May 28, 2018

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/59/2018

On April 26, 2018, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"All correspondence related to "Application No. 150263 AMENDED - License to Occupy" including, but not limited to, all comments/recommendations received from all departments that were contacted for comment."

Please be advised that a decision has been made by the Deputy Minister for FLR to provide partial access to the requested information. Redactions have been made under Section 40 Personal Privacy and Section 29 Policy advice and recommendations. 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 709-729-4797 or by email at JasonWhiteway@gov.nl.ca

Sincerely,

Jason Whiteway
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 16 (2).

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

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

As stated in my email yesterday, we observed equipment operating in the berm adjacent to your License to Occupy (150263) at the Harbour Arterial Mineral Workings Area. From our observations, the berm that runs parallel to the TCH is being excavated, loaded in rock trucks and trucked back to a quarry. This activity is occurring outside the area applied for in the Crown Land application and there are no approvals in place for this work, thus this is unauthorized removal of quarry materials and we are prepared to issue a Stop Order.

We provided our response to your amended Crown Land application on Tuesday, March 13 (see below); Steven Hinchey reiterated this information via email and a phone call with Myles Russell earlier this week. Our response clearly outlined that the access road must be reinstated to its original location. Given our current knowledge of the provisional plan for the future interchange that will be constructed with the Galway development, the re-location of the road to the eastern side of the current fence is no longer a viable option. The road which existed before the application site was re-developed must be restored to provide the long-term access route required at this location.

As a result, all quarry activity here must cease immediately.

Thank you for your cooperation on this matter.

Andrea Devereaux, P.Geo,
Quarry Materials Compliance Officer
Mineral Lands Division, Department of Natural Resources
Office: 709.729.6410 Cell: 709.727.2757
www.nr.gov.nl.ca/nr/mines/quarries

From: Hinchey, Stephen
Sent: Tuesday, March 13, 2018 12:38 PM
To: Lands Office, Eastern
Cc: Sheppard, Kevin; Kennedy, Gerald; Devereaux, Andrea; Snow, Matthew; Skanes, Bill; Morrissey, John; gdoran@stjohns.ca
Subject: HPRM: REVISED Mines Branch response for Crown land application 150263 amendment (Farrell’s Excavating Ltd., licence)
Below is the REVISED Mines Branch response for Crown land application 150263 amendment (Farrell’s Excavating Ltd., licence):

Applicant: FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other
Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

This response includes three attachments (.JPG).

Recommendation: Rejection of the area proposed, conditional approval of smaller area (depicted in yellow on attached maps 1 – 3).

Comments: The applied-for amendment to licence to occupy 150263 cannot be approved as delineated because it covers a public road that existed before the site was re-developed by the applicant. The Mines Branch does not object, however, to approval of a smaller amendment area (depicted on attached maps 1 – 3) restricted to the eastern side of the route of the former public road and on the condition that unimpeded access along the route be restored by the applicant, including by the removal of fencing at entry and intersection points and the removal of equipment, stockpiles, and other obstacles which may block the route. Note that the smaller, revised amendment area depicted in yellow on attached maps 1 – 3 has been plotted so that the western boundary is located approximately 10 m east of the centerline of the route of the former public road.

Note that during our review of this application for an amendment to the licence area the Mines Branch communicated its objection (above) to the applicant who responded with a proposal to establish a new access road to replace the one that existed before they re-developed the site. The replacement access road was proposed to be located on the exterior side of the fence running along the eastern side of the re-developed area (the side closest to the highway) and would run parallel to the highway. Construction of the proposed replacement access road would necessitate that the existing berm would have to be moved at least 4 m closer to the highway. After considering the proposed replacement access road and consulting with other government agencies, it was determined that this proposal is not viable for the following reasons:

1. The proposed replacement access road would be located within the right-of-way of the Trans-Canada Highway, measured 60 m from the centerline of the median. Parts of the re-developed area are already too close to the highway (i.e., within the right-of-way) and further encroachment into the right-of-way at this location will not be permitted.

2. According to the provisional plan for the future interchange that will be constructed to connect with the Galway development, the interchange and ramps would have necessitated that the proposed replacement road be abandoned to allow for development of the interchange and ramps. The Mines Branch, in its mandate to manage the quarry material resource, requires that the access configuration of the Harbour Arterial Mineral Workings Area be designed to allow for long-term equitable access for all operators, and for this reason the Mines Branch considers the provision of a temporary replacement road unacceptable. Rather, the public road which existed before the application site was re-developed by the applicant is much more compatible with the provisional plan for the future interchange, and its restoration would provide the long-term access route required at this location.

The applicant is reminded that the original licence to occupy application was approved on the condition that the occupation is to be temporary and that the site must be vacated within 7 days upon request by government, whereafter the licence shall be extinguished. Development and investment decisions concerning the licence area should be made with this condition in mind.
From: Hinchey, Stephen
Sent: Friday, November 10, 2017 2:42 PM
To: Lands Office, Eastern
Cc: Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject: HPRM: Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)

Below is the Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence):

Applicant:    FARRELL’S EXCAVATING LTD
              P.O. Box 909
              Mount Pearl NL
              A1N 3C8

Telephone: (H): 7097455904   (O): 709
Application Number:  150263
Application Type: Licence
Purpose: Other   Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the ‘original area’ identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John’s A1B 4J6

From: Lands Office, Eastern
Sent: Tuesday, October 24, 2017 3:10 PM
To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; ‘GDorancoons.ca’; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron
Subject: Crown land referral for Farrell’s Excavating Ltd, E-150263

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.
Andrew/Gary et al:  

This application is refused due to its conflict with the proposed interchange for the Galway/Glencrest Development.

Though the original application has been modified to suit the original proposed reservation for the interchange the design has shifted and been rotated to have more of a footprint to the east. The excavation associated with the proposed interchange will also extend the footprint further due to the deep earthworks cut. Will forward the latest drawing the Department have been provided for an interchange layout with grade lines for you to get an appreciation of the excavation associated with the interchange.

Caution is advised in approving any application in the vicinity of the proposed interchange on the North side of the highway as the roundabout configuration to tie in with the local road network with the quarries is not finalized and there have been representations made by several of the quarry operators to have it configured for their operations. Ultimately these roads may come under the jurisdiction of the City of St. John’s as many streets do upon completion of development and turnover to the City. Complicating the development and approval process by granting ownership to any one owner/contractor may tip the negotiation in favour of the landowner with the most vested negotiating power which would not necessarily be in the best of public interest for the road development as when the quarries are abandoned and the area reclaimed for possible future industrial park development. If any property is transferred in this vicinity it would be best to deal with the municipality having jurisdiction and future ownership interests. The City of St. John’s should have comments on this referral but it will likely take some time for them to finish their review process.

John Morrissey  
Manager of Highway Design and Traffic Engineering  
Department of Transportation & Works NL  
5th Floor West Block Confederation Building  
PO Box 8700 St. John's, NL  
A1B 4J6  
709-729-5493  
morrisseyj@gov.nl.ca
Below is the Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence):

Applicant: FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other
Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the ‘original area’ identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Lands Office, Eastern
Sent: Tuesday, October 24, 2017 3:10 PM
To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; 'GDoran@stjohns.ca'; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron
Subject: Crown land referral for Farrell's Excavating Ltd, E-150263

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.
From: Niefer, David  
Sent: Wednesday, February 21, 2018 3:20 PM  
To: Devconavalon <devconavalon@gov.nl.ca>  
Subject: Response for Revision to Mines Branch - Crown Land application 150263 (Farrell's Excavating Ltd., licence)

Theresa,

Upon review of the revision (see e-mail correspondence below), we do not have any changes to our previous response. One of our recommendations requires “Any existing tree screen concealing the operation from public view is to be maintained” and the revision states that “the existing berm would have to be moved at least 4 meters towards the highway.” We feel that the berm and the tree screen will serve similar purposes and, therefore, both are not required for the revised location.

Sincerely,

David Niefer

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From: Devconavalon  
Sent: Wednesday, February 21, 2018 12:51 PM  
To: Hanlon, Carol <CarolHanlon@gov.nl.ca>; Niefer, David <DavidNiefer@gov.nl.ca>  
Subject: FW: Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)

Please send response regarding revisions to devconavalon@gov.nl.ca.

Theresa Murphy

Regional Support Supervisor  
Service NL - 149 Smallwood Drive
From: Lands Office, Eastern  
Sent: Friday, January 26, 2018 6:37 PM  
To: Spencer, Byron <bspencer@newfoundlandpower.com>; Drake, Martha <mdrake@gov.nl.ca>; gdoran@stjohns.ca; Referrals_WRMD <Referrals_WRMD@gov.nl.ca>; Glode, Jason <jasonglode@gov.nl.ca>; Devconavalon <devconavalon@gov.nl.ca>  
Cc: Hinchey, Stephen <StephenHinchey@gov.nl.ca>; Devereaux, Andrea <AndreaDevereaux@gov.nl.ca>; MYLER, Gary <gmyler@gov.nl.ca>  
Subject: FW: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)  

Please see map and email from Mines. Please review and forward your comments and notes if there is revisions in your approval.

From: Hinchey, Stephen  
Sent: Friday, November 17, 2017 1:54 PM  
To: Lands Office, Eastern  
Cc: Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin  
Subject: RE: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)  

With respect to the proposed amendment of CL application 150263, we asked the applicant about the possibility of constructing a new public road to replace the public road that they re-developed and blocked off (referenced in our response below). The applicant responded with a proposal to construct a 4 m wide road on the exterior side of the fence running along the eastern side of the area they developed, closest to the highway (indicated in purple on the attached map). Constructing this road would necessitate that the existing berm would have to be moved at least 4 m east towards the highway. Could you please refer this message (with map) to the other referral agencies for this application to ask for their comments on this proposal?

Stephen Hinchey  
Land Use and Exploration Monitoring  
Mineral Lands Division, Mines Branch, Department of Natural Resources  
telephone (709) 729-5748, fax (709) 729-6782  
stephenhinchey@gov.nl.ca  
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Hinchey, Stephen  
Sent: Friday, November 10, 2017 2:42 PM  
To: Lands Office, Eastern  
Cc: Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin  
Subject: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)  

Below is the Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence):

Applicant: FARRELL’S EXCAVATING LTD  
P.O. Box 909  
Mount Pearl NL  
A1N 3C8  

Telephone: (H): 7097455904  (O): 709  
Application Number: 150263
Application Type: Licence
Purpose: Other Use: Parking lot and laydown area
Location: St. John's
Area (hectares): 2.97
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the 'original area' identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
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P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Lands Office, Eastern
Sent: Tuesday, October 24, 2017 3:10 PM
To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; GDoran@stjohns.ca; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron
Subject: Crown land referral for Farrell's Excavating Ltd, E-150263

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.
Steve - FYI
Guys,

It looks like an application was accepted by Farrell’s in an area where we cannot accept applications. It doesn’t have a number yet, but is next to app 148736. This new application overlaps two Crown Lands Reserves:

1) F9E50 (MUN Woodlot) – states that quarry related applications can be accepted in area B (this is not area B). [http://gis.lands.gov.nl.ca/lua/F9E50_MUN_Woodlot_Order.pdf](http://gis.lands.gov.nl.ca/lua/F9E50_MUN_Woodlot_Order.pdf)

2) F9E80 (Three Arm Pond) – Land reserved for TW for a future bypass road. [http://gis.lands.gov.nl.ca/lua/F9E80_Three_Arm_Pond_cr.pdf](http://gis.lands.gov.nl.ca/lua/F9E80_Three_Arm_Pond_cr.pdf)

Please fix. Where it isn’t registered yet it should not be too difficult. Should not have even been plotted in the first place.

Thanks,

Peter

Peter Hearn, MES
Manager of Resource Evaluation and Policy Integration
Land Management Division, Dept. of Municipal Affairs
Email: peterhearns@gov.nl.ca | Tel: (709) 729-3231

This email and any attached files are intended for the sole and exclusive use of the named primary and copied addressee(s) and may contain confidential and privileged information intended for those addressee(s) only. Any distribution, use or copying by any means of this information by any other person or party is strictly prohibited. If you have received this email in error and are not an intended addressee, please delete it immediately and notify the sender.
Teresa
Can you verify that the Transportation Branch had reviewed this referral and had recommended approval
Thanks
gary
Morning Frank

During yesterdays meeting, you guys mentioned we can't apply for an area where an application is already submitted, so I have a couple questions related to that. If Jerry’s application (Standard Paving) to Crown Lands is rejected/withdrawn, could we simply apply for the same location along with the rest of the noted area we discussed yesterday morning? Also, is there a way we could be notified if that application is rejected/withdrawn so we can apply right away to speed the process along?

Thanks for the assistance

Myles Russell
Senior Civil Coordinator
Farrell's Excavating Limited
C: 1-709-745-9000
T: 1-709-745-5904
F: 1-709-745-3222
Hey Steve

I thank-you for quickly meeting with me yesterday afternoon. A really appreciate you guys being about to push out the application information just north of our license #150263 to the various departments.

I’ll check with Jamie on Wednesday next week.

Have a great Canada Day long weekend!

Cheers and Thanks

Myles Russell
Senior Civil Coordinator

P.O. Box 909, Mount Pearl, NL
2700 T.C.H. St. John’s, NL

Mobile:  1-709-
Office:  1-709-745-5904
Fax:     1-709-745-3222
Email:   mruessell@farrells.ca
www.farrellsexcavating.ca
tinyurl.com/FELcourierMAP
Jamie, what is this?

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

Hey Steve  
I was just out talking to AJ and he mentioned he has been quite busy. As mentioned before, it is imperative that the Gerry Winter (Standard Paving) application be forwarded out to the related parties. We have work orders and correspondence from various government departments on hold due to the delay in processing this application. Please ensure that this file is forwarded out to the relevant parties as soon as possible.

Thanks and Cheers

Myles Russell  
Senior Civil Coordinator  
Mobile: 1-709 XXXXXX  
Office: 1-709-745-5904  
Fax: 1-709-745-3222

Hey Steve  
I thank-you for quickly meeting with me yesterday afternoon. A really appreciate you guys being about to push out the application information just north of our license #150263 to the various departments.
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Cheers and Thanks

Myles Russell  
Senior Civil Coordinator

Mobile:  1-709
Office:  1-709-745-5904
Fax:  1-709-745-3222
Email:  mrussell@farrells.ca

www.farrellsexcavating.ca
tinyurl.com/FELcourierMAP
From: Devereaux, Andrea  
Sent: Friday, April 06, 2018 11:17 AM  
To: 'Janine Walsh'  
Cc: Hinchey, Stephen; Sheppard, Kevin; Kennedy, Gerald; Barnable, Steve; Nickerson, Jeffrey; Skanes, Bill; Morrissey, John; 'Gerard Doran'  
Subject: Excavation of berm along License to Occupy at the HAMWA.

Hi Janine,

As stated in my email yesterday, we observed equipment operating in the berm adjacent to your License to Occupy (150263) at the Harbour Arterial Mineral Workings Area. From our observations, the berm that runs parallel to the TCH is being excavated, loaded in rock trucks and trucked back to a quarry. This activity is occurring outside the area applied for in the Crown Land application and there are no approvals in place for this work, thus this is unauthorized removal of quarry materials and we are prepared to issue a Stop Order.

We provided our response to your amended Crown Land application on Tuesday, March 13 (see below); Steven Hinchey reiterated this information via email and a phone call with Myles Russell earlier this week. Our response clearly outlined that the access road must be reinstated to its original location. Given our current knowledge of the provisional plan for the future interchange that will be constructed with the Galway development, the re-location of the road to the eastern side of the current fence is no longer a viable option. The road which existed before the application site was re-developed must be restored to provide the long-term access route required at this location.

As a result, all quarry activity here must cease immediately.

Thank you for your cooperation on this matter.

Andrea Devereaux, P.Geo,  
Quarry Materials Compliance Officer  
Mineral Lands Division, Department of Natural Resources  
Office: 709.729.6410  Cell: 709.727.2757  
www.nr.gov.nl.ca/nr/mines/quarries

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From: Hinchey, Stephen  
Sent: Tuesday, March 13, 2018 12:38 PM
To: Lands Office, Eastern
Cc: Sheppard, Kevin; Kennedy, Gerald; Devereaux, Andrea; Snow, Matthew; Skanes, Bill; Morrissey, John; gdoran@stjohns.ca
Subject: HPROM: REVISED Mines Branch response for Crown land application 150263 amendment (Farrell's Excavating Ltd., licence)

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P.O. Box 909  
Mount Pearl NL  
A1N 3C8

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Application Type: Licence
Purpose: Other  
Use: Parking lot and laydown area
Location: St. John's
Area (hectares): 2.97
Frontage (metres): 265

This response includes three attachments (.JPG).

Recommendation: Rejection of the area proposed, conditional approval of smaller area (depicted in yellow on attached maps 1 – 3).

Comments: The applied-for amendment to licence to occupy 150263 cannot be approved as delineated because it covers a public road that existed before the site was re-developed by the applicant. The Mines Branch does not object, however, to approval of a smaller amendment area (depicted on attached maps 1 – 3) restricted to the eastern side of the route of the former public road and on the condition that unimpeded access along the route be restored by the applicant, including by the removal of fencing at entry and intersection points and the removal of equipment, stockpiles, and other obstacles which may block the route. Note that the smaller, revised amendment area depicted in yellow on attached maps 1 – 3 has been plotted so that the western boundary is located approximately 10 m east of the centerline of the route of the former public road.

Note that during our review of this application for an amendment to the licence area the Mines Branch communicated its objection (above) to the applicant who responded with a proposal to establish a new access road to replace the one that existed before they re-developed the site. The replacement access road was proposed to be located on the exterior side of the fence running along the eastern side of the re-developed area (the side closest to the highway) and would run parallel to the highway. Construction of the proposed replacement access road would necessitate that the existing berm would have to be moved at least 4 m closer to the highway. After considering the proposed replacement access road and consulting with other government agencies, it was determined that this proposal is not viable for the following reasons:

1. The proposed replacement access road would be located within the right-of-way of the Trans-Canada Highway, measured 60 m from the centerline of the median. Parts of the re-developed area are already too close to the highway (i.e., within the right-of-way) and further encroachment into the right-of-way at this location will not be permitted.

2. According to the provisional plan for the future interchange that will be constructed to connect with the Galway development, the interchange and ramps would have necessitated that the proposed replacement road be abandoned to allow for development of the interchange and ramps. The Mines Branch, in its mandate to manage the quarry material resource, requires that the access configuration of the Harbour Arterial Mineral Workings Area be designed to allow for long-term equitable access for all operators, and for this reason the Mines Branch considers the provision of a temporary replacement road unacceptable. Rather, the public road which existed before the application site was re-developed by the applicant is much more compatible with the provisional plan for the future interchange, and its restoration would provide the long-term access route required at this location.
The applicant is reminded that the original licence to occupy application was approved on the condition that the occupation is to be temporary and that the site must be vacated within 7 days upon request by government, whereafter the licence shall be extinguished. Development and investment decisions concerning the licence area should be made with this condition in mind.

Stephen Hinchey  
Land Use and Exploration Monitoring  
Mineral Lands Division, Mines Branch, Department of Natural Resources  
telephone (709) 729-5748, fax (709) 729-6782  
stephenhinchey@gov.nl.ca  
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Hinchey, Stephen  
Sent: Friday, November 10, 2017 2:42 PM  
To: Lands Office, Eastern  
Cc: Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin  
Subject: HPRM: Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)

Below is the Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence):

Applicant: FARRELL'S EXCAVATING LTD  
P.O. Box 909  
Mount Pearl NL  
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other
Use: Parking lot and laydown area
Location: St. John's
Area (hectares): 2.97
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the ‘original area’ identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey  
Land Use and Exploration Monitoring  
Mineral Lands Division, Mines Branch, Department of Natural Resources  
telephone (709) 729-5748, fax (709) 729-6782  
stephenhinchey@gov.nl.ca  
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Lands Office, Eastern  
Sent: Tuesday, October 24, 2017 3:10 PM  
To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; 'GDoran@stjohns.ca'; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron  
Subject: Crown land referral for Farrell's Excavating Ltd, E-150263

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.
Hey Steve

I was down talking to AJ last week. He mentioned that our application has not yet been pushed out to the various departments for approval yet. I was wondering if we could meet again. Newfoundland Power and Department of Natural Resources waiting on this application for pending projects they have with us and other properties in the area. Please give me a call when you are free, or send an e-mail.

Thanks

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222

Hey Steve and Frank

I was just wondering what the status of our application is? I believe Janine dropped it off round four weeks ago. Just wondering if it has been sent out to the various departments etc.

Thanks and Cheers
From: MYLER, Gary
Sent: Monday, January 30, 2017 12:05 PM
To: Barnable, Steve; Grace, Tony
Subject: Farrell Excavating Ltd E150263

Has anyone hear back from Transportation on this referral yet. Peter Hearns never heard anything yet. Mines and the City of St John's is waiting for Transportation comments before they respond to the their referrals.

From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Monday, January 30, 2017 10:54 AM
To: MYLER, Gary
Subject:

Good Day Gary,

Can you please advise on the status of our application for the permission to occupy the land at the TCH Quarry location?

Thank you.

Janine Walsh, P.Tech OSIL
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell's Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8
Hello Steve/Andrew,

I'm looking to get clarification that the referrals were sent out to the various departments on the revised application we submitted later last year; the one has the access road adjacent to the parcel. After talking with Steve and Andrea over at Mineral lands, they have their approval good to go. However, they are just looking for confirmation that the referral acceptance by Service NL is based on the revised application. They haven’t heard from Arlene Youden at all in the past 3 weeks. I've tried e-mailing, calling and visiting and I am also getting no response from Arlene.

I am waiting to hear from Teresa over at Service NL, to see if she can confirm as well, as she was dealing with Transportation and Works.

Could one of you guys please confirm that the revised application was sent out for referrals?

If there is more work to do, I'd like to get on top of it.

Thank you guys =)

Myles Russell  
Senior Civil Coordinator  
Mobile:  1-709-
Office:  1-709-745-5904  
Fax:  1-709-745-3222  
Email:  mrussell@farrells.ca  
www.farrellsexcavating.ca  
tinyurl.com/FELcourierMAP
Hey Steve and Frank

I was just wondering what the status of our application is? I believe Janine dropped it off round four weeks ago. Just wondering if it has been sent out to the various departments etc.

Thanks and Cheers

Myles Russell
Senior Civil Coordinator

Mobile: 1-709-745-5904
Office: 1-709-745-3222
Fax: 1-709-745-3222
Email: mrussell@farrels.ca
www.farrellsexcavating.ca
tinyurl.com/FELcourierMAP
Steve has this been approved?

Tony Grace
Assistant Deputy Minister OF CROWN LANDS
DEPARTMENT OF MUNICIPAL AFFAIRS
HOWLEY BUILDING - HIGGINS LINE
P.O. BOX 8700, ST.JOHN'S, NL, CANADA A1B4J6
T 709.729.4398
Frank, can you join the ADM Mines Perry Canning an Andrew Devereaux on a field trip to Farrell’s site on Monday. They asked if you can meet them at their building and you can all go over in their truck. You will have to call them to arrange a time. Also, can you arrange a timeline of items in how this has progressed. Bullets i.e. When accepted, referred, current status and the delays that they have caused, working outside of the licence, investigation...their vehicle sale advertising, etc.

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
Jamie, can you check the referrals in the generic email for any outstanding, enter and fwd to RLC. Show Dave how this is done and he may need to contact OCIO to have the generic email added. Thanks.

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 Arlene

I am wondering if you can confirm you have all the paperwork from the various departments with regard to our application. I have confirmed with Service NL and Mines and Energy that they have sent in their documents, including Transportation and Works and the City of St. John’s notes and approval. I was told on the 5th of January that you would be back from break on the 8th, which was an error. I’ve visited a few times since then and I’d likes like you to please confirm that you have all the documents. Steve has mentioned that you are the only staff member at the facility who can consolidate the documents to forward on to him for final approval.

I’d just like to get this long process concluded.

Thanks

Myles Russell
Senior Civil Coordinator
Mobile: 1-709
Office: 1-709-745-5904
Fax: 1-709-745-3222

From: Myles Russell [mailto:mryussell@farrells.ca]
Sent: January 8, 2018 2:37 PM
To: 'ayouden@gov.nl.ca' <ayouden@gov.nl.ca>
Subject: Application 150263
Hello Arlene

I met with Steve Barnable and had a few discussions with Andrew Hardy down in the front last week. We have been working on an application since late 2016 there now and after doing a bit of hunting around and trying to connect with the final few folks, I understand you guys have all the information you need to process our licence to occupy based on the updated map. This is all contingent on the agreed terms according to Teresa Murphy with Service NL. We have the acceptance from City of St. John’s and on the 18th of November (forwarded last Friday) Stephen Hinchey with Mines and Energy gave their approval with terms as well.

All the terms are perfectly ok with us as we have been in discussion with all the noted parties for this application.

I was just wondering if you have this information as well? Hopefully if you do, we can finally get this application completed.

Thanks and Cheers =)

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222
Email: mrussell@farrells.ca
www.farrellsexcavating.ca
tinyurl.com/FELcourierMAP
Hey Myles,

Seen you this morning this is all tied up with Mines get on the phone with Stephen Hinchey. Foud out exactly what he is looking for from T & W and SNL.

Regards,

Andrew J. Hardy | LANDS OFFICER | 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: Barnable, Steve
Sent: Monday, January 15, 2018 10:36 AM
To: Hardy, Andrew <AndrewHardy@gov.nl.ca>
Subject: RE: Application 150263

Let Myles know.

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: Hardy, Andrew
Sent: Monday, January 15, 2018 10:35 AM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Subject: RE: Application 150263

We are still waiting on Mines for a response.

Andrew J. Hardy | LANDS OFFICER | DEPARTMENT OF FISHERIES AND LAND RESOURCES — LANDS BRANCH HOWLEY BUILDING, HIGGINS LINE, ST. JOHN’S, NL A1B 4J6
From: Barnable, Steve  
Sent: Monday, January 15, 2018 9:49 AM  
To: Hardy, Andrew <AndrewHardy@gov.nl.ca>  
Cc: Vincer, David <DavidVincer@gov.nl.ca>  
Subject: FW: Application 150263

Jamie, can you check the referrals in the generic email for any outstanding, enter and fwd to RLC. Show Dave how this is done and he may need to contact OCIO to have the generic email added. Thanks.

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: Myles Russell [mailto:mrmussell@farrells.ca]  
Sent: Monday, January 15, 2018 9:23 AM  
To: Youden, Arlene <ayouden@gov.nl.ca>  
Cc: jwalsh@farrells.ca; Barnable, Steve <stevebarnable@gov.nl.ca>  
Subject: FW: Application 150263

Good morning Arlene

I am wondering if you can confirm you have all the paperwork from the various departments with regard to our application. I have confirmed with Service NL and Mines and Energy that they have sent in their documents, including Transportation and Works and the City of St. John’s notes and approval. I was told on the 5th of January that you would be back from break on the 8th, which was an error. I’ve visited a few times since then and I’d likes like you to please confirm that you have all the documents. Steve has mentioned that you are the only staff member at the facility who can consolidate the documents to forward on to him for final approval.

I’d just like to get this long process concluded.

Thanks

Myles Russell  
Senior Civil Coordinator  
Mobile: 1-709-XXXX-XXXX  
Office: 1-709-745-5904  
Fax: 1-709-745-3222

From: Myles Russell [mailto:mrmussell@farrells.ca]  
Sent: January 8, 2018 2:37 PM
Hello Arlene,

I met with Steve Barnable and had a few discussions with Andrew Hardy down in the front last week. We have been working on an application since late 2016 there now and after doing a bit of hunting around and trying to connect with the final few folks, I understand you guys have all the information you need to process our **licence to occupy** based on the updated map. This is all contingent on the agreed terms according to Teresa Murphy with Service NL. We have the acceptance from City of St. John’s and on the 18th of November (forwarded last Friday) Stephen Hinchey with Mines and Energy gave their approval with terms as well.

All the terms are perfectly ok with us as we have been in discussion with all the noted parties for this application.

I was just wondering if you have this information as well? Hopefully if you do, we can finally get this application completed.

Thanks and Cheers =)

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**Myles Russell**  
Senior Civil Coordinator  
Mobile: 1-709-xxxxxxx  
Office: 1-709-745-5904  
Fax: 1-709-745-3222  
Email: mrussell@farrells.ca  
www.farrellsexcavating.ca  
tinyurl.com/FELcourierMAP
Philpott, Holly

From: Barnable, Steve
Sent: Monday, September 18, 2017 10:57 AM
To: Hardy, Andrew
Subject: FW: Farrell's Crown Lands Application amendment

Jamie, can you register this one next. Thanks.

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) 729-2654 Fax: (709) 729-0726

From: Myles Russell [mailto:mrussell@farrells.ca]
Sent: Monday, September 18, 2017 10:42 AM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: Norman, Frank <franknorman@gov.nl.ca>
Subject: FW: Farrell's Crown Lands Application amendment

Hey Steve

I was down talking to AJ last week. He mentioned that our application has not yet been pushed out to the various departments for approval yet. I was wondering if we could meet again. Newfoundland Power and Department of Natural Resources waiting on this application for pending projects they have with us and other properties in the area. Please give me a call when you are free, or send an e-mail.

Thanks

Myles Russell
Senior Civil Coordinator
Mobile: 1-709
Office: 1-709-745-5904
Fax: 1-709-745-3222

From: Myles Russell [mailto:mrussell@farrells.ca]
Sent: September 15, 2017 8:03 AM
To: 'stevebarnable@gov.nl.ca' <stevebarnable@gov.nl.ca>; 'Norman, Frank' <franknorman@gov.nl.ca>
Subject: Farrell's Crown Lands Application amendment

Hey Steve and Frank

I was just wondering what the status of our application is? I believe Janine dropped it off round four weeks ago. Just wondering if it has been sent out to the various departments etc.
Myles Russell
Senior Civil Coordinator

Mobile: 1-709-*******
Office: 1-709-745-5904
Fax: 1-709-745-3222
Email: mrusell@farrells.ca

www.farrellsexcavating.ca
tinyurl.com/FELcourierMAP
Philpott, Holly

From: Farewell, James
Sent: Monday, October 23, 2017 12:17 PM
To: 'jwalsh@farrells.ca'
Cc: Barnable, Steve
Subject: FW: Farrell's Crown Lands Application amendment

Hi Janine,

I have pulled the file and will carry out my part of the process today. I will make a note on your file to further expedite with priority. This is the extent of what I can do for you.

As this is an amendment to include additional land, the standard referral process will apply. An amendment application involves the same process as making a standard Crown Lands application, which is a process you may already be familiar with.

Unfortunately, we are unable to provide time-frames for the processing of a Crown Lands application up to the issuance of a final title document; however, you can contact Steve Barnable if you require further clarification on such.

James

From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Monday, October 23, 2017 11:45 AM
To: Farewell, James
Cc: Barnable, Steve; 'Myles Russell'; 'Billy Farrell'
Subject: RE: Farrell's Crown Lands Application amendment

James,

This application was submitted over 2 months ago and is vital to our business. Can you please advise how or who we can speak to in order to speed up this process.

Janine Walsh, P.Tech, G8
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell’s Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Farewell, James [mailto:jamesFarewell@gov.nl.ca]
Sent: October 23, 2017 11:41 AM
To: 'Janine Walsh' <jwalsh@farrells.ca>
Cc: Barnable, Steve <stevebarnable@gov.nl.ca>
Subject: RE: Farrell’s Crown Lands Application amendment
Hi,

Your application is being processed. Will advise you when the referral process has been started.

James

From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Monday, October 23, 2017 11:25 AM
To: Barnable, Steve
Cc: Farewell, James; 'Myles Russell'; 'Billy Farrell'
Subject: RE: Farrell's Crown Lands Application amendment

Hi Steve,

I have not heard from James (left a voice mail as well). Can you please put me in contact with someone else who will proceed with dealing with this application.

Thanks.

Janine Walsh, P.Tech.GSI
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell's Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Barnable, Steve [mailto:stevebarnable@gov.nl.ca]
Sent: October 17, 2017 1:14 PM
To: 'Janine Walsh' <jwalsh@farrells.ca>
Cc: Farewell, James <JamesFarewell@gov.nl.ca>
Subject: RE: Farrell's Crown Lands Application amendment

Good day, I have copied James Farewell, Lands officer to assist with your request.

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) 729-2654 Fax: (709) 729-0726

From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Tuesday, October 17, 2017 12:28 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: 'Myles Russell' <mrussell@farrells.ca>; 'Billy Farrell' <bfarrell@farrells.ca>
Subject: FW: Farrell's Crown Lands Application amendment
Importance: High
Steve,

Can you please pass along the contact information for who we should be dealing with on our application submitted approximately 2 months ago.

We waited weeks before our application would finally be accepted and we explained at that time the importance of this. In the emails below, Myles states the efforts he has made on this and we have made absolutely no progress with your department. This is of upmost importance to our company and it seems to be falling on deaf ears. Can you please advise asap.

Thank you.

Janine Walsh, P.Tech, QSI
General Manager
P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell's Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Myles Russell [mailto:m russell@farrells.ca]
Sent: October 17, 2017 10:59 AM
To: jwalsh@farrells.ca
Subject: FW: Farrell's Crown Lands Application amendment

Hello Janine

Below are the unanswered e-mails from Steve Barnable and Frank Norman over at Crown Lands Management. I have visited one other time after this e-mail and left Steve two voicemails as well as a message to deliver with one of the clerical staff at the building.

I have not been contacted in any way with regard to this. AJ told me we are in the queue and we will be processed when they get to us and have the time.

Cheers

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222

From: Myles Russell [mailto:m russell@farrells.ca]
Sent: September 18, 2017 10:42 AM
To: 'stevebarnable@gov.nl.ca' <stevebarnable@gov.nl.ca>
Cc: 'Norman, Frank' <frank norman@gov.nl.ca>
Subject: FW: Farrell's Crown Lands Application amendment

Hey Steve
I was down talking to AJ last week. He mentioned that our application has not yet been pushed out to the various departments for approval yet. I was wondering if we could meet again. Newfoundland Power and Department of Natural Resources waiting on this application for pending projects they have with us and other properties in the area. Please give me a call when you are free, or send an e-mail.

Thanks:

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-745-3222
Office: 1-709-745-5904
Fax: 1-709-745-5904

From: Myles Russell [mailto:mrusell@farrells.ca]
Sent: September 15, 2017 8:03 AM
To: stevebarnable@gov.nl.ca; Norman, Frank <franknorman@gov.nl.ca>
Subject: Farrell's Crown Lands Application amendment

Hey Steve and Frank

I was just wondering what the status of our application is? I believe Janine dropped it off round four weeks ago. Just wondering if it has been sent out to the various departments etc.

Thanks and Cheers

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
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Email: mrusell@farrells.ca
www.farrellsexcavating.ca
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“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
Phlpott, Holly

From: Nickerson, Jeffrey
Sent: Monday, November 27, 2017 10:19 AM
To: Norman, Frank
Subject: FW: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)

Are you familiar with this situation? I think he is asking if we re-referred their referral response???

From: Hinchey, Stephen
Sent: Monday, November 27, 2017 9:45 AM
To: Nickerson, Jeffrey
Subject: FW: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)

Jeffrey,

I sent the message below to easternlandsoffice@gov.nl.ca however have not received a response. Could you please confirm whether the message below was conveyed to the other referral agencies?

Stephen Hinchey
Mineral Lands Division, Mines Branch, DNR

From: Hinchey, Stephen
Sent: Friday, November 17, 2017 1:54 PM
To: Lands Office, Eastern
Cc: Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject: RE: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)

With respect to the proposed amendment of CL application 150263, we asked the applicant about the possibility of constructing a new public road to replace the public road that they re-developed and blocked off (referenced in our response below). The applicant responded with a proposal to construct a 4 m wide road on the exterior side of the fence running along the eastern side of the area they developed, closest to the highway (indicated in purple on the attached map). Constructing this road would necessitate that the existing berm would have to be moved at least 4 m east towards the highway. Could you please refer this message (with map) to the other referral agencies for this application to ask for their comments on this proposal?

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John’s A1B 4J6

From: Hinchey, Stephen
Sent: Friday, November 10, 2017 2:42 PM
To: Lands Office, Eastern
Cc: Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)

Below is the Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence):

Applicant: FARRELL'S EXCAVATING LTD
Telephone: (H): 7097455904  (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other  Use: Parking lot and laydown area
Location: St. John's
Area (hectares): 2.97
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the 'original area' identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Lands Office, Eastern
Sent: Tuesday, October 24, 2017 3:10 PM
To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; 'GDoran@stjohns.ca'; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron
Subject: Crown land referral for Farrell's Excavating Ltd, E-150263

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.
From:      Lands Office, Eastern
Sent:  Friday, January 26, 2018 6:37 PM
To:       Spencer, Byron; Drake, Martha; gdoran@stjohns.ca; Referrals_WRMD; Glode, Jason;
          Devconaval
Cc:       Hinchey, Stephen; Devereaux, Andrea; MYLER, Gary
Subject: FW: Mines Branch response for Crown land application 150263 (Farrell's Excavating
          Ltd., licence)
Attachments: proposed road related to CL app 150263.jpg

Please see map and email from Mines. Please review and forward your comments and notes if there is revisions in your
approval.

From:      Hinchey, Stephen
Sent:  Friday, November 17, 2017 1:54 PM
To:       Lands Office, Eastern
Cc:       Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject:  RE: Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)

With respect to the proposed amendment of CL application 150263, we asked the applicant about the possibility of
constructing a new public road to replace the public road that they re-developed and blocked off (referred to in our
response below). The applicant responded with a proposal to construct a 4 m wide road on the exterior side of the fence
running along the eastern side of the area they developed, closest to the highway (indicated in purple on the attached
map). Constructing this road would necessitate that the existing berm would have to be moved at least 4 m east towards
the highway. Could you please refer this message (with map) to the other referral agencies for this application to ask for
their comments on this proposal?

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From:      Hinchey, Stephen
Sent:  Friday, November 10, 2017 2:42 PM
To:       Lands Office, Eastern
Cc:       Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject:  Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)

Below is the Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence):

Applicant: 

FARRELL'S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other
Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the ‘original area’ identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John’s A1B 4J6

From: Lands Office, Eastern
Sent: Tuesday, October 24, 2017 3:10 PM
To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; 'GDoran@stjohns.ca'; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron
Subject: Crown land referral for Farrell's Excavating Ltd, E-150263

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.
Hey Frank,

I was wondering if you had a change to take a look at my questions below.

Thanks

Myles

-------------- Original Message --------------
From: "mrussell@farrells.ca" <mrussell@farrells.ca>
To: "Norman, Frank" <franknorman@gov.nl.ca>
Cc: jwalsh@farrells.ca
Date: June 7, 2017 at 9:25 AM
Subject: Crown Lands Application No. 150263

Morning Frank

During yesterdays meeting, you guys mentioned we can't apply for an area where an application is already submitted, so I have a couple questions related to that. If Jerry's application (Standard Paving) to Crown Lands is rejected/withdrawn, could we simply apply for the same location along with the rest of the noted area we discussed yesterday morning? Also, is there a way we could be notified if that application is rejected/withdrawn so we can apply right away to speed the process along?

Thanks for the assistance

Myles Russell
Senior Civil Coordinator
Farrell's Excavating Limited
C: 1-709-XXXXXXX
T: 1-709-745-5904
F: 1-709-745-3222
Hello Steve

I met with Frank Norman last Friday. We briefly discussed trying to sort out any issues with our crown lands licence over here in the quarry district of St. John's. I left a message with your secretary as well. She mentioned you have some family issues to attend in the next day or so. I understand completely. Once you get back from your leave, could you please schedule any time for me to come down and meet with yourself and Frank. I'd like to go over the file and have a good discussion on how to go forward with our application. The application number is 150263.

If you have any questions please let me know.

Good luck

Thanks and Cheers

Myles Russell
Senior Civil Coordinator
Farrell's Excavating Limited
C: 1-709
T: 1-709-745-5904
F: 1-709-745-3222
See attached plan and profiles for the Galway TCH interchange in the vicinity of the crown land referral. Note that cuts are on the order of 8 to 10 meters. This will create a wide footprint to include ditches and back sloping to original ground from the excavated interchange roundabout.

It is expected the roundabout will go through many design iterations before a final design for construction is completed based upon the recent experiences with roundabout design review and construction.

Andrew/Gary et al:

This application is refused due to its conflict with the proposed interchange for the Galway/Glencrest Development.

Though the original application has been modified to suit the original proposed reservation for the interchange the design has shifted and been rotated to have more of a footprint to the east. The excavation associated with the proposed interchange will also extend the footprint further due to the deep earthworks cut. Will forward the latest drawing the Department have been provided for an interchange layout with grade lines for you to get an appreciation of the excavation associated with the interchange.

Caution is advised in approving any application in the vicinity of the proposed interchange on the North side of the highway as the roundabout configuration to tie in with the local road network with the quarries is not finalized and there have been representations made by several of the quarry operators to have it configured for their operations. Ultimately these roads may come under the jurisdiction of the City of St. John’s as many streets do upon completion of development and turnover to the City. Complicating the development and approval process by granting ownership to any one owner/contractor may tip the negotiation in favour of the landowner with the most vested negotiating power which would not necessarily be in the best of public interest for the road development as when the quarries are abandoned and the area reclaimed for possible future industrial park development. If any property is transferred in this vicinity it would be best to deal with the municipality having jurisdiction and future ownership interests. The City of St. John’s should have comments on this referral but it will likely take some time for them to finish their review process.

John Morrissey
Manager of Highway Design and Traffic Engineering
Department of Transportation & Works NL
5th Floor West Block Confederation Building
PO Box 8700 St. John’s, NL
Myles, Arlene is off. I will get Jamie to check when back in tomorrow.

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: Myles Russell [mailto:mrussell@farrells.ca]
Sent: Tuesday, January 23, 2018 1:19 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: Hardy, Andrew <AndrewHardy@gov.nl.ca>
Subject: Farrells 150263

Hello Steve/Andrew

I'm looking to get clarification that the referrals were sent out to the various departments on the revised application we submitted later last year; the one has the access road adjacent to the parcel. After talking with Steve and Andrea over at Mineral lands, they have their approval good to go. However, they are just looking for confirmation that the referral acceptance by Service NL is based on the revised application. They haven't heard from Arlene Youden at all in the past 3 weeks. I've tried e-mailing, calling and visiting and I am also getting no response from Arlene.

I am waiting to hear from Teresa over at Service NL, to see if she can confirm as well, as she was dealing with Transportation and Works.

Could one of you guys please confirm that the revised application was sent out for referrals?

If there is more work to do, I'd like to get on top of it.

Thank you guys =)

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222
Email: mrussell@farrells.ca
Gary, are you tracking this one down?

Steve Barnable  
*Regional Lands Manager - Eastern*

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

From: Hearns, Peter  
Sent: Tuesday, September 20, 2016 9:35 AM  
To: Barnable, Steve  
Cc: Norman, Frank; MYLER, Gary  
Subject: Application by Farrells

Guys,

It looks like an application was accepted by Farrell's in an area where we cannot accept applications. It doesn't have a number yet, but is next to app 148736. This new application overlaps two Crown Lands Reserves:

1) **F9E50 (MUN Woodlot)** – states that quarry related applications can be accepted in area B (this is not area B). [http://gis.lands.gov.nl.ca/luaf9e50_mun_woodlot_order.pdf](http://gis.lands.gov.nl.ca/luaf9e50_mun_woodlot_order.pdf)

2) **F9E80 (Three Arm Pond)** – Land reserved for TW for a future bypass road. [http://gis.lands.gov.nl.ca/luaf9e80_three_arm_pond_cr.pdf](http://gis.lands.gov.nl.ca/luaf9e80_three_arm_pond_cr.pdf)

Please fix. Where it isn't registered yet it should not be too difficult. Should not have even been plotted in the first place.

Thanks,

Peter

Peter Hearns, MES
Manager of Resource Evaluation and Policy Integration
Land Management Division, Dept. of Municipal Affairs
Email: peterhearns@gov.nl.ca | Tel: (709) 729-3231

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any other person or party is strictly prohibited. If you have received this email in error and are not an intended addressee, please delete it immediately and notify the sender.
Hi Steve,

I was speaking with Myles from Farrell's this morning and he had indicated that this application is moving forward and that Natural Resources decision had been changed. Can you please provide any information on this.

We have not moved forward with our review based on the email we received on November 24th as shown below.

Thanks,

Ashley Murray
Assistant Development Officer
PLANNING, ENGINEERING & REGULATORY SERVICES
(709) 576-8380 (tel)
(709) 576-2340 (fax)
Email: amurray@stjohns.ca

ST. JOHN'S

This application for Standard Paving LTD (Walter Winter) has been refused by the Department of Natural Resources – Mineral Lands Division, Mines Branch

Afternoon,

Following up on the below email. Can you please advise of the response from Transportation & Works.

Thanks,
Good morning,

Can you please advise if there has been a response directly from Department of Transportation and Works? As the parcel runs parallel with the highway we will need a response from TSW before a decision can be made. If no response has been received can you please provide an email address so I can contact them directly.

Thanks,

Ashley Murray
Assistant Development Officer
PLANNING, ENGINEERING & REGULATORY SERVICES
(709) 576-8380 (tel)
(709) 576-2340 (fax)
Email: amurray@stjohns.ca

ST. JOHN'S

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.

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Afternoon Steve,

Just following up on the below email send January 5th. I have received another call from Farrell's looking for an update. Can you please advise.

Regards,

Ashley Murray
Assistant Development Officer
PLANNING, ENGINEERING & REGULATORY SERVICES
(709) 576-8380 (tel)
(709) 576-2340 (fax)
Email: amurray@stjohns.ca

Hi Steve,

I was speaking with Myles from Farrell’s this morning and he had indicated that this application is moving forward and that Natural Resources decision had been changed. Can you please provide any information on this.

We have not moved forward with our review based on the email we received on November 24th as shown below.

Thanks,

Ashley Murray
Assistant Development Officer
PLANNING, ENGINEERING & REGULATORY SERVICES
(709) 576-8380 (tel)
(709) 576-2340 (fax)
Email: amurray@stjohns.ca
This application for Standard Paving LTD (Walter Winter) has been refused by the Department of Natural Resources – Mineral Lands Division, Mines Branch

From: Ashley Murray [mailto:AMurray@stjohns.ca]
Sent: Wednesday, November 22, 2017 3:57 PM
To: Lands Office, Eastern <EasternLandsOffice@gov.nl.ca>
Cc: Govern PDE Multi Media Mail <govpdemm@stjohns.ca>
Subject: Re: Crown land referral for Walter Winter, E-151727 (2682 Trans Canada Highway - CRW1700018)

Afternoon,

Following up on the below email. Can you please advise of the response from Transportation & Works.

Thanks,

Ashley Murray
Assistant Development Officer
PLANNING, ENGINEERING & REGULATORY SERVICES
(709) 576-8380 (tel)
(709) 576-2340 (fax)
Email: amurray@stjohns.ca

ST. JOHN’S

Good morning,

Can you please advise if there has been a response directly from Department of Transportation and Works? As the parcel runs parallel with the highway we will need a response from TSW before a decision can be made. If no response has been receive can you please provide an email address so I can contact them directly.

Thanks,

Ashley Murray
Assistant Development Officer
PLANNING, ENGINEERING & REGULATORY SERVICES
(709) 576-8380 (tel)
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.

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From: Norman, Frank  
Sent: Tuesday, June 13, 2017 1:52 PM  
To: 'mrussell@farrells.ca'  
Subject: RE: Crown Lands Application No. 150263

Hi Myles:

If the application to Crown Lands is cancelled or withdrawn, you could apply for the same location along with the rest of the noted area we previously discussed. We cannot notify you of any cancellation/withdrawal of the application because of the first come-first served policy. However, feel free to call us to inquire about whether or not the application is still active.

Frank Norman

From: mrussell@farrells.ca [mailto:mrussell@farrells.ca]  
Sent: Monday, June 12, 2017 2:36 PM  
To: Norman, Frank  
Subject: Fwd: Crown Lands Application No. 150263

Hey Frank

I was wondering if you had a change to take a look at my questions below.

Thanks

Myles

-------- Original Message --------
From: "mrussell@farrells.ca" <mrussell@farrells.ca>
To: "Norman, Frank" <franknorman@gov.nl.ca>
Cc: jwalsh@farrells.ca
Date: June 7, 2017 at 9:25 AM
Subject: Crown Lands Application No. 150263

Morning Frank

During yesterday's meeting, you guys mentioned we can't apply for an area where an application is already submitted, so I have a couple questions related to that. If Jerry's application (Standard Paving) to Crown Lands is rejected/withdrawn, could we simply apply for the same location along with the rest of the noted area we discussed yesterday morning? Also, is there a way we could be notified if that application is rejected/withdrawn so we can apply right away to speed the process along?

Thanks for the assistance

Myles Russell  
Senior Civil Coordinator
Thanks.

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

Hey Steve,

I just finished registering it this morning its over for Arlene to send out Referrals.

Andrew J. Hardy | LAND OFFICER | 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: Barnable, Steve
Sent: Wednesday, July 5, 2017 8:48 AM
To: Hardy, Andrew <AndrewHardy@gov.nl.ca>
Subject: FW: Crown Lands application status

Jamie, what is this?

Steve Barnable
Regional Lands Manager - Eastern
Crown Lands Administration Division, Lands Branch
Department of Fisheries and Land Resources
Howley Building, Higgins Line
P.O. Box 8700
Hey Steve

I was just out talking to AJ and he mentioned he has been quite busy. As mentioned before, it is imperative that the Gerry Winter [Standard Paving] application be forwarded out to the related parties. We have work orders and correspondence from various government departments on hold due to the delay in processing this application. Please ensure that this file is forwarded out to the relevant parties as soon as possible.

Thanks and Cheers

Myles Russell
Senior Civil Coordinator
Mobile: 1-709
Office: 1-709-745-5904
Fax: 1-709-745-3222

Hey Steve

I thank-you for quickly meeting with me yesterday afternoon. A really appreciate you guys being about to push out the application information just north of our license #150263 to the various departments.

I’ll check with Jamie on Wednesday next week.

Have a great Canada Day long weekend!

Cheers and Thanks

Myles Russell
Senior Civil Coordinator
Mobile: 1-709
Office: 1-709-745-5904
Fax: 1-709-745-3222
Email: mrussell@farrells.ca
www.farrellsexcavating.ca
tinyurl.com/FELcourierMAP
Hi Janine,

I did notice that the end of the berm closer to the Irving station was being reshaped; however the end of the berm closer to your office building is being excavated and trucked away. We want to ensure this is not being removed to construct an access road as that proposal was not approved. Note that what has been approved via the amended Crown Lands application is the reinstatement of the road to its original location (i.e., along the western boundary of the Farrell’s License to Occupy and east of the Standard Paving and Farrell’s quarry leases).

Regarding my statement regarding "unauthorized removal of quarry material", the berm is located outside of any area currently approved for development, and therefore any type of extraction would need to be authorized.

Please further clarify what work is being conducted here.

Andrea

---

Hi Andrea,

I did receive your email yesterday, however, [REDACTED].

It is my understanding we are working on cleaning up the existing berm as it has sunk in a few places as a result of being constructed during the winter months. There were a few places that the lay down area was visible from the TCH where it had settled so that had to be rectified and the berm needed to be reshaped. I am confused with your statement regrading “unauthorized removal of quarry material”.

Janine Walsh, P.Tech, GSI
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell’s Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8
From: Devereaux, Andrea [mailto:AndreaDevereaux@gov.nl.ca]
Sent: Friday, April 6, 2018 11:17 AM
To: 'Janine Walsh' <jwalsh@farrells.ca>
Cc: Hinchey, Stephen <StephenHinchey@gov.nl.ca>; Sheppard, Kevin <KevinSheppard@gov.nl.ca>; Kennedy, Gerald <geraldkennedy@gov.nl.ca>; Barnable, Steve <stevebarnable@gov.nl.ca>; Nickerson, Jeffrey <jeffreynickerson@gov.nl.ca>; Skanes, Bill <skanesb@gov.nl.ca>; Morrissey, John <morrisseyj@gov.nl.ca>; 'Gerard Doran' <gdoran@stjohns.ca>
Subject: Excavation of berm along License to Occupy at the HAMWA.

Hi Janine,

As stated in my email yesterday, we observed equipment operating in the berm adjacent to your License to Occupy (150263) at the Harbour Arterial Mineral Workings Area. From our observations, the berm that runs parallel to the TCH is being excavated, loaded in rock trucks and trucked back to a quarry. This activity is occurring outside the area applied for in the Crown Land application and there are no approvals in place for this work, thus this is unauthorized removal of quarry materials and we are prepared to issue a Stop Order.

We provided our response to your amended Crown Land application on Tuesday, March 13 (see below); Steven Hinchey reiterated this information via email and a phone call with Myles Russell earlier this week. Our response clearly outlined that the access road must be reinstated to its original location. Given our current knowledge of the provisional plan for the future interchange that will be constructed with the Galway development, the re-location of the road to the eastern side of the current fence is no longer a viable option. The road which existed before the application site was re-developed must be restored to provide the long-term access route required at this location.

As a result, all quarry activity here must cease immediately.

Thank you for your cooperation on this matter.

Andrea Devereaux, P.Geo,
Quarry Materials Compliance Officer
Mineral Lands Division, Department of Natural Resources
Office: 709.729.6410  Cell: 709.727.2757
www.nr.gov.nl.ca/nr/mines/quarries

Newfoundland
Labrador

From: Hinchey, Stephen
Sent: Tuesday, March 13, 2018 12:38 PM
To: Lands Office, Eastern
Cc: Sheppard, Kevin; Kennedy, Gerald; Devereaux, Andrea; Snow, Matthew; Skanes, Bill; Morrissey, John; gdoran@stjohns.ca
Subject: HPBM: REVISED Mines Branch response for Crown land application 150263 amendment (Farrell’s Excavating Ltd., licence)

Below is the REVISED Mines Branch response for Crown land application 150263 amendment (Farrell’s Excavating Ltd., licence):

Applicant:  FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
Telephone: (H): 7097455904  (O): 709  
Application Number: 150263  
Application Type: Licence  
Purpose: Other  Use: Parking lot and laydown area  
Location: St. John's  
Area (hectares): 2.97  
Frontage (metres): 265

This response includes three attachments (.JPG).

Recommendation: Rejection of the area proposed, conditional approval of smaller area (depicted in yellow on attached maps 1 – 3).

Comments: The applied-for amendment to licence to occupy 150263 cannot be approved as delineated because it covers a public road that existed before the site was re-developed by the applicant. The Mines Branch does not object, however, to approval of a smaller amendment area (depicted on attached maps 1 – 3) restricted to the eastern side of the route of the former public road and on the condition that unimpeded access along the route be restored by the applicant, including by the removal of fencing at entry and intersection points and the removal of equipment, stockpiles, and other obstacles which may block the route. Note that the smaller, revised amendment area depicted in yellow on attached maps 1 – 3 has been plotted so that the western boundary is located approximately 10 m east of the centerline of the route of the former public road.

Note that during our review of this application for an amendment to the licence area the Mines Branch communicated its objection (above) to the applicant who responded with a proposal to establish a new access road to replace the one that existed before they re-developed the site. The replacement access road was proposed to be located on the exterior side of the fence running along the eastern side of the re-developed area (the side closest to the highway) and would run parallel to the highway. Construction of the proposed replacement access road would necessitate that the existing berm would have to be moved at least 4 m closer to the highway. After considering the proposed replacement access road and consulting with other government agencies, it was determined that this proposal is not viable for the following reasons:

1. The proposed replacement access road would be located within the right-of-way of the Trans-Canada Highway, measured 60 m from the centerline of the median. Parts of the re-developed area are already too close to the highway (i.e., within the right-of-way) and further encroachment into the right-of-way at this location will not be permitted.

2. According to the provisional plan for the future interchange that will be constructed to connect with the Galway development, the interchange and ramps would have necessitated that the proposed replacement road be abandoned to allow for development of the interchange and ramps. The Mines Branch, in its mandate to manage the quarry material resource, requires that the access configuration of the Harbour Arterial Mineral Workings Area be designed to allow for long-term equitable access for all operators, and for this reason the Mines Branch considers the provision of a temporary replacement road unacceptable. Rather, the public road which existed before the application site was re-developed by the applicant is much more compatible with the provisional plan for the future interchange, and its restoration would provide the long-term access route required at this location.

The applicant is reminded that the original licence to occupy application was approved on the condition that the occupation is to be temporary and that the site must be vacated within 7 days upon request by government, whereafter the licence shall be extinguished. Development and investment decisions concerning the licence area should be made with this condition in mind.

Stephen Hinchey  
Land Use and Exploration Monitoring  
Mineral Lands Division, Mines Branch, Department of Natural Resources  
television (709) 729-5748, fax (709) 729-6782  
stephenhinchey@gov.nl.ca  
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6
Below is the Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence):

Applicant: FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904  (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other
Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the ‘original area’ identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John’s A1B 4J6

From: Lands Office, Eastern
Sent: Tuesday, October 24, 2017 3:10 PM
To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; ‘GDoran@stjohns.ca’; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron
Subject: Crown land referral for Farrell’s Excavating Ltd, E-150263

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.

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Hi Andrea,

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It is my understanding we are working on cleaning up the existing berm as it has sunk in a few places as a result of being constructed during the winter months. There were a few places that the lay down area was visible from the TCH where it had settled so that had to be rectified and the berm needed to be reshaped. I am confused with your statement regrading “unauthorized removal of quarry material”.

Janine Walsh, P.Tech, GSI
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell’s Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

Hi Janine,

As stated in my email yesterday, we observed equipment operating in the berm adjacent to your License to Occupy (150263) at the Harbour Arterial Mineral Workings Area. From our observations, the berm that runs parallel to the TCH is being excavated, loaded in rock trucks and trucked back to a quarry. This activity is occurring outside the area applied for in the Crown Land application and there are no approvals in place for this work, thus this is unauthorized removal of quarry materials and we are prepared to issue a Stop Order.

We provided our response to your amended Crown Land application on Tuesday, March 13 (see below); Steven Hinchey reiterated this information via email and a phone call with Myles Russell earlier this week. Our response clearly outlined that the access road must be reinstated to its original location. Given our current knowledge of the provisional plan for the future interchange that will be constructed with the Galway development, the re-location of the road to the eastern side of the current fence is no longer a viable option. The road which existed before the application site was re-developed must be restored to provide the long-term access route required at this location.
As a result, all quarry activity here must cease immediately.

Thank you for your cooperation on this matter.

Andrea Devereaux, P.Geo,
Quarry Materials Compliance Officer
Mineral Lands Division, Department of Natural Resources
Office: 709.729.6410  Cell: 709.727.2757
www.nr.gov.nl.ca/nr/mines/ quarries

From: Hinchey, Stephen
Sent: Tuesday, March 13, 2018 12:38 PM
To: Lands Office, Eastern
Cc: Sheppard, Kevin; Kennedy, Gerald; Devereaux, Andrea; Snow, Matthew; Skanes, Bill; Morrissey, John; gdoran@stjohns.ca
Subject: HPRM: REVISED Mines Branch response for Crown land application 150263 amendment (Farrell's Excavating Ltd., licence)

Below is the REVISED Mines Branch response for Crown land application 150263 amendment (Farrell’s Excavating Ltd., licence):

Applicant: FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other Use: Parking lot and laydown area
Location: St. John's
Area (hectares): 2.97
Frontage (metres): 265

This response includes three attachments (.JPG).

Recommendation: Rejection of the area proposed, conditional approval of smaller area (depicted in yellow on attached maps 1 -- 3).

Comments: The applied-for amendment to licence to occupy 150263 cannot be approved as delineated because it covers a public road that existed before the site was re-developed by the applicant. The Mines Branch does not object, however, to approval of a smaller amendment area (depicted on attached maps 1 – 3) restricted to the eastern side of the route of the former public road and on the condition that unimpeded access along the route be restored by the applicant, including by the removal of fencing at entry and intersection points and the removal of equipment, stockpiles, and other obstacles which may block the route. Note that the smaller, revised amendment area depicted in yellow on attached maps 1 – 3 has been plotted so that the western boundary is located approximately 10 m east of the centerline of the route of the former public road.
Note that during our review of this application for an amendment to the licence area the Mines Branch communicated its objection (above) to the applicant who responded with a proposal to establish a new access road to replace the one that existed before they re-developed the site. The replacement access road was proposed to be located on the exterior side of the fence running along the eastern side of the re-developed area (the side closest to the highway) and would run parallel to the highway. Construction of the proposed replacement access road would necessitate that the existing berm would have to be moved at least 4 m closer to the highway. After considering the proposed replacement access road and consulting with other government agencies, it was determined that this proposal is not viable for the following reasons:

1. The proposed replacement access road would be located within the right-of-way of the Trans-Canada Highway, measured 60 m from the centerline of the median. Parts of the re-developed area are already too close to the highway (i.e., within the right-of-way) and further encroachment into the right-of-way at this location will not be permitted.

2. According to the provisional plan for the future interchange that will be constructed to connect with the Galway development, the interchange and ramps would have necessitated that the proposed replacement road be abandoned to allow for development of the interchange and ramps. The Mines Branch, in its mandate to manage the quarry material resource, requires that the access configuration of the Harbour Arterial Mineral Workings Area be designed to allow for long-term equitable access for all operators, and for this reason the Mines Branch considers the provision of a temporary replacement road unacceptable. Rather, the public road which existed before the application site was re-developed by the applicant is much more compatible with the provisional plan for the future interchange, and its restoration would provide the long-term access route required at this location.

The applicant is reminded that the original licence to occupy application was approved on the condition that the occupation is to be temporary and that the site must be vacated within 7 days upon request by government, whereafter the licence shall be extinguished. Development and investment decisions concerning the licence area should be made with this condition in mind.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John’s A1B 4J6

From: Hinchey, Stephen
Sent: Friday, November 10, 2017 2:42 PM
To: Lands Office, Eastern
Cc: Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject: HPRM: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)

Below is the Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence):

Applicant: FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265
Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the 'original area' identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey  
Land Use and Exploration Monitoring  
Mineral Lands Division, Mines Branch, Department of Natural Resources  
telephone (709) 729-5748, fax (709) 729-6782  
stephenhinchey@gov.nl.ca  
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Lands Office, Eastern  
Sent: Tuesday, October 24, 2017 3:10 PM  
To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; 'GDoran@stjohns.ca'; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron  
Subject: Crown land referral for Farrell's Excavating Ltd, E-150263

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.

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

When the original application was sent to Crown Lands in 2016 to develop this land, Crown Lands sent a referral to your department (Matthew Snow) for comment/recommendations. Those comments were received in December 2016 recommending approval of our application with the following stipulations:

1. You are not permitted to excavate any quarry material within this site, to remove quarry material from the site or to stockpile quarry material on the site.
2. Issuance of a licence document shall no provide case to impede any other party in the conduct of their activities
3. Site preparation shall be limited to no more than what is required to permit the activities stated on your application

Considering these comments, as well as others from various departments, we proceeded under License No. 150263 to develop this land as proposed. As development progressed, our investment intentions were growing as the natural terrain of the land was extreme bog that created water drainage issues, causing us to extend the limits of our original proposed excavation to ensure there was proper and logical drainage and sloping of the finished area. This relates to Note 3 from DNR, whereby, in order for us to “permit the activities as stated in our application” it was necessary to push the boundaries of our original application for proper site development.

As a result of this larger finished area, we were required to amend our original application, as we now were able to provide proper survey information indicating coordinates and boundary points. Our original application was approved with no legal survey or even boundary points, but rather a sketch that was more or less a placemark indicating the rough estimated boundaries where we proposed development. Neither Farrell’s, nor any government department, properly considered the natural terrain of the original ground, resulting in Farrell’s making a much larger investment than originally intended to complete this development properly.

At this point in time, we have all approvals required to simply amend our originally approved License No. 150263 with the exception of Dept. Natural Resources, as we only received their response on April 3, 2018 – 8 months after we applied for this amendment.

This parcel has been completed for just about a year, and now we have been informed that we are expected to further increase our already exceeded financial investment by reinstating a “public roadway” that in our opinion (and the opinion of many of our neighbours) never did exist. Rather what was in place prior to our development, was simply an impassable cow’s path that was riddled with deep water filled basins, overgrown with alders in sections, and covered in boulders, debris and garbage. This “path” could not be used by the public, nor any of our fellow lease holders, as it was not maintained and considered a hazard to anyone that even attempted to use it. In fact, the DNR agreed to close this path years ago as it became a safety hazard, as the public was disposing garbage at the paths entrance and using it as a site for bomb fires. As stated, the DNR is defining this as a “public road”, however, this path was not registered with any government department, it was not recognized by the City of St. John’s, it was never snow cleared or maintained, nor was it ever used for access by anyone in the Harbour Arterial Quarry area as it was impassable, therefore, I question how this can be deemed a “public road”? 
From DNR’s response on April 3, 2018, it is obvious the issue is with ensuring that there is access across the parcel of land that was developed. This access is currently in place along the existing berm running parallel to the TCH on the eastern boundary of the developed area. This access was created when we made further investments this month to clean up and reshape the berm, as it was starting to sag in some places and was not as esticially pleasing as we would have preferred. Currently the issues with this are indicated below:

1. The proposed replacement access road would be located within the ROW of the TCH measure 60m from the centerline of the median. Parts of the redeveloped area are already too close to the highway and further encroachment into the right of way at this location will not be permitted. Firstly, this should not be a consideration for the DNR, as this is an issue that was already addressed and approved by Service NL. However, there is clear discrepancy on the requirement of a development from the centerline—the act respecting public works and transportation notes the actual min. required ROW is 20 m, the City of St. John’s references a 45 m limit and Crown Lands atlas shows a highway ROW of 180m. Regardless, we have created an actual passable roadway that is safe, in a far much better condition than what previously existed, and in a location that makes the most economical sense and is not in view of the passing traffic from the TCH.

2. Concerns regarding the provincial plan for the future interchange that will be constructed to connect the Galway development and the DNR mandate to maintain long term equitable access for operators. Firstly, as all departments are aware, this License to Occupy comes with a stipulation that we have 7 days to vacate the land upon notification. Therefore, when and if, the time comes that this interchange is to be constructed, Farrell’s will be asked to vacate the portion of land that is affected, and with that, a new roadway will be constructed around the interchange site. This is simply a condition that can be added to the amended licence.

In closing, it is important to acknowledge that this development application, that has been an ongoing battle for the last 20 months, represents an area that was completely useless in the minds of many. It was a boggy wetland that was used for nothing but a dumpsite. To date, we have invested approximately $800,000.00 to turn this into an ideal parking area that many of our neighbours are quite impressed by. Not only did we create value in the property, but we bore a huge financial burden that will benefit the government by not having to develop a portion of this land when the future interchange has to be constructed. The development of this land has not created a negative effect on anyone in this area, and not only have we made an actual passable roadway for the public to use, but we also freely open the gated area at any/all times for anyone to pass through. It is simply gated in the evenings/weekends to deter the public from theft and dumping garbage. There is really no logical explanation as to why this approval has to be delayed any further, as this development can only be looked at as a benefit in every aspect.

Janine Walsh, P.Tech, GS
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell’s Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Sheppard, Kevin [mailto:KevinSheppard@gov.nl.ca]
Sent: Thursday, April 12, 2018 9:08 AM
To: 'Janine Walsh' <jwalsh@farrells.ca>
Cc: Hinchev, Stephen <StephenHinchev@gov.nl.ca>; Kennedy, Gerald <geraldkennedy@gov.nl.ca>; Barnable, Steve <stevebarnable@gov.nl.ca>; Nickerson, Jeffrey <JeffreyNickerson@gov.nl.ca>; Skanes, Bill <skanesb@gov.nl.ca>; Morrissey, John <morrisseyj@gov.nl.ca>; 'Gerard Doran' <GDoran@stjohns.ca>; bfarrell@farrells.ca; Devereaux, Andrea <AndreaDevereaux@gov.nl.ca>
Subject: RE: Excavation of berm along License to Occupy at the HAMWA.

Hi Janine:
Note that the response to the Crown Land application by this department is not a proposal, but rather this department’s position on that application after going through various iterations of potential road locations though consultation with other departments, including TW.

Kevin

From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Friday, April 06, 2018 1:11 PM
To: Devereaux, Andrea
Cc: Hinchey, Stephen; Sheppard, Kevin; Kennedy, Gerald; Barnable, Steve; Nickerson, Jeffrey; Skanes, Bill; Morrissey, John; 'Gerard Doran'; bfarrell@farrells.ca
Subject: RE: Excavation of berm along License to Occupy at the HAMWA.

Hi Andrea,

Myles Russell will be responding to Mr. Hinchey’s comments regrading his proposal on the location of an access road under a separate email.

As stated, it is my understanding that the berm is being reshaped due to settlement that occurred over the last year.

Janine Walsh, P.Tech, QST
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell’s Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Devereaux, Andrea [mailto:AndreaDevereaux@gov.nl.ca]
Sent: Friday, April 6, 2018 1:01 PM
To: 'Janine Walsh' <jwalsh@farrells.ca>
Cc: Hinchey, Stephen <StephenHinchey@gov.nl.ca>; Sheppard, Kevin <KevinSheppard@gov.nl.ca>; Kennedy, Gerald <geraldkennedy@gov.nl.ca>; Barnable, Steve <stevebarnable@gov.nl.ca>; Nickerson, Jeffrey <jeffreynickerson@gov.nl.ca>; Skanes, Bill <skanesb@gov.nl.ca>; Morrissey, John <morrisseyj@gov.nl.ca>; 'Gerard Doran' <GDoran@stjohns.ca>; bfarrell@farrells.ca
Subject: RE: Excavation of berm along License to Occupy at the HAMWA.

Hi Janine,

I did notice that the end of the berm closer to the Irving station was being reshaped; however the end of the berm closer to your office building is being excavated and trucked away. We want to ensure this is not being removed to construct an access road as that proposal was not approved. Note that what has been approved via the amended Crown Lands application is the reinstatement of the road to its original location (i.e., along the western boundary of the Farrell’s License to Occupy and east of the Standard Paving and Farrell’s quarry leases).

Regarding my statement regarding “unauthorized removal of quarry material”, the berm is located outside of any area currently approved for development, and therefore any type of extraction would need to be authorized.

Please further clarify what work is being conducted here.
Hi Andrea,

I did receive your email yesterday, however, [redacted].

It is my understanding we are working on cleaning up the existing berm as it has sunk in a few places as a result of being constructed during the winter months. There were a few places that the lay down area was visible from the TCH where it had settled so that had to be rectified and the berm needed to be reshaped. I am confused with your statement regarding “unauthorized removal of quarry material”.

Janine Walsh, P. Tech, GSI
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell’s Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Devereaux, Andrea [mailto:AndreaDevereaux@gov.nl.ca]
Sent: Friday, April 6, 2018 11:17 AM
To: 'Janine Walsh' <jwalsh@farrells.ca>
Cc: Hinchey, Stephen <StephenHinchey@gov.nl.ca>; Sheppard, Kevin <KevinSheppard@gov.nl.ca>; Kennedy, Gerald <geraldkennedy@gov.nl.ca>; Barnable, Steve <stevebarnable@gov.nl.ca>; Nickerson, Jeffrey <jeffreyNickerson@gov.nl.ca>; Skanes, Bill <skanesb@gov.nl.ca>; Morrissey, John <morrisseyj@gov.nl.ca>; 'Gerard Doran' <GNDoran@stjohns.ca>
Subject: Excavation of berm along License to Occupy at the HAMWA.

Hi Janine,

As stated in my email yesterday, we observed equipment operating in the berm adjacent to your License to Occupy (150263) at the Harbour Arterial Mineral Workings Area. From our observations, the berm that runs parallel to the TCH is being excavated, loaded in rock trucks and trucked back to a quarry. This activity is occurring outside the area applied for in the Crown Land application and there are no approvals in place for this work, thus this is unauthorized removal of quarry materials and we are prepared to issue a Stop Order.

We provided our response to your amended Crown Land application on Tuesday, March 13 (see below); Steven Hinchey reiterated this information via email and a phone call with Myles Russell earlier this week. Our response clearly outlined that the access road must be reinstated to its original location. Given our current knowledge of the provisional plan for the future interchange that will be constructed with the Galway development, the re-location of the road to the eastern side of the current fence is no longer a viable option. The road which existed before the application site was re-developed must be restored to provide the long-term access route required at this location.

As a result, all quarry activity here must cease immediately.
Thank you for your cooperation on this matter.

Andrea Devereaux, P.Geo,
Quarry Materials Compliance Officer
Mineral Lands Division, Department of Natural Resources
Office: 709.729.6410 Cell: 709.727.2757
www.nr.gov.nl.ca/nr/mines/quarries

From: Hinchey, Stephen
Sent: Tuesday, March 13, 2018 12:38 PM
To: Lands Office, Eastern
Cc: Sheppard, Kevin; Kennedy, Gerald; Devereaux, Andrea; Snow, Matthew; Skanes, Bill; Morrissey, John;
gdoran@stjohns.ca
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P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

Use: Parking lot and laydown area

This response includes three attachments (.JPG).

Recommendation: Rejection of the area proposed, conditional approval of smaller area (depicted in yellow on attached maps 1 -- 3).

Comments: The applied-for amendment to licence to occupy 150263 cannot be approved as delineated because it covers a public road that existed before the site was re-developed by the applicant. The Mines Branch does not object, however, to approval of a smaller amendment area (depicted on attached maps 1 – 3) restricted to the eastern side of the route of the former public road and on the condition that unimpeded access along the route be restored by the applicant, including the removal of fencing at entry and intersection points and the removal of equipment, stockpiles, and other obstacles which may block the route. Note that the smaller, revised amendment area depicted in yellow on attached maps 1 – 3 has been plotted so that the western boundary is located approximately 10 m east of the centerline of the route of the former public road.

Note that during our review of this application for an amendment to the licence area the Mines Branch communicated its objection (above) to the applicant who responded with a proposal to establish a new access road to replace the one that existed before they re-developed the site. The replacement access road was proposed to be located on the exterior side of the fence running along the eastern side of the re-developed area (the side closest to the highway) and would run...
parallel to the highway. Construction of the proposed replacement access road would necessitate that the existing berm would have to be moved at least 4 m closer to the highway. After considering the proposed replacement access road and consulting with other government agencies, it was determined that this proposal is not viable for the following reasons:

1. The proposed replacement access road would be located within the right-of-way of the Trans-Canada Highway, measured 60 m from the centerline of the median. Parts of the re-developed area are already too close to the highway (i.e., within the right-of-way) and further encroachment into the right-of-way at this location will not be permitted.

2. According to the provisional plan for the future interchange that will be constructed to connect with the Galway Development, the interchange and ramps would have necessitated that the proposed replacement road be abandoned to allow for development of the interchange and ramps. The Mines Branch, in its mandate to manage the quarry material resource, requires that the access configuration of the Harbour Arterial Mineral Workings Area be designed to allow for long-term equitable access for all operators, and for this reason the Mines Branch considers the provision of a temporary replacement road unacceptable. Rather, the public road which existed before the application site was re-developed by the applicant is much more compatible with the provisional plan for the future interchange, and its restoration would provide the long-term access route required at this location.

The applicant is reminded that the original licence to occupy application was approved on the condition that the occupation is to be temporary and that the site must be vacated within 7 days upon request by government, whereafter the licence shall be extinguished. Development and investment decisions concerning the licence area should be made with this condition in mind.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John’s A1B 4J6

From: Hinchey, Stephen
Sent: Friday, November 10, 2017 2:42 PM
To: Lands Office, Eastern
Cc: Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject: HPRM: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)

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P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the ‘original area’ identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.
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To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; 'GDoran@stjohns.ca'; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron  
Subject: Crown land referral for Farrell's Excavating Ltd, E-150263

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.

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Philpott, Holly

From: Barnable, Steve
Sent: Tuesday, April 10, 2018 9:33 AM
To: Nickerson, Jeffrey; Norman, Frank
Subject: RE: Excavation of berm along License to Occupy at the HAMWA.

Jeff, Frank, can you look into this together and if visiting the site, hard hats are in order.

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: Devereaux, Andrea
Sent: Friday, April 6, 2018 1:01 PM
To: 'Janine Walsh' <jwalsh@farrells.ca>
Cc: Hinchey, Stephen <stephenhinchey@gov.nl.ca>; Sheppard, Kevin <kevin/sheppard@gov.nl.ca>; Kennedy, Gerald <geraldkennedy@gov.nl.ca>; Barnable, Steve <stevebarnable@gov.nl.ca>; Nickerson, Jeffrey <jeffrey.nickerson@gov.nl.ca>; Skanes, Bill <skanesb@gov.nl.ca>; Morrissey, John <morrisseyj@gov.nl.ca>; 'Gerard Doran' <gdoran@stjohns.ca>; bfarrell@farrells.ca
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Please further clarify what work is being conducted here.

Andrea

From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Friday, April 06, 2018 11:44 AM
To: Devereaux, Andrea
Cc: Hinchey, Stephen; Sheppard, Kevin; Kennedy, Gerald; Barnable, Steve; Nickerson, Jeffrey; Skanes, Bill; Morrissey, John; 'Gerard Doran'; bfarrell@farrells.ca
Subject: RE: Excavation of berm along License to Occupy at the HAMWA.

Hi Andrea,
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Janine Walsh, P.Tech, GIS
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell's Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Devereaux, Andrea [mailto:AndreaDevereaux@gov.nl.ca]
Sent: Friday, April 6, 2018 11:17 AM
To: 'Janine Walsh' <walsh@farrells.ca>
Cc: Hinchey, Stephen <StephenHinchey@gov.nl.ca>; Sheppard, Kevin <KevinSheppard@gov.nl.ca>; Kennedy, Gerald <geraldkennedy@gov.nl.ca>; Barnable, Steve <stevebarnable@gov.nl.ca>; Nickerson, Jeffrey <jeffreyNickerson@gov.nl.ca>; Skanes, Bill <skanesb@gov.nl.ca>; Morrissey, John <morrisset@gov.nl.ca>; 'Gerard Doran' <GDoran@stjohns.ca>
Subject: Excavation of berm along License to Occupy at the HAMWA.

Hi Janine,

As stated in my email yesterday, we observed equipment operating in the berm adjacent to your License to Occupy (150263) at the Harbour Arterial Mineral Workings Area. From our observations, the berm that runs parallel to the TCH is being excavated, loaded in rock trucks and trucked back to a quarry. This activity is occurring outside the area applied for in the Crown Land application and there are no approvals in place for this work, thus this is unauthorized removal of quarry materials and we are prepared to issue a Stop Order.

We provided our response to your amended Crown Land application on Tuesday, March 13 (see below); Steven Hinchey reiterated this information via email and a phone call with Myles Russell earlier this week. Our response clearly outlined that the access road must be reinstated to its original location. Given our current knowledge of the provisional plan for the future interchange that will be constructed with the Galway development, the re-location of the road to the eastern side of the current fence is no longer a viable option. The road which existed before the application site was re-developed must be restored to provide the long-term access route required at this location.

As a result, all quarry activity here must cease immediately.

Thank you for your cooperation on this matter.

Andrea Devereaux, P.Geo,
Quarry Materials Compliance Officer
Mineral Lands Division, Department of Natural Resources
Office: 709.729.6410 Cell: 709.727.2757
www.nr.gov.nl.ca/nr/mines/quarries
Below is the REVISED Mines Branch response for Crown land application 150263 amendment (Farrell's Excavating Ltd., licence):

Applicant: FARRELL'S EXCAVATING LTD  
P.O. Box 909  
Mount Pearl NL  
A1N 3C8

Telephone: (H): 7097455904 (O): 709  
Application Number: 150263  
Application Type: Licence  
Purpose: Other Use: Parking lot and laydown area  
Location: St. John's  
Area (hectares): 2.97  
Frontage (metres): 265

This response includes three attachments (.JPG).

Recommendation: Rejection of the area proposed, conditional approval of smaller area (depicted in yellow on attached maps 1 – 3).

Comments: The applied-for amendment to licence to occupy 150263 cannot be approved as delineated because it covers a public road that existed before the site was re-developed by the applicant. The Mines Branch does not object, however, to approval of a smaller amendment area (depicted on attached maps 1 – 3) restricted to the eastern side of the route of the former public road and on the condition that unimpeded access along the route be restored by the applicant, including by the removal of fencing at entry and intersection points and the removal of equipment, stockpiles, and other obstacles which may block the route. Note that the smaller, revised amendment area depicted in yellow on attached maps 1 – 3 has been plotted so that the western boundary is located approximately 10 m east of the centerline of the route of the former public road.

Note that during our review of this application for an amendment to the licence area the Mines Branch communicated its objection (above) to the applicant who responded with a proposal to establish a new access road to replace the one that existed before they re-developed the site. The replacement access road was proposed to be located on the exterior side of the fence running along the eastern side of the re-developed area (the side closest to the highway) and would run parallel to the highway. Construction of the proposed replacement access road would necessitate that the existing berm would have to be moved at least 4 m closer to the highway. After considering the proposed replacement access road and consulting with other government agencies, it was determined that this proposal is not viable for the following reasons:

1. The proposed replacement access road would be located within the right-of-way of the Trans-Canada Highway, measured 60 m from the centerline of the median. Parts of the re-developed area are already too close to the highway (i.e., within the right-of-way) and further encroachment into the right-of-way at this location will not be permitted.
2. According to the provisional plan for the future interchange that will be constructed to connect with the Galway development, the interchange and ramps would have necessitated that the proposed replacement road be abandoned to allow for development of the interchange and ramps. The Mines Branch, in its mandate to manage the quarry material resource, requires that the access configuration of the Harbour Arterial Mineral Workings Area be designed to allow for long-term equitable access for all operators, and for this reason the Mines Branch considers the provision of a temporary replacement road unacceptable. Rather, the public road which existed before the application site was re-developed by the applicant is much more compatible with the provisional plan for the future interchange, and its restoration would provide the long-term access route required at this location.

The applicant is reminded that the original licence to occupy application was approved on the condition that the occupation is to be temporary and that the site must be vacated within 7 days upon request by government, whereafter the licence shall be extinguished. Development and investment decisions concerning the licence area should be made with this condition in mind.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Hinchey, Stephen
Sent: Friday, November 10, 2017 2:42 PM
To: Lands Office, Eastern
Cc: Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject: HPRM: Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)

Below is the Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence):

Applicant:  FARRELL'S EXCAVATING LTD
          P.O. Box 909
          Mount Pearl  NL
          A1N 3C8

Telephone:  (H): 7097455904    (O): 709
Application Number:  150263
Application Type:  Licence
Purpose:  Other         Use:  Parking lot and laydown area
Location:  St. John's
Area (hectares):  2.97
Frontage (metres):  265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the 'original area' identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6
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.

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Will do.

From: Hinchey, Stephen  
Sent: Thursday, January 19, 2017 2:50 PM  
To: MYLER, Gary  
Subject: RE: Mines Branch response to Crown land application 150263 (Farrell's Excavating Ltd., licence)

Gary,

If possible could we please see the Transportation and Works comments before submitting our own?

Stephen Hinchey  
Mineral Lands Division, Mines Branch, DNR

From: MYLER, Gary  
Sent: Thursday, January 19, 2017 12:34 PM  
To: Hinchey, Stephen  
Subject: FW: Mines Branch response to Crown land application 150263 (Farrell's Excavating Ltd., licence)

Stephen  
Did your office have a chance to review this application. It appears that Transportation first refused the application but I now believe they are now prepared to approve the site. The applicant will be issued a temporary form of title like a Licence to occupy instead of a longer term lease.

From: Hinchey, Stephen  
Sent: Tuesday, December 06, 2016 9:21 AM  
To: Lands Office, Eastern  
Cc: Snow, Matthew  
Subject: Mines Branch response to Crown land application 150263 (Farrell's Excavating Ltd., licence)

Below is the Mines Branch response to Crown land application 150263 (Farrell's Excavating Ltd., licence):

Applicant: FARRELL'S EXCAVATING LTD  
P.O. Box 909  
Mount Pearl NL  
A1N 3C8

Telephone: (H): 7097455904 (O): 709  
Application Number: 150263  
Application Type: Licence  
Purpose: Other  
Use: Parking lot and laydown area  
Location: St. John's  
Area (hectares): 2.66
Frontage (metres): 265
Map Number: 01N07
Comments: Please expedite using a 7-day turnaround

Recommendation: Hold for further investigation. Comments: The Mines Branch requires additional time to review this application.

Stephen Hinchey  
Land Use and Exploration Monitoring  
Mineral Lands Division, Mines Branch, Department of Natural Resources  
telephone (709) 729-5748, fax (709) 729-6782  
stephenhinchey@gov.nl.ca  
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Lands Office, Eastern  
Sent: Tuesday, November 29, 2016 11:43 AM  
To: Humby, Amanda; Spencer, Garry L.; Devconavalon; Glode, Jason; Hanlon, Carol; Fitzgerald, Jackie; Hinchey, Stephen; George, Susan; Abdel-Razek, Dr. Abdel-Zaher; GDoran@stjohns.ca; Drake, Martha; Mercer, Delphina  
Subject: Crown land referral for Farrells Excavating Ltd. E-150263

Please expedite using a 7-day turnaround

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 729-2554.

Thank you and have a wonderful day.
Frank,

OK, thanks for the update.

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

Regarding Crown land application 150263 (Farrell's Excavating Ltd.). The information that you provided regarding the potential construction of a new road along the eastern side of the developed area has not yet been passed on to the other referral agencies. We'll get it out to them as soon as possible.

Frank Norman
Land Management Specialist
Crown Lands – Eastern Regional Office
Howley Building
St. John’s, NL

Telephone: (709) 729-0172
Phlpott, Holly

From: Norman, Frank
Sent: Monday, December 4, 2017 2:04 PM
To: Hinchey, Stephen
Subject: Regarding Crown land application 150263 (Farrell's Excavating Ltd.)

Stephen:

Regarding Crown land application 150263 (Farrell's Excavating Ltd.). The information that you provided regarding the potential construction of a new road along the eastern side of the developed area has not yet been passed on to the other referral agencies. We’ll get it out to them as soon as possible.

Frank Norman
Land Management Specialist
Crown Lands – Eastern Regional Office
Howley Building
St. John’s, NL

Telephone: (709) 729-0172
Below is the REVISED Mines Branch response for Crown land application 150263 amendment (Farrell’s Excavating Ltd., licence):

Applicant:  FARRELL’S EXCAVATING LTD  
P.O. Box 909  
Mount Pearl NL  
A1N 3C8

Telephone: (H): 7097455904    (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other  Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97  
Frontage (metres): 265

This response includes three attachments (.JPG).

Recommendation: Rejection of the area proposed, conditional approval of smaller area (depicted in yellow on attached maps 1 – 3).

Comments: The applied-for amendment to licence to occupy 150263 cannot be approved as delineated because it covers a public road that existed before the site was re-developed by the applicant. The Mines Branch does not object, however, to approval of a smaller amendment area (depicted on attached maps 1 – 3) restricted to the eastern side of the route of the former public road and on the condition that unimpeded access along the route be restored by the applicant, including by the removal of fencing at entry and intersection points and the removal of equipment, stockpiles, and other obstacles which may block the route. Note that the smaller, revised amendment area depicted in yellow on attached maps 1 – 3 has been plotted so that the western boundary is located approximately 10 m east of the centerline of the route of the former public road.

Note that during our review of this application for an amendment to the licence area the Mines Branch communicated its objection (above) to the applicant who responded with a proposal to establish a new access road to replace the one that existed before they re-developed the site. The replacement access road was proposed to be located on the exterior side of the fence running along the eastern side of the re-developed area (the side closest to the highway) and would run parallel to the highway. Construction of the proposed replacement access road would necessitate that the existing berm would have to be moved at least 4 m closer to the highway. After considering the proposed replacement access road and consulting with other government agencies, it was determined that this proposal is not viable for the following reasons:
1. The proposed replacement access road would be located within the right-of-way of the Trans-Canada Highway, measured 60 m from the centerline of the median. Parts of the re-developed area are already too close to the highway (i.e., within the right-of-way) and further encroachment into the right-of-way at this location will not be permitted.

2. According to the provisional plan for the future interchange that will be constructed to connect with the Galway development, the interchange and ramps would have necessitated that the proposed replacement road be abandoned to allow for development of the interchange and ramps. The Mines Branch, in its mandate to manage the quarry material resource, requires that the access configuration of the Harbour Arterial Mineral Workings Area be designed to allow for long-term equitable access for all operators, and for this reason the Mines Branch considers the provision of a temporary replacement road unacceptable. Rather, the public road which existed before the application site was re-developed by the applicant is much more compatible with the provisional plan for the future interchange, and its restoration would provide the long-term access route required at this location.

The applicant is reminded that the original licence to occupy application was approved on the condition that the occupation is to be temporary and that the site must be vacated within 7 days upon request by government, whereafter the licence shall be extinguished. Development and investment decisions concerning the licence area should be made with this condition in mind.

Stephen Hinchey  
Land Use and Exploration Monitoring  
Mineral Lands Division, Mines Branch, Department of Natural Resources  
telephone (709) 729-5748, fax (709) 729-6782  
stephenhinchey@gov.nl.ca  
P.O. Box 9700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Hinchey, Stephen  
Sent: Friday, November 10, 2017 2:42 PM  
To: Lands Office, Eastern  
Cc: Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin  
Subject: HPRM: Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)  

Below is the Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence):

Applicant: FARRELL'S EXCAVATING LTD  
P.O. Box 909  
Mount Pearl NL  
A1N 3C8

Telephone: (H): 7097455904  (O): 709  
Application Number: 150263  
Application Type: Licence  
Purpose: Other  
Use: Parking lot and laydown area  
Location: St. John's  
Area (hectares): 2.97  
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the ‘original area’ identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey  
Land Use and Exploration Monitoring
From: Lands Office, Eastern  
Sent: Tuesday, October 24, 2017 3:10 PM  
To: Devconavalon; Glode, Jason; Hinchev, Stephen; Referrals_WRMD; 'GDoran@stjohns.ca'; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron  
Subject: Crown land referral for Farrell’s Excavating Ltd, E-150263  

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.
Thanks Steve =)

Myles Russell
Senior Civil Coordinator
Mobile: 1-709
Office: 1-709-745-5904
Fax: 1-709-745-3222

From: Barnable, Steve [mailto:stevebarnable@gov.nl.ca]
Sent: January 23, 2018 2:02 PM
To: 'Myles Russell' <mrussell@farrells.ca>
Cc: Hardy, Andrew <AndrewHardy@gov.nl.ca>
Subject: RE: Farrellys 150263

Myles, Arlene is off. I will get Jamie to check when back in tomorrow.

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: Myles Russell [mailto:mrussell@farrells.ca]
Sent: Tuesday, January 23, 2018 1:19 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: Hardy, Andrew <AndrewHardy@gov.nl.ca>
Subject: Farrellys 150263

Hello Steve/Andrew

I'm looking to get clarification that the referrals were sent out to the various departments on the revised application we submitted later last year; the one has the access road adjacent to the parcel. After talking with Steve and Andrew over at Mineral lands, they have their approval good to go. However, they are just looking for confirmation that the referral acceptance by Service NL is based on the revised application. They haven't heard from Arlene Youden at all in the past 3 weeks. I've tried e-mailing, calling and visiting and I am also getting no response from Arlene.

I am waiting to hear from Teresa over at Service NL, to see if she can confirm as well, as she was dealing with Transportation and Works.
Could one of you guys please confirm that the revised application was sent out for referrals?

If there is more work to do, I'd like to get on top of it.

Thank you guys =)

Myles Russell
Senior Civil Coordinator

Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222
Email: mrussell@farrells.ca

www.farrellsexcavating.ca
tinyurl.com/FEIcourierMAP

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Hi,

Your application is being processed. Will advise you when the referral process has been started.

James

---

From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Monday, October 23, 2017 11:25 AM
To: Barnable, Steve
Cc: Farewell, James; 'Myles Russell'; 'Billy Farrell'
Subject: RE: Farrell’s Crown Lands Application amendment

Hi Steve,

I have not heard from James (left a voice mail as well). Can you please put me in contact with someone else who will proceed with dealing with this application.

Thanks,

Janine Walsh, P Tech, GSI
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell’s Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

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From: Barnable, Steve [mailto:stevebarnable@gov.nl.ca]
Sent: October 17, 2017 1:14 PM
To: 'Janine Walsh' <jwalsh@farrells.ca>
Cc: Farewell, James <JamesFarewell@gov.nl.ca>
Subject: RE: Farrell’s Crown Lands Application amendment

Good day, I have copied James Farewell, Lands officer to assist with your request.

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
From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Tuesday, October 17, 2017 12:28 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: 'Myles Russell' <mrussell@farrells.ca>; 'Billy Farrell' <bfarrell@farrells.ca>
Subject: FW: Farrell's Crown Lands Application amendment
Importance: High

Steve,

Can you please pass along the contact information for who we should be dealing with on our application submitted approximately 2 months ago.

We waited weeks before our application would finally be accepted and we explained at that time the importance of this. In the emails below, Myles states the efforts he has made on this and we have made absolutely no progress with your department. This is of upmost importance to our company and it seems to be falling on deaf ears. Can you please advise asap.

Thank you.

Janine Walsh, P.Tech, QSI
General Manager
P: (709) 745-5904
C: (709) 746-5241
F: (709) 745-3222

Farrell's Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Myles Russell [mailto:mrussell@farrells.ca]
Sent: October 17, 2017 10:59 AM
To: jwalsh@farrells.ca
Subject: FW: Farrell's Crown Lands Application amendment

Hello Janine

Below are the unanswered e-mails from Steve Barnable and Frank Norman over at Crown Lands Management. I have visited one other time after this e-mail and left Steve two voicemails as well as a message to deliver with one of the clerical staff at the building.

I have not been contacted in any way with regard to this. AJ told me we are in the queue and we will be processed when they get to us and have the time.

Cheers

Myles Russell
Senior Civil Coordinator
Mobile: 1-709
Office: 1-709-745-5904
Fax: 1-709-745-3222
Hey Steve

I was down talking to Al last week. He mentioned that our application has not yet been pushed out to the various departments for approval yet. I was wondering if we could meet again. Newfoundland Power and Department of Natural Resources waiting on this application for pending projects they have with us and other properties in the area. Please give me a call when you are free, or send an e-mail.

Thanks

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222

Hey Steve and Frank

I was just wondering what the status of our application is? I believe Janine dropped it off round four weeks ago. Just wondering if it has been sent out to the various departments etc.

Thanks and Cheers

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-_
Office: 1-709-745-5904
Fax: 1-709-745-3222
Email: mrussell@farrells.ca
www.farrellsexcavating.ca
www.tinyurl.com/FELcourierMAP

Virus-free. www.avast.com
Hi Steve,

I have not heard from James (left a voice mail as well). Can you please put me in contact with someone else who will proceed with dealing with this application.

Thanks.

Janine Walsh, P.Tech. GIS
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell's Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

Good day, I have copied James Farewell, Lands officer to assist with your request.

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) 729-2654 Fax: (709) 729-0726
Can you please pass along the contact information for who we should be dealing with on our application submitted approximately 2 months ago.

We waited weeks before our application would finally be accepted and we explained at that time the importance of this. In the emails below, Myles states the efforts he has made on this and we have made absolutely no progress with your department. This is of utmost importance to our company and it seems to be falling on deaf ears. Can you please advise asap.

Thank you.

Janine Walsh, P.Tech (OT)
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell’s Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Myles Russell [mailto:mrussell@farrells.ca]
Sent: October 17, 2017 10:59 AM
To: jwalsh@farrells.ca
Subject: FW: Farrell’s Crown Lands Application amendment

Hello Janine

Below are the unanswered e-mails from Steve Barnable and Frank Norman over at Crown Lands Management. I have visited one other time after this e-mail and left Steve two voicemails as well as a message to deliver with one of the clerical staff at the building.

I have not been contacted in any way with regard to this. AJ told me we are in the queue and we will be processed when they get to us and have the time.

Cheers

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-**
Office: 1-709-745-5904
Fax: 1-709-745-3222

From: Myles Russell [mailto:mrussell@farrells.ca]
Sent: September 18, 2017 10:42 AM
To: 'stevebarnable@gov.nl.ca' <stevebarnable@gov.nl.ca>
Cc: 'Norman, Frank' <franknorman@gov.nl.ca>
Subject: FW: Farrell’s Crown Lands Application amendment

Hey Steve

I was down talking to AJ last week. He mentioned that our application has not yet been pushed out to the various departments for approval yet. I was wondering if we could meet again. Newfoundland Power and Department of
Natural Resources waiting on this application for pending projects they have with us and other properties in the area. Please give me a call when you are free, or send an e-mail.

Thanks

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222

From: Myles Russell [mailto:mrussell@farrells.ca]
Sent: September 15, 2017 8:03 AM
To: 'stevebarnable@gov.nl.ca' <stevebarnable@gov.nl.ca>; 'Norman, Frank' <franknorman@gov.nl.ca>
Subject: Farrell's Crown Lands Application amendment

Hey Steve and Frank

I was just wondering what the status of our application is? I believe Janine dropped it off round four weeks ago. Just wondering if it has been sent out to the various departments etc.

Thanks and Cheers

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222
Email: mrussell@farrells.ca

www.farrellsexcavating.ca
tinyurl.com/FELcourierMAP

Virus-free. www.avast.com

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Philpott, Holly

From: Janine Walsh <jwalsh@farrells.ca>
Sent: Monday, October 23, 2017 11:45 AM
To: Farewell, James
Cc: Barnable, Steve; 'Myles Russell'; 'Billy Farrell'
Subject: RE: Farrell's Crown Lands Application amendment

James,

This application was submitted over 2 months ago and is vital to our business. Can you please advise how or who we can speak to in order to speed up this process

Janine Walsh, P Tech, GIS
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell's Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8

From: Farewell, James [mailto:JamesFarewell@gov.nl.ca]
Sent: October 23, 2017 11:41 AM
To: 'Janine Walsh' <jwalsh@farrells.ca>
Cc: Barnable, Steve <stevebarnable@gov.nl.ca>
Subject: RE: Farrell's Crown Lands Application amendment

Hi,

Your application is being processed. Will advise you when the referral process has been started.

James

From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Monday, October 23, 2017 11:25 AM
To: Barnable, Steve
Cc: Farewell, James; 'Myles Russell'; 'Billy Farrell'
Subject: RE: Farrell's Crown Lands Application amendment

Hi Steve,

I have not heard from James (left a voice mail as well). Can you please put me in contact with someone else who will proceed with dealing with this application.

Thanks.

Janine Walsh, P.Tech, GIS
General Manager

P: (709) 745.5904
From: Barnable, Steve [mailto:stevebarnable@gov.nl.ca]
Sent: October 17, 2017 1:14 PM
To: Janine Walsh <jwalsh@farrells.ca>
Cc: Farewell, James <JamesFarewell@gov.nl.ca>
Subject: RE: Farrell’s Crown Lands Application amendment

Good day, I have copied James Farewell, Lands officer to assist with your request.

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) 729-2654 Fax: (709) 729-0726

From: Janine Walsh [mailto:jwalsh@farrells.ca]
Sent: Tuesday, October 17, 2017 12:28 PM
To: Barnable, Steve <stevebarnable@gov.nl.ca>
Cc: ‘Myles Russell’ <mrussell@farrells.ca>; ‘Billy Farrell’ <bfarrell@farrells.ca>
Subject: FW: Farrell’s Crown Lands Application amendment
Importance: High

Steve,

Can you please pass along the contact information for who we should be dealing with on our application submitted approximately 2 months ago.

We waited weeks before our application would finally be accepted and we explained at that time the importance of this. In the emails below, Myles states the efforts he has made on this and we have made absolutely no progress with your department. This is of upmost importance to our company and it seems to be falling on deaf ears. Can you please advise asap.

Thank you.

Janine Walsh, P. Tech, G51
General Manager

P: (709) 745.5904
C: (709) 746.5241
F: (709) 745-3222

Farrell’s Excavating Ltd.
P.O. Box 909
Mount Pearl | NL | Canada | A1N 3C8
From: Myles Russell [mailto:mrusell@farrells.ca]
Sent: October 17, 2017 10:59 AM
To: jwalsh@farrells.ca
Subject: FW: Farrell's Crown Lands Application amendment

Hello Janine

Below are the unanswered e-mails from Steve Barnable and Frank Norman over at Crown Lands Management. I have visited one other time after this e-mail and left Steve two voicemails as well as a message to deliver with one of the clerical staff at the building.

I have not been contacted in any way with regard to this. AJ told me we are in the queue and we will be processed when they get to us and have the time.

Cheers

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222

From: Myles Russell [mailto:mrusell@farrells.ca]
Sent: September 18, 2017 10:42 AM
To: 'stevebarnable@gov.nl.ca' <stevebarnable@gov.nl.ca>
Cc: 'Norman, Frank' <franknorman@gov.nl.ca>
Subject: FW: Farrell's Crown Lands Application amendment

Hey Steve

I was down talking to AJ last week. He mentioned that our application has not yet been pushed out to the various departments for approval yet. I was wondering if we could meet again. Newfoundland Power and Department of Natural Resources waiting on this application for pending projects they have with us and other properties in the area. Please give me a call when you are free, or send an e-mail.

Thanks

Myles Russell
Senior Civil Coordinator
Mobile: 1-709-
Office: 1-709-745-5904
Fax: 1-709-745-3222

From: Myles Russell [mailto:mrusell@farrells.ca]
Sent: September 15, 2017 8:03 AM
To: 'stevebarnable@gov.nl.ca' <stevebarnable@gov.nl.ca>; 'Norman, Frank' <franknorman@gov.nl.ca>
Subject: Farrell's Crown Lands Application amendment

Hey Steve and Frank
I was just wondering what the status of our application is? I believe Janine dropped it off round four weeks ago. Just wondering if it has been sent out to the various departments etc.

Thanks and Cheers

Myles Russell  
Senior Civil Coordinator

Mobile: 1-709-8888888  
Office: 1-709-745-5904  
Fax: 1-709-745-3222  
Email: mrussell@farrells.ca

www.farrellsexcavating.ca  
tinyurl.com/FEIcourierMAP

Virus-free. www.avast.com

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

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Okay, I'll touch base with Andrea this afternoon.

Frank

Frank, can you join the ADM Mines Perry Canning an Andrew Devereaux on a field trip to Farrell's site on Monday. They asked if you can meet them at their building and you can all go over in their truck. You will have to call them to arrange a time. Also, can you arrange a timeline of items in how this has progressed. Bullets i.e. When accepted, referred, current status and the delays that they have caused, working outside of the licence, investigation...their vehicle sale advertising, etc.

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
Philpott, Holly

From: Hinchey, Stephen
Sent: Monday, January 15, 2018 11:17 AM
To: Lands Office, Eastern; Hardy, Andrew
Cc: Devereaux, Andrea; Barnable, Steve
Subject: RE: Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)
Attachments: proposed road related to CL app 150263.jpg

Andrew,

Just to clarify: in order to be in a position to complete our review of application 150263, Mines requires that the other agencies referred on the application provide feedback concerning Farrell’s proposal to construct a replacement road along the outer (highway-side) edge of the application area. We cannot respond to the application referral until we are in possession of this feedback.

Our initial message (with attachment):

With respect to the proposed amendment of CL application 150263, we asked the applicant about the possibility of constructing a new public road to replace the public road that they re-developed and blocked off (referenced in our response below). The applicant responded with a proposal to construct a 4 m wide road on the exterior side of the fence running along the eastern side of the area they developed, closest to the highway (indicated in purple on the attached map). Constructing this road would necessitate that the existing berm would have to be moved at least 4 m east towards the highway. Could you please refer this message (with map) to the other referral agencies for this application to ask for their comments on this proposal?

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Devereaux, Andrea
Sent: Monday, January 15, 2018 11:09 AM
To: Lands Office, Eastern; Hardy, Andrew
Cc: Hinchey, Stephen
Subject: Re: Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)

Hi Andrew
I was just contacted by Myles Russell of Farrell’s. He indicated that you are still waiting on something from us to issue this approval.
Was the information requested in my last email (see below) forwarded to Steve?
I’m on the road today, but can follow up again this evening or tomorrow.
Thanks,
Andrea

Sent from my iPhone

On Jan 5, 2018, at 3:09 PM, Devereaux, Andrea <AndreaDevereaux@gov.nl.ca> wrote:

Hi Andrew
Can you send us an email stating that this revised application has been approved by the necessary departments/agencies so that Steve can revise his response to you?
Thanks again,
Andrea

From: Devereaux, Andrea
Sent: Friday, January 05, 2018 2:50 PM
To: Lands Office, Eastern; Hardy, Andrew
Cc: Hinchey, Stephen
Subject: FW: Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence)

Good afternoon,
Here is the response that was forwarded on November 17 regarding the Farrell’s Excavating application (150263).
If you have any questions, please don’t hesitate to contact us.
Thanks,

Andrea Devereaux, P.Geo,
Quarry Materials Compliance Officer
Mineral Lands Division, Department of Natural Resources
Office: 709.729.6410  Cell: 709.727.2757
www.nr.gov.nl.ca/nr/mines/quarries

<image001.jpg>

From: Hinchey, Stephen
Sent: Friday, November 17, 2017 1:54 PM
To: Lands Office, Eastern
Cc: Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject: RE: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)

With respect to the proposed amendment of CL application 150263, we asked the applicant about the possibility of constructing a new public road to replace the public road that they re-developed and blocked off (referenced in our response below). The applicant responded with a proposal to construct a 4 m wide road on the exterior side of the fence running along the eastern side of the area they developed, closest to the highway (indicated in purple on the attached map). Constructing this road would necessitate that the existing berm would have to be moved at least 4 m east towards the highway. Could you please refer this message (with map) to the other referral agencies for this application to ask for their comments on this proposal?

Stephen Hinchey
Land Use and Exploration Monitoring
Mineral Lands Division, Mines Branch, Department of Natural Resources
telephone (709) 729-5748, fax (709) 729-6782
stephenhinchey@gov.nl.ca
P.O. Box 8700, 50 Elizabeth Avenue, St. John’s A1B 4J6

From: Hinchey, Stephen
Sent: Friday, November 10, 2017 2:42 PM
To: Lands Office, Eastern
Cc: Snow, Matthew; Kennedy, Gerald; Devereaux, Andrea; Sheppard, Kevin
Subject: Mines Branch response for Crown land application 150263 (Farrell’s Excavating Ltd., licence)
Below is the Mines Branch response for Crown land application 150263 (Farrell's Excavating Ltd., licence):

Applicant: FARRELL'S EXCAVATING LTD  
P.O. Box 909  
Mount Pearl NL  
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other Use: Parking lot and laydown area
Location: St. John's
Area (hectares): 2.97
Frontage (metres): 265

Recommendation: Held for further investigation. Comments: The applied-for amendment area overlaps with the route of a public road which existed prior to re-development and fencing of the site by the applicant beyond the boundaries of licence to occupy 150263 as currently issued (the 'original area' identified on the enclosed map). The route of the public road corresponds to a Department of Natural Resources road reservation within the Harbour Arterial Mineral Workings Area. The Mines Branch requires additional time to consider this application and formulate an appropriate response.

Stephen Hinchey  
Land Use and Exploration Monitoring  
Mineral Lands Division, Mines Branch, Department of Natural Resources  
telephone (709) 729-5748, fax (709) 729-6782  
stephenhinchey@gov.nl.ca  
P.O. Box 8700, 50 Elizabeth Avenue, St. John's A1B 4J6

From: Lands Office, Eastern  
Sent: Tuesday, October 24, 2017 3:10 PM  
To: Devconavalon; Glode, Jason; Hinchey, Stephen; Referrals_WRMD; 'GDoran@stjohns.ca'; amurray@stjohns.ca; Drake, Martha; Mercer, Delphina; Spencer, Byron  
Subject: Crown land referral for Farrell's Excavating Ltd, E-150263

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.
January 26, 2018

Ms. Janine Walsh
Farrell’s Excavating
P.O. Box 909
Mount Pearl, NL A1N 3C8

RE: Protected Road Zoning Regulations
Parking and Lay Down Area at Harbour Quarry Arterial Road, St. John’s
West of Irving on TCH
Crown Lands Application # 150263 (AMENDED)

Dear Ms. Walsh:

I wish to inform you that your application dated October 27, 2017, for the above noted development has been approved in principle. A permit will be issued for the development upon submission of the following information:

1. Notification of the issuance of your title documents by the Crown Lands Division of the Department of Fisheries and Land Resources.

2. No access to Trans Canada Highway allowed from this parcel of land.

3. This area has been requested to have a freeze on a parcel of land in the vicinity. Proponent shall be allowed to use this land until such time as land is required for the construction of an interchange. Upon notification Farrell’s Excavating will have seven (7) days to vacate the land. Temporary occupancy ONLY.

4. All stipulations of Environmental Protection Officer (copy attached) must be strictly adhered to.

This Approval expires on January 25, 2019, and if the required information is not submitted within that time, the approval will be cancelled or become null and void. Approval does not constitute permission to commence construction. A Development Permit must first be obtained.

Sincerely,

Regional Support Supervisor

Enclosure(s)

C Government Service Centre
Department of Transportation & Works
Crown Lands
Provincial Planning

149 Smallwood Drive, P.O. Box 8700, St. John’s, NL, Canada A1B 4K6 F 709.729.3655 F 709.729.7253
January 26, 2018

File Number: MP-2017 109752 00

Ms. Janine Walsh
Farrell’s Excavating
P.O. Box 909
Mount Pearl, NL A1N 3C8

RE: Protected Road Zoning Regulations
Parking and Lay Down Area at Harbour Quarry Arterial Road, St. John’s
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Sincerely,

Regional Support Supervisor

Enclosure(s)

C. Government Service Centre
   Department of Transportation & Works
   Crown Lands
   Provincial Planning

149 Smallwood Drive, P.O. Box 8700, St. John's, NL, Canada A1B 4K6 Phone: 709-729-7253 Fax: 709-729-7253
August 8, 2017

Crown Lands Division

Att: Steve Barnable

Re: Application for Crown Lands – Parking / Laydown Area

Please see enclosed Application for Crown Lands complete with related mapping/survey information. This application is simply to extend the area originally issued under License No. 150263 to incorporate the area that was actually developed and fenced.

We understand from continued discussion with the department that the previous application submitted for a portion of this land was recently rejected allowing the processing of our application.

Please also note that in discussions with the Dept. of Transportation & Works we acknowledge they require a 4 meter wide roadway along the southern boundary of the property to keep as access.

Sincerely,

Section 40(1)

Janine Walsh
General Manager
Farrell’s Excavating Ltd.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
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: FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other
Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

REFERRAL AGENCY ONLY

Date: 10/26/2017
Department/Agency: Service NL
Address: 149 Smallwood Drive
Mount Pearl

RECOMMENDATION:

COMMENTS:

Name of Respondent: Theresa Murphy
Phone No.: 729-5392

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
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: FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

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COMMENTS:

Name of Respondent: Theresa Murphy
Phone No.: 729-5392

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

STAN BLACKMORE, GSC
SERVICE NL
709-729-3699

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

Dept. of Natural Resources- Mines
709-729-5634

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

City of St. John's
GERARD DORAN City Development Officer
709-576-8452

Provincial Archaeology Office
Martha Drake
709-729-2462

NL Power
Byron Spencer
709-
February 28, 2017

Mr. Gary Myler  
Government of Newfoundland and Labrador  
Department of Municipal Affairs  
Howley Building, Higgins Line  
P.O. Box 8700  
St. John’s NL A1B 4J6

Dear Mr. Myler:

Re: PER File No. CRW1700017  
Crown Land File Reference No. 1036069  
Applicant: Farrell’s Excavating Ltd.  
Crown Land License Referral for 2.66 Hectares of Land  
2770 Trans-Canada Highway- Ward 5  
Mineral Working (MW) Zone

This is to inform you that the above noted application was approved at the Regular Meeting of the St. John’s Municipal Council held on February 27, 2017.

Should the applicant be successful in obtaining a Crown Land Lease, an application to develop the property must be submitted to the City for review and approval prior to the commencement of any development on the site.

Please note the following:

Crown Land Licence will be subject to the conditions outlined by the Department of Transportation & Works, that the use be temporary and the applicant must vacate the property within 7 days upon notification.

Should you have any questions pertaining to this matter, please do not hesitate to contact the undersigned at (709) 576-8380, fax: (709) 576-2340, or by e-mail: amurray@stjohns.ca.

Yours truly,

Ashley Murray  
Assistant Development Officer  
Planning, Engineering & Regulatory Services

AAM/dlm

Gerard Doran, Development Supervisor  
Michelle Devine, Administrative Coordinator  
Gareth Griffiths, Manager of Assessment  
Lynn Cooper, Office Services Supervisor (Assessment)  
Greg Keating, Manager of LIS  
Farrell’s Excavating Ltd. P.O. Box 909, Mount Pearl, NL A1N 3C8

ST. JOHN’S

CITY OF ST. JOHN’S P.O. BOX 908 ST. JOHN’S NL CANADA A1C 5M2 WWW.STJOHNS.CA
**Newfoundland Labrador**

**APPLICATION FOR CROWN LANDS**

**FOR DEPARTMENT USE ONLY**

- **APPLICATION NO.:** 150263
- **RECEIPT NO.:** 090720
- **FILE NO.:** 7-360069
- **DATE REGISTERED:** Oct 23/2017
- **INITIAL:** JF

**AMOUNT:** $172.50
**DATE INDICATED ON PLAN NO.:** Aug 11/2017

**APPLICANT INFORMATION**

<table>
<thead>
<tr>
<th>SURNAME</th>
<th>GIVEN NAME</th>
<th>MIDDLE NAME</th>
<th>AGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>WALK</td>
<td>JANINE</td>
<td>WALSH</td>
<td>30</td>
</tr>
</tbody>
</table>

- **MAILING ADDRESS:** PO. Box 909
- **CITY/TOWN:** Mount Pearl
- **PROVINCE:** NL
- **POSTAL CODE:** A1N 3C8
- **HOME TELEPHONE:** (709) 746-5241
- **BUSINESS TELEPHONE:** (709) 745-5904

- **ARE YOU A RESIDENT OF THE PROVINCE OF NEWFOUNDLAND AND LABRADOR?** Yes
- **ARE YOU AN EMPLOYEE OF THE DEPARTMENT OF FISHERIES AND LAND RESOURCES?** No
- **HAVE YOU, YOUR SPOUSE, OR ANY DEPENDENT CHILDREN EVER APPLIED FOR, OR RECEIVED LAND FROM THE CROWN?** Yes

- **LICENSE TO OCCUPY NO.:** 150263

**PROPOSED TENURE AND USE**

- **TYPE OF APPLICATION:** Licence to Occupy

- **LAND USE:**
  - AQUACULTURE
  - OTHER (provide details below)

- **AREA CURRENTLY DEVELOPED INTO PARKING LOT/LAY-DOWN AREA UNDER LICENCE FOR OCCUPANCY OF CROWN LAND NO. 150263. AREA CURRENTLY LEVELED AND ACCESSIBLE (DAILY MAINTENANCE) AND FULLY FENCED.**

- **DESCRIBE BUILDINGS TO BE ERECTED (if applicable):**
  - **NOT APPLICABLE:**
  - **PROPOSED WATER AND SEWAGE FACILITIES (if applicable):**
    - **WATER AND SEWAGE FACILITIES NOT REQUIRED**
1. **LAND DESCRIPTION**

**1. THE LAND IS SITUATED AT**

Harbour Arterial Quarry (West of Irving on TCH)

**IN THE ELECTORAL DISTRICT OF**

KILBRIDE

**2. IS THE LAND APPLIED FOR LOCATED WITHIN MUNICIPAL BOUNDARIES?**

☐ YES ☐ NO

**3. APPROXIMATE DIMENSIONS OF THE LAND**

<table>
<thead>
<tr>
<th>FRONTAGE</th>
<th>550 metres</th>
<th>DEPTH</th>
<th>110 metres</th>
</tr>
</thead>
</table>

**AREA: 5.63 Ha.**

**4. DISTANCE TO CLOSEST WATERBODY**

| N 300 | TORRANOMAN'S POND |

**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?**

<table>
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<tr>
<th>metres</th>
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</thead>
</table>

**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

**FENCE**

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

2017 - UNDER LICENCE NO. 150263 (FARRELL'S EXCAVATING LIMITED)

UPGRADED THE AREA THAT WAS UNDEVELOPED BOG TO ITS CURRENT CONDITION. AREA CONTINUES TO BE MAINTAINED DAILY BY FARRELL'S EXCAVATING LIMITED.

**7. ARE YOU AWARE OF ANY EVIDENCE OF PREVIOUS LAND USE, SUCH AS FENCES, BUILDINGS, SIGNS, CLEARING, LOCAL UNDERSTANDING, ETC.?**

☑ YES ☐ NO

**SAME APPLICANT AND REASONING STATED ABOVE.**

**2017 - SAME APPLICANT AND REASONING STATED ABOVE.**

**THIS APPLICATION IS TO SIMPLY EXTEND AREA ISSUED UNDER NO. 150263 TO A MORE ACCURATE AREA THAT WAS ACTUALLY DEVELOPED AND TO ACKNOWLEDGE THE FENCING.**

**DESCRIPTION OF LAND**

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

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

**BOUNDED ON NORTH BY**

Quarry Lease No. 116784 and Crown Land

**BOUNDED ON SOUTH BY**

Access to Quarry Areas from TCH

**BOUNDED ON EAST BY**

Trans Canada Highway

**BOUNDED ON WEST BY**

Quarry Lease No. 116784 and No. 116796

**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, Janine Walsh, 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 St. John's

in and for the province of Newfoundland and Labrador.

Official Administering Oath

Section 40(1)

NOTE: A non-refundable processing fee of ONE HUNDRED AND FIFTY DOLLARS ($150.00 plus H.S.T.) must accompany this application.
Cheques or money orders are to be made payable to the NEWFOUNDLAND EXCHEQUER ACCOUNT.
<table>
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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:
- [ ] 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
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APPLICATION FOR CROWN LANDS – REFERRAL

Applicant: FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other
Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

REFERRAL AGENCY ONLY

Date: 11/1/2017
Department/Agency: Forestry
Address: Paddys Pond

RECOMMENDATION:

COMMENTS: [REDACTED]

Name of Respondent: Jason Glode
Phone No.: 729-4180

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
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Purpose: Other
Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

REFERRAL AGENCY ONLY

Date: 10/25/2017
Department/Agency: TCII/Archaeology
Address: Confed. Bldg, West Block

RECOMMENDATION: [Redacted]

COMMENTS: [Redacted]

Name of Respondent: Martha Drake
Phone No.: 729-2462

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
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APPLICATION FOR CROWN LANDS – REFERRAL

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Telephone: (H): 7097455904 (O): 709
Application Number: 150263
Application Type: Licence
Purpose: Other
Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

REFERRAL AGENCY ONLY

Date: 10/27/2017
Department/Agency: Newfoundland Power Inc.
Address: 55 Kenmount Road

RECOMMENDATION:

COMMENTS:

Name of Respondent: Byron Spencer
Phone No.: 737-5381

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
Water Rights, Investigations, and Modelling Section Response

Application or Permit No.: 150263

Applicant/Proposed Work: FARRELL'S EXCAVATING LTD/Parking lot and laydown area

Section 29(1)(a)

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/nc030065.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 area.
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 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:
October 26, 2017
Potential copyright material

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

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
Farrell's Excavating Ltd. licence
Title #150263

Area cleared by Farrell's Excavating Ltd.
Includes Licence and Crown land adjacent to Licence.
Northeastern side of plotted area has berm along most of its length.

Crown Lands Division

Scale 1:5,940
Potential copyright material

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

(Complaint regarding blockage of access road to Standard Paving by Farrell’s Excavating and possible clearing/fencing of Crown land, without benefit of title by Farrell’s Excavating)

Background:
[Paragraph discussing the complaint lodged by someone against Farrell’s Excavating Limited.]

Details of Investigation:

- Andrea Deveraux of Mines was meeting with Farrell’s Excavating and I was to meet her for a joint inspection after her meeting. Andrea and the other Mines staff member present said that they didn’t need to do a joint inspection as Mr. Farrell had already shown them the work that he was carrying out on the site.

- Mr. William Farrell (President of Farrell’s Excavating) drove me around the site where he was carrying out work, both on his Licence (##150263) and on the adjacent Crown land. He also drove me around his quarrying operation so I could see the volume of equipment that he used in his quarrying operation.

- Mr. Farrell stated that he needed the Licence for the temporary equipment storage and lay down area because of the large number of vehicles and other sizeable pieces of equipment that are used in his quarrying operation. He mentioned that he often had to park them such that some vehicles were blocked in, which created problems when he had to shift vehicles to get at a specific piece of equipment.

- He said that he has had issues with theft from his site and therefore he needed to fence his Licence. This fencing also included barring off the southwestern end of the abovementioned access road. Mines had given him permission to bar off the southwestern entrance to the access road but not the northeastern end.

- I told Mr. Farrell that he was clearing and fencing Crown land that was outside the boundaries of his Licence and that there was a concern about clearing and potential fencing beyond the gated entrance near the northeast end of Standard Paving’s lease.

- He said that he had spoken to _______ and he thought _______ was okay with the road being altered. This was not the opinion that _______ expressed to Crown Lands.

- Farrell’s Excavating has constructed a fence that takes in a large part of the access road in question (See Annex A). The majority of the access road is now covered with fill deposited by Farrell’s Excavating.

- The fence on the northeastern side of the Licence ends near Standard Paving’s gate (See Annex B). Mr. Farrell stated that he wants to continue with that fence further along the northeastern boundaries of Standard Paving and RUG Construction (See Annex C).
• If this occurs, Standard Paving’s access road will have been shifted. It would then be between an eight foot high fence and a steep bank, as indicated in abovementioned concerns.

• Farrell’s Excavating has cleared a much larger piece of land than it was issued under Licence #150263. Annex D shows Farrell’s Excavating’s Licence in brown with a total area of 2.97 ha. I walked the perimeter of the area that Farrell’s Excavating has cleared and plotted the GPS points that were collected. This area, shown on Annex D, outlined in red has an area of 5.35 ha. Annex E shows the extent of clearing northeast of Farrell’s title boundary. Almost everything to the left of the communications tower in the centre of the image is outside the Licence.

• The points collected on the southwestern end were the boundaries of the fence that had already been erected. The points on the northeastern end were taken along the edge of the clearing done by Farrell’s Excavating. Farrell’s Excavating’s Licence extends outside the red polygon. This external area is a large berm that Farrell’s Excavating is constructing.

• According to Mr. Farrell, this berm (See Annexes F and G) was built to obstruct the view of the area from the highway. Some of the soil for the berm was removed from the berm adjacent to the property of RIG Construction.

• Clearing/fencing of Crown land outside the southwestern end of the Licence (See Annex H) encompasses a man-made waterbody that Farrell’s Excavating claims to need for firefighting purposes.

General observations:

• Farrell’s Excavating has cleared an area of Crown land well outside the boundaries of their Licence. They are also in the process of putting up fencing on Crown land without benefit of title.

• William Farrell stated that he knows he’s doing work outside the boundaries of his Crown Licence. He wanted to know how he can resolve this. He wanted to submit a plot of all the land that he has cleared, both within and outside his Licence. While I was on the site, he asked his surveyor, Myles Russell to submit a document to Crown Lands. Mr. Russell subsequently submitted a plan of the area that Farrell’s Excavating is fencing (See Annex I). The outline of this plan is plotted alongside the Licence in Annex K.

• Mr. Farrell has supplied us with a series of images taken with his own drone that show Farrell’s Excavating’s clearing of Crown land adjacent to their Licence from March 28, 2017 to April 24, 2017 (See Annex J).

• Farrell’s Excavating’s application was approved for a “Temporary equipment storage/lay down area”.

• Mr. Farrell mentioned another, unapproved use during this site investigation. He stated that he plans to hold an auction for heavy equipment on his Licence. He said that an auctioneering firm named Ritchie Brothers will be having an on-line auction on Farrell’s Excavating’s Licence. There was a vehicle at the site bearing Ritchie Brothers signage during the inspection.

• Additionally, there was no mention of extensive fencing or construction of a large berm in Farrell’s Excavating’s application.

• During the inspection I was approached by the complainant. He told me that he had been in to the Crown Lands Office and had just submitted an application for the parcel of land that Farrell’s Excavating was clearing (i.e. the portion starting at the northeastern boundary of Farrell’s Licence (See Annex L).

• A number of years ago, Mr. Farrell had been told by Mines that he could put a berm across the southwestern end of the access road due to an issue with theft of items on his quarry property. If necessary, this berm would have to be removed. There was no formal agreement put in place around this issue. This information was provided by Andrea Devereaux of Mines.
Date inspected: May 1, 2017

Inspector's Signature: _________________________
This letter is in reference to Farrell’s Excavating Ltd (FEL) application to amend existing Licence to Occupy 150263 (LTO) to include additional Crown land that FEL had illegally occupied outside of the boundaries of the LTO. According to FEL application the area developed and fenced is located outside of the licence document. The application sketch that accompanied the application had included the existing public road that was located adjacent to the LTO.

The Mines Branch had recommended refusal of the application as delineated on the mapping because it includes the public road that existed prior to the LTO being issued. FEL proposal to replace this public road with a new road running parallel to the TransCanada highway was refused for the following reasons;

1. The proposed replacement access road would be located within the right-of-way of the Trans-Canada Highway, measured 60 m from the centerline of the median. Parts of the re-developed area are already too close to the highway (i.e., within the right-of-way) and further encroachment into the right-of-way at this location will not be permitted.

2. According to the provisional plan for the future interchange that will be constructed to connect with the Galway development, the interchange and ramps would have necessitated that the proposed replacement road be abandoned to allow for development of the interchange and ramps. The Mines Branch, in its mandate to manage the quarry material resource, requires that the access configuration of the Harbour Arterial Mineral Workings Area be designed to allow for long-term equitable access for all operators, and for this reason the Mines Branch considers the provision of a temporary replacement road unacceptable. Rather, the public road which existed before the application site was re-developed by the applicant is much more compatible with the provisional plan for the future interchange, and its restoration would provide the long-term access route required at this location.

The Mines Branch does not object, however, to approval of a smaller amendment area restricted to the eastern side of the route of the former public road and on the condition that unimpeded access along the route be restored by FEL, including the removal of fencing at entry and intersection points and the removal of equipment, stockpiles, and other obstacles which may block the route. Note that the smaller, revised amendment area depicted in yellow on attached Map 1 of 3 has been plotted so that the western boundary is located approximately 10 m east of the centerline of the route of the former public road.

FEL now have thirty (30) days from the date of this letter to remove any fencing and any impedes to the existing public road and replace any fencing 10 meters from the centre line of the public road. After thirty days officials of the Mines and Crown lands Branch will inspect the site to determine if these conditions have been met. Failure to comply with these conditions
will result in the application for amendment not being approved and a Removal Notice being issued for the fence and any other structures, equipment, stockpiles, and other obstacles that have been placed outside of the boundaries of your existing LTO.
Potential copyright material

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APPLICATION FOR CROWN LANDS – REFERRAL

Applicant: FARRELL’S EXCAVATING LTD
P.O. Box 909
Mount Pearl NL
A1N 3C8

Telephone: (H): 7097455994 (O): 709
Application Number: 150165
Application Type: Licence
Purpose: Other
Use: Parking lot and laydown area
Location: St. John’s
Area (hectares): 2.97
Frontage (metres): 265

REFERRAL AGENCY ONLY

Date: 1/10/2018
Department/Agency: Transportation and Works
Address: Avalon Region / White Hills

RECOMMENDATION: Approval

COMMENTS: 1) Amended referral, changing the area of land under the referral
2) All previous conditions of the referral still apply
3) No access to TCH allowed from this parcel of land
4) This area has been requested to have a fence on a parcel of land in the vicinity, Farrell’s Excavating shall be allowed to use this land until such time as
land is required for the construction of an interchange. Upon notification,
Farrell’s Excavating will have 7 days to vacate the land.
5) Temporary occupancy ONLY

Name of Respondent: Bill Skanes
Phone No.: 729-3264

John Morrissey

Hosky Building, Peggs Line, Box 8708, St. John’s, NL, A1B 4J6, Phone (709) 729-3634, Faximile (709) 729-0726