crocker's signature is required.

Thank you,

Lisa Wheeler

-----Original Message-----
From: O'Keefe, Dorothy
Sent: Monday, March 13, 2017 4:18 PM
To: Deering, Keith
Cc: Wheeler, Lisa
Subject: COR/2017/00857 : To Eddie Joyce and Tony Grace / March 9 2017 / Crown Land Obstruction / Forwarded to Minister Steve Crocker

Keith,

For appropriate action.

Dorothy

Dorothy O'Keefe
Administrative Assistant to the Minister (A) Department of Fisheries and Land Resources Government of Newfoundland and Labrador Petten Building, 30 Strawberry Marsh Road St. John's, NL A1B 4J6

(t) 709 729-3722
(f) 709 729-0360

------< HP TRIM Record Information >------

Record Number: COR/2017/00857
Title: To Eddie Joyce and Tony Grace / March 9 2017 / Crown Land Obstruction / Forwarded to Minister Steve Crocker

ATIPPA Section 40 (1)
Philpott, Holly

From: Companion, Lori Anne
Sent: Monday, March 13, 2017 3:48 PM
To: O'Keefe, Dorothy; Gray, Lisa; Worthman, Matthew; Deering, Keith
Subject: FW: Crown Land Obstruction

From: Joyce, Eddie
Sent: Monday, March 13, 2017 3:12 PM
To: Companion, Lori Anne
Cc: Crocker, Steve; Glynn, Valerie
Subject: FW: Crown Land Obstruction

Please review and take appropriate action. Thank you, Eddie

From: [Redacted]@bellaiant.net
Sent: Thursday, March 9, 2017 8:27 PM
To: Grace, Tony <TonyGrace@gov.nl.ca>; Joyce, Eddie <ejoyce@gov.nl.ca>
Subject: Crown Land Obstruction

Dear Mr. Grace,

We have on-going concerns regarding the Crown Land obstructions on a public right of way at the end of Mullowneys Lane in the Town of Witless Bay. We are hoping you can assist us with this injustice.

[Redacted] was ordered to remove the fence posts causing an obstruction by January 2017. All posts were not removed and he was given another 30 days. I am assuming he has been fined, but the posts remain. Mr. Barnable, as a representative for MIGA, replied to this concern expressed by [Redacted] by writing in part:

“Good day [Redacted] Staff from the Crown Lands Administration Division visited the site accompanied by a licenced (Newfoundland Land Surveyor) survey inspector. Posts for a fence within the travelled portion of the pathway on Crown land were removed.”

Private land owners in the area and the general public find this response unacceptable. The “travelled part of the right of way” is ambiguous and confusing. The fact of the matter is that there are fence posts erected on the ROW that interfere with our access and the clearing of the brush on this part of the ROW. We are requesting that these obstructions be removed so we can ensure public access to this ROW and the lands in the area.

We are requesting that these illegal obstructions in the form of fence posts be removed.

Thank you for your attention to this matter.
to clarify, as you are aware, the Lands Branch merely recognizes that a 3m wide ROW exists, as indicated on Departmental mapping sent to you and that no permission is required from the Lands Branch for very minor work to keep the path open. Forestry permits would be required for any cutting. For stream crossings, contact Susan George, Water Resources Technician, Water Resources Management Division, Environment (729-2945), who can outline their requirements.

I have contacted the Town of Witless Bay and was informed that the Town has no objection to the use of this path for hiking, however, they do have concerns with upgrading the path to accommodate automobiles. This is an engineering, planning and municipal governance issue for which the Lands Branch has no oversight.

I would recommend that, for municipal governance issues, you contact Lori Evoy, Regional Manager, Local Government (Eastern) 729-5020 and for planning matters, Corrie Davis 729-5409 Manager of Land Use Planning.

I have attached a revised map depicting Mullowney’s Lane with the name in place as you have noted the previous version had it incorrectly named.

I trust that you will find this satisfactory.

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch
Department of Municipal and Intergovernmental Affairs
Howley Building, Higgins Line
P.O. Box 8700
St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

Good morning Steve
I received your letter dated January 19, 2017 regarding the public right of way extending from Mullowneys Lane in Witless Bay. We received previous information from MIGA recognizing this right of way up to a width of 3 m as you reiterate in this most recent correspondence. The obstacle to the public use of this ROW is the current Town Council in Witless Bay. You say in your letter that we are required to have the Town’s permission to clear and reopen the ROW. As we understand, Crown Lands branch is the authority over this ROW but it is the Town refusing to allow the ROW to be open for public use. What do you suggest we do to address this blockage by the Town and have the ROW cleared and reopened?

Your assistance would be greatly appreciated.

Regards
This one mostly does not. There is a small portion, the enforcement piece that we handled. I have copied Rick Byrne to insert some suggested wording and will forward on to Rick Carey regarding the bigger question of the reserve.

Steve Barnable
Regional Lands Manager - Eastern

Crown Lands Administration Division, Lands Branch Department of Fisheries and Land Resources Howley Building,
Higgins Line P.O. Box 8700 St. John's, NL A1B 4J6
Tel: (709) 729-2654 Fax: (709) 729-0726

-----Original Message-----
From: Wheeler, Lisa
Sent: Sunday, June 11, 2017 7:24 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>

Steve,

As Darren if off this week I am forwarding the attached documents to you for draft response. Please advise if this does not fall under your area.

Thank you,

Lisa Wheeler

-----Original Message-----
From: Hamlyn, Jayne
Sent: Wednesday, May 31, 2017 12:16 PM
To: Deering, Keith <keithdeering@gov.nl.ca>
Cc: Wheeler, Lisa <lwheeler@gov.nl.ca>

Please see attached email!

Jayne
Jayne Hamlyn

Departmental Program Co-ordinator, Compliance and Enforcement Division Department of Fisheries and Land Resources Government of Newfoundland and Labrador Petten Building, 30 Strawberry Marsh Road St. John's, NL A1B 4J6

PH: 709-729-7736

----< HP TRIM Record Information >----

Record Number: COR/2017/02300
Title: To Minister Eddie Joyce.../ May 29 2017 / Re: Crown Lands Request for Witless Bay

ATIPPA Section 40 (1)
E-mail Message

From: O'Keefe, Dorothy [EX:O=PSNL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=DOROTHYOKEEFE]
To: Hamlyn, Jayne [SMTP:JayneHamlyn@gov.nl.ca]
Cc: 
Sent: 5/31/2017 at 11:47 AM
Received: 5/31/2017 at 11:47 AM
Subject: FW: Crown Land Reserve for Ragged Beach, Witless bay, NL

Jayne,

For TRIM and routing.

Dorothy

Dorothy O'Keefe
Administrative Assistant to the Minister (A)
Department of Fisheries and Land Resources
Government of Newfoundland and Labrador
Petten Building, 30 Strawberry Marsh Road
St. John's, NL A1B 4J6

(t) 709 729-2504
(f) 709 729-0360

From: Glynn, Valerie
Sent: Wednesday, May 31, 2017 11:08 AM
To: O'Keefe, Dorothy
Subject: FW: Crown Land Reserve for Ragged Beach, Witless bay, NL

Hi Dorothy, another one re: Crown Lands - Witless Bay. Thanks, Connie

From: Joyce, Eddie
Sent: Monday, May 29, 2017 10:51 PM
To: Glynn, Valerie
Cc: Chippett, Jamie
Subject: FW: Crown Land Reserve for Ragged Beach, Witless bay, NL
Mr. Joyce: I am sending you this email to voice my deep disappointment concerning the lack of action or a decision on our council's application for 99 hectares of Crown Land to be set aside as an ecological reserve. Twice our municipal government has sent in proposals and still there seems to be something or someone holding up the process. A lot of townspeople are quite concerned about this and rightly so. For several years now several developers have tried just about every means possible to get the land around Ragged Beach declared residential so that they can line their pockets. These people have no regard whatsoever for the environment and for the considerable inconvenience and great imposition on several current landowners in the area who want the land surrounding Ragged Beach left in its current pristine and unspoiled condition. I have vehemently opposed these developers ever since they saw what an enormous amount of money they stood to make if they were given the opportunity to desecrate this beautiful area with mansions if gets his foot in the door. Over the past few years, all my protests have gotten me thousands of dollars in legal fees from being falsely charged with assault—the word of 3 against 1—despite my being totally truthful and there have been threats against my pets as well as several costly instances of vandalism something that never took place in my years living here. This is the type of people who want to develop this area, they will let nothing nor nobody stand in their way. Further to that, in Oct. 2015— a close friend of who also envisions a big windfall from any development, hired an excavator—trespassed across my land and proceeded to completely flatten a swath of trees up to 20 feet wide and at least 100 yards long. Despite the RCMP and a representative of either Dept. of Lands, Wildlife etc. responding to my phone call little or nothing was done to them, yet over the past year I have been virtually crucified by the Dept. of Lands because I had put 1/2 dozen fence posts along what for the past years has been accepted as the Eastern boundary of my land. A lot of people have become very suspicious and cynical about this situation especially, it isn't hard to be suspicious about this when someone can destroy a large tract of Crown Land with apparent impunity and I get threatened with fines and/or court action for daring to put a half dozen posts on my property—mostly to deter further trespass and destruction of my land. Of course to add to the cynicism of the folks one of the aforementioned developers was audacious enough to seek and get a seat on council and is now deputy mayor (that is being contested in the courts as his residency in the town is also suspect) and the sister of also managed to get a seat on council and ascended to the Mayor's chair.

Mr. Joyce, it is imperative that the government decides to grant the Town of Witless Bay the 99 hectares of land for an ecological reserve because to do otherwise would most assuredly ruin the whole area and we will be cursed by many future generations for letting the love of money take precedence over the love of nature. God forbid such an abomination happens.

Thank you for taking the time to read this email.
As you are aware, most of the posts we went out to tie-in were removed; however, we were able to tie-in the locations of the holes where they were driven in.

- The post hole locations (labeled POSTHOLE1 to POSTHOLE5 on the attached map) appear to be located on the public right-of-way.

- Of the three remaining posts (labeled POST1 to POST3 on the attached map):
  - POST1 appears to be on the public right-of-way.  
  - POST 2 & 3 appear to be within the claim.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
October 25, 2016

To: Steve Barnable
Manager, ERLO

From: Rennie Wakeham
Survey Inspector, Cadastral Mapping

Re: [Redacted] Ragged Beach, Witless Bay
Fence belonging to [Redacted]

Myself, James Farewell and Rick Byrne made a visit to the site on October 13 to gather data relative to the fence in question, but our GPS was not working so we had to leave the site to return another day.

On October 20 James Farewell and I returned to the site with our EDM equipment and we were able to gather the data. We found the iron pins marking the corners on the [Redacted] survey so they were used in determining the location of the fence in question. The attached location plans shows the location of the fence in relation the [Redacted] survey and other surveys in the area.
Approximate distance from boundary line to end of fence is 2.83 meters (9.3 ft)
Approximate distance from boundary line to end of fence is 2.63 meters (9.3ft)
Location of fence erected by [REDACTED] in October, 2016

Survey for [REDACTED] Sept/2016 by David Vallis N.L.S.


Plotted by using the 1974 survey and the distances shown on the Vallis survey for the R-O-W
Jeff:

I found these emails regarding the Ragged Beach ATIPP request

Frank
SCHEDULE OF REFERRAL AGENCIES

LAND MANAGEMENT OFFICER (AVALON SOUTH)
Department of Municipal Affairs
709-729-2654

STAN BLACKMORE, GSC
SERVICE NL
709-729-3699

DISTRICT MANAGER, FORESTRY DIVISION
FORESTRY & AGRIFOODS AGENCY
709-729-4180

Dept. of Municipal Affairs and Env.
Local Governance and Planning
709-729-3090

Town of Witless Bay
709-334-3407
townofwitlessbay@nl.rogers.com

Provincial Archaeology Office
Martha Drake
709-729-2462
# Application for Crown Lands

**For Department Use Only**

- **Application No.**: 151285
- **Receipt No.**: 89789
- **File No.**: 1038854
- **Amount**: $172.50
- **Date Registered**: Mar 16, 2017
- **Indicated on Plan No.**
- **Initial**: AH

**Applicant Information**
- **Surname**: [Masked]
- **Age**: 61
- **Mailing Address**: [Masked]
- **City/Town**: [Masked]
- **Province**: NL
- **Business Telephone**: [Masked]
- **Home Telephone**: [Masked]

**Are you a resident of the Province of Newfoundland and Labrador?**
- Yes [X]
- No

**Are you an employee of the Department of Municipal Affairs?**
- Yes
- No

**Have you, your spouse, or any dependent children ever applied for, or received land from the Crown?**
- Yes
- No

**Proposed Tenure and Use**

- **Type of Application**: [Lease] [Grant] [Licence to Occupy] [Permission to Construct] [Tennis Court] [Climbing Wall] [Consignment Entry]
- **Land Use**: 
  - Residence
  - Cottage
  - Aquaculture
  - Agriculture (provide details below)
  - Commercial (provide detailed description below)
  - Other (provide details below)

**Describe buildings to be erected (if applicable)**

**Proposed water and sewage facilities (if applicable)**
- [Well] [Septic] [Municipal Water] [Municipal Sewer] [Other (provide details below)]

**Permission to construct**

- Rights of way to access property for grading.

---

**Note:**
- S40(1) indicates sensitive information that has been redacted.
LAND DESCRIPTION

1. THE LAND IS SITUATED AT

IN THE ELECTORAL DISTRICT OF

[Signature]

2. IS THE LAND APPLIED FOR LOCATED WITHIN MUNICIPAL BOUNDARIES? [ ] YES [ ] NO

3. APPROXIMATE DIMENSIONS OF THE LAND

FRONTAGE 6 metres

NAME OF WATERBODY (if applicable) ATLANTIC OCEAN

DEPTHI 400 metres

4. DISTANCE TO CLOSEST WATERBODY 100 M. metres

5. IS THE SITE ACCESSIBLE BY ROAD?

[ ] YES [ ] NO

6. IS THE SITE ACCESSIBLE BY ROAD CONSTRUCTION FOR ACCESS? [ ] YES [ ] NO

FOR SITES WITHOUT ROAD ACCESS, PLEASE INDICATE METHOD OF TRANSPORTATION

[ ] WALKING [ ] A.T.V. [ ] BOAT [ ] SNOWMOBILE [ ] AIRCRAFT

FOR SITES WITHOUT ROAD ACCESS, LOCATION OF ACCESS ROUTE MUST BE INDICATED ON THE MAP ATTACHED TO THE APPLICATION AND ACCESS BY A.T.V. MUST BE IN ACCORDANCE WITH A.T.V. REGULATIONS

7. IS THE SITE PRESENTLY OCCUPIED? [ ] YES [ ] NO

8. IS THE SITE PRESENTLY OCCUPIED? [ ] YES [ ] NO

PROPERTY FENCE

IN TENT PLATFORM

9. ARE YOU AWARE OF ANY EVIDENCE OF PREVIOUS LAND USE, SUCH AS FENCES, BUILDINGS, SIGNS, CLEARING, LOCAL UNDERSTANDING, ETC.? [ ] YES [ ] NO

10. IS THE SITE PRESENTLY OCCUPIED? [ ] YES [ ] NO

HISTORIC RIGHT OF WAY

DESCRIPTION OF LAND

Please Note: When your application is accepted by this Department you are required to identify the site in the field by clearly marking your corner posts. If there is a discrepancy between the area marked in the field and the area indicated on the map, the latter shall prevail.

Sketch the land applied for showing distance to prominent nearby features such as buildings, fences, road intersections. Map must also be attached.

BOUNDED ON NORTH BY

BOUNDED ON SOUTH BY

BOUNDED ON EAST BY

BOUNDED ON WEST BY

PLEASE NOTE: IT IS THE POLICY OF THE CROWN LANDS DIVISION TO ACCEPT APPLICATIONS ON A FIRST COME - FIRST SERVED BASIS. APPLICATIONS MUST BE FULLY COMPLETED WITH A MAP SHOWING THE EXACT LOCATIONS OF THE LAND APPLIED FOR TOGETHER WITH THE APPLICATION FEE. ONLY THEN WILL THE APPLICATION BE ACCEPTED AND DEEMED REGISTERABLE BY THIS DEPARTMENT.
AREA = 0.2184 Hectares
All severing on this page has been done so under S40(1) of the Act.
GALLOWS COVE ROAD  11 meters wide

AREA = 1.1948 Hectares

Now or formerly,

PROVINCIAL MONUMENTS : (NAD 27)
80C2110  N  5.2357,269.733m
         E  317,382.743m
80C2111  N  5.235,668.097m
         E  317,752.245m

ATH
This e-referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies on the schedule located in the e-referral folder. YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION. IF NO RESPONSE IS RECEIVED BY THE END OF 21 DAYS, IT SHALL BE ASSUMED THAT THERE ARE NO OBJECTIONS/RESTRICTIONS TO THIS APPLICATION.

Please be advised that the site on the map, located in the e-referral folder, cannot be altered or relocated in any way without the prior approval of the Regional Lands Office.

APPLICATION FOR CROWN LANDS – REFERRAL

Applicant: [Redacted]

Telephone: [Redacted]

Application Number: 151285

Application Type: Permission

Purpose: Use: Permission to Construct Right of Way to Access Property

Location: Witless Bay

Area (hectares): 0.41

Frontage (metres): 6

Map Number: 01N07

Comments: This Right of Way has been revised to include an additional 0.06ha to extend to the end the grant issued to Ronald E. Harte.

REFERRAL AGENCY ONLY

Date: Click here to enter a date.

Department/Agency: Click here to enter text.

Address: Click here to enter text.

RECOMMENDATION: Click here to select your recommendation.

COMMENTS: Click here to enter text.

Name of Respondent: Click here to enter text.

Phone No.: Click here to enter text.

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.