February 7, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/03/2019

On January 10, 2019, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

“All documents and correspondence regarding crown lands and crown land applications for the Ragged Beach, Mullowneys Lane, Gallows Cove areas of Witless Bay from January 2018 to January 2019.”

Please be advised that a decision has been made by the Deputy Minister for FLR to provide access to the requested information. Reactions have been made under sections 40 – Personal Privacy and Section 29 – Policy advice or recommendations of the Access to Information Act. You will find a copy of responsive material attached.

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 this letter 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 hollywarford@gov.nl.ca.

Sincerely,

Holly Warford
ATIPP Coordinator

Right of access

8. (1) A person who makes a request under section 11 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record may be subject to the payment, under section 25, of the costs of reproduction, shipping and locating a record.

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 15 (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).
Strowbridge, Kerry

From: Byrne, Richard
Sent: Tuesday, March 20, 2018 3:38 PM
To: Youden, Arlene
Subject: Application # 153494 Town of Witless Bay

Hello Arlene,

Could you please send referral to Tourism on this one

Thanks
Rick

Rick Byrne
Land Management Officer
Lands Branch
Department of Fisheries & Land Resources
Howley Building, Higgins Line, St.John's, NL
P.O. Box 8700, A1B 4J6
Telephone: 709-729-3233
Email: richardbyrne@gov.nl.ca
DECEMBER 17, 2018

TOWN OF WITNESS BAY
P.O. Box 130
Witless Bay, NL
A0A 4K0

Dear Sir/Madam:

RE: APPLICATION NO.: 153494
TYPE: Grant
PURPOSE: Section 9
LOCATION: Witless Bay

Enclosed are duplicate draft Grant documents which must be signed and dated by the authorized signing officer(s) in the spaces provided for Grantee, and the Company Seal affixed in the presence of a witness, who will sign in the spaces provided for Witness, to the left of your signature. The date on which you sign the documents must be written by you in the space provided above the witness’s signature.

Both signed and dated documents must be returned to this Department together with your grant fee of $1.00 (plus HST) and the document preparation fee of $300.00. Your certified cheque or money order should be made payable to the Newfoundland Exchequer Account. Should you choose to make payment by personal cheque, there will be a delay of forty (40) days in the issuance of your documents. Should you choose to make payment by cash, credit card or debit card, or wish to hand deliver both signed and dated documents, please visit your nearest Regional Lands Office. A pre-addressed return envelope is included for your convenience. These are legal documents and must not be defaced or altered in any way.

Failure to return both documents and monies owed within ninety (90) days of the date on which you receive this letter will result in the cancellation of your application. Cancellation of your application will result in the market value of the land being reassessed should you choose to reapply. This assessment may result in an increased land value.

A copy of the Grant will be issued to you upon registration in the Registry of Crown Titles.

Should you require further information, please contact this office.

MONIQUE BARRETT
Lands Officer I

Enclosures
NOV 14 2018

Dear [Name],

I write in response to your email concerning obstructions at the end of Mullowney’s Lane in the Town of Witless Bay. As you know, this issue has been reviewed previously by the Crown, and the permanent marking of right of way boundaries is not a responsibility of this Department.

The Town of Witless Bay may deal with this issue through the framework of municipal governance. Structures, such as fence posts, erected within a town would require permits and would be placed on private property. The Town has the ability to issue removal orders for structures not placed where approved. I suggest that you follow up with the Town to explore options.

If you have any further questions concerning this matter, please contact Mr. Steve Barnable, Manager of Eastern Region Lands, at stevebarnable@gov.nl.ca or via phone at 1-833-891-3249.

Sincerely,

HONOURABLE GERRY BYRNE, MHA
District of Corner Brook
Minister

c. Mr. Keith Deering, Assistant Deputy Minister, Agriculture and Lands
   Mr. Steve Barnable, Manager of Eastern Region Lands
   Ms. Danielle Somerton, Manager of Legislation, Municipal Affairs and Environment
Sec 40(1)

Ms. Maureen Murphy
Deputy Mayor
Town of Witless Bay

Dear Deputy Mayor Murphy:

I write in response to your email concerning approval for Crown Lands Application #153494 regarding a turnaround on Mullowney's Lane in the Town of Witless Bay.

Please be advised that this application has been approved, and a notification letter of that approval was sent to the Town in early September. In addition, I understand that a survey authorization has already been issued to the Town's surveyor in order for them to complete their work.

If you have any further questions concerning this matter, please feel free to contact Ms. Tara Morgan, Director of Crown Lands, at taramorgan@gov.nl.ca or via phone at (709) 637-2093.

Sincerely,

HONOURABLE GERRY BYRNE, MHA
District of Conner Brook
Minister

c. Mr. Keith Deering, Assistant Deputy Minister, Agriculture and Lands
Ms. Tara Morgan, Director, Crown Lands
Hi Pam...

For your info...please find attached copy of response letter to the Mullowneys Lane Landowners...

Valerie

Andrew Parsons, Q.C.
MHA Burgeo-L'Arche/Minister of Justice & Attorney General

From: [Email]@bellaliant.net
Sent: Thursday, May 24, 2018 12:10 PM
To: Byrne, Gerry <GerryByrne@gov.nl.ca>; Parsons, Andrew <AndrewParsons@gov.nl.ca>
Cc: edjoyce@gov.nl.ca
Subject: Solution for a Serious Situation in Witless Bay

Dear Minister Byrne and Minister Parsons

It has come to our attention that [Redacted] and [Redacted], as Friends of Ragged Beach, are once again lobbying government officials to block development in the Ragged Beach/Mullowneys Lane area of Witless Bay using false and misleading information. The majority of people in the Town, the Town Council and the ECT are in favor of a turn around and parking lot for the area to be accessed from the existing ROW off Mullowneys Lane. The efforts of these opponents of any development in the area has led to a serious and dangerous situation. This past winter a vehicle went over an embankment at the end of Gallows Cove Road onto the beach and this past weekend cars were in the ditch trying to maneuver at the end of the road, which currently serves as the ECT parking lot. For many drivers stuck in that area, the only way out was to back up the road amidst walkers and hikers. In addition, a search and rescue operation last Winter, necessitated the closing off of the end of Gallows Cove Road with large equipment backing up into Mullowneys Lane to turn around as there is no turn around at either road end. There is a proposal at Crown Lands from the Town for a turn around and parking off the existing ROW at the end of Mullowneys Lane, which would ease the congestion in the area and provide safe entry and access to the ECT and for people living in the area. The development of this turn around and parking area would also allow use of the public right of way for 4 wheelers that currently cross the beach and use the ECT to access the back lands, destroying the natural habitat.

The opposition to the Town's plan is irrational. It seems that there are Crown lands officials who favor [Redacted] and [Redacted] position and oppose the Town's plan, citing difficulties with the narrow width of the ROW. The fact the right of way is narrow at one point is true, but it is the same width as parts of Mullowneys Lane and many of the roads in the
Town. Also, it does not require the expropriation of private property; while to widen Gallows Cove Road would require expropriation. The Town has proposed a win win win solution for the public, the East Coast trail and private landowners and makes the best of a difficult situation. To do nothing is continuing a dangerous situation that will be made worse with the influx of tourists this summer season. We implore the department of Land Resources and the Department of Municipal Affairs to work with the Town to develop the turn around and the parking lot for the area.

Sincerely,
Mullowneys Lane Landowners:

Sec 40(1)
Mullowneys Lane Landowners

Dear Mullowneys Lane Landowners:

Re: Development of Parking Lot in the Mullowneys Lane Area

I am writing in response to your e-mail dated May 24, 2018, in which you express concerns regarding individuals in the Town of Witless Bay lobbying government officials regarding a development in the Ragged Beach/Mullowneys Lane area of the Town of Witless Bay.

The Government of Newfoundland and Labrador provides significant support to municipalities in this province through a number of funding and service delivery programs. In addition to this support, legislation is provided enabling municipalities to deliver various services to their residents.

While the Department of Municipal Affairs and Environment is involved with municipalities through this support, legislation does not permit the Department to be directly involved with the delivery of these services, such as the development of roadways. The responsibility for deciding to develop certain roadways is an operational decision of the municipality. I encourage you to discuss your concerns with town officials at the council office.

While I appreciate the concerns you have raised, at this time there is no authority for the Department of Municipal Affairs and Environment to intervene in these matters. Please note, if you have concerns with Crown Lands, you may wish to contact officials with the Department of Fisheries and Land Resources and the Eastern Regional Lands Office in St. John’s toll free at 1-833-891-3249.

Sincerely,

ANDREW PARSONS, QC
Minister of Municipal Affairs and Environment

cc: Hon. Gerry Byrne, Minister of Fisheries and Land Resources
Gary,

Please see attached email from Town of Witless Bay indicating the dimensions we requested on their site plan. Specifically the width of ROW (15m) and buffer distance(6m) between [redacted] property and proposed parking lot.

Rick Byrne
Land Management Officer
Lands Branch
Department of Fisheries & Land Resources
Howley Building, Higgins Line, St.John’s, NL
P.O. Box 8700, A1B 4J6
Telephone: 709-729-3233
Email: richardbyrne@gov.nl.ca
Good morning Rick,

Please see the attached. The information you requested is highlighted. Thank you.

Geraldine

Good day Geraldine,

We are in the process of finalizing this application. Before we do, there are a couple of dimensions that we wish verified.

We want to know the width of the ROW Indicated and the width between [name redacted] property and parking lot. I have also indicated these required widths on the attached site plan which was submitted by the Town with the application.

With regard to the ROW width, attached is a survey for [name redacted] property located south of this indicating ROW to be 20 meters wide.

Any questions please let me know

Thanks
Rick

Rick Byrne
Land Management Officer
Lands Branch
Department of Fisheries & Land Resources
Howley Building, Higgins Line, St.John’s, NL
P.O. Box 8700, A1B 4J6
Telephone: 709-729-3233
Email: richardbyrne@gov.nl.ca

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

From: Byrne, Richard
Sent: Thursday, September 13, 2018 9:04 AM
To: 'Town of Witless Bay'
Subject: RE: Crown lands Application # 153494 Parking lot/turn around Mullowney's Lane

Thanks Geraldine

From: Town of Witless Bay [mailto:townofwitlessbay@nl.rogers.com]
Sent: Thursday, September 13, 2018 8:42 AM
To: Byrne, Richard
Subject: RE: Crown lands Application # 153494 Parking lot/turn around Mullowney's Lane

Good morning Rick,

Please see the attached. The information you requested is highlighted. Thank you.

Geraldine

From: Byrne, Richard [mailto:RichardByrne@gov.nl.ca]
Sent: Monday, September 10, 2018 10:52 AM
To: Town of Witless Bay (townofwitlessbay@nl.rogers.com)
Subject: Crown lands Application # 153494 Parking lot/turn around Mullowney's Lane

Good day Geraldine,

We are in the process of finalizing this application. Before we do, there are a couple of dimensions that we wish verified. [Sec 40(1)]

We want to know the width of the ROW indicated and the width between property and parking lot. I have also indicated these required widths on the attached site plan which was submitted by the Town with the application.

With regard to the ROW width, attached is a survey for property located south of this indicating ROW to be 20 meters wide. [Sec 40(1)]

Any questions please let me know

Thanks
Rick

Rick Byrne
Land Management Officer
Lands Branch
Department of Fisheries & Land Resources
Howley Building, Higgins Line, St.John’s, NL
P.O. Box 8700, A1B 4J6
Telephone: 709-729-3233
Email: richardbyrne@gov.nl.ca
Good morning Rick,

Please see the attached. The information you requested is highlighted. Thank you.

Geraldine

From: Byrne, Richard [mailto:RichardByrne@gov.nl.ca]
Sent: Monday, September 10, 2018 10:52 AM
To: Town of Witless Bay (townofwitlessbay@nl.rogers.com)
Subject: Crown lands Application # 153494 Parking lot/turn around Mullowney's Lane

Good day Geraldine,

We are in the process of finalizing this application. Before we do, there are a couple of dimensions that we wish verified.

We want to know the width of the ROW indicated and the width between property and parking lot. I have also indicated these required widths on the attached site plan which was submitted by the Town with the application.

With regard to the ROW width, attached is a survey for property located south of this indicating ROW to be 20 meters wide.

Any questions please let me know

Thanks
Rick

Rick Byrne
Land Management Officer
Lands Branch
Department of Fisheries & Land Resources
Howley Building, Higgins Line, St. John’s, NL
P.O. Box 8700, A1B 416
Telephone: 709-729-3233
Email: richardbyrne@gov.nl.ca

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

I was just speaking with Rick regarding this file and we are requesting some further information regarding measurements in order to complete the letter. If this information is received today, the approval may be completed today. If you have any further questions Rick is available to speak to at 729-3233.

Hope this helps!

Best regards,

Rachel

-----Original Message-----
From: [Redacted]@bellaliant.com>
Sent: Wednesday, September 5, 2018 12:33 PM
To: Penny, Rachel <RachelPenny@gov.nl.ca>
Subject:

Hi Rachel
This is [Redacted] for the town of Witless Bay I spoke to u on Thursday about Application 153494 you said it's was in the Q can u give a further up date before your next meeting.
Debbie for TRIM please add to previous email

-----Original Message-----
From: Grace, Tony
Sent: Friday, September 7, 2018 9:26 AM
To: Hunt, Pam <PamHunt@gov.nl.ca>
Subject: FW: App # 153494 re Turnaround - Mullowney's Lane

-----Original Message-----
From: Maureen Murphy <maureenmurphy@hotmail.com>
Sent: Monday, September 3, 2018 10:55 PM
To: Byrne, Gerry <GerryByrne@gov.nl.ca>; Deering, Keith <keithdeering@gov.nl.ca>; Grace, Tony <TonyGrace@gov.nl.ca>; Hutchings, Keith <keithhutchings@gov.nl.ca>; Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: townofwitlessbay@nl.rogers.com; disputed@hotmail.com; dooley@gmail.com; bellaliant.com; bellaliant@hotmail.com; bellaliant@yahoo.com; bellaliant@outlook.com
Subject: App # 153494 re Turnaround - Mullowney’s Lane

Honourable Gerry Byrne
Minister
Dept Fisheries and Land Resources
Confederation Building
St. John’s, NL
A1B 4J6

Dear Minister Byrne,

I am writing you in regard to Crown Land Application # 153494, Mullowney’s Lane, Witless Bay. On Feb 20, 2018 the Town of Witless Bay sent you a letter referencing the safety concerns and the need for turn arounds within our Town. We now understand that the referrals are back and there are no objections to our application. The Town of Witless Bay is requesting confirmation of this approval as soon as possible so the Town can proceed to the have the necessary work carried out on this project.

Sincerely yours,

Maureen Murphy,
Deputy Mayor
Town of Witless Bay
Sept 7, 2018

TOWN OF WITNESS BAY
P. O. Box 130
Witless Bay NL
A0A 4K0

Dear Sir/Madam:

RE: APPLICATION NO.: 153494
TYPE: Grant
PURPOSE: Parking Lot
LOCATION: Witless Bay
CONSIDERATION: $1.00 (plus HST)

Your application for a Crown Grant has been approved as per the location on the attached map and subject to the attached conditions.

The Grant consideration for the site is $1.00 (plus HST). A fee of three hundred dollars $300.00 will be required for the cost of preparing and registering the title documents. Please do not remit any monies until requested to do so.

You must have the land surveyed by a registered member of the Association of Newfoundland Land Surveyors. A list of registered surveyors is available from the Regional Lands Office. The land survey must not exceed an area of 0.09 hectare(s) with a width not to exceed 30 metre(s). The land survey must be received by this Office on or before Sept 7, 2019, or your application will be considered cancelled by you in accordance with Section 10 of the Lands Act 1991, as amended and Departmental Policy.

Once cancelled, you must wait thirty (30) days before you can reapply for the same site and during this thirty (30) day period applications may be accepted from other interested individuals. The Department will not be responsible for any costs incurred for a land survey should the site be determined unsuitable.
The land is not to be occupied until you receive a fully executed title document. Also it has been noted on your site plan that accompanied your application the width of the public right of way located between the private properties of [Redacted] and [Redacted] varies from 3.97 meters to 4.89 meters. The approval of this application by the Crown lands Branch can not guarantee the widths as indicated on the site plan are suffice for public traffic. The onus is on the Town of Witless Bay to ensure the widths indicated are wide enough for access and egress to the proposed parking lot.

Should you require any further information concerning this approval, please contact the Regional Lands Office at the address listed below.

Yours truly,

[Signature]

REGIONAL LANDS MANAGER
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippservice@gov.nl.ca.
LIST OF REFERRAL CONDITIONS

Government Service Centre
1. All conditions as stated on your APPLICATION ACKNOWLEDGEMENT FORM dated March 20, 2018, from Service NL, Operations Division must be strictly followed.

Forestry Division
1. You must contact the Paddy's Pond Forestry Office concerning the cutting, clearing, burning and operation permits required for the timber located on site.

Water Resources Management Division
1. All information on the attached "WATER RIGHTS, INVESTIGATIONS AND MODELLING SECTION RESPONSE" form dated March 20, 2018, issued by the Water Resources Management Division of the Environment Branch must be strictly followed.

Hard copies of brochures indicated by web links are available from the agencies indicated
March 20, 2018

Lands Branch, Eastern Regional Lands Office
Dept. of Fisheries and Land Resources
P.O. Box 8700
Howley Building, Higgins Line
St. John’s, NL A1B 4J6

Application No.: 153494
File Reference No.: 1012792
Applicant: Town of Witless Bay
Use: Parking Lot
Location: Witless Bay

☐ Service NL (Government Service Centre) has no objections to this proposal provided the following stipulations are adhered to:

General
1. The extent of land clearing and grubbing should be restricted such that naturally vegetated buffers between the site and surrounding properties and thoroughfares are maintained.
2. Any existing tree screen concealing the operation from public view is to be maintained.
3. Access to the site must be approved by Department of Transportation and Works.
4. If at any time this operation is deemed to be creating environmental problems, corrective action will have to be taken by the owner/operator, as directed by Service NL and/or the Department of Municipal Affairs and Environment.

Waste
1. All waste material shall be considered, prior to disposal, for reuse, resale or recycling.
2. All waste material generated during the construction and operation of the facility is to be placed in suitable refuse containers and removed to an approved waste disposal site on a weekly basis, with the approval of Service NL and the site owner/operator.
3. Derelict vehicles, scrapped equipment and other debris are not to be stored on site. Such material is to be removed to an approved waste disposal site or scrap yard on a regular basis, with the approval of the site owner/operator.
4. The site is to be kept neat and tidy at all times.
5. Any cut brush should be chopped and shredded, and may be burnt on-site with the approval of the Forestry and Agrihoods Agency or removed to an approved waste disposal site with the approval of the owner/operator of the waste disposal site.
6. Tires and used or waste oil is not to be used or to be used in the burning of brush.
7. Upon closure of the operation, the site must be rehabilitated to the satisfaction of the Department. All material, equipment, buildings and waste is to be removed from the site and disposed of in accordance with Part IV of the Environmental Protection Act.

Gasoline and Associated Products
1. All fuel storage tank systems, other than those connected to a heating appliance of capacity of 2,500 litres or less, and any proposed fuel cache will require approval by Service NL prior to installation.
2. All fuel storage tank system installations other than those connected to a heating appliance of a capacity of 2,500 litres or less are subject to the Storage and Handling of Gasoline and Associated Products Regulations and will require approval by Service NL prior to installation.

Continued.....
3. Storage of Used Oil must be in compliance with the Used Oil Control Regulations.

4. The storage, handling and disposal of used and or waste oil must be in compliance with the Used Oil Control Regulations.

5. In order to ensure that a quick and effective response to a spill event is possible, spill response equipment should be readily available on-site. Response equipment, such as absorbents and open-ended barrels for collection of cleanup debris, should be stored in an accessible location on-site. Personnel working on the project should be knowledgeable about response procedures. The proponent should consider developing a contingency plan specific to the proposed undertaking to enable a quick and effective response to a spill event.

6. Any spill or leak of gasoline or associated product is to be reported immediately to Service NL by calling the Environmental Emergencies Telephone Line at 772-2063 or 1-800-563-9699.

Regards,

[Signature]

Chris Parsons, B.Sc., ADSA, MTM
Environmental Protection Officer
Water Rights, Investigations, and Modelling Section Response

Application or Permit No.: 153494

File No.: 

Applicant/Proposed Work: Town of Witless Bay / Parking Lot

Recommendation:

☐ Approved
☐ Approval (Conditional)
☐ Rejection

Reason:

Under the authority of the Water Resources Act, SNL2002 cW-4.01 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm, the Water Resources Management Division (WRMD) http://www.mae.gov.nl.ca/waterres/ is responsible for the management of water resources of the province of Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province.

Application forms for permits and licences, fee schedules, and guidelines are available at: http://www.mae.gov.nl.ca/waterres/regulations/appforms/index.html

Conditions

☐ The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm for any work in any body of water (including wetland) prior to the start of construction.

☐ Any effluent or runoff leaving the site will be required to conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003 http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm.

☐ Flood Risk Area

The proposed work is within a designated flood risk area. The proponent must apply for and obtain a permit under of the Water Resources Act, 2002, specifically Section 48 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm for any work within this designated
flood risk area prior to the start of construction. Also, any work within this designated flood risk area must comply with this Department's Policy for Flood Plain Management: http://www.env.gov.nl.ca/env/waterres/regulations/policies/flood_plain.html.

☐ Non-Domestic Water Use for Any Purpose
Prior to the start of construction, the proponent must apply for and obtain a water use licence under the Water Resources Act, 2002 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm for the use of water from any water source for any purpose. This must be stated for all non-domestic uses with an existing, new or planned water use from any water source.

☐ Wharf/Boathouse/Slipway/Breakwater
A permit under the Water Resources Act, 2002, specifically Section 48 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm is no longer required for the applied structures. However, the proponent must follow the guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses which are available at: http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines_for_Wharves.pdf
The proponent must apply for and obtain a permit under of the Water Resources Act, 2002, specifically Section 48 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm for any infilling or dredging work associated with these structures or other works in any body of water prior to the start of construction.

☐ Development in Shore Water Zones
The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm for any work in Shore Water Zones prior to the start of construction. Also, any work in the Shore Water Zones must comply with this Department's Policy for Development in Shore Water Zones: http://www.mae.gov.nl.ca/waterres/regulations/policies/shore_water.html.

☐ Infilling within 15 metres of Bodies of Water
The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm for any infilling work within fifteen (15) metres of a body of water prior to the start of infilling. Also, any proposed infilling within fifteen (15) metres of a body of water must comply with this Department's Policy for Infilling Bodies of water: http://www.mae.gov.nl.ca/waterres/regulations/policies/bodies_of_water.html

Contact: Manager, Water Rights, Investigations and Modelling Section - (709) 729-2295,
waterinvestigations@gov.nl.ca

Date of Response:
March 20, 2018
Strowbridge, Kerry

From: Barnable, Steve
Sent: Thursday, September 6, 2018 1:39 PM
To: Morgan, Tara
Cc: Norman, Frank
Subject: FW: App # 153494 re Turnaround - Mullowney's Lane

Tara, received this while off. Just an FYI.

Steve Barnable
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726

-----Original Message-----
From: Maureen Murphy <Maureen.Murphy@hotmail.com>
Sent: Monday, September 3, 2018 10:55 PM
To: Byrne, Gerry <Gerry.Byrne@gov.nl.ca>; Deering, Keith <keith.deering@gov.nl.ca>; Grace, Tony <Tony.Grace@gov.nl.ca>; Hutchings, Keith <keith.hutchings@gov.nl.ca>; Barnable, Steve <steve.barnable@gov.nl.ca>
Cc: townofwitlessbay@nl.rogers.com; A----@hotmail.com; B----@gmail.com; C----@bellaliant.com;
D----@hotmail.com; E----@yahoo.com; F----@outlook.com
Subject: App # 153494 re Turnaround - Mullowney’s Lane

Honourable Gerry Byrne
Minister
Dept Fisheries and Land Resources
Confederation Building
St. John’s, Nl
A1B 4J6

Dear Minister Byrne,

I am writing you in regard to Crown Land Application # 153494, Mullowney’s Lane, Witless Bay. On Feb 20, 2018 the Town of Witless Bay sent you a letter referencing the safety concerns and the need for turn arounds within our Town. We now understand that the referrals are back and there are no objections to our application. The Town of Witless Bay is requesting confirmation of this approval as soon as possible so the Town can proceed to the have the necessary work carried out on this project.

Sincerely yours,

Maureen Murphy,
Deputy Mayor
Town of Witless Bay

Sent from my iPad
Tara, just put together my thoughts on the matter:

- With respect to your question of repeat offenders, we have not to my knowledge had a similar situation. Particularly, where someone just sticks rough spruce posts in the ground repeatedly, slightly off their property boundary. As noted in an earlier email to [redacted] (attached), I have consistently been against any action as I feel that this is a municipal matter and the Crown has given them “governance” as outlined in the *Municipalities Act, Urban and Rural Planning Act* and it is also implicit in their regulations. For the Crown to be taking action would be an intrusion, in my opinion.

- A permit was issued to [redacted] by the Town in relation to the fencing on the north side of the road (See Frank Norman’s notes below.) Complaints were also received regarding fencing work along the south side (the [redacted] property. Also, see Frank Norman’s notes below.)

- The Town has applied for a turnaround for heavy equipment, buses and safety vehicles, as well as being needed for auxiliary parking for the Ragged Beach further along the path. It is likely that significant road widening would be needed as the cart path is quite narrow along its length and is bordered at these points by private land. The application is now at RLC. It is obvious from this application that the Town is assuming responsibility for the road and they are empowered to do so by the *Municipalities Act*.

- Permanent marking of right of way boundaries has never been done by the Crown, although it is implicit in a Town’s implementation of roads (i.e. termination points may be demarcated by either sidewalk, curb, paved surfaces, ditching, etc.)

- [redacted] should be directed to contact the Town and advised that the Crown has no interest in this matter.

Notes compiled by Frank Norman:

**Notes on Obstructions on Crown Land ROW at end of Mullowney’s Lane**

- [redacted] notified Crown Lands in September 2016 that someone was fencing land and had put a fence post in the public right-of-way.
- Crown Lands staff, one of whom was a Newfoundland Licensed Surveyor, visited the site on October 20, 2016 and collected positional data on the fence.
- A removal notice was posted for the portion of the fence that was on Crown land on November 2, 2016.
- On January 6, 2017 five fence posts were removed to eliminate the obstruction of the right-of-way. A “Private Property No Trespassing” signpost was also seen in the right-of-way. A removal notice was affixed to this post.
Another person informed Crown Lands on June 1, 2017 that a second individual was erecting fence posts in the public right-of-way.

The Town of Witless Bay received a complaint on June 3, 2017 concerning the same obstruction (fence) on the right-of-way.

The signpost was removed on June 21, 2017. Most of the fence posts from the more recent fence had already been removed. Of the three remaining fence posts, only one was on the right-of-way. This post was also removed.

---

**Steve Barnable**
*Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726*

**From:** Morgan, Tara  
**Sent:** Friday, August 31, 2018 8:10 AM  
**To:** Barnable, Steve <stevebarnable@gov.nl.ca>; Norman, Frank <franknorman@gov.nl.ca>  
**Subject:** COR/2018/02819

Good Morning, We need drafting notes for this email. Can we direct them back to the Town? I realize that we cannot deal with everything he notes in the email below but how do we handle repeat and repeat offenders placing structures on Crown Lands?

All Debbie is looking for are some bullets regarding the issue so that she can draft the note. You can put them right in the notes section of COR/2018/02819 or email them directly to me.

This one is a little overdue (totally my fault) – so if you could look at it early next week that would be great.

Thanks

Tara

---

**Tara Morgan**  
*Director (A), Crown Lands Division*
*Department of Fisheries and Land Resources*

*Tel: (709) 637-2093 Fax: (709) 637-2004*
From: Hunt, Pam
Sent: Tuesday, August 7, 2018 11:17 AM
To: [Redacted]@gmail.com, [Redacted]@gmail.com
Subject: FW: HPRM: Fwd: Obstructions on crown land right away again.

Good Morning [Redacted]

On behalf of the Honourable Gerry Byrne, Minister of Fisheries and Lands Resources, I would like to acknowledge your email.

Please be assured that your correspondence has been noted for review.

Regards,
Pam

Pam Hunt
Secretary to Minister
Department of Fisheries and Land Resources
Petten Building, 30 Strawberry Marsh Road
Telephone: (709) 729-3705
Fax: (709) 729-0360
e-mail: pamhunt@gov.nl.ca

From: [Redacted]@gmail.com
Date: August 6, 2018 at 3:28:15 PM NDT
To: <stevebarnable@gov.nl.ca>, <tonygrace@gov.nl.ca>, <gerrybyrne@gov.nl.ca>,
<andrewparsons@gov.nl.ca>, <townofwitlessbay@nl.rogers.com>
Subject: Obstructions on crown land right away again.

Once more obstructions have been created on the Crown land right of way at end of Mullowneys Lane in the town of Witless bay. Posts have been erected the end point of private property forcing the public to squeeze between to access public row. These posts are intimidating and serve as a deterrent preventing public access. There are other posts erected along the ROW contravening the Lands act. This is an ongoing issue with the right of way.

We are requesting removal of these obstructions and permanent marking of this ROW to prevent further encroachment.

Thank you
Tara, I am getting back to Danielle on this one and have put together some thoughts on the matter. Just thought I should run it by you before sending.

Danielle, we did some work on this one a while back and sent out surveyors to determine property boundaries and to get coordinates of the posts. Those determined to be outside of the boundary were subsequently removed. I do not believe that the Lands Branch should continue to be involved in this matter.

I had advised against it and would do so again for a number of reasons:

- It is an exercise in futility as it was merely a mathematical geospatial assessment to begin with. The Lands Branch has never and will never erect permanent structures to delineate trails. There, no doubt, would be many reasons against undertaking such a ludicrous activity, ranging from public safety to compromising private lands, to the obvious logistics of scale.

- 

- I would suggest that [redacted] make the Town aware of this matter. This is entirely a piece to be dealt with through the framework of municipal governance. Structures (in this case fence posts) erected within a Town would require permits and would be placed on private property. If they are not on private property and in accordance with permitting, then I would suggest that the Town may remove them within the framework of their authorities. I would suggest that they review legislation, by-laws, etc. that pertain and that they engage their private land surveyor to ensure that they are not intruding on private property.

- As this is a municipal matter, requiring the services of private land survey companies, it would be improper for Government to be seen to be undertaking this work.

- It is also noteworthy that the Town has applied for a turnaround for snowplows, buses, rescue vehicles and general parking further down this lane and hence, by extension would be incorporating it into their inventory of roads in accordance with the Municipalities Act.

---

**Steve Barnable**  
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726
From: Somerton, Danielle  
Sent: Tuesday, August 21, 2018 10:56 AM  
To: Barnable, Steve <stevebarnable@gov.nl.ca>  
Subject: FW: Obstructions on crown land right away again.

Hi Steve- would you give me a shout on this so that we can coordinate a response? Thanks!

Danielle Somerton  
Manager of Legislation  
Municipal Affairs and Environment  
729-6528

From: Parsons, Andrew  
Sent: Monday, August 06, 2018 4:05 PM  
To: Chippett, Jamie; Simms, Randy; Glynn, Valerie  
Subject: Fwd: Obstructions on crown land right away again.

Sent from my iPhone

Begin forwarded message:

From: [Redacted] @gmail.com  
Date: August 6, 2018 at 3:28:15 PM NDT  
To: <stevebarnable@gov.nl.ca>, <tonygrace@gov.nl.ca>, <gerrymburne@gov.nl.ca>, <andrewparsons@gov.nl.ca>, <townofwitlessbay@nl.rogers.com>  
Subject: Obstructions on crown land right away again.

Once more obstructions have been created on the Crown land right of way at end of Mullowneys Lane in the town of Witless Bay. Posts have been erected the end point of private property forcing the public to squeeze between to access public row. These posts are intimidating and serve as a deterrent preventing public access. There are other posts erected along the ROW contravening the Lands act. This is an ongoing issue with the right of way.  
We are requesting removal of these obstructions and permanent marking of this ROW to prevent further encroachment.

Thank you

[Redacted]
Recommendation:
Approval. Subject site located in a residential zone. Two purposes for land outlined in application: parking for trail users and turn around for town vehicles. In the residential zone, recreation open space is a discretionary use. Parking for trail users would be included in this use class. Section 55 allows land in all zones to be used for public services.

Elaine Mitchell, MCIP
Planner III, Local Governance and Planning
Department of Municipal Affairs and Environment
709-729-4970 (t) 709-729-3923 (f)
elainemitchell@gov.nl.ca

Carol Hanlon
Local Governance and Land Use Planning Division
Department of Municipal Affairs and Environment
phone: (709) 729-3090
fax: (709) 729-4475
email: carolhanlon@gov.nl.ca

Sorry but we cannot seem to find your original referral so if you could please resend it that would be great..

Thank you so much.

Our recommendation has already been sent back on this application.

Carol Hanlon
Local Governance and Land Use Planning Division
From: Lands Office, Eastern  
Sent: Wednesday, July 18, 2018 12:38 PM  
To: Duffett, Ian; Hanlon, Carol  
Subject: Additional info - Crown Land application 153494 Town of Witless Bay

Good day,

Please find attached additional info to accompany the referral package previously sent for Crown Land application 153494 – Town of Witless Bay.

Please note the available width of the public right of way leading to this parking lot as indicated by the measurements on the drawing.

If more time is required for comments please inform the office by responding to this message.

Thank you and have a wonderful day.
Strowbridge, Kerry

From: Nickerson, Jeffrey
Sent: Thursday, August 23, 2018 3:40 PM
To: MacGowan, Gordon
Subject: RE: Witless Bay Questions

I believe it was Carol Ann Gillard. Not sure on spelling. Strategic Tourism Product Devel. Div.

From: MacGowan, Gordon
Sent: Thursday, August 23, 2018 3:25 PM
To: Nickerson, Jeffrey
Cc: Barnable, Steve
Subject: RE: Witless Bay Questions

Do you have the contact in Tourism for the referral?

From: Nickerson, Jeffrey
Sent: Thursday, August 23, 2018 3:16 PM
To: MacGowan, Gordon
Cc: Barnable, Steve
Subject: RE: Witless Bay Questions

We are well past 21 days, but we will not move forward without Land Use Planning comments. A parking lot is not mentioned in the permitted or discretionary uses for the Town’s zoning for that area and a final determination will likely be dependent on their comments.

From: MacGowan, Gordon
Sent: Thursday, August 23, 2018 3:10 PM
To: Nickerson, Jeffrey
Cc: Barnable, Steve
Subject: RE: Witless Bay Questions

Are we within the 21 day turnaround for referrals?

From: Nickerson, Jeffrey
Sent: Thursday, August 23, 2018 3:02 PM
To: MacGowan, Gordon
Cc: Barnable, Steve
Subject: RE: Witless Bay Questions

This is application #153494, we are still waiting on referral comments from the 2 Departments you mentioned. This application is actually for a 30m x 30m parking lot and they are requesting a section 9 (free) grant.

From: MacGowan, Gordon
Sent: Thursday, August 23, 2018 2:43 PM
To: Nickerson, Jeffrey
Cc: Barnable, Steve
Subject: FW: Witless Bay Questions

Hi Jeff,
Can you pls look into this for me?

Thanks,

Gord

---

From: Simms, Randy  
Sent: Thursday, August 23, 2018 12:41 PM  
To: MacGowan, Gordon  
Subject: Witless Bay Questions

Hi Gord,

Apparently several months ago The Town of Witless Bay put in a request to access some crown land in their town for the purposes of establishing a traffic turn-around area off Maloney’s Lane. A number of land owners and residents are wondering where the matter now lies. Can you follow-up and find out where things are on this turn-around? I have been given to understand that Crown Lands have not finished with it because they are waiting on reference commentary from the Department of Tourism and the Department of Municipal Affairs. Any info you can provide would be appreciated.

Thanks,

Randy
Good Morning [Redacted]

On behalf of the Honourable Gerry Byrne, Minister of Fisheries and Lands Resources, I would like to acknowledge your email.

Please be assured that your correspondence has been noted for review.

Regards,
Pam

Pam Hunt
Secretary to Minister
Department of Fisheries and Land Resources
Petten Building, 30 Strawberry Marsh Road
Telephone: (709) 729-3705
Fax: (709) 729-0360
e-mail: pamhunt@gov.nl.ca

[Redacted]

From: [Redacted]
Date: August 6, 2018 at 3:28:15 PM NDT
To: <stevebarnable@gov.nl.ca>, <tonygrace@gov.nl.ca>, <gerrybyrne@gov.nl.ca>, <andrewparsons@gov.nl.ca>, <townofwitlessbay@nl.rogers.com>
Subject: Obstructions on crown land right away again.

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We are requesting removal of these obstructions and permanent marking of this ROW to prevent further encroachment.

Thank you.
AUG 0 7 2018

Dear [Redacted]

I write in response to your correspondence concerning the Crown Lands Division's review of applications by the Town of Witless Bay. Thank you for your comments about these applications and other related public comments that may have been submitted to the Crown.

Please be advised that the Crown Lands Division conducts a thorough review of all lands applications and takes into consideration any comments submitted by the public during that review process. Final decisions are made in accordance with existing provincial policy and legislation.

If you have any further comments, I would encourage you to contact Mr. Steve Barnable, Manager, Eastern Regional Lands Office at (709) 729-7367, or by email at stevebarnable@gov.nl.ca.

Sincerely,

HONOURABLE GERRY BYRNE, MHA
District of Conner Brook
Minister

c: Honourable Andrew Parsons, Q.C., Minister
Mr. Keith Deering, Assistant Deputy Minister
Mr. Steve Barnable, Manager, Eastern Regional Lands Office
Strowbridge, Kerry

From: Nickerson, Jeffrey  
Sent: Tuesday, July 24, 2018 9:38 AM  
To: Angelopoulos, John  
Subject: RE: REMINDER FOR CROWN LAND APPLICATION NO. 153494 Town of Witless Bay

No, it is further to the east along the coast (ironically enough lol).

You can see it on our viewer following this link which is zoomed out more than the referral map:


From: Angelopoulos, John  
Sent: Tuesday, July 24, 2018 9:33 AM  
To: Nickerson, Jeffrey  
Subject: FW: REMINDER FOR CROWN LAND APPLICATION NO. 153494 Town of Witless Bay

Hey Jeff,
Does the East Coast Trail intersect at all with this application?
I can't seem to tell.
John

From: Lands Office, Eastern  
Sent: Wednesday, July 18, 2018 12:24 PM  
To: Angelopoulos, John; Gilliard, Carol-Ann  
Subject: REMINDER FOR CROWN LAND APPLICATION NO. 153494 Town of Witless Bay

Good Day,

A crown land referral regarding the above mentioned application was sent to your agency 21 days ago and to date we have not received your response. Please provide a recommendation with comments within 7 days of receipt of this message.

If more time is required please inform the office by responding to this message.

Kind regards

From: Lands Office, Eastern  
Sent: Wednesday, March 21, 2018 11:48 AM  
To: Angelopoulos, John <johnangelopoulos@gov.nl.ca>; Gilliard, Carol-Ann <CarolAnnGilliard@gov.nl.ca>  
Subject: Additional referral for Town of Witless Bay, E-153494

Good Morning/Afternoon,
Please find attached a referral for the above noted applicant. Please complete the attached Referral Agency Letter and return as per the information within the letter. If you have any questions, comments, or concerns please do not hesitate to contact the Eastern Regional Office at 729-2654.

Thank you and have a wonderful day.
Hi Ian,

Here is the info you requested earlier today for application 153494. The attached file "Site Plan with access" is the additional info referenced in today’s earlier email.

Thanks

From: Lands Office, Eastern
Sent: Tuesday, March 6, 2018 2:52 PM
To: Byrne, Richard <RichardByrne@gov.nl.ca>; Devconavalon <devconavalon@gov.nl.ca>; Glode, Jason <jasonglode@gov.nl.ca>; Hanlon, Carol <CarolHanlon@gov.nl.ca>; Referrals_WRMD <Referrals_WRMD@gov.nl.ca>; Drake, Martha <mdrake@gov.nl.ca>; Mercer, Delphina <dhmercer@gov.nl.ca>; [Redacted]<newfoundlandpower.com>; Duffett, Ian <ianDuffett@gov.nl.ca>
Subject: Crown land referral for Town of Witless Bay, E-153494

Sec 40(1)

Good Morning/Afternoon,

Please find attached a referral for the above noted applicant. Please complete the attached Referral Agency Letter and return as per the information within the letter. If you have any questions, comments, or concerns please do not hesitate to contact the Eastern Regional Office at 729-2654.

Thank you and have a wonderful day.
MAR 1, 2018

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: TOWN OF WITNESS BAY
P. O. Box 130
Witless Bay NL
A0A 4K0

Sec 40(1)

Telephone: (H) [Redacted] (O): 7093343407
Application Number: 153494
Application Type: Grant
Purpose: Section 9
Location: Witless Bay
Area (hectares): 0.09
Frontage (metres): 30
Map Number: 01N07
Comments:

REFERRAL AGENCY ONLY

Date: Click here to enter a date.
Department/Agency: Click here to enter text.
Branch/Division: 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.
SCHEDULE OF REFERRAL AGENCIES

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

Teresa Murphy, 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

Municipal Infrastructure & Engineering
Ian Duffet

SUSAN GEORGE, WATER RESOURCES, MGMT DIV.
Dept. of Municipal Affairs & Environment
709-729-2563

Provincial Archaeology Office
Martha Drake
709-729-2462

NL Power

Sec 40(1)
Newfoundland Labrador
Fisheries and Land Resources
APPLICATION FOR CROWN LANDS

FOR DEPARTMENT USE ONLY

APPLICATION NO. 153494 RECEIPT NO. 693636
FILE NO. 1-18192 AMOUNT $172.50 DATE Jan. 17, 2018
DATE REGISTERED Mar. 1, 2018 INDICATED ON PLAN NO.
INITIAL JH TOPO NO. INITIAL A

APPLICANT INFORMATION

<table>
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<tr>
<th>SURNAME</th>
<th>GIVEN NAME</th>
<th>MIDDLE NAME</th>
<th>AGE</th>
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<tbody>
<tr>
<td>Town of Witless Bay</td>
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<td></td>
<td></td>
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MAILING ADDRESS
Po Box 130

CITY/TOWN Witless Bay PROVINCE NL

BUSINESS TELEPHONE 709-334-3407 HOME TELEPHONE

ARE YOU A RESIDENT OF THE PROVINCE OF NEWFOUNDLAND AND LABRADOR? YES NO
ARE YOU AN EMPLOYEE OF THE DEPARTMENT OF FISHERIES AND LAND RESOURCES? YES NO
HAVE YOU, YOUR SPOUSE, OR ANY DEPENDENT CHILDREN EVER APPLIED FOR, OR RECEIVED LAND FROM THE CROWN? YES NO
IF YES, SPECIFY TITLE NO(S): 14 8069 13 8934 13 2866 11 6405

PROPOSED TENURE AND USE

<table>
<thead>
<tr>
<th>TYPE OF APPLICATION</th>
<th>LAND USE</th>
<th>DESCRIPTION</th>
</tr>
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</table>
| LEASE | RESIDENCE | Land will be used as a turn around area for snow clearing and for emergency vehicles if necessary. 
| GRANT | COTTAGE | Parking access for logging
| | AQUACULTURE | 
| | AGRICULTURE | 
| | COMMERCIAL | 
| | OTHER | 

PROPOSED WATER AND SEWAGE FACILITIES (if applicable)

<table>
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<tr>
<th>WELL</th>
<th>SEPTIC</th>
<th>MUNICIPAL WATER</th>
<th>MUNICIPAL SEWER</th>
<th>OTHER</th>
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<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
LAND DESCRIPTION

1. THE LAND IS SITUATED AT
   the end of Muldowney's Lane in Witless Bay
   
   IN THE ELECTORAL DISTRICT OF
   
   Ferryland

2. IS THE LAND APPLIED FOR LOCATED WITHIN MUNICIPAL BOUNDARIES?  
   ☑ YES ☐ NO

3. APPROXIMATE DIMENSIONS OF THE LAND
   
   FRONTAGE 30 metres  DEPTH 30 metres

4. DISTANCE TO CLOSEST WATERBODY 300 metres
   NAME OF WATERBODY (if applicable) Waters of Witless Bay at Ragged Beach

5. IS THE SITE ACCESSIBLE BY ROAD?  
   ☑ YES ☐ NO

   IF NO WILL THE SITE REQUIRE NEW ROAD CONSTRUCTION FOR ACCESS?  
   ☑ YES ☐ NO

   IF YES, WHAT WILL BE THE APPROXIMATE LENGTH OF THE ROAD?  
   30 metres

   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.

6. IS THE SITE PRESENTLY OCCUPIED: FENCES, BUILDINGS, SIGNS, CLEARING, LOCAL UNDERSTANDING?  
   ☑ YES ☐ NO

   IF YES, STATE YEAR OCCUPATION COMMENCED, AREA OCCUPIED AND NAME OF PERSON WHO DEVELOPED OR OCCUPIED THE LAND

   __________________________________________

   __________________________________________

7. ARE YOU AWARE OF ANY EVIDENCE OF PREVIOUS LAND USE, SUCH AS FENCES, BUILDINGS, SIGNS, CLEARING, LOCAL UNDERSTANDING, ETC.?  
   ☑ YES ☐ NO

   IF YES, STATE YEAR OCCUPATION COMMENCED, AREA OCCUPIED AND NAME OF PERSON WHO DEVELOPED OR OCCUPIED THE LAND

   __________________________________________

   __________________________________________

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.

<table>
<thead>
<tr>
<th>BOUNDED ON NORTH BY</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOUNDED ON SOUTH BY</td>
<td>Residential &amp; Conservation</td>
</tr>
<tr>
<td>BOUNDED ON EAST BY</td>
<td>Residential</td>
</tr>
<tr>
<td>BOUNDED ON WEST BY</td>
<td>Residential &amp; Rural</td>
</tr>
</tbody>
</table>

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.
AFFIDAVIT OF APPLICANT (to be read carefully)

I, ____________________________ , do hereby make oath and declare as follows:

(a) The information contained in this application is true and correct to the best of my knowledge and belief.
(b) I have inspected the land applied for and have found no evidence of occupation (with the exception of No. 6 and/or No. 7 on page 2, where applicable).
(c) I am not aware of any adverse claim to the land applied for by any person(s).
(d) I recognize and accept that I am solely responsible for correctly identifying the parcel of land that is the subject of this application.
(e) I fully understand that acceptance of this application by the Department does not give me any rights or privileges in relation to the land under application.
(f) I FULLY UNDERSTAND THAT THE LAND IS NOT TO BE OCCUPIED UNTIL I RECEIVE A FULLY EXECUTED TITLE DOCUMENT.
(g) I FULLY UNDERSTAND THAT UNDER SECTION 14 OF THE LANDS ACT, THE MINISTER OF FISHERIES AND LAND RESOURCES OR THE LIEUTENANT-GOVERNOR IN COUNCIL MAY CANCEL, AMEND OR OTHERWISE DEAL WITH THE GRANT, LEASE, LICENCE OR EASEMENT AT ANY TIME PRIOR TO THE DELIVERY OF A FULLY EXECUTED TITLE DOCUMENT.

Sworn before me
At ______________________
this ______________________ day of ______________________ 20____
__________________________
Official Administering Oath

Applicant's Signature

NOTE: A non-refundable processing fee of ONE HUNDRED AND FIFTY DOLLARS ($150.00 plus H.S.T.) must accompany this application.
This signature, together with the address of the applicant, must appear on the front of the application.
The name and address of the applicant must be made payable to the NEWFOUNDLAND EXCHEQUER ACCOUNT.
My commission expires on Dec 31st, 2016.
**SUMMARY OF AGENCY REFERRALS**

<table>
<thead>
<tr>
<th>Municipal Infrastructure and Engineering</th>
<th>Approved</th>
<th>Refused</th>
<th>Comments Attached</th>
<th>Date Sent</th>
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**Officers Comments:**

__________________________

**Date**

**Lands Management/Lands Officer**

**Recommendation of Regional Office:**

☐ Approved (Complete section below)  ☐ Refused (Give reason)

__________________________

**Date**

**Regional Lands Manager**

This section to be completed by Regional Office when approval is recommended.

Area approved: Frontage: Consideration/Rental: Back/Rental:

☐ Lease ☐ Grant ☐ Licence ☐ Other ☐ Type: 

Cabinet approval required: ☐ Yes ☐ No

Special Instructions to surveyor (if any):

__________________________

**Departmental Decision:**

☐ Approved ☐ Refused ☐ Deferred ☐ To Cabinet

Special Instructions:

__________________________

**Date**

**Authorized Signing Official**
### Special Conditions of Approval:

<table>
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<th>Date</th>
<th>Regional Lands Manager</th>
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### Special Title Conditions:

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<th>Date</th>
<th>Regional Lands Manager</th>
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Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
February 21, 2018

Honourable Gerry Byrne, Minister
Fisheries & Land Resources
Petten Building
30 Strawberry Marsh Road
P.O. Box 8700
St. John's, NL A1B 4J6

Dear Honourable Minister Byrne:

The Town of Witless Bay is currently working to improve the Town's infrastructure, and addressing several safety issues within our Town, namely all dead-end streets and public Rights-of Way. Narrow roads often pose safety issues and can cause dangerous situations.

One of our biggest safety issues is the need for turnarounds, and the Town has applied for two parcels of Crown Land (Irishtown Road and Mullowney's Lane). The Town will also be submitting more applications for Crown Land as need be in regard to turnarounds once they have been identified. The following are the underlining reasons these turnarounds are so desperately needed within our Town:

- Emergency Services
- Snow Clearing
- School bus runs
- Coast effectiveness
- Traffic in general

The Town also applied for a third parcel of land off the Southern Shore Highway which will house a new future regional fire station.

Thanking you in advance for your consideration and assistance in this matter.

Sincerely,

[Signature]

Witless Bay Council

cc. Honourable Eddie Joyce, Minister of Municipal Affairs & Environment

Keith Hutchings, MHA
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
From: Lands Office, Eastern
Sent: Wednesday, July 18, 2018 12:24 PM
To: Angelopoulos, John; Gilliard, Carol-Ann
Subject: REMINDER FOR CROWN LAND APPLICATION NO. 153494 Town of Witless Bay
Attachments: 153494 referral Letter.docx; 153494 Crown Land Application Town of Witless Bay.pdf; 153494 Map 2500.pdf; 153494 Map 50000.pdf; 153494 Letter (Send with Referrals).pdf; 153494 Site Plan with access.pdf

Attachment provided previously

Good Day,

A crown land referral regarding the above mentioned application was sent to your agency 21 days ago and to date we have not received your response. Please provide a recommendation with comments within 7 days of receipt of this message.

If more time is required please inform the office by responding to this message.

Kind regards

From: Lands Office, Eastern
Sent: Wednesday, March 21, 2018 11:48 AM
To: Angelopoulos, John <johnangelopoulos@gov.nl.ca>; Gilliard, Carol-Ann <CarolAnnGilliard@gov.nl.ca>
Subject: Additional referral for Town of Witless Bay, E-153494

Good Morning/Afternoon,

Please find attached a referral for the above noted applicant. Please complete the attached Referral Agency Letter and return as per the information within the letter. If you have any questions, comments, or concerns please do not hesitate to contact the Eastern Regional Office at 729-2654.

Thank you and have a wonderful day.
MAR 1, 2018

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: TOWN OF WITNESS BAY
P. O. Box 130
Witless Bay NL
A0A 4K0

Telephone: (H): [Redacted] (O): 7093343407
Application Number: 153494
Application Type: Grant
Purpose: Section 9 Use: Parking Lot
Location: Witless Bay
Area (hectares): 0.09
Frontage (metres): 30
Map Number: 01N07
Comments:

REFERRAL AGENCY ONLY

Date: Click here to enter a date.
Department/Agency: Click here to enter text.
Branch/Division: Click here to enter text.
Address: Click here to enter text.
RECOMMENDATION: Click here to select your recommendation.
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<th>COMMENTS:</th>
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PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
Good day,

Please find attached additional info to accompany the referral package previously sent for Crown Land application 153494 – Town of Witless Bay.

Please note the available width of the public right of way leading to this parking lot as indicated by the measurements on the drawing.

If more time is required for comments please inform the office by responding to this message.

Thank you and have a wonderful day.
Strowbridge, Kerry

From: MYLER, Gary
Sent: Tuesday, July 17, 2018 12:50 PM
To: MacGowan, Gordon
Subject: RE: Town of Witless Bay: request acquisition crown land for municipal development

Gord
The parking lot is located in the Ragged Beach area of the Town of Witless Bay where there are some municipal issues in the area. We will send out reminder notices to the referral agencies.

From: MacGowan, Gordon
Sent: Tuesday, July 17, 2018 12:06 PM
To: MYLER, Gary
Subject: RE: Town of Witless Bay: request acquisition crown land for municipal development

Are the referrals still within the 21 day time limit?

From: MYLER, Gary
Sent: Tuesday, July 17, 2018 11:52 AM
To: MacGowan, Gordon
Subject: RE: Town of Witless Bay: request acquisition crown land for municipal development

We are still waiting for referrals from the Local Governance and Planning Division of MAE and Tourism

From: MacGowan, Gordon
Sent: Monday, July 16, 2018 10:49 AM
To: MYLER, Gary
Cc: Barnable, Steve
Subject: FW: Town of Witless Bay: request acquisition crown land for municipal development

Hi Gary,

Can you pls advise about the status of this application?

Thx

Gord

GORDON MACGOWAN, MBA | Executive Assistant
Office of the Minister of Fisheries and Land Resources
Government of Newfoundland and Labrador
Petten Building
30 Strawberry Marsh Road PO Box 8700, St. John's, NL A1B 4J6
709-729-7967 (office) | 709-729-0360 (fax)
GordonMacGowan@gov.nl.ca

From: Hutchings, Keith
Sent: Friday, July 13, 2018 9:55 AM
To: MacGowan, Gordon
Hi Gord:

The Application # for Crown Lands is 153494

Regards
Keith

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Hutchings, Keith  
Sent: Thursday, July 12, 2018 9:55 AM  
To: MacGowan, Gordon  
Cc: O'Driscoll, Joan  
Subject: Re: Town of Witless Bay: request acquisition crown land for municipal development

Hi Gord:

The other item with Town is a turn a round for Mulloney’s Lane off Gallow’s Cove Road in the town, this public right away needs space to develop that turn a round and Town has requested approval. Could we check on progress.

Thanks
Keith

Sent from my BlackBerry 10 smartphone on the Bell network.

From: MacGowan, Gordon  
Sent: Thursday, June 14, 2018 12:30 PM  
To: Hutchings, Keith  
Cc: O'Driscoll, Joan  
Subject: RE: Town of Witless Bay: request acquisition crown land for municipal development

Dear MHA Keith Hutchings:

I have been advised that that the new fire station (application E 153425) has been recommended for refusal by Local Governance and Planning because “Refusal. Subject site is located in the Commercial Highway zone. According to the Witless Bay Development Regulations, general assembly is not listed as a permitted or discretionary use. The Town must undertake an amendment to its Municipal Plan and Development Regulations in order to accommodate the proposed regional fire station.”

The Town should be receiving notice of this refusal in the near future.

Sincere regards,

GORDON MACGOWAN, MBA | Executive Assistant  
Office of the Minister of Fisheries and Land Resources  
Government of Newfoundland and Labrador  
Petten Building
From: Hutchings, Keith
Sent: Thursday, June 07, 2018 1:26 PM
To: MacGowan, Gordon
Cc: O'Driscoll, Joan
Subject: Town of Witless Bay: request acquisition crown land for municipal development

Hi Gordon:

Could I get an update on the following request which have been registered with Department of MA and are now awaiting review by Departments.

1. New Fire Station Location for Town. Request went in last fall for crown land approval for Town.

2. Recreational upgrades in Town (track road) next to ball field, swimming pool ect. Looking for adjacent piece of crown land to expand recreational footprint.

Thanks
Keith
Strowbridge, Kerry

From: MYLER, Gary
Sent: Monday, July 16, 2018 12:58 PM
To: Barnable, Steve
Cc: Byrne, Richard
Subject: FW: Town of Witless Bay: request acquisition crown land for municipal development

Steve,

Gord is asking about the parking lot that the town applied for near Ragged Beach. According to Tracts we are still waiting for Tourism and Planning to get back to us. Any other issues that Gord should be told about?

From: MacGowan, Gordon
Sent: Monday, July 16, 2018 10:49 AM
To: MYLER, Gary
Cc: Barnable, Steve
Subject: FW: Town of Witless Bay: request acquisition crown land for municipal development

Hi Gary,

Can you pls advise about the status of this application?

Thx

Gord

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Office of the Minister of Fisheries and Land Resources
Government of Newfoundland and Labrador
Pilten Building
30 Strawberry Marsh Road PO Box 8700, St. John's, NL A1B 4J5
709-729-7967 (office) | 709-729-0360 (fax)
GordonMacGowan@gov.nl.ca

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Thanks
Keith

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The Town should be receiving notice of this refusal in the near future.

Sincere regards,

GORDON MACGOWAN, MBA | Executive Assistant
Office of the Minister of Fisheries and Land Resources
Government of Newfoundland and Labrador
Petten Building
30 Strawberry Marsh Road PO Box 8700, St. John's, NL A1B 4J6
709-729-7967 (office) | 709-729-0360 (fax)
GordonMacGowan@gov.nl.ca

From: Hutchings, Keith
Sent: Thursday, June 07, 2018 1:26 PM
To: MacGowan, Gordon
Cc: O'Driscoll, Joan
Subject: Town of Witless Bay: request acquisition crown land for municipal development

Hi Gordon:
Could I get an update on the following request which have been registered with Department of MA and are now awaiting review by Departments.

1. New Fire Station Location for Town. Request went in last fall for crown land approval for Town.

2. Recreational upgrades in Town (track road) next to ball field, swimming pool etc. Looking for adjacent piece of crown land to expand recreational footprint.

Thanks
Keith
Tara

Steve asked me to sent you a copy of the refusal letter
June 7, 2018

Dear Sir/Madam:

This letter is in reference to your applications E 150726 for an extension to your private property for back lot development and application E 151285 for permission to construct a road and upgrade an existing trail to access your proposed development.

The Local Governance and Land Use Planning Division of the Department of Municipal Affairs and Environment (LGLUPD) has recommended refusal of your applications. Regulation 48 of the Town’s Development Regulations requires residential development to front onto a publicly owned and maintained road. The site applied for does not have the minimum 30 meter public road frontage required by the Witless Bay Development Regulations and is contrary to municipal standards.

The proposed road does not comply with the Town’s development regulations. Any new road construction must be built to the standards specified in the Witless Bay Development Regulations. In order for LGLUPD to assess a Crown land application, a site plan showing the proposed road and associated development must be prepared by an engineer and accompany the Crown land application for review and recommendations. A letter from the Town of Witless Bay stating they will take over the maintenance and control of the road, including the section through your private property, with permission, must also accompany the application.

Based on these recommendations your applications have been refused and your file closed. Should you become aware that the circumstances pertaining to these refusals have changed and you wish to re-apply for this land, you will be required to submit new applications, together with the applicable application fees. If you require any additional information concerning these applications we suggest you contact the referral agency mentioned above.

Yours truly,

[Signature]

REGIONAL LANDS MANAGER

Cc: Local Governance and Land Use Planning Division, Town of Witless Bay
Strowbridge, Kerry

From: Graham, Jeri
Sent: Thursday, June 7, 2018 9:19 AM
To: Deering, Keith
Cc: Carey, Richard
Subject: FW: ragged beach distance to reserve

Keith,

Distances to Witless Bay Ecological Reserve from Ragged Beach:
distance to witless bay ecological reserve marine boundary = 1.5 km; distance to gull island in witless bay ecological reserve = 2.5 km.

Jeri Graham
Manager, Natural Areas Program
Land Management Division
Department of Fisheries and Land Resources
Government of Newfoundland and Labrador

Address: PO Box 2006, Corner Brook, NL A2H 6J8
Street Address: 4 Herald Ave., Corner Brook, NL
Telephone: 709-637-4066
Cell phone: 709-636-4836
Facsimile: 709-637-2586
Email: jergraham@gov.nl.ca

From: Leonard, Tina
Sent: Thursday, June 07, 2018 9:15 AM
To: Carey, Richard
Cc: Graham, Jeri
Subject: ragged beach

distance to witless bay ecological reserve marine boundary = 1.5 km; distance to gull island in witless bay ecological reserve = 2.5 km.

Tina Leonard
Ecologist
Natural Areas Program

www.gov.nl.ca
@FLR_GovNL

Department of Fisheries and Land Resources
PO Box 2006
Corner Brook, NL Canada A2H 6J8

t  709.637.2440
f  709.637.2586
tinaleonard@gov.nl.ca

Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity. - John Muir in 1901
Potential copyright material

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

From: Graham, Jeri
Sent: Thursday, June 7, 2018 9:18 AM
To: Deering, Keith; Carey, Richard
Subject: Ragged beach recommendation from Parks and Natural Areas
Attachments: Concerns re development at Ragged Beach WB_ letter to mayor (4).doc

Keith,

This was the letter sent to the Town of Witless Bay when they were considering re-zoning the Ragged Beach area.

Jeri

Jeri Graham
Manager, Natural Areas Program
Land Management Division
Department of Fisheries and Land Resources
Government of Newfoundland and Labrador

Address: PO Box 2006, Corner Brook, NL A2H 6J8
Street Address: 4 Herald Ave., Corner Brook, NL
Telephone: 709-637-4066
Cell phone: 709-635-4836
Facsimile: 709-637-2686
Email: jengraham@gov.nl.ca
June 8, 2011

Mr. Derm Moran
Mayor, Town of Witless Bay
P.O. Box 130
Witless Bay, NL A0A 4K0

Re: Concerns regarding re-zoning for a proposed housing subdivision near Ragged Beach, Witless Bay

Dear Mr. Moran:

Parks and Natural Areas Division would like to comment on the proposal for a 5-lot housing subdivision on land adjacent to Ragged Beach, Witless Bay. This development would require the acquisition of Crown Land, as well as re-zoning land currently zoned Rural and designated Park (Witless Bay Municipal Plan 2005-2015; subsection 17.5) to Residential. We would like to take this opportunity to raise some concerns we have regarding the proposed housing development, especially if it is followed by further residential developments in this area.

As you are aware, the Witless Bay Ecological Reserve protects an internationally significant population of breeding seabirds, including the largest Atlantic Puffin breeding colony in North America (more than 250,000 breeding pairs) and the second largest Leach’s Storm-petrel colony in the world (more than 600,000 breeding pairs).

Ragged Beach is the closest point of land to Gull Island; one of the islands protected in the Witless Bay Ecological Reserve. The proposed development could have negative impacts on seabirds in the Reserve that we would like to bring to your attention. They are outlined below:

1. It is well documented that some seabird species are attracted to light sources. As you know, the Puffin Patrol has a program to educate residents of the town about the hazards of artificial light on young puffins, and to rescue young fledglings that have become stranded. Artificial light attraction is an even greater concern for Leach’s Storm-petrels. Both species become disoriented by light, and unable to return to their marine habitat. This usually results in death. The close proximity of Ragged Beach to Gull Island, and the huge numbers of breeding seabirds directly adjacent, exacerbates this problem.

2. Ragged beach is a potential launching beach for various small water craft, including motor boats, kayaks and jet skis. All of these types of watercraft can create stress disturbance and mortality to breeding seabirds and their young. In addition, jet skis are illegal in the marine portion of the Reserve, which comprises a one kilometer buffer around Gull Green Great and Pee Pee Islands. Having a housing development on this site may increase the likelihood of recreational boat activity in the Reserve.

3. Increased boat activity would also increase the likelihood of accidental fuel or oil spills.
4. Activities on private property are difficult if not impossible to control. For example, private wind turbines are becoming an increasingly popular alternate energy source. Wind turbines, when placed in inappropriate locations, have also been well documented to kill birds by the thousands. Turbines this close to the Reserve, particularly when combined with artificial light, could also have serious consequences for seabirds, particularly puffins and petrels.

The Town of Witless Bay website eloquently illustrates both the conservation and tourism values of the Witless Bay Ecological Reserve. The Town’s commitment to the promoting conservation is also evident by its endorsement of the Puffin Patrol.

Parks and Natural Areas Division shares your concern for these important conservation values. For this reason we ask that you take the potential impacts we have outlined into account when making your re-zoning decision.

Sincerely,

Sian French
Director, Parks and Natural Areas Division
Department of Environment and Conservation

cc: Kimberley Blanchard, Senior Planner, Land Use Planning Division, Department of Municipal Affairs
Ivan Pickett, Municipal Affairs Analyst, Eastern Regional Office, Department of Municipal Affairs
Strowbridge, Kerry

From: Morgan, Tara
Sent: Tuesday, June 5, 2018 1:41 PM
To: Deering, Keith
Cc: Wheeler, Lisa
Subject: FW: Meeting Request - Friends of Ragged Beach
Attachments: Lands Branch Meeting Agenda.docx

FYI – agenda provided by [redacted] for Thursday’s meeting.

Tara

[Sec 40(1)]

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources

Tel: (709) 637-2093 Fax: (709) 637-2004

From: Edward Ted Vickers [redacted]@outlook.com>
Sent: Tuesday, June 5, 2018 7:01 AM
To: Morgan, Tara <taramorgan@gov.nl.ca>
Subject: RE: Meeting Request - Friends of Ragged Beach

Hi Tara, I have attached a draft agenda to guide our discussion on June 7, 2018, and to better inform you in advance. My experience in resolving issues is to focus on mutual understanding, perspective taking, and being effective, rather than focused on a fixed position off being right. My experience is when this happens matters conclude in less time than anticipated. I look forward to our meeting.

Ed Vickers FORB

From: Morgan, Tara <taramorgan@gov.nl.ca>
Sent: May 24, 2018 11:51 AM
To: 'Edward Ted Vickers' [redacted]@outlook.com>
Subject: RE: Meeting Request - Friends of Ragged Beach

That works for us.

We will see you then.

Thanks

Tara

[Sec 40(1)]
From: Edward Ted Vickers <EdwardTedVickers@outlook.com>
Sent: Thursday, May 24, 2018 10:06 AM
To: Morgan, Tara <taramorgan@gov.nl.ca>
Subject: RE: Meeting Request - Friends of Ragged Beach

Yes that is plenty of time and appreciate your coming to Witless Bay. I have an equipped studio boardroom office at my house if that is acceptable. I have all the documents available there. Gallows Cove Rd is a left off the highway on the hill heading out of Witless Bay just past the Irish Loop Coffee House, which is at the center of the matter, and ample parking.

Thank you and I look forward to meeting with you on June 7 in the AM.

From: Morgan, Tara <taramorgan@gov.nl.ca>
Sent: May 24, 2018 9:10 AM
To: 'Edward Ted Vickers' <EdwardTedVickers@outlook.com>
Subject: RE: Meeting Request - Friends of Ragged Beach

Mr. Vickers,

I've gotten conformation and it looks like 9:30 am on Thursday June 7 would work best for us, we can meet in Witless Bay.

I've scheduled the full morning, but that would include the driving time back to St. John's. I expect that 2 hours would be ample time to meet and discuss, does that sound reasonable?

Where would you like us to meet you?

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources

Tel: (709) 637-2093  Fax: (709) 637-2004

From: Morgan, Tara
Sent: Wednesday, May 23, 2018 2:19 PM
To: 'Edward Ted Vickers' @outlook.com
Subject: RE: Meeting Request - Friends of Ragged Beach

Thank you – I will work with that and get back to you before the weeks end with a time.

Will it just be you attending from FORB?

I'll look forward to meeting you.

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources
Hi Tara, I deeply appreciate your arranging the requested meeting. I will select June 7, make the entire day available, and make the time arrangement a convenience for you. My preference is to have the meeting in Witless Bay to include a site visit for better understanding. However, if that is not possible, please advise on location at your earliest convenience.

Edward Vickers

From: Morgan, Tara <taramorgan@gov.nl.ca>
Sent: May 23, 2018 11:47 AM
To: Edward Ted Vickers, kdeering@outlook.com
Subject: Meeting Request - Friends of Ragged Beach

Good Morning Mr. Vickers,

I am following up on a request by you to meet with someone from the Department of Fisheries and Land Resources regarding concerns of the Friends of Ragged Beach.

Keith Deering, ADM and myself can be available to meet with you on either the afternoon of June 6 or anytime June 7.

Please advise if you would still like to meet with us and which date and proposed time would work best for you. We can meet in St. John’s and possibly in Witless Bay.

I’ll look forward to hearing from you.

Thanks

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources
Tel: (709) 637-2093 Fax: (709) 637-2004

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Agenda: FORB Public Land Issue Clarification

In Attendance

Tara Morgan, Director (A), Crown Lands Division Department of Fisheries and Land Resources
Keith Deering, ADM, Edward Vickers Executive Director Friends of Ragged Beach

Issue:

The Government of NL, represented by two Ministers of Municipal Affairs, committed to implementing the recommendations of Commissioners in two Public Hearing Reports on Public Land at Ragged Beach Gallows Cove Witless Bay.

Minister Eddie Joyce met with Town Council of Witless Bay and confirmed that the Municipal Plan registered by the Government would honor the Commissioner’s recommendation regarding not issuing any further grants for Public Land at Ragged Beach.

It is acknowledged that Lands Branch has limited responsibility for the final approval of public land grants for development. The contentious issue is the processing of such applications considering the commitment of the Government of NL not to process any.

It is suggested that Lands Branch should have a complete background briefing on issues at Ragged Beach as public land applications are at the center of the dispute.

1. 15 minute background presentation by Edward Vickers regarding Ragged Beach
2. Open discussion and questions regarding background
3. Town Council participation in dispute
4. Open discussion on Town Council issues
5. Lands Branch involvement with Ragged Beach
6. Open discussion and questions
7. Lands Branch influence on public perception & Government policy
8. Open discussion
9. Lands Branch influence on litigation
10. Open discussion
11. Review of documents
12. Summary of FORB preparation for renewing the Ragged Beach Rescue Campaign
13. Open discussion on ask of Government & pending FORB Action Plan
14. Review of FORB solution proposed and benefit to the Government of NL
15. Discussion on an action plan within the jurisdiction of Lands Branch as a solution

It is anticipated that 1.5 hours is more than sufficient to clarify the issues. Items can be combined to facilitate efficient use of time and to foster effective communication
Tara, response as requested. There is nothing for us in this letter. Very odd, as I have met with the [REDACTED] and have related at length our role and that we defer to the recommendations of departments operating with particular expertise under legislated authority. They seemed to have understood at the time.

**Steve Barnable**
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726
Thank you for your email dated May 24, 2018, regarding issues in the Ragged Beach area of Witless Bay.

Crown Land Administration Division is primarily concerned with matters relating to tenure and land configuration and would have no oversight with respect to the items presented in your letter. Applications for Crown land are distributed for review and approval through the Crown Lands referral process, which includes all Government departments and agencies with a mandate or interest related to the proposal. If recommendations of approval are obtained from these referrals, then an application may be approved.

For clarification with respect to municipal engineering matters, such as road configuration, safety matters or vehicle use, it is recommended that you contact the Town.

I trust that you will find this satisfactory.

Sincerely,

HONOURABLE GERRY BYRNE, MHA
District of Corner Brook
Minister

c: Mr.
From: Morgan, Tara
Sent: Friday, June 1, 2018 10:14 AM
To: Barnable, Steve
Subject: FW: Solution for a Serious Situation in Witless Bay

FYI – for a draft response.

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources

Tel: (709) 637-2093 Fax: (709) 637-2004

From: Hunt, Pam
Sent: Friday, May 25, 2018 4:30 PM
To: Neville, Lisa <LisaNeville@gov.nl.ca>
Cc: Senior, Debbie <DebbieSenior@gov.nl.ca>
Subject: FW: Solution for a Serious Situation in Witless Bay

From: Byrne, Gerry
Sent: Thursday, May 24, 2018 12:48 PM
To: Hunt, Pam <PamHunt@gov.nl.ca>
Subject: FW: Solution for a Serious Situation in Witless Bay

Dear Minister Byrne and Minister Parsons

It has come to our attention that [REDACTED] and [REDACTED] as Friends of Ragged Beach, are once again lobbying government officials to block development in the Ragged Beach/Mullowneys Lane area of Witless Bay using false and misleading information. The majority of people in the Town, the Town Council and the ECT are in favor of a turn around and parking lot for the area to be accessed from the existing ROW off Mullowneys Lane. The efforts of these opponents of any development in the area has led to a serious and dangerous situation. This past winter a vehicle went over an embankment at the end of Gallows Cove Road onto the beach and this past weekend cars were in the ditch trying to maneuver at the end of the road, which currently serves as the ECT parking lot. For many drivers stuck in that area, the only way out was to back up the road amidst walkers and hikers. In addition, a search and rescue operation last Winter, necessitated the closing off of the end of Gallows Cove Road with large equipment backing up into Mullowneys Lane to turn around as there is no turn around at either road end. There is a proposal at Crown Lands from the Town for a turn
around and parking off the existing ROW at the end of Mullowneys Lane, which would ease the congestion in the area and provide safe entry and access to the ECT and for people living in the area. The development of this turn around and parking area would also allow use of the public right of way for 4 wheelers that currently cross the beach and use the ECT to access the back lands, destroying the natural habitat.

Sec 40(1) The opposition to the Town’s plan is irrational. It seems that there are Crown lands officials who favor [REDACTED] and [REDACTED] position and oppose the Town’s plan, citing difficulties with the narrow width of the ROW. The fact the right of way is narrow at one point is true, but it is the same width as parts of Mullowneys Lane and many of the roads in the Town. Also, it does not require the expropriation of private property; while to widen Gallows Cove Road would require expropriation. The Town has proposed a win win solution for the public, the East Coast trail and private landowners and makes the best of a difficult situation. To do nothing is continuing a dangerous situation that will be made worse with the influx of tourists this summer season. We implore the department of Land Resources and the Department of Municipal Affairs to work with the Town to develop the turn around and the parking lot for the area.

Sincerely,
Mullowneys Lane Landowners:

Sec 40(1)
Strowbridge, Kerry

From: Hardy, Andrew
Sent: Friday, June 1, 2018 8:20 AM
To: Barnable, Steve
Subject: RE: Town of Witless Bay; E-153494

Steve,

E-153425 Fire Station is Open at the RLC Process. I need you to complete the RLC Process in AMANDA and on the Application in order for me to draft the Refusal Letter

Jamie

Andrew J. Hardy | LANDS OFFICER I
DEPARTMENT OF FISHERIES AND LAND RESOURCES — LANDS BRANCH
HOWLEY BUILDING, HIGGINS LINE, ST. JOHN'S, NL A1B 4J6
T 709.729.3099 | F 709.729.0726

Newfoundland Labrador

From: Barnable, Steve
Sent: Thursday, May 31, 2018 4:51 PM
To: MacGowan, Gordon <GordonMacGowan@gov.nl.ca>
Cc: Hardy, Andrew <AndrewHardy@gov.nl.ca>; Morgan, Tara <taramorgan@gov.nl.ca>
Subject: RE: Town of Witless Bay; E-153494

Gord, I had omitted the fire hall application that we discussed and it is added here. I just spoke to Rick Byrne LMO who worked on these and all three are blue folder, new process.

E-153425 Received Jan 31, 2018; Fire Hall; Recommended for Refusal by Land Use Planning, Municipal Affairs. [redacted] was updated and is looking into what may need to be done for rezoning for any future application. Andrew hardy copied to draft refusal letter.

E-153494; Received Jan. 17, 2018; Turnaround and Parking Area; One referral outstanding, Land Use Planning, Mun. Affairs. Arlene Youden has been copied to send another reminder letter.

E-153520; Received Feb. 8, 2018; Turnaround; One referral outstanding, Eastern Regional Lands Office, Land Management Officer Rick Byrne. There are indications of a private claim for this site noted on an adjacent survey. [redacted] from the Town was in speaking to Rick Byrne about it several days ago and is doing further research into the claim. We are waiting to hear back from him.

Sec 40(1)

Steve Barnable
Regional Lands Supervisor - Eastern

Crown Lands Administration Division, Lands Branch
Are these included in our backlog group of applications, or were they submitted after the cut-off date?

---

From: Barnable, Steve  
Sent: Thursday, May 31, 2018 4:12 PM  
To: MacGowan, Gordon  
Cc: Youden, Arlene  
Subject: Town of Witless Bay; E-153494

E-153494; Received Jan. 17, 2018 – One referral outstanding, Land Use Planning, Mun. Affairs. Arlene Youden has been copied to send a reminder letter.

E-153520; Received Feb. 8, 2018 – One referral outstanding, Eastern Regional Lands Office, Land Management Officer Rick Byrne. There are indications of a private claim for this site noted on an adjacent survey. [Redacted] from the Town was in speaking to Rick Byrne about it several days ago and is doing further research into the claim. We are waiting to hear back from him.

Steven Barnable  
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726
From: MYLER, Gary
Sent: Thursday, May 31, 2018 4:02 PM
To: Barnable, Steve
Subject: FW: Correspondence related to Crown Lands

From: MYLER, Gary
Sent: Friday, May 18, 2018 1:58 PM
To: Morgan, Tara
Subject: RE: Correspondence related to Crown Lands

Here are the other two applications
Mullowney’s Lane application # 153494
Application registered on March 1, 2018, for a turnaround for snow clearing and emergency vehicles and parking lot for access for Ragged Beach area and East Coast Trail. We have outstanding referrals left from Local Governance and Planning Division of MA&E, Forestry Division, and a new referral to the Tourism Division that was forwarded on March 31, 2018

Irishtown application # 153520
Application registered March 6, 2018, for a permission to occupy for snow clearing purposes and emergency vehicles. We have outstanding referrals left from Forestry, Municipal Infrastructure and Engineering and our Land Management officer. It now appears that the Town indicated the wrong location on our mapping and have arranged a meeting with our Land Management Officer on Tuesday to discuss.

From: Morgan, Tara
Sent: Friday, May 18, 2018 12:07 PM
To: MYLER, Gary
Cc: Barnable, Steve
Subject: FW: Correspondence related to Crown Lands
Importance: High

Here is their original letter.

This is the only outstanding note in our TRIM responses. The DM asked that all outstanding correspondence get finalized today.

If you could check this for me right away that would be great.

Thanks

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources
From: Hunt, Pam
Sent: Wednesday, February 28, 2018 9:24 AM
To: Neville, Lisa <LisaNeville@gov.nl.ca>
Subject: FW: Correspondence related to Crown Lands

From: MacGowan, Gordon
Sent: Tuesday, February 27, 2018 4:47 PM
To: Hunt, Pam <PamHunt@gov.nl.ca>
Subject: FW: Correspondence related to Crown Lands

Pls Trim and action to Keith for a response for the Minister’s signature.

Thx

Gord

From: Town of Witless Bay [mailto:townofwitlessbay@nl.rogers.com]
Sent: Thursday, February 22, 2018 11:01 AM
To: firminister
Cc: Joyce, Eddie; Hutchings, Keith
Subject: Correspondence related to Crown Lands

Good morning Minister Byrne,

Please find attached a letter drafted by the Witless Bay Council. Thank you.

Geraldine Caul
Town Clerk-Manager
Thanks – I’ll have a look.

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources
Tel: (709) 637-2093 Fax: (709) 637-2004

From: Barnable, Steve
Sent: Thursday, May 31, 2018 1:52 PM
To: Morgan, Tara <taramorgan@gov.nl.ca>
Subject: Ragged Beach

Tara, I copied what I have digitally to this location. Not sure what exactly would be useful to you. There are many letters from complainants on behalf of FORB, some direct FORB correspondence, etc.

M:\STJH\Shared\CLD_FLR\Managers Secure\Ragged Beach from Steve

Steve Barnable
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726
I agree. I think we need to stick with our issues only.

Keith will be attending the meeting as well, so we may want to meet with you and Gary ahead of Thursday as well.

I'll try and get up to speed as much as I can over the weekend.

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources

Tel: (709) 637-2093 Fax: (709) 637-2004

From: Barnable, Steve
Sent: Wednesday, May 30, 2018 4:06 PM
To: Morgan, Tara <taramorgan@gov.nl.ca>
Subject: RE: IN

Tara, I can have Gary get anything on file and I can transfer over all of the letters from individuals to any digital folder that you like.

I would advise against any involvement in matters with respect to the Ragged Beach as we deal with the issuance of title only. I have seen all of the concerns over the years and all would be matters for referral agencies. I feel that they should be directed appropriately to those agencies.

Steve Barnable
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726

From: Morgan, Tara
Sent: Wednesday, May 30, 2018 4:01 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Subject: IN

Hi there,
I know we discussed this before and I have a lot of information but I’m coming to St. John’s again next week to meet with Friends of Ragged Beach on DM’s direction. I don’t need you to attend however I would like you to forward me whatever we have in the file regarding their concerns before Friday so I can read through over the weekend.

Thanks

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources

Tel: (709) 637-2093  Fax: (709) 637-2004
I've left a message and emailed. I've asked for the afternoon of the 6th or the 7th. I'll let you know once I hear back.

Thanks

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources

Tel: (709) 637-2093 Fax: (709) 637-2004

How about the afternoon of June 6th or anytime on the 7th or 8th in St John's or even Witless Bay?

Sent from my iPhone

On May 23, 2018, at 9:48 AM, Morgan, Tara <taramorgan@gov.nl.ca> wrote:

Hi Keith,

We had put forward a response to a letter from the Friends of Ragged Beach offering them to contact me to arrange a meeting with us. I've attached these here.

The letter has not gone out and Lori Anne is suggesting that you/and or I go ahead and arrange the meeting and then forgo the need for a response.

I assume we would meet with them in St. John's? I have nothing planned to be in St. John's for at this time, but can arrange other work while I'm there for sure. I am not available the week of June 22, but the rest of that month is open for me.

Thoughts? Do we need to meet in St. John's? Would you prefer I meet them initially? If not, when are you available?

Tara
From: Glode, Jason
Sent: Friday, May 18, 2018 2:49 PM
To: Lands Office, Eastern
Subject: 153494 referral Letter.docx
Attachments: 153494 referral Letter.docx
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: TOWN OF WITNESS BAY  
P. O. Box 130  
Witless Bay NL  
A0A 4K0

Sec 40(1)

Telephone: (H): (O): 7093343407
Application Number: 153494
Application Type: Grant
Purpose: Section 9 Use: Parking Lot
Location: Witless Bay
Area (hectares): 0.09
Frontage (metres): 30
Map Number: 01N07
Comments:

REFERRAL AGENCY ONLY

Date: 5/18/2018

Department/Agency: Fisheries and land resources
Branch/Division: forestry
Address: paddys pond

RECOMMENDATION: Approval
Ms. Geraldine Caul  
Town Clerk-Manager  
Town of Witless Bay  
P.O. Box 130  
Witless Bay, NL A0A 4K0  
townofwitlessbay@nl.rogers.com

Dear Ms. Caul:

I write in response to your correspondence concerning Crown land applications. The Eastern Regional Lands Office has received several applications from the Town of Witless Bay in recent months for the purposes you have described, and is currently reviewing those applications and following up with any outstanding referral agencies where required. The Department of Fisheries and Land Resources recently announced its commitment to a 90 business day service standard for a decision on Crown Lands applications.

Safety is an important consideration of municipal councils and the department will work to ensure a timely response to your applications. I understand that one of the applications submitted by the Town required a change in location and that the Eastern Regional Lands Office is working with the Town to resolve this issue.

Should you have any additional questions regarding the status of your applications, please contact Mr. Steve Barnable of the Eastern Regional Lands Office at stevebarnable@gov.nl.ca or (709) 729-7367.

Sincerely,

HONOURABLE GERRY BYRNE, MHA  
District of Corner Brook  
Minister

c: Mr. Keith Deering, Assistant Deputy Minister  
Mr. Steve Barnable, Manager, Eastern Regional Lands Office
Mary, we have sent out a refusal based upon Land Use Planning’s most recent response.

Steve Barnable
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726

From: [REDACTED]@bellaliant.net
Sent: Friday, April 20, 2018 3:41 PM
To: Brown, Jennifer Erin <JenniferEBrown@gov.nl.ca>; Oley, Mary <MaryOley@gov.nl.ca>
Cc: Barnable, Steve <stevebarnable@gov.nl.ca>; Byrne, Gerry <GerryByrne@gov.nl.ca>; Joyce, Eddie <ejoyce@gov.nl.ca>
Subject: FW: Crown Land application

Dear Jennifer,

We have recently received information from through an ATIPPP request (see attached documents) regarding our applications for opening a Right of Way (#E51285) and a request to extend our existing Residential zoned land boundaries (#150726). We have noticed a number of inaccuracies in the correspondence between your department and Steve Barnable with Crown Lands.

1. There is no portion of the land zoned Conservation
2. We are not fronting on a publicly maintained road, but at this time are merely trying to get access to our land through this long established Right of Way. We may in the future be able to apply for back-lot consideration by Council, only if it suits their development regulations for residential access.
3. The comment in the correspondence that the “cart path” is one metre wide at points is inaccurate. The survey attached from a recent Town application, also included on the ATIPPP, shows the narrowest point between two land owners as 3.97 m to 4.89 m which is as wide as the existing Mullowney’s Lane and is the Town’s responsibility. This portion is not part of our application. The land and Right of Way we have applied for is past this private property and is shown as a 20 m width on the current Ten Year Plan.
4. In the most recent public meeting the Council voted that they had no objections to our applications. We would like these comments to be reflected in the decision making process. We request a meeting with Land Use Planning for further clarification. We feel that an informed decision cannot be rendered without these corrections.

Jennifer Brown
Land Use Planning
Thank you,

Note: We have included Mary Oley in the cc as we can find no e-mail address for Jennifer Brown and are uncertain whether she is currently still working with this file.
Good afternoon Gary,

My apologies for another email. Because I'm unsure if either of the applications E150726 and E151285 have been revised, Council did review the most recent referral application(s) from your department relating to [REDACTED]. This is to confirm that Council's motions cover both applications mentioned in this email. They approved two of the referred applications. Thank you.

Geraldine

Gary,

I'm following up on my earlier email today. I just noticed that the subject of your email quotes application numbers E150726 and E151285, but the attachments you sent had one application referral to be completed by the town and it is E150726. Can you please tell me what application(s) have your department referred to the town for approval, and what exactly they are for. Thank you.

Geraldine

Barb

I have revised the email to correctly identify [REDACTED] application to 150726. Also I have now included the email from [REDACTED] concerning his permission to access his property.

There seems to be confusion concerning [REDACTED] applications near Ragged Beach. Application E150726 was for a stand-alone residential lot. He recently came into the office and reduced the area applied for from 1.49 ha to 0.81 ha. He then followed up with a letter dated Feb 18, 2018, copy attached, stating he now wants the land as an extension to his private property for (his wording) back lot development. The office is now requesting that the Town review his latest request and give an updated recommendation on this proposal.
Application E 151285 was for a right of way to access his private property. When [redacted] decided to use the right of way to also access to his residential application. We had requested that the Town provide a letter stating that once the right of way was constructed the Town would take over the maintenance and control of the right of way. Usually residential development requires the property to front on publicly maintained road system thus the request for the Town to take over the maintenance and control of the right of way. Since the site is now being applied for as an extension to his private property this letter is no longer required.

Thanks
Gary
729-0193

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Can you have both applications ready to go to RLC together

Good afternoon Gary,

Council reviewed this again at the public meeting Tuesday evening this week. Council made a motion that they had no issues with the opening of the right of way.

Geraldine

Barb
I have revised the email to correctly identify application to 150726. Also I have now included the email from for his permission to access his property.

There seems to be confusion concerning applications near Ragged Beach. Application E 150726 was for a stand alone residential lot. He recently came into the office and reduced the area applied for from 1.49 ha to 0.81 ha. He then followed up with a letter dated Feb 18, 2018, copy attached, stating he now wants the land as an extension to his private property for (his wording) back lot development. The office is now requesting that the Town review his latest request and give an updated recommendation on this proposal.

Application E 151285 was for a right of way to access his private property. When decided to use the right of way to also access to his residential application. We had requested that the Town provide a letter stating that once the right of way was constructed the Town would take over the maintenance and control of the right of way. Usually residential development requires the property to front on publicly maintained road system thus the request for the Town to take over the maintenance and control of the right of way. Since the site is now being applied for as an extension to his private property this letter is no longer required.
Thanks
Gary
729-0193

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REVISED LOCATION

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

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.

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APPLICATION FOR CROWN LANDS - REFERRAL

Applicant: [Redacted]
Sec 40(1)

Telephone: (H): [Redacted] (O): [Redacted]

Application Number: 150726
Application Type: Grant
Purpose: Section 4
Use: Extension to Private Property for backlot development as per email from Applicant dated Feb 18, 2018

Location: Witless Bay
Area (hectares): 1.62
Frontage (metres):
Map Number: 01N07
Comments:

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.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
Crown Lands Division
Department of Fisheries and Land Resources
Re: Application #150726

Attention:

Last week we visited the Lands branch office in St. John's to revise our application for a land grant in the Town of Witless Bay, reducing the amount of land requested, on the advice of the local Town Council. We were informed at the counter service in the Howley Building that the revised application will be forwarded to various departments and agencies for comments. We believe it's important that the context for the application and other pertinent information be included for an informed decision.

Attached is a modified version of the Crown lands map outlining that our request is for a property extension. We have highlighted the following additional information:

The location of our existing property, along with the East Coast Trail location, and the location of the existing recognized Right of Way as shown on the current Ten Year Plan for the Town of Witless Bay. This shows the importance of our application in terms of access from the Right of Way as being the most viable option.

Furthermore, we would like to emphasize the reasons we are applying for this extension to our property:

1. This extension to our land would provide access off the existing Crown Land Right of Way.

2. [Redacted] has agreed to provide an easement through his property for our access. His letter to this effect has already been filed with your department.

3. The land we applied for is landlocked with no public access or possibility of use to the public.

4. Any future application for a new home on our land, would require our land to be considered a backlot. The addition of the Crown Land allows us to meet the requirements for a backlot. It is worth noting that under the existing Ten Year Plan our land is already zoned Residential use.

5. This additional land would be merely an extension of one single family residential lot as shown on the 10-year Plan. It would still only qualify as a single back-lot with access from the extended Mullowneys Lane, through the [Redacted] property. There is no attempt to acquire land for any increased development such as a sub-division now or in the future, as only one back-lot application is permitted.

6. We will also be using the additional land to move future home construction further away from the East Coast Trail to maximize privacy for ourselves as well as ensuring a more natural environment for hikers. This enables us to use the existing property along the coast for vegetable gardening, as it was traditionally used in the early 1900's.
7. We have recently been granted a permit to build a gazebo structure. At present the only access to the land is using the East Coast Trail at the end of Gallows Cove Road, which requires us to travel over the east coast trail and use the already tight parking area for construction and visitor vehicles. Accessing our property off the Right of Way is the best option for everyone.

8. If we can move to the back of our property with the applied for Crown Land, we would agree to provide a 30m Environmental Protection Zone (double what is required under the existing protection) from the shoreline to any structure on our land. The E.C.T. trail is eroding at the shoreline of Ragged Beach, which is an area heavily used by tourists and the public. When the trail is forced to move in from the erosion in the future, there would be more than adequate room to expand with this added buffer zone.

We request Crown Lands Branch include our revisions to the previous map and include our letter in your circulation of material, as this submission would have to be made within context to be best understood. We think this is a win-win for all involved, respecting private land rights, right of access to property, the 10-year plan, the East Coast Trail, and the shore line. We would be willing to meet with representatives of the Lands Brach and Municipal Affairs to discuss further, if required.

Thank You for your consideration,

[signature]

Sec 40(1)
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
Dear Mr. Myler;

In relation to our conversation of March 7, 2018, due to a misunderstanding on easement location, this is to inform you there will be no decision made on an easement or diagrams of easement location by Crown Lands Division on my property, Mullowney's Lane, Gallows Cove, Witless Bay concerning __________ application as I am out of the province until mid-April. I will contact your Department with further instructions upon my return.

Thank you,
Strowbridge, Kerry

From: Barnable, Steve
Sent: Wednesday, March 28, 2018 11:42 AM
To: MYLER, Gary
Subject: FW: Revision Crown Land application and Request to include Pertinent Information
Attachments: [Sec 40(1)]

Gary, see below. I believe that this has been done already for this, the latest revision.

Steve Barnable
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726

From: Morgan, Tara
Sent: Wednesday, March 28, 2018 11:06 AM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Subject: FW: Revision Crown Land application and Request to include Pertinent Information

FYI

Thanks

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources
Tel: (709) 637-2093 Fax: (709) 637-2004

From: Grace, Tony
Sent: Wednesday, February 21, 2018 9:13 AM
To: Morgan, Tara <taramorgan@gov.nl.ca>
Subject: FW: Revision Crown Land application and Request to include Pertinent Information

From: [email protected]
Sent: Wednesday, February 21, 2018 9:06 AM
To: keithdeering@gov.nl; Grace, Tony <TonyGrace@gov.nl.ca>; Barnable, Steve <stevebarnable@gov.nl.ca>
Subject: Revision Crown Land application and Request to include Pertinent Information
Good afternoon
We are requesting that the attached letter and map be included with our crown Land application. We are unsure of the protocol for this request so are sending it to each of you for it to be directed to the appropriate person or department.

Thank you for your assistance.

Sec 40(1)
MARCH 6, 2018

[Redacted]

Re: Email/Witless Bay

Thank you for your correspondence which indicated your support for the Town of Witless Bay's intention to make application for Crown lands, in the area of Mullowney's, to accommodate a turnaround area for emergency and other vehicles.

All applications are reviewed and considered on their own merit and in consideration of existing legislation and policies. Information regarding the status of the Town's application should be requested from the Town directly.

Sincerely,

HONOURABLE GERRY BYRNE, MHA
District of Corner Brook
Minister

c: Honourable Eddie Joyce
Minister of Municipal Affairs and Environment

Mr. Keith Deering
Assistant Deputy Minister – Agriculture and Lands

Mr. Steve Barnable
Manager of Lands - Eastern Region
Good morning Gary:

This email came to the office the day after the Public meeting that was held on March 6/18.

Is the attachment application to go before our April's monthly meeting.

Thanks,
Barb

Hi Geraldine

There seems to be confusion concerning E 150176 & 151285 applications near Ragged Beach. Application E 150176 was for a stand alone residential lot. He recently came into the office and reduced the area applied for from 1.49 ha to 0.81 ha. He then followed up with a letter dated Feb 18, 2018, copy attached, stating he now wants the land as an extension to his private property for (his wording) back lot development. The office is now requesting that the Town review his latest request and give an updated recommendation on this proposal.

Application E 151285 was for a right of way to access his private property. When decided to use the right of way to also access to his residential application we had requested that the Town provide a letter stating that once the right of way was constructed the Town would take over the maintenance and control of the right of way. Usually residential development requires the property to front on publicly maintained road system thus the request for the Town to take over the maintenance and control of the right of way. Since the site is now being applied for as an extension to his private property this letter is no longer required.

Thanks
Gary
729-0193

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From: Byrne, Richard
Sent: Tuesday, March 20, 2018 3:35 PM
To: Barnable, Steve; MacGowan, Gordon
Subject: RE: Crown Lands Inquiry

Steve, Gord,

Update for the three applications as of today are:

Application # 153425 for Grant for a Fire Station is awaiting referral responses from other Govt. Agencies

Application # 153494 for parking lot/turn-around at end of Mullowney’s Lane is awaiting referral responses from other Govt. Agencies and as of today a request is in to add the Tourism Department as a referral agency as this one is partially for purpose of parking lot for visitors to the east coast trail and Ragged Beach area.

Application # 153520 for turn-around/ snow clearing operations is presently being processed. At this time, an email has been sent to the Town indicating that a survey for the area is indicating land applied for is privately owned by a and that the town may wish to further investigate (Deeds search, etc). Awaiting response from the town on this and in addition awaiting referral responses from other Govt. Agencies.

From: Barnable, Steve
Sent: Tuesday, March 20, 2018 12:41 PM
To: MacGowan, Gordon
Cc: Byrne, Richard
Subject: RE: Crown Lands Inquiry

Rick, can you look into these. No numbers here, but I believe the fire hall is the commercial expansion that they refused for . The other two are the parking lot at the Ragged Beach that you are working on, which you mentioned this morning. I believe the other is the turnaround that they are applying for that turns out to be privately claimed land by a gentleman by the name of . I believe that you are writing them to provide further research i.e. Registry of Deeds Research, affidavits, etc.

If you could put together a few lines for Gord with the application numbers, thanks.

Steve Barnable
Regional Lands Supervisor - Eastern

Crown Lands Administration Division, Lands Branch
Department of Fisheries and Land Resources
Howley Building, Higgins Line
Hi Steve,

Can you pls advise?

Thx

Gord

---

Hi Gerd,

The Town of Witless Bay currently has three crown lands applications before your department. Can you check this out please and give me some idea of where they are in the process?

The priority piece for the town, out of these three applications, involves their efforts to expand and improve the regional fire department. They need the crown land to undertake the building of a new regional fire hall.

Any info you can provide would be appreciated.

Thanks

Randy
Hey Tara,

Yes they were in and submitted the plan for the parking lot. Just waiting on the referrals to get back to us now.

Jamie

Andrew J. Hardy | LANDS OFFICER I
DEPARTMENT OF FISHERIES AND LAND RESOURCES – LANDS BRANCH
HOWLEY BUILDING, HIGGINS LINE, ST. JOHN’S, NL A1B 4J6
T 709.729.3099 | F 709.729.0726

From: Morgan, Tara
Sent: Friday, March 9, 2018 6:16 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>; Hardy, Andrew <AndrewHardy@gov.nl.ca>
Subject: Town of Witless Bay - Question
Importance: High

Hi - did we receive the site plan for Town of Witless Bay for Gallows’ Cove Road (File 1012792)? Jamie sent them a letter on January 29 asking for the plan and that it be returned in 30 days. It looks like it came in because the referrals went out but the doc table says we are still waiting for a reply. Application # 153494

Can you please confirm?

Thanks

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources

Tel: (709) 637-2093  Fax: (709) 637-2004
Dear Mr. Myler;

In relation to our conversation of March 7, 2018, due to a misunderstanding on easement location, this is to inform you there will be no decision made on an easement or diagrams of easement location by Crown Lands Division on my property, Mullowney's Lane, Gallows Cove, Witless Bay concerning [Redacted] application as I am out of the province until mid-April. I will contact your Department with further instructions upon my return.

Thank you,
Strowbridge, Kerry

From: Town of Witless Bay <townofwitlessbay@nl.rogers.com>
Sent: Wednesday, March 7, 2018 4:21 PM
To: MYLER, Gary
Subject: RE: [REDACTED] E 150176 & 151285

Thank you Gary. I have forwarded this to council for review. Because this application is once again revised, making it a new application for council to consider, it will need to be placed on our agenda for the next public meeting which will be April 10th. The decision they made at last night’s public meeting was based on the previous application. Thank you again.

Geraldine

From: MYLER, Gary [mailto:gmyler@gov.nl.ca]
Sent: Wednesday, March 07, 2018 2:10 PM
To: 'townofwitlessbay@nl.rogers.com'
Subject: [REDACTED] E 150176 & 151285

Hi Geraldine

There seems to be confusion concerning [REDACTED] applications near Ragged Beach. Application E 150176 was for a stand-alone residential lot. He recently came into the office and reduced the area applied for from 1.49 ha to 0.81 ha. He then followed up with a letter dated Feb 18, 2018, copy attached, stating he now wants the land as an extension to his private property for (his wording) back lot development. The office is now requesting that the Town review his latest request and give an updated recommendation on this proposal.

Application E 151285 was for a right of way to access his private property. When [REDACTED] decided to use the right of way to also access to his residential application we had requested that the Town provide a letter stating that once the right of way was constructed the Town would take over the maintenance and control of the right of way. Usually residential development requires the property to front on publicly maintained road system thus the request for the Town to take over the maintenance and control of the right of way. Since the site is now being applied for as an extension to his private property this letter is no longer required.

Thanks
Gary
729-0193

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FYI

Steve Barnable  
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726

Good morning Steve  
We visited the Howley Building last month and followed up with the attached letter. We are hoping you can provide information regarding the status of our application #150726. Has our revised application been forwarded for review and comments? If not, how long do you expect this process to take? We were on that list the last time and received a notice, so I am assuming the same process.

Thank you for your assistance.

Good afternoon  
We are requesting that the attached letter and map be included with our crown Land application. We are unsure of the protocol for this request so are sending it to each of you for it to be directed to the appropriate person or department.

Thank you for your assistance.
Tara, Holly couldn’t find it so far but is still looking. She sent this BN, but much outdated. Mentions where the reserve request originated, but that is about it.

Steve Barnable
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726

From: Philpott, Holly
Sent: Thursday, March 1, 2018 12:28 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: Morgan, Tara <taramorgan@gov.nl.ca>
Subject: FW: BN_Town of Witless Bay Ragged Beach 15 October 2014.docx

From: Orsborn, Caroline
Sent: Monday, October 17, 2016 2:52 PM
To: Moore, Darren E. <dmoore@gov.nl.ca>
Subject: BN_Town of Witless Bay Ragged Beach 15 October 2014.docx
Meeting Note
Department of Municipal and Intergovernmental Affairs
Town of Witless Bay
4th Floor, Main Boardroom
9:30 a.m., 11:00 a.m., and 1:00 p.m., Wednesday, 15 October 2014

Attendees: Minister Keith Hutchings; Resident Property Owners -

Municipal Affairs Officials: Corrie Davis; Darren Moore; Darlene Dunne

Purpose of Meeting: The purpose of the meeting is to discuss Ragged Beach.

Background:
- The Town of Witless Bay is located in the district of Ferryland.
- According to the department’s internal database, the 2011 population was 1179.
- The Mayor is Sebastian Depres.
- The town’s 2014 MOG was $75,117.09, an increase of 38.4 per cent.
- Based on the 2013 budget, the Debt Service Ratio is 14.21 per cent.

Agenda Item 1: Ragged Beach
- In July 2011, the Town of Witless Bay submitted amendment documents to develop in the Gallows Cove/ Ragged Beach area to accommodate two developments:
  - a residential subdivision proposed by [redacted]
  - Two residential lots proposed by [redacted]
- Both proposals require the acquisition of Crown land to make the developments possible. Crown land applications are not accepted unless the municipal zoning allows the proposed development. No Crown land applications were submitted.
- In the fall of 2010, in response to a similar and previously withdrawn municipal planning map amendment, Municipal Affairs (MA) officials met with council and advised that:
  - the map amendment was contrary to policies within the Witless Bay Municipal Plan;
  - the proposed amendments also required an amendment to the St. John’s Urban Region Regional Plan (SJURRP) to re-designate the area from “rural” to “urban development” to accommodate residential development.
- Although the Town has never requested an amendment to the SJURRP in writing, the former Minister agreed to proceed with the amendment in June 2013 on condition that the Town ensure the road that accessed the proposed development was up to an appropriate standard.
- Between the submission of the draft amendment in 2011 and early 2013, the town essentially abandoned the amendment and initiated an overall review of its Municipal Plan.
- The town’s draft Municipal Plan was submitted to MA on 14 May 2013.
- The draft plan proposes to allow for the proposed residential development in Ragged Beach.
- Early in the summer of 2013, MIGA asked the Town what amendments would be required to the SJURRP to accommodate the Municipal Plan. This report was received on 7 October 2013.
- The proposed development at Ragged Beach received a great deal of attention and media coverage. Several provincial interests were raised in the process, including possible negative impacts on:
  - Seabirds and the Witless Bay Ecological Reserve – ENVC advised that the overall increase of urbanized environment would not have a significant impact on the Witless Bay Ecological Reserve or seabirds;
  - East Coast Trail; and
Provincial Coastal and Ocean Management Strategy and Policy Framework.

- Those potential provincial interests were investigated and the responsible departments were satisfied that the concerns could be adequately mitigated.
- The Department reviewed the draft Municipal Plan for compliance with provincial interests and released the plan without any conditions on June 27, 2014. This draft plan was subsequently adopted at a regular public meeting of Council.
- Council scheduled a public hearing regarding the plan as required by the legislation. MIGA is not aware of the outcomes of that hearing as the final report and draft plan has not yet been received from the Town's planning consultant; however, the consultant has advised the Department that significant changes have been made at the direction of Council to the Plan that was released from provincial interest review on June 27, 2014.

Sec 40(1)

and have separately written to the Minister indicating that the Council has, in their opinion, unilaterally and without consultation, changed the zoning of their properties to conservation.

- The Department is obligated to register the plan on submission to the Department if the plan is not contrary to Law or a Provincial Policy.
- A coalition of residents and non-residents formed the “Friends of Ragged Beach” (FORB).
- The FORB applied to Council for approval of a Crown land application to accommodate the development of a park in the Ragged Beach area. Council did not act on this application.
- FORB appealed to the Eastern Newfoundland Regional Appeal Board (ENRAB).
- The ENRAB dismissed the appeal on its findings that there had been no development application made to council.
- The FORB filed an appeal of the ENRAB decision to the Supreme Court of Newfoundland and Labrador.
- On July 15, 2014, the Town Council of Witless Bay wrote the then Minister of Environment and Conservation (ENVC) requesting that as per section 8 of the Lands Act, the Minister preserve and set aside 99 hectares of Crown Lands within the Town's boundaries to protect the shoreline for future uses and public enjoyment.
- On August 22, 2014, the Minister responded saying that he had instructed departmental officials to review the request.
- contacted the Department (ENVC) to object to the Town's request to freeze the crown land and to request a meeting. To date, no meeting has taken place.
- MIGA (formerly ENVC) Crown Land officials advise that section 8 of the Act only applies to Crown Land. If has private land in that area, section 8 will not apply.
- In a separate but related issue, recently contacted the Office of the Citizen's Representative to issue a complaint regarding the length of time that the municipal plan amendment process has taken. Sec 40(1)

Potential Speaking Points:
- Department officials have provided feedback on the Town's draft Municipal Plan and are waiting for a revised plan from the Town.
- The Department will review the Plan on submission from the Town, and is obligated to register the plan if there is no contravention of law or provincial policy.
- Council has autonomy to make decisions with respect to future land use within the town.

Prepared / Compiled / Approved by: C. Davis, D. Moore, H. Tizzard, P. Howe
15 October 2014
From: Morgan, Tara  
Sent: Thursday, March 1, 2018 12:10 PM  
To: Barnable, Steve  
Subject: RE: Minister Gerry Byrne Response Letter Friends of the Ragged Beach

I don’t have access to MA Trim – do you still have access?

If not we may be able to get IM group to search for us. Could you follow up with Holly?

Thanks

Tara

---

Tara Morgan  
Director (A), Crown Lands Division  
Department of Fisheries and Land Resources

Tel: (709) 637-2093 Fax: (709) 637-2004

---

From: Barnable, Steve  
Sent: Thursday, March 1, 2018 12:08 PM  
To: Morgan, Tara <taramorgan@gov.nl.ca>  
Subject: RE: Minister Gerry Byrne Response Letter Friends of the Ragged Beach

Tara, in an unusual coincidence, Darren was over using our boardroom. I asked him about the refused Ragged Beach reserve that LMD was working on and he said that there is a letter in TRIM from Min. Joyce in response that covers it. There may be something in it that speaks to the matters outlined in the letter. Would be in Mun Affairs TRIM now and we may not be able to search it directly.

I threw in Section 8, Ragged Beach, Reserve, etc. but no luck. Rick may have a copy.

---

Steve Barnable  
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726
in the meeting that he is seeking, he is asking whether Ministerial declarations are still valid. I would not be able to comment on this in any meeting and would assume that it would be something for him to enquire of those particular Ministers.

Given the thrust of the letter, while I am willing, I can’t see that a meeting with me would be of any value and relating the Crown land referral process might not be perceived as being helpful.

I believe that he may more be seeking to have certain concepts embedded in zoning regimes, which would be a matter for the Town, Municipal Affairs (Land Use Planning), Wildlife and Land Management Division.

There may be information with LMD relating to a review of the conservation area that was rejected. As mentioned, Darren was working on it some years back.

Hope this is of some help.

Steve Barnable
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726
Mr. Edward Vickers  
Friends of the Ragged Beach  
Box 353, 232 Gallows Cove Road  
Witless Bay, NL A0A 4K0

Dear Mr. Vickers:

I write in response to your letter dated February 12, 2018 regarding Applications for Crown Land situated at the Ragged Beach area of Witless Bay.

Friends of the Ragged Beach’s (FORB) application (referenced by file number 1035091) was not accepted as, at that time, Applications for Crown Land were required by policy were to be accompanied by an approved Municipal Recommendation Form (MRF). The MRF submitted with the application indicated refusal due to “unclear ownership of the land applied for”. It is recommended that you contact the Town for further clarification of this matter. The process of requiring MRF’s to accompany Applications for Crown Land has since been discontinued.

Currently, the Eastern Regional Lands Office (ERLO) is processing applications for lands within this area. Applications for Crown lands are distributed for review through the Crown lands referral process, in which all government departments, municipalities and any agencies with a mandate or interest related to the subject lands and the proposed use are referred to for comment and recommendation. If approvals are obtained through this referral process, then the application may be approved.

In the processing of the above noted applications and in dealing with other issues, ERLO has acquired some materials relating to properties in the area from a variety of sources, inclusive of the Registry of Deeds. The Lands Branch has endeavored to map private claims from information provided, insofar as possible, to avoid conflict.

Sincerely,

5 returns here. If extra space is needed, it can be reduced to 4 returns.
HONOURABLE GERRY BYRNE, MHA
District of Corner Brook
Minister

(Set tab here at 0.5" for persons to be copied)
c: Ms. Jane Doe (always use Ms./Mr. in front of the name- except Ministers are Honourable)
MAR 1, 2018

TOWN OF WITNESS BAY
P. O. Box 130
Witless Bay NL
A0A 4K0

Dear Sir/Madam:

RE: APPLICATION NO.: 153494
TYPE: Grant
PURPOSE: Parking Lot
LOCATION: Witless Bay

This will acknowledge receipt of the above referenced application for a Crown title. The application has now been registered and via a copy of this letter, the Department and/or agencies on the attached schedule have been asked to forward their comments and recommendations on your application to the Regional Lands Office.

Your application will be reviewed and a final decision will be made when the recommendations have been received from these Departments and/or agencies.

To assist inspectors in locating the area applied for and to avoid delays in processing your application it is advisable to place your name and application number on the site. Your application is being processed for the site indicated on the attached map.

Please note that the land is not to be occupied until you receive a fully executed title document.

If you require any additional information concerning the processing of this application please contact the Regional Lands Office at the address below.

Yours truly,

[Signature]

LANDS OFFICER
Attachment(s)
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: TOWN OF WITNESS BAY
P. O. Box 130
Witless Bay NL
A0A 4K0

Telephone: (H): [REDACTED] (O): 7093343407
Application Number: 153494
Application Type: Grant
Purpose: Section 9
Location: Witless Bay
Area (hectares): 0.09
Frontage (metres): 30
Map Number: 01N07
Comments:

REFERRAL AGENCY ONLY

Date: 6/28/2018
Department/Agency: TCI
Branch/Division: Sector Diversification
Address: P.O. Box 8700, St. John's, NL

RECOMMENDATION: Approval

Box 8700, St. John's, NL, Canada A1B 4J6
1 (709) 729 2654 1 (709) 256 0728 www.gov.nl.ca
COMMENTS: Click here to enter text.

Name of Respondent : John Angelopoulos, Manager, Sector Development

Phone No.: 709-729-4518

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
MAR 1, 2018

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: TOWN OF WITNESS BAY
P. O. Box 130
Witless Bay NL
A0A 4K0

Sec 40(1)

Telephone: (H) [redacted] (0): 7093343407
Application Number: 153494
Application Type: Grant
Purpose: Section 9
Use: Parking Lot
Location: Witless Bay
Area (hectares): 0.09
Frontage (metres): 39
Map Number: 01N67
Comments: 

REFERRAL AGENCY ONLY

Date: 3/14/2018

Department/Agency: Newfoundland Power
Branch/Division: engineering
Address: 55 Kenmount Road

RECOMMENDATION: Approval

COMMENTS: 

Name of Respondent [redacted]
Phone No.: [redacted] Sec 40(1)

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
Actually, no application was accepted. The Town refused on the Municipal Recommendation Form stating that the ownership was unclear. We could not process with a refused MRF.

The applications that followed provided survey info and we also looked into the issue with the path. Completely different era. He would need to speak to the Town to determine what they meant.

Beyond that this issue was in the hands of LMD for quite a while as there was a review with respect to an ecological reserve that Darren was working on, however, I do not have details. It was rejected though.

Steve Barnable
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726

From: Barnable, Steve
Sent: Monday, February 26, 2018 8:41 AM
To: Morgan, Tara <taramorgan@gov.nl.ca>
Subject: RE: Minister Gerry Byrne Let

Tara, this one is typical of those that we get sent in a general sense and has nothing to do with ERLO other than we take applications for Crown Land. We have no oversight in Planning, etc. Any interests that they have in the Ragged Beach, they should be working with the Town, Municipal Affairs, Wildlife, etc.

There is a widespread misconception that the Lands has oversight in matters outside of title issuance. I have been an advocate of changing our name to align better with what we do.

I can only offer the following minimal input:

"Applications for Crown lands are distributed for review through the Crown lands referral process, in which all government departments, municipalities and any agencies with a mandate or interest related to the subject lands and the proposed use are referred to for comment and recommendation. If approvals are obtained through this referral process, then the application may be approved. The Lands Branch has endeavored to map private claims from information provided insofar as possible to avoid conflict."
Hi Steve,

Before I Workflow this to you I'd like your thoughts as to if LMD should be involved as well.

Thoughts?

Thanks

Tara

---

From: Morgan, Tara
Sent: Saturday, February 24, 2018 3:48 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Subject: FW: Minister Gerry Byrne Let

---

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources
Tel: (709) 637-2093 Fax: (709) 637-2004

---

From: Hunt, Pam
Sent: Thursday, February 15, 2018 11:05 AM
To: Neville, Lisa <LisaNeville@gov.nl.ca>
Subject: FW: Minister Gerry Byrne Let

For Trim and response please

---

From: MacGowan, Gordon
Sent: Monday, February 12, 2018 8:58 AM
To: Hunt, Pam <PamHunt@gov.nl.ca>
Subject: FW: Minister Gerry Byrne Let

Pls Trim and action to Keith for a response for the Minister's signature.

Thx

Gord

---

From: Edward Ted Vickers [mailto:xxx@outlook.com]
Sent: Monday, February 12, 2018 7:33 AM
To: fmrminister
Subject: Minister Gerry Byrne Let
Hi Minister Byrne, attached is a letter outlining an issue that is in the public interest. I respectfully ask that you review the issue and instruct your department to communicate and respond as requested. Respectfully,

Edward Vickers
Exec Director FORB
Gary I have placed in folder. Please put with the copy that you are doing for ATIPP

Steve Barnable
Regional Lands Supervisor - 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) 729-0094 Fax: (709) 729-0726
### Summary of Agency Referrals

<table>
<thead>
<tr>
<th>Department</th>
<th>Approved</th>
<th>Refused</th>
<th>Comments Attached</th>
<th>Date Sent</th>
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Officers Comments: LVA checked

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**Mar. 16, 2017**

Recommendation of Regional Office:

☐ Approved (Complete section below)  ☐ Refused (Give reason)

Date

Lands Management/Lands Officer

---

This section to be completed by Regional Office when approval is recommended.

Area approved_________________________  Frontage_________________________  Consideration/Rental_________________________  Back/Rental_________________________

☐ Lease  ☐ Grant  ☐ Licence  ☐ Other  ☐ Type_________________________

Cabinet approval required  ☐ Yes  ☐ No

Special Instructions to surveyor (if any):

---

Departmental decision:

☐ Approved  ☑ Refused  ☐ Deferred  ☐ To Cabinet

Special Instructions:

---

Date  Feb 21, 2018

Authorized Signing Official
Hi Steve,

Before I workflow this to you I’d like your thoughts as to if LMD should be involved as well.

Thoughts?

Thanks

Tara

Tara Morgan
Director (A), Crown Lands Division
Department of Fisheries and Land Resources

Tel: (709) 637-2093 Fax: (709) 637-2004

From: Hunt, Pam
Sent: Thursday, February 15, 2018 11:05 AM
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Pls Trim and action to Keith for a response for the Minister’s signature.

Thx

Gord

Sent: Monday, February 12, 2018 7:33 AM
To: friminester
Subject: Minister Gerry Byrne Let

Hi Minister Byrne, attached is a letter outlining an issue that is in the public interest. I respectfully ask that you review the issue and instruct your department to communicate and respond as requested. Respectfully,
February 12, 2018

Minister Gerry Byrne
Department of Fisheries and Land Resources

Dear Minister Gerry Byrne,

On March 13, 2015, (File Reference 1035091), Lands Branch declared by letter to FORB that "...due to unclear ownership of the land", a FORB application for crown land for a nature park was refused.

Since that date, there have been several attempts to obtain public land in the Ragged Beach area for residential development, and for road access to lands for private development. In the case of a private developer, a positive response for valuable shoreline land appears to be in place. Your department needs to explain the circumstances that resolved the "unclear ownership" issue.

The current residential development application is for the same crown land applied for by FORB. Notwithstanding the contentious nature of the dispute between conservationists and residential developers involving public land at Ragged Beach, the perception of developer economic bias is evident and disturbing for many conservationists seeking protection for public shoreline access.

Recently the historical path providing access was identified by Lands Branch. This was inconvenient for developers who now claim an alternate non-existent historical inland road across private land to public land beyond. This has caused an action in court for trespass and property damage by the private land holders involved. This desperate deception sets naked economic interests as paramount to historical fact and social considerations for the future of public shoreline and public access.

Following the identification of the historical access, Town Council moved a motion to acquire crown land for a service vehicle turn-around at the end of Mullowneys Lane. This action has been described by the court as a "thinly veiled artifice", a grand deception of claiming public need to aid private developers. Regrettably, this has the effect of making Lands Branch a potential enabler in this deception. It may place FORB in the position of having to protect the public interest.
I have worked previously with Lands Branch to dampen down emotions with respect to a perception of bias on the part of Lands Branch. Matters related to improperly placed fencing by residents protecting their property were resolved. However, emotions are once again at a fever pitch due to action by private developers and Town Council attempting alternative access.

Your mandate with respect to the administration public lands as a "social and economic resource". The perception of bias is formed from a weighted focus on economic considerations. There is also a view that Lands Branch is passive in protecting public land at Ragged Beach as a social resource.

I have completed a review of an ATTIPP COR/2017/04142 September 21, 2017 that contains many unsupportable claims by residential developers. The issue FORB supporters bring is whether the conservation of public land and shoreline access, viewed in a social frame, is of similar value as the economic interests of residential developers in demanding public shoreline land for private profit.

In a collision of rights, does the Government of NL have an obligation to provide public land for private gain under the circumstances of the dispute at Ragged Beach. It should be noted that two Ministers of Municipal Affairs have stated in letters to the Town Council of Witless Bay, that development at Ragged Beach, could not proceed without an upgrade of Mullowneys Lane to Town standards. FORB believes that socially valuable public land must not be devalued for private profit.

I am requesting a meeting with someone with authority to fully explain the actions of Lands Branch with respect to requests for Ragged Beach public land for private gain. Additionally, supporters of FORB are entitled to know whether the previous Minister’s declarations are still valid. It is my duty to manage the activism of supporters of FORB to maintain the rule of law. It is becoming difficult in an environment where a perception of bias in favor of economic development is prevalent.

I ask that you direct a meeting with someone from your department and myself to discuss the matters necessary to calm the waters. Previous productive communication with Lands Branch field personnel have always been cooperative and respectful. In this matter, I have determined that an in-person conversation is necessary to provide independent perspective. I strongly suggest that some perspective taking by a person of your choice would forestall conflict and future perceptions of bias. I ask that the meeting be held in Witless Bay as documents need to be examined. I can be reached at: Edward Vickers 709-334-2301 [redacted]@outlook.com

Sincerely,

Friends of Ragged Beach Inc. (FORB)
Sec 40(1)

I, [REDACTED], have no knowledge of any persons having any claim to the land applied for by Witless Bay Town Council located at the end of Mullowney's Lane, Gallows Cove, Witless Bay as shown on site plan (see attached). As a life time resident of Witless Bay I have full knowledge of this area in question.

Sec 40(1)

[REDACTED]

DATE

Feb 30, 2013
I, [redacted], AGE [redacted], OF WITNESS BAY

RELINQUISH ANY CLAIM TO THE SPECIFIC PIECE OF LAND APPLIED FOR
BY THE WITNESS BAY TOWN COUNCIL, LOCATED AT THE END OF
MULLOWNEYS LANE, GALLOWS COVE, WITNESS BAY AS SHOWN ON
THE SITE PLAN (SEE ATTACHED). FURTHERMORE, AS A LIFE TIME
RESIDENT OF WITNESS BAY I HAVE NO KNOWLEDGE OF ANY PERSONS
(FAMILY OR OTHERWISE) HAVING CLAIM TO THIS LAND.

[Redacted]

DATE

[Redacted]

GERALDINE CAUL
A Commissioner for Oaths
in and for the Province of
Newfoundland and Labrador
My commission expires on Dec 31st, 2018

[Redacted]
Potential copyright material

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

Under the provisions of subsection (1) of Section 9 of the Lands Act, Her Majesty the Queen in Right of Newfoundland and Labrador (the "Crown") represented herein by the Honourable the Minister of Fisheries and Land Resources for the Province of Newfoundland and Labrador (the "Minister") does hereby GIVE AND GRANT unto

THE TOWN COUNCIL OF THE TOWN OF WITNESS BAY

in the Province of Newfoundland and Labrador (the "Grantee") its successors and assigns, for the purpose of a Parking Lot ALL THAT piece or parcel of land situate and being at Witless Bay, as more particularly described in the attached Schedule A and delineated in Schedule B attached hereto (which schedules are part of these presents), with the appurtenances, EXCEPTING AND RESERVING nevertheless out of this present Grant to the Crown all minerals, limestone, granite, slate, marble, gypsum, marl, clay, sand, gravel, building stone, volcanic ash, peat, coal, natural gas, naturally-occurring oil and salt in and under the said piece or parcel of land TO HAVE AND TO HOLD (except as before excepted) unto the said Grantee its successors and assigns and shall remain in effect as long as the land is developed and used for a Parking Lot;

YIELDING AND PAYING unto the Crown as the price and consideration of the said land the sum of $1.00 at the time of signing and delivery thereof.

PROVIDED that this present Grant is also upon the condition that the said land shall be held under and subject to all regulations and provisions of the Lands Act, and to such statutes and regulations as are now in force or which may at any time hereafter be made by law for the improvement or cultivation of lands within the Province of Newfoundland and Labrador.

AND it is further provided that in consideration of the issuance of this Grant by the Minister and the Government of Newfoundland and Labrador, the Grantee, its successors and assigns, hereby indemnifies and saves harmless the Minister and the Government of Newfoundland and Labrador of and from any and all manner of claims, damages, losses, costs and charges whatsoever occasioned to or suffered by or imposed upon the Minister and the Government of Newfoundland and Labrador directly or indirectly in respect of any matter or thing in consequence of or in connection with or arising out of the occupancy or use of the land herein described or any buildings and erections thereon by the Grantee in connection with the occupancy or use of the same by the Grantee or in respect of any accident, damage or injury to any person, animal or thing by from or on account of the same except and to the extent that such claims, damages, losses, costs and charges arise or are caused by the negligence of any servant or agent of the Minister and the Government of Newfoundland and Labrador while acting within the scope of her/his duties or employment. The Covenants of the Grantee for indemnity herein contained shall extend to all damages and claims for damage by reason of improper or faulty erection or construction of structures erected or installed on or in the land herein described or in connection therewith by the Grantee, its servants or agents, and by reason of an insufficiency in said structures and whether or not the same have been approved by the Minister and the Government of Newfoundland and Labrador, their servants or agents.
AND it is further provided that, in case the Grantee, its successors or assigns, shall make default in the performance of any of the provisions or conditions herein contained, including an unauthorized use of the said lands, then the Crown shall have the right of re-entry which right shall not affect any right of action arising from this Grant.

AND it is further provided that the Grantee, its successors or assigns, hereby forever releases the Minister, his or her servants and agents, from any and all liability arising from or related to any defect and/or omission that may be identified in the survey description and/or plan attached hereto as Schedules A and B. The Grantee further agrees that it shall have no recourse against the Minister, his or her servants or agents, if the said survey description and/or plan for the demised land are found to be defective in any way.
AND it is further provided that except for the land hereby granted, the issuance of this Grant by the Minister does not constitute an acknowledgement of any right, title or interest in or to any of the other parties identified in the survey description and plan attached hereto as Schedules A and B.

IN WITNESS WHEREOF the Parties have executed this Indenture.

SIGNED AND SEALED
by the Minister of Fisheries and Land Resources and the Seal of the Department of Fisheries and Land Resources was affixed on the day of A.D.,
in the presence of:

Witness

Minister

SIGNED AND SEALED
by the Grantee on the day of A.D.,
in the presence of:

Witness

Grantee

Witness

Grantee
Mr. Edward Vickers  
Friends of the Ragged Beach  
Box 353, 232 Gallows Cove Road  
Witless Bay, NL A0A 4K0

Dear Mr. Vickers:

Thank you for your letter regarding applications for Crown lands situated at the Ragged Beach area of Witless Bay.

Friends of the Ragged Beach’s (FORB) application (referenced by file number 1035091) was not accepted, as at that time, applications for Crown lands were required by policy to be accompanied by an approved Municipal Recommendation Form (MRF) completed by the Town. The MRF submitted with the application indicated refusal due to “unclear ownership of the land applied for”. It is recommended that you contact the Town for further clarification of this matter. The process of requiring MRF’s to accompany applications for Crown lands has since been discontinued.

Currently, ERLO is processing applications for lands within this area. Applications for Crown lands are distributed for review through the Crown lands referral process. Applications are referred to all government departments, municipalities and any agencies with a mandate or interest related to the subject lands and the proposed use, for comment and recommendation. All of the responses received from these referrals are considered before the Department makes a final determination. With regard to the positions of past Ministers responsible for Municipal Affairs and their current status I am copying my colleague, Minister Eddie Joyce on this letter as he is the current Minister responsible for Municipal Affairs and Environment.

If you would like to discuss Crown lands processes in relation to this application, Ms. Tara Morgan, Director (A), Crown Lands Division, and Mr. Keith Deering, Assistant Deputy Minister, Agriculture and Lands Branch, can be available to meet. Please contact Ms. Tara Morgan at 709-637-2093 to arrange a meeting time.

Sincerely,
HONOURABLE GERRY BYRNE, MHA
District of Corner Brook
Minister

c: Honourable Eddie Joyce, Minister
   Mr. Keith Deering, Assistant Deputy Minister
   Mr. Steve Barnable, Manager, Eastern Regional Lands Office