

# Lands Act Review

## What We Heard

---

The Review Committee



**The Government of Newfoundland and Labrador would like to thank everyone who participated in the *Lands Act* review.**

**This document represents the opinions of those who participated in the public consultation process. It does not represent the opinions of the Government of Newfoundland and Labrador.**

## Table of Contents

|   |     |
|---|-----|
| Introduction .....  | 3   |
| Consultation Approach .....   | 4   |
| Public Sessions .....   | 5   |
| Key Stakeholder Session .....   | 6   |
| Written/Online Submissions .....  | 6   |
| What We Heard .....   | 7   |
| Topic 1: Obtaining Crown lands .....  | 7   |
| Topic 2: Adverse possession of Crown lands (“Squatters Rights” – Section 36)..... | 10  |
| Topic 3: Shoreline Reservations (Section 7).....                                  | 12  |
| Topic 4: Unauthorized occupation/possession of Crown lands (sections 30-35) ..... | 14  |
| Topic 5: Other Parts/Sections of the Act .....                                    | 16  |
| Next Steps.....   | 18  |
| Annex A.....  | 19  |
| Marystown.....  | 20  |
| Harbour Breton.....   | 28  |
| Grand Falls-Windsor .....   | 35  |
| Corner Brook.....   | 45  |
| St. Anthony .....   | 54  |
| Labrador.....   | 61  |
| St. John’s.....   | 71  |
| Key Stakeholder .....   | 89  |
| Written Submissions.....  | 97  |
| Online Submissions.....   | 106 |

# Introduction

---

In February 2015, the Department of Municipal and Intergovernmental Affairs initiated a review of the current *Lands Act* (the *Act*) which deals primarily with Crown lands in Newfoundland and Labrador. The Lands Branch of the Department of Municipal and Intergovernmental Affairs is responsible for the lease, licence, grant, reservation and protection of provincial Crown, public and other lands in accordance with the *Act*. The current *Act* has been in force since 1992 but there are parts of the *Act* that date back further than this. For example, Section 36, which deals with adverse claims of possession against the Crown (commonly known as “squatters rights”).

A comprehensive review of the *Act* and its service delivery model is required to ensure it is still relevant and is the most effective way to manage, administer, utilize and protect our Crown lands for the people of Newfoundland and Labrador.

To ensure a comprehensive approach to the review from both a legislative and process perspective, a Review Committee was established which comprises professionals with expertise in the areas of law, policy and process improvement. The Review Committee is responsible for developing informed recommendations on how to modernize the *Act* and make the Crown lands application process simpler and the service delivery model more effective.

A comprehensive review of the provisions and operations of the *Act*, as well as business processes and policies that support the operations of the *Act*, will include, but not be limited to, the following issues:

- Identification of ways to make the *Act* more user friendly so that it is well understood by those who use it and can be interpreted and applied consistently;
- Assessment of the provisions of Section 36 regarding adverse possession (commonly known as “squatters’ rights”) to determine whether these provisions, and their subsequent interpretation, support the purpose and intent of the legislation or whether changes to these provisions should be considered;
- Assessment of the provisions of Section 7 regarding shoreline reservations to determine their efficiency;
- Assessment of the provisions of Sections 30 to 35 regarding unauthorized occupation and possession of Crown lands in terms of their effectiveness and efficiency;
- Examination of internal business processes and policies that are intended to support the operations of the *Act* in terms of their necessity and efficiency;

- Examination of internal referral/consultation processes (i.e. Crown lands application referrals and Interdepartmental Land Use Committee referrals) that support the operations of the *Act* in terms of their necessity and efficiency; and
- Examination of current information technology used to support the operations of the *Act* in terms of their effectiveness and efficiency.

## Consultation Approach

---

An important aspect of this review is consultation with the people of Newfoundland and Labrador and stakeholders. Consultation will help the Review Committee in developing informed recommendations for making changes to the *Lands Act* and how Crown lands services are delivered to better serve the people of Newfoundland and Labrador.

The objectives of the consultation were to solicit feedback on all aspects of the *Lands Act* and its operations which include:

- identifying ways to make the *Lands Act* clear and concise so that it is well understood by those who use it and can be interpreted and applied consistently;
- assessing specific sections of the *Lands Act*, including adverse possession, shoreline reservations and unauthorized occupation/possession of Crown lands, to determine whether these sections, and their interpretation, support the purpose and intent of the legislation or whether changes to these sections should be considered; and
- identifying ways to improve Crown lands service delivery.

As part of the review process, the Review Committee consulted with a broad range of people and stakeholders throughout the province to hear their views and gather innovative ideas to enhance the legislation. This included both face to face and online consultations held from March 12 to April 10, 2015.

To focus the feedback received, a discussion guide with five key topic areas was developed and posted online. Stakeholders, the general public and other interested parties were encouraged to participate in the consultation process in a variety of ways including:

- public consultation sessions;
- a key stakeholder consultation session;
- completing an online discussion guide;

- providing written submissions (e.g. via email, postal mail, fax, etc.); or
- by phoning in to the Review Committee

Public and Key Stakeholder sessions featured:

- brief topic overviews to provide context;
- polling questions used to gather demographic information about who was in the room as well as self-rated level of knowledge on the topic areas; and
- small group roundtable discussions, including facilitation and note taking which focused on concerns, solutions and recommendations for change with respect to the *Lands Act*.

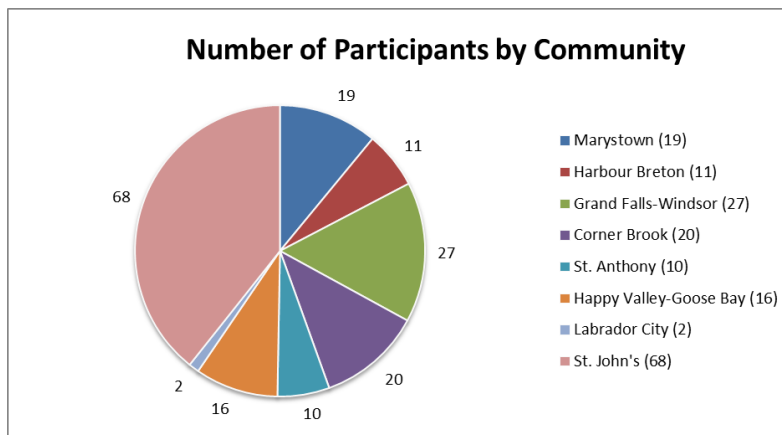
The Government of Newfoundland and Labrador’s Office of Public Engagement provided critical support in the design and delivery of these sessions.

The information gathered by the note takers was used to prepare this document. These notes, along with written and other submissions form the basis of this summary. The purpose of this What We Heard document is to describe and summarize the information gathered through the consultation process. This report is not intended to provide any commentary or analysis but rather provide a comprehensive summary of what was heard from the public and key stakeholders during the consultation process.

### Public Sessions

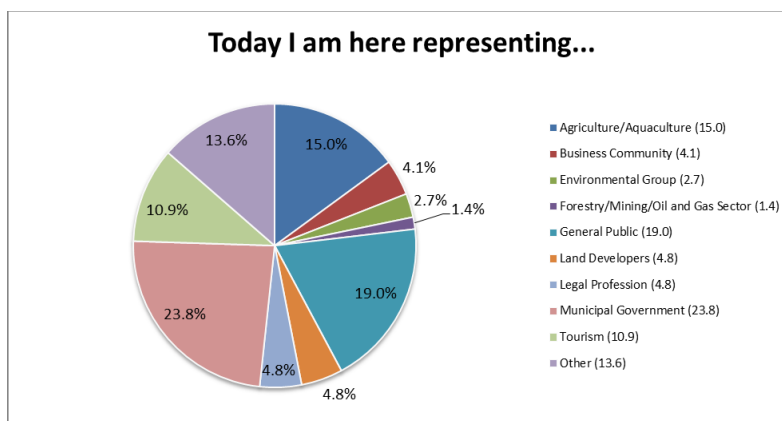
Public sessions were held in eight communities across the province from March 19 – April 7, 2015. The communities included Marystown, Harbour Breton, Grand Falls-Windsor, Corner Brook, St. Anthony, Happy Valley-Goose Bay, Labrador City and St. John’s. There were 173 participants across the province. See Figure 1 for the breakdown of participants by community.

Figure 1: Number of Participants by Community



During the sessions, participants were asked what type of organization/industry they were representing. 24% reported they were representing a municipality and 19% were from the general public. See Figure 2 for the breakdown of participants by what they were representing.

**Figure 2: Organization/Industry Representation at Public Sessions**



### Key Stakeholder Session

A key stakeholder session was held on April 8, 2015 with representatives from:

- Association of Newfoundland Land Surveyors
- Department of Fisheries and Oceans
- East Coast Trail Association
- Federation of Agriculture
- Home Builders Association
- Municipalities Newfoundland and Labrador
- Newfoundland Power
- NL Aquaculture Industry Association
- NL Hydro
- NL Outfitters Association
- Public Works and Government Services Canada
- Registered Professional Foresters of NL

### Written/Online Submissions

The Review Committee received 20 responses to the online discussion guide and over 45 written/email submissions.

# What We Heard

---

This section summarizes the main findings of the feedback received in each topic area from everyone who participated in the public sessions, the key stakeholder session and by making written submissions to the Review Committee. The feedback presented in the following section includes themes and ideas that were heard most often but in no way represent a consensus among participants.

Annex A contains detailed summaries of each public session, key stakeholder session, as well as the written submissions (online fillable discussion guide, emails and postal mail).

## Topic 1: Obtaining Crown lands

The first topic discussed was on the process for obtaining Crown lands. Participants were given the following information:

The *Lands Act* contains sections which allow Crown lands to be allocated in the following ways:

| Type of Allocation  | Description  |
|---|--|
| <b>Lease of Crown lands<br/>(Section 3)</b>                         | Crown retains ownership and is typically for a long term (i.e. 50 years). An example of a Crown lands lease would be for agricultural purposes.  |
| <b>Grants of Crown lands<br/>(Section 4)</b>                        | In this case the Crown lands are sold and the Crown does not retain ownership. An example would be for a commercial subdivision development.   |
| <b>Easement<br/>(Section 5)</b>                                     | The Crown retains ownership and is typically for a long term (i.e. 50 years). An example would be to utility companies for power lines.  |
| <b>Licence to Occupy<br/>(Section 6)</b>                            | Crown retains ownership and is typically for a short term (i.e. five years). An example of this would be for residents to construct and occupy Crown lands for remote cottages.                                  |
| <b>Transfers of Administration and Control<br/>(Sections 53-55)</b> | In this situation the Crown lands are acquired by the Federal Government or another Provincial Government department. An example includes Crown lands acquired by the Federal Government for a government wharf. |

The general approval process for an applicant to obtain a Crown lands grant includes:



1. Applicant - Complete the Crown lands application (which is to include approval from the municipal council if the Crown lands are within a municipality other than St. John's) and pay the application fee to government.
2. Government - Receive and register the application and consult through a referral process with various government departments and agencies (including City of St. John's if within City limits) on the application. Crown lands staff, if required, conduct a field investigation to assess the site. The property is appraised and the application is then reviewed by an internal *Review Committee*.
3. Applicant - If approved, have a licenced land surveyor complete and submit a land survey within 12 months of approval of the application. In some cases there are additional requirements. For example, a sewage disposal system design by a certified designer may also be required.
4. Government - Review the land survey and other applicable requirements. If satisfactory, prepare the title document and send to the applicant.
5. Applicant - Sign and return the documents to government, along with any required fees and payment for the land within 90 days of receipt by the applicant.
6. Government - Sign the title document and deliver it to the applicant. The title document is effective on delivery to the applicant.

The Crown Lands Administration Division (CLAD) experiences a considerable volume of Crown lands service needs. In 2013-14, CLAD processed 3,591 applications. These include new applications for Crown lands, applications to amend the conditions of existing Crown titles or to renew the term of existing Crown titles. CLAD also issued 2,105 titles to Crown lands. This is in addition to the number of services provided on the front line such as in-person inquiries, emails, letters and phone calls from clients totaling over 100,000 inquiries.

### What We Heard

The question that was asked of participants was '**How can the process for obtaining Crown lands be improved?**' Participants and those who submitted written comments provided a wide range of suggestions for improving the Crown lands application process. The following is a summary of the main themes and ideas received.

**Figure 3: Suggested ideas on how to improve the Crown lands application process**

### Improve Communication

- Provide data online (e.g. maps, Land Use Atlas)
- Brochures outlining the application process/ requirements
- Checklists for each application type
- Online tracking of applications
- Consistency in responses received from staff
- Update website

### Simplify the Application Process

- Ability to submit applications online
- Reduce number of referrals
- Stricter referral/application processing timelines
- Triage system for applications with different requirements for different applications
- Move to electronic referrals

### Staff

- Increase number of staff
- Increase access to staff (e.g. some offices only open one day a week)
- Specialization of staff for specific application types
- Increase training for staff

### Regulations

- Make regulations clearly establishing the rules and procedures for acquiring Crown lands

### Municipalities

- Transfer Crown lands within municipal boundaries to the municipality
- Make Land Use Atlas available
- Copy town councils on issued applications
- Less municipal control over Crown lands applications

### Mandatory Land Registration

- Government needs to identify what lands are Crown lands
- Introduce mandatory land registration for private and Crown lands
- Introduce a Torrens system (i.e certified title system for Private land)
- Combine the Registry of Deeds and the Crown lands Registry
- Use Company and Deeds Online (CADO) software

## Topic 2: Adverse possession of Crown lands (commonly referred to as “Squatters Rights” – Section 36)

### Background

Topic 2 for discussion was related to adverse possession of Crown lands. Under this section of the *Lands Act*, a person who can show possession of Crown lands (i.e. a person may have constructed a building, fenced or cleared the land, farmed or raised animals on the land) for the 20 years between January 1, 1957 and December 31, 1976 may be eligible for a Crown grant based on adverse possession or “squatters rights”. To determine whether or not someone has a valid claim to the land, it has to be shown that the person (or his or her predecessor) had open, notorious, continuous and exclusive possession. All four aspects of this test must be met. For example, in 1945, John Doe built a house and fenced a piece of land within a community. The residents of the community consider this piece of fenced land to be private property belonging to John Doe. The period of time in which he lived there included the 20 years between January 1, 1957 and December 31, 1976. In this case, John Doe may apply for a Crown grant under this section of the *Act*.

A person may apply to the Crown Lands Administration Division of government for a “squatters rights” Crown lands grant and with it must provide two affidavits. These affidavits must describe the use and occupation of the land in the relevant period of time. One affidavit is from the applicant. The other is required from a person familiar with the use and occupation of the land particularly in the time period between 1957 and 1977. It is becoming increasingly difficult for people to prove that they meet the conditions of possession due to the time that has lapsed since 1957.

No period of possession of Crown lands after December 31, 1976 is considered under this section.

### What We Heard

The information provided from participants on this topic recognized that there are issues with the current legislation as it is becoming increasingly difficult to find people who can provide an affidavit and attest to the use of the land. For example, because the dates for which an affidavit has to be provided are from 1957-1977, those who may have known about the land and its possession and occupation may no longer be living or they may no longer reside at that particular location.

The question that was asked of participants in relation to adverse possession was **‘What would be a reasonable approach for government to take with respect to**

**“squatters rights” on Crown lands?** The following is a summary of the main themes and ideas received.

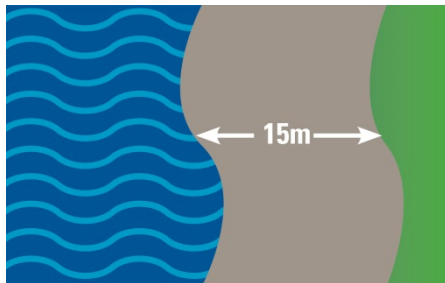
**Figure 4: Suggested ideas for how Government should approach squatters rights**



## Topic 3: Shoreline Reservations (Section 7)

### Background

The third topic for discussion was in relation to Section 7 of the *Lands Act* which pertains to shoreline reservations. Under Section 7 of the *Act*, a 15 metre wide, and in some cases a 10 metre wide, area of Crown lands surrounding a lake or pond or along a river or the seashore is to be reserved. This shoreline reservation is publicly accessible unless, in limited circumstances, a grant, lease or licence to the area is issued under the *Act*.



There are certain circumstances in which a person may apply to government for a grant, lease or licence in the shoreline reservation. It must be based on one of the following circumstances:

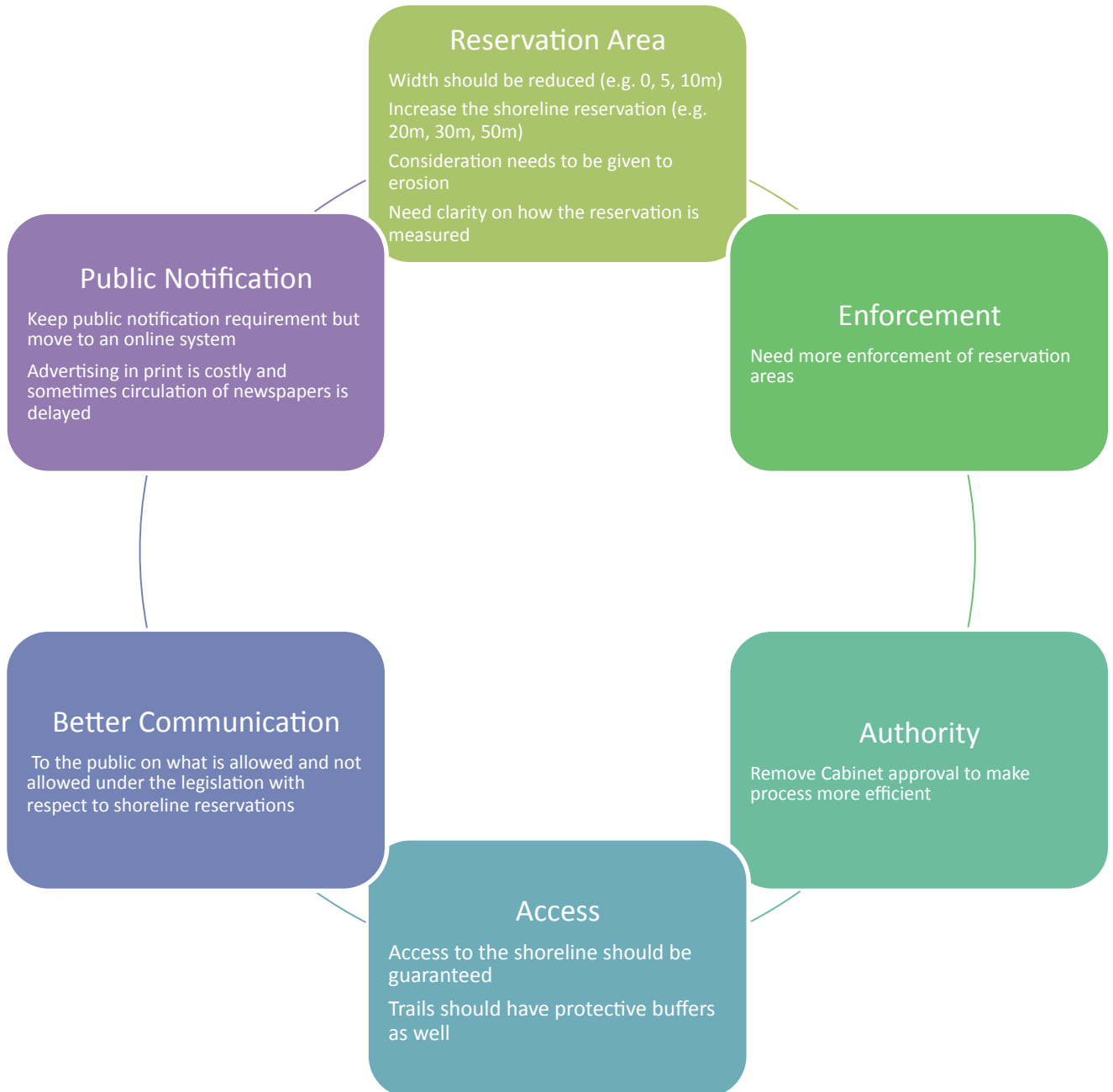
- Required for the purpose of an industrial undertaking;
- Enable a person to carry out aquaculture activities;
- Enable a municipality to engage in water and sewer works and to permit the construction of public roads;
- Construction of boat houses and wharves to the extent that they intrude on the reservation; and
- Where a structure, built before April 1, 1992, is used as a residence and intrudes on the shoreline reservation, only to the extent of the intrusion.

An individual wishing to apply for a Crown lands grant, lease, or licence under this section must first publish a notice of intent in *The Newfoundland and Labrador Gazette*, one local paper and one weekend edition of a paper having general circulation within the province at least two months prior to making the Crown lands application. People who wish to object to the application are required to write to the minister within one month of the publication of the notice.

### What We Heard

Participants were asked ‘**Are there changes you would or would not suggest with respect to section 7 on shoreline reservations?**’ The following is a summary of the major themes and ideas received with respect to this question.

Figure 5: Suggested changes to Section 7 regarding shoreline reservations



## Topic 4: Unauthorized occupation/possession of Crown lands (Sections 30-35)

### Background

There are various sections in the *Lands Act* which address the occupation or possession of Crown lands without authorization such as building a cottage on Crown lands without having a Crown title issued for the land. These sections include:

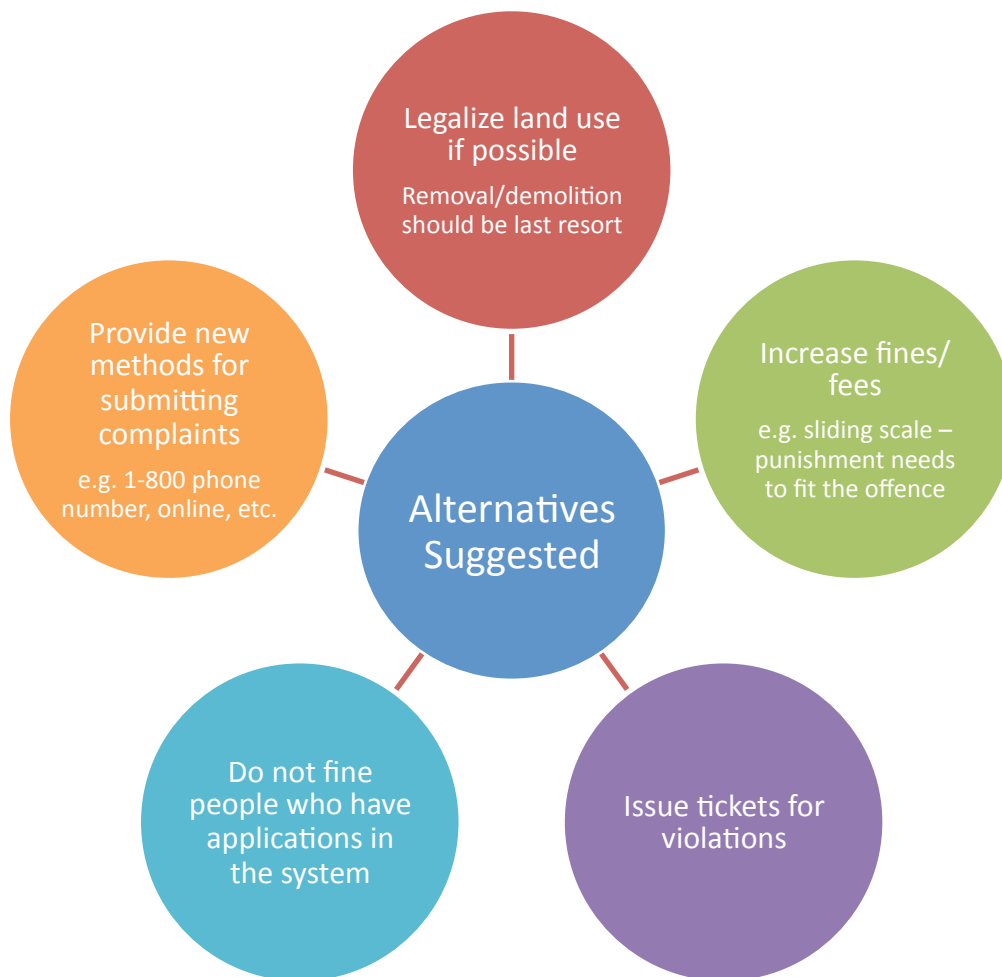
| Section                                    | Description  |
|--|--|
| <b>Court order (Section 30)</b>            | When a person forfeits rights to Crown lands and refuses to vacate the land or when a person is wrongfully in possession of Crown lands, government can apply to a judge for an order that the person deliver up the lands to the Crown.   |
| <b>Offence (Section 31)</b>                | A person who encloses, marks off or takes possession of Crown lands who does not have the right to do so is guilty of an offence and is liable on summary conviction to a fine of \$1,000 or more or up to three months in prison, or both a fine and imprisonment.  |
| <b>Removal of structure (Section 32)</b>   | Government can issue a written notice to anyone who places a structure (i.e. building, wharf, fence, trailer, bus or other motor vehicle converted for the purpose of habitation, a wall or materials that may be used in the erection of a structure and the contents of the structure) on Crown lands who does not have authorization to do so, to remove the structure within 60 days. If the structure is not removed within 60 days the person can be charged \$25 for each day that the structure remains on Crown lands. Government has the right to remove or demolish the structure and the costs associated with removal or demolition may be charged to the person who committed the offence. |
| <b>Stop Order (Section 33)</b>             | A person who is erecting a fence, clearing land, erecting a building, placing materials to erect a building, or constructing a road may be ordered to stop doing that activity and to restore the lands to their original condition.   |
| <b>Appeal (Section 34)</b>                 | A person has 14 days to appeal a stop order to the court.  |
| <b>Where order not obeyed (Section 35)</b> | If a stop order has not been complied with, and no appeal has been filed within the 14 days, a government employee who is designated to do so can carry out the restoration ordered. The cost may be recovered by government. Every person on whom an order is made and who refuses to comply can be fined at least \$25 for each day of refusal and in default of payment can be imprisoned for up to three weeks.  |

## What We Heard

With respect to this topic, participants were asked ‘**Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?**’

The general consensus in all sessions on this topic is that the legislation is sufficient. However, enforcement is an issue. Comments that were received include ‘if you create a law, then you need to enforce it’ and ‘no one is protecting the resource’. In terms of enforcement, some of the more common solutions offered, although not always with full agreement, were to hire more staff to enforce the legislation and to work closer with municipalities, as they could have a role to play in enforcement as well. While the emphasis was on enforcing the legislation already in place, additional suggestions were made for change to deal with unauthorized occupation/possession of Crown lands. See Figure 6 for details.

**Figure 6: Suggested changes on how government should deal with unauthorized occupation/possession of Crown lands**





## Topic 5: Other Parts/Sections of the Act

### Background

Topic 5 was a summary of the other parts/sections of the *Lands Act* which include:

| Parts of the Act   | Description  |
|--|--|
| <b>Public Reserves (Section 8)</b>   | This section of the Act reserves Crown lands for a certain purpose and period of time. For example, a specified area of habitat of the Newfoundland Marten has been reserved.  |
| <b>Abandoned lands (Part 2)</b>  | If there are lands that were granted, leased or licenced under the Act or a former Act respecting Crown lands; and the lands have been unused and unoccupied for at least 20 years; and it appears that the lands are abandoned; and no person lawfully entitled to the lands or an interest in them can be found in the province; then proceedings may begin to revest those lands in the Crown.  |
| <b>Special Management Areas (Part 4)</b>   | Sets out conditions, restrictions and regulations on how an area of land will be managed and administered, such as the Wooddale Agriculture Development Area in central Newfoundland.  |
| <b>Survey markers (Part 5)</b>   | This part of the Act sets out the legislative authority for surveyors to enter on all lands in the province to install control survey markers. These markers have fixed latitude and longitude coordinates on the earth. Land surveyors tie into them when doing land surveys for the public so that these land surveys are also accurate as to their placement. This part also sets out the offence for interfering with a land surveyor.                                     |
| <b>Setting aside, Altering or Amending Crown Grants, Leases or Licences (Part 6)</b> | This part provides for setting aside, altering or amending Crown grants, leases or licences through a court process if a person has or claims to have an interest or right in the lands. For example if a grant was issued to person 'A' many years ago and for whatever reason person 'B' now claims an interest or right in the land, person 'B' can make application to the court to have the grant declared void/altered/amended or to obtain other relief from the court. |

### What We Heard

Although this was a summary of other parts of the *Lands Act* participants were given the freedom during this discussion to provide anything further that they did not get the opportunity to say during the first four topic areas. The following is a summary of some of the other ideas received under this topic area.

Figure 7: Summary of suggestions received under topic 5 – Other parts/sections of the Act

Protect agricultural land and issue grants instead of leases.

Special consideration and protection of walking trails, specifically, the East Coast Trail.

Government should develop a provincial land use plan.

Need better communication within government.

Government should enforce section on abandoned lands.

Stronger legislated process for the development of cottage lots (e.g. process for determining the carrying capacity for ponds).

Definition of free grants under Section 9 should be broadened (e.g. for affordable housing, cultural heritage, etc).

Better appeals processes.

Government should consider a trappers policy.

Take the politics out.

Need to maintain the right for surveyors to enter onto all lands in the province.

# Next Steps

---

This document summarizes the input received from participants during the consultation process. The Review Committee is thankful to all who participated.

The Review Committee will be using feedback received during this consultation process to help develop informed recommendations on how to modernize the *Act* and make the Crown lands application process simpler and the service delivery model more effective. These recommendations will form the basis of a final report which will be provided to the Minister of Municipal and Intergovernmental Affairs in the coming months.

# Annex A

---

The following are detailed summaries of each public session, key stakeholder session, as well as written submissions received (including: online fillable discussion guide, emails and postal mail). Where possible an attempt has been made to include similar thoughts/ideas only once, therefore a comment noted below may have been heard multiple times in a session.

# Marystown

---

## Demographics

| Today I am here representing...    |          |       |
|------------------------------------|----------|-------|
|                                    | Per cent | Count |
| Agriculture/Aquaculture            | 0.00%    | 0     |
| Forestry/Mining/Oil and Gas Sector | 0.00%    | 0     |
| Environmental Group                | 0.00%    | 0     |
| Municipal Government               | 58.33%   | 7     |
| General Public                     | 16.67%   | 2     |
| Tourism                            | 8.33%    | 1     |
| Land Developers                    | 0.00%    | 0     |
| Business Community                 | 0.00%    | 0     |
| Legal Profession                   | 16.67%   | 2     |
| Other                              | 0.00%    | 0     |
| Total                              | 100%     | 12    |

## Topic 1: Crown lands

### Polling Questions

My familiarity with the process for applying for Crown lands is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 0.00%    | 0     |
| Weak                    | 20.00%   | 3     |
| Neither Weak nor Strong | 40.00%   | 6     |
| Strong                  | 26.67%   | 4     |
| Very Strong             | 13.33%   | 2     |
| Total                   | 100%     | 15    |

Have you ever applied for Crown lands?

|     | Per cent | Count |
|-----|----------|-------|
| Yes | 28.57%   | 4     |

|  |                          |                 |              |
|--|--------------------------|-----------------|--------------|
|  | <b>No</b>                | 71.43%          | 10           |
|  | <b>Total</b>             | <b>100%</b>     | <b>14</b>    |
| <b>Have you ever obtained Crown lands?</b>                         |                          |                 |              |
|  |                          | <b>Per cent</b> | <b>Count</b> |
|  | <b>Yes</b>               | 7.14%           | 1            |
|  | <b>No</b>                | 92.86%          | 13           |
|  | <b>Total</b>             | <b>100%</b>     | <b>14</b>    |
| <b>Do you have a...</b>  |                          |                 |              |
|  |                          | <b>Per cent</b> | <b>Count</b> |
|  | <b>Lease</b>             | 16.67%          | 1            |
|  | <b>License to Occupy</b> | 16.67%          | 1            |
|  | <b>Grant</b>             | 50.00%          | 3            |
|  | <b>other</b>             | 16.67%          | 1            |
|  | <b>Total</b>             | <b>100%</b>     | <b>6</b>     |
| <b>Did you find the process for applying for Crown lands easy?</b> |                          |                 |              |
|  |                          | <b>Per cent</b> | <b>Count</b> |
|  | <b>Yes</b>               | 42.86%          | 3            |
|  | <b>No</b>                | 57.14%          | 4            |
|  | <b>Total</b>             | <b>100%</b>     | <b>7</b>     |

### Discussion Question:

How can the process for obtaining Crown lands be improved?

#### Participant Responses

Work closer with municipalities

- Notify status of applications within municipal boundaries
- Copy town council on issued applications
- Make Land Use Atlas available
- Municipality wants to do something but it is classified as Crown lands; we have paid people to find out who owns property; people should know what are Crown lands within municipal boundary

Better/more timely communication with applicant

- Inform applicant of any issues with the application in a timely manner
- Allow applicant to track status of application (e.g. online)

Need to complete enforcement/compliance checks

- Septic designs not being inspected after construction. Septic design can be printed off from the internet and approved

Submit electronic applications online

|   |
|---|
| Shorten the time to get through the process   |
| Implement and enforce timelines for internal referrals                              |
| Better record keeping   |
| Increase access to staff (e.g. Clarendville only open on Thursdays)                 |
| Government needs to identify what is Crown lands                                    |
| Too much staff changeover. New staff not familiar with ongoing issues of applicants |
| Make data available to the public (e.g. Crown lands Registry)                       |

## Topic 2: Squatters Rights

### Polling Questions

My familiarity with “squatters rights” is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 7.14%    | 1     |
| Weak                    | 35.71%   | 5     |
| Neither Weak nor Strong | 35.71%   | 5     |
| Strong                  | 7.14%    | 1     |
| Very Strong             | 14.29%   | 2     |
| Total                   | 100%     | 14    |

Are you aware of anyone that has claimed or is claiming rights to Crown lands under “squatters rights”?

|       | Per cent | Count |
|-------|----------|-------|
| Yes   | 50.00%   | 8     |
| No    | 50.00%   | 8     |
| Total | 100%     | 16    |

### Discussion Question:

What would be a reasonable approach for government to take with respect to “squatters rights” on Crown lands?

### Participant Responses

Issue with current legislation

- 1957 a long way to go back; most people who can attest are deceased; hard to obtain affidavits
- No common law recognition
- People settled and never registered land; but now for mortgage, need to substantiate title
- Open too much to abuse under present system
- In 5 to 10 years, we will not have someone who can do the affidavit; trouble getting

|  |
|--|
| information for application  |
| <p>Mandatory land registration</p> <ul style="list-style-type: none"> <li>• Chose a date - if you can establish meet the test of Open Notorious Continuous Exclusive, from 1974 (or other date) to the present, new registry, everyone start fresh</li> <li>• That would be similar to New Brunswick switching to title system</li> <li>• Move to municipal office registry</li> <li>• Lawyers are calling us from the states; what is registry number for property? We do not have one; we are a town hall; people (from outside the province) are shocked</li> <li>• Keep the registry provincial - consistency</li> <li>• Maybe centralized database with towns to input; municipalities would want access/info to lands within their own area</li> </ul> |
| <p>Worker closer with municipalities</p> <ul style="list-style-type: none"> <li>• Municipality should have access to mapping to aid in squatters rights issues</li> </ul>  |
| <p>New time frame</p> <ul style="list-style-type: none"> <li>• Time frame should be from the present, back 20 years.</li> <li>• Timeline not relevant</li> <li>• Make the deadline later</li> <li>• Maybe same limitation for individuals, which is 10 years</li> </ul>  |
| <p>Be Fair</p> <ul style="list-style-type: none"> <li>• If built house in 1974 and you do not meet the requirements, should Crown lands, which has taken no action, now be able to come in and say you have to pay fair market value</li> <li>• Come to a compromise because you could be losing source of revenue; however Crown not acting on these now</li> </ul>   |
| Consider remote versus notorious   |
| Was the Will probated? If it wasn't, it was so long ago what do we do now?   |
| Issue a permit to occupy vs lease  |
| Province should do a better job advertising Squatters Claims; if it was easier to put an adverse claim in then why is there a need for squatters rights today  |
| Issue a lease vs. grant  |
| <p>Gander might have an interactive map</p> <p>Privacy issue if could see the property</p> <p>If you click on property and name of resident, then could get copy of mortgage on Registry of Deeds; however could be open to identity theft</p>   |

### Topic 3: Shoreline Reservations

#### Polling Questions

My familiarity with shoreline reservations is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 28.57%   | 4     |
| Weak                    | 28.57%   | 4     |
| Neither Weak nor Strong | 28.57%   | 4     |
| Strong                  | 14.29%   | 2     |



|  |                    |                 |              |
|--|--------------------|-----------------|--------------|
|  | <b>Very Strong</b> | 0.00%           | 0            |
|  | <b>Total</b>       | <b>100%</b>     | <b>14</b>    |
| Have you ever applied for a Crown lands Grant/Lease or License under Section 7 regarding shoreline reservations? |                    |                 |              |
|  |                    | <b>Per cent</b> | <b>Count</b> |
|  | <b>Yes</b>         | 13.33%          | 2            |
|  | <b>No</b>          | 86.67%          | 13           |
|  | <b>Total</b>       | <b>100%</b>     | <b>15</b>    |

### Discussion Question:

Are there changes you would or would not suggest with respect to Section 7 on shoreline reservations?

| Participants Responses  |
|---|
| <b>Advertising</b> <ul style="list-style-type: none"> <li>• Notice of intent too long or not needed at all. Why two months?</li> <li>• Advertising is costly, especially if ad has to run a second time due to complications with the application.</li> <li>• Why advertise in local paper and weekend edition and gazette? Pretty expensive and have to do all that before you apply. Is it necessary to have two forms of advertising in newspapers? For example, would it be enough if in local paper plus gazette? However, on the other hand there is a group provincially for example that might want to make representation to the minister - still want to cut down on cost</li> <li>• Governments do the advertisement for the notice of intent to save money</li> <li>• People do not have regular viewing of Gazette</li> <li>• Very very expensive</li> </ul> |
| <b>Enforcement</b> <ul style="list-style-type: none"> <li>• Why apply? Crown is not enforcing</li> <li>• No control or enforcement</li> </ul>   |
| <b>Authority</b> <ul style="list-style-type: none"> <li>• Why does approval have to go to Cabinet?</li> </ul>   |
| <b>Better communication to the public on Shoreline Reservations</b> <ul style="list-style-type: none"> <li>• Website needs to be updated</li> </ul>   |
| <b>Provide data to the public</b> <ul style="list-style-type: none"> <li>• More technology should be available to the public to help apply</li> <li>• GIS made available to the public</li> <li>• Open up access to resources that are available to staff and help all</li> </ul>   |
| <b>Reservation Area</b> <ul style="list-style-type: none"> <li>• 15 m seems rather large</li> <li>• No problem with the size of the reservation</li> </ul>  |
| <b>Restrictions</b> <ul style="list-style-type: none"> <li>• Broaden the grounds. E.g. residential uses other than boathouses and wharves</li> <li>• Include trails within the shoreline reservation</li> </ul>   |
| <b>Departments do not know what other departments are doing</b>   |

|  |
|--|
| Shorelines reservations are important and should remain                            |
| Department is using outdated technology  |
| Unsure as to what bodies of water should have a shoreline reservation, e.g. brooks |
| Should the shoreline reservation be applicable to private ownership?               |

## Topic 4: Unauthorized occupation/possession of Crown lands

### Polling Questions

My familiarity with how government can legally deal with persons who occupy/possess Crown lands without the right to do so is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 8.33%    | 1     |
| Weak                    | 41.67%   | 5     |
| Neither Weak nor Strong | 41.67%   | 5     |
| Strong                  | 8.33%    | 1     |
| Very Strong             | 0.00%    | 0     |
| Total                   | 100%     | 12    |

Have you known anyone that has occupied or possessed Crown lands without the right to do so?

|       | Per cent | Count |
|-------|----------|-------|
| Yes   | 57.14%   | 8     |
| No    | 42.86%   | 6     |
| Total | 100%     | 14    |

### Discussion Question:

Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?

### Participant Responses

#### Enforcement

- Court order is never exercised
- Need to enforce and spread the word
- If create a law, then have to enforce it
- So many instances of illegal occupation and access restriction. Nothing being done
- When illegal occupation is not checked, other issues, e.g. environmental concerns are not addressed
- Enforce the person to remove, but never happens
- Municipalities are left to police unauthorized occupation, possession, construction. Not

- enough enforcement by government. Municipalities do not have the resources to police.
- Crown lands make them an offer to purchase the property legally/offer to sell it to that person
- No enforcement on long standing issues
- No manpower
- No one is protecting the resource
- Universal enforcement; take the steps on every occasion; cannot apply to one and not to others. E.g., cabins that had been burned in Howley, did they do that to all?
- In some cases they charge an illegal occupation fee
- Independent agency that reviews use and occupation
- Need the political will to do the job
- Structures on unauthorized land should be removed by the owner and the land returned to its original state
- I agree that government acted rationally with gravel pit campers, damage to environment with septic
- Deterrents are suitable. Deterrents would work if they were enforced

- Alternatives/Changes needed
- \$500 illegal occupation fee too cheap
  - Send the person who is illegally occupying the land a bill; cheaper to pay the bill than to move the shed
  - Allow person to apply for grant
  - Despite illegal occupation there should be an interest gained
  - People who apply have to wait a long time for approval and pay money for advertising, etc. Illegals do what they want for free.
  - Shift it from me having to apply, to government coming to me and saying you have options to apply for a grant or otherwise options in the *Act*
  - What are the consequences in NS? Do they have the same remedy; how do others deal with it?
  - Give court power – John Smith pay X dollars, within a given time period, to pay to the Crown; register the judgment as a lien
  - Maybe not a court order; fine could deal with it
  - Do something fairly and across the board
  - What if NL power sees your gazebo in the NL power easement - in addition to inspectors - that is how Crown lands may become aware someone is encroaching on Crown lands

Law ok as is

Hesitant to make a complaint

A lot of people intimidated by the Crown lands process will not bother to apply and will occupy land illegally anyway

Concern about the possibility of imprisonment for illegally occupying Crown lands

Should be more open land available

Better planning that allows access for all

Need help to protect the resource

It's fair that government tacked a notice on the cabin, then person applied for a licence or grant; that was fair to impose the illegal occupation fee

## Topic 5: Other Parts of the Act

### Polling Questions

My familiarity with other parts of the Act is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 15.38%   | 2     |
| Weak                    | 61.54%   | 8     |
| Neither Weak nor Strong | 23.08%   | 3     |
| Strong                  | 0.00%    | 0     |
| Very Strong             | 0.00%    | 0     |
| Total                   | 100%     | 13    |

I feel that all important aspects of the topic was covered today.

|                   | Per cent | Count |
|-------------------|----------|-------|
| Strongly Agree    | 26.67%   | 4     |
| Agree             | 46.67%   | 7     |
| Neutral           | 26.67%   | 4     |
| Disagree          | 0.00%    | 0     |
| Strongly Disagree | 0.00%    | 0     |
| Total             | 100%     | 15    |

### Discussion Question:

Is there anything else you would like to add to today's discussion?

#### Participant Responses

|  |
|--|
| Need more regulations  |
| Keep the courts out of enforcement issues. Independent review of issues  |
| Rules and policy need to be clear and not open to interpretation   |
| Clear guidelines to clear up issues of illegal occupation  |
| Should be more done to clarify calculation of fair market value  |
| As municipality, wanted to obtain the Crown lands within the municipality but the cost was prohibitive   |
| The two year period to obtain Crown lands is prohibitive for development   |
| Frustrating; Crown lands is only source of revenue for municipalities; people want to build new home but takes a very long time                |
| Agricultural leased land cannot be used as collateral for bank financing   |
| A lot of places here, where have handwritten bills of sale, the quality of affidavits is a concern   |
| Need rules and regulations that allow staff and management to disseminate the same information. Different interpretations from different staff |
| Thought tonight's discussion would be about private land and the registry of deeds; that also needs an overhaul                                |

# Harbour Breton

---

## Demographics

Today I am here representing...

|                                    | Per cent    | Count    |
|------------------------------------|-------------|----------|
| Agriculture/Aquaculture            | 0.00%       | 0        |
| Forestry/Mining/Oil and Gas Sector | 0.00%       | 0        |
| Environmental Group                | 0.00%       | 0        |
| Municipal Government               | 44.44%      | 4        |
| General Public                     | 33.33%      | 3        |
| Tourism                            | 0.00%       | 0        |
| Land Developers                    | 0.00%       | 0        |
| Business Community                 | 11.11%      | 1        |
| Legal Profession                   | 0.00%       | 0        |
| Other                              | 11.11%      | 1        |
| <b>Total</b>                       | <b>100%</b> | <b>9</b> |

## Topic 1: Crown lands

### Polling Questions

My familiarity with the process for applying for Crown lands is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 30.00%      | 3         |
| Weak                    | 20.00%      | 2         |
| Neither Weak nor Strong | 40.00%      | 4         |
| Strong                  | 10.00%      | 1         |
| Very Strong             | 0.00%       | 0         |
| <b>Total</b>            | <b>100%</b> | <b>10</b> |

Have you ever applied for Crown lands?

|     | Per cent | Count |
|-----|----------|-------|
| Yes | 70.00%   | 7     |
| No  | 30.00%   | 3     |

|  | Total     | 100%            | 10           |
|--|-----------|-----------------|--------------|
| <b>Have you ever obtained Crown lands?</b>                         |           |                 |              |
|  |           | <b>Per cent</b> | <b>Count</b> |
| Yes  | 5         | 50.00%          | 5            |
| No   | 5         | 50.00%          | 5            |
| <b>Total</b>   | <b>10</b> | <b>100%</b>     | <b>10</b>    |
| <b>Do you have a...</b>  |           |                 |              |
|  |           | <b>Per cent</b> | <b>Count</b> |
| Lease  | 2         | 33.33%          | 2            |
| License to Occupy  | 1         | 16.67%          | 1            |
| Grant  | 3         | 50.00%          | 3            |
| other  | 0         | 0.00%           | 0            |
| <b>Total</b>   | <b>6</b>  | <b>100%</b>     | <b>6</b>     |
| <b>Did you find the process for applying for Crown lands easy?</b> |           |                 |              |
|  |           | <b>Per cent</b> | <b>Count</b> |
| Yes  | 1         | 14.29%          | 1            |
| No   | 6         | 85.71%          | 6            |
| <b>Total</b>   | <b>7</b>  | <b>100%</b>     | <b>7</b>     |

### Discussion Question:

How can the process for obtaining Crown lands be improved?

#### Participant Responses

Better communication to the public on the process for applying for Crown lands

- Simplified brochure that you can pick up from the town office, in layman's terms, would be helpful, website is just reading legislation and it is confusing
- Need a checklist
- Put information online

Simplify the application process

- Too much red tape; have to go to Gander, come back, then survey to Gander, then from Gander to St. John's, then how long in St. John's?

Work closer with municipalities

- Make Crown lands Registry available
- Municipalities would like to know what areas have grants
- Transfer Crown lands within municipal boundaries to the municipality
- Town should know about municipal zoning before a person applies for Crown lands; for example, person coming to municipality for approval; municipality approves, later applicant turned down because different zoning from what was applied for. If municipalities turn it down, that should be end of discussion

|  |
|--|
| <ul style="list-style-type: none"> <li>In remote rural areas (2000 persons) let the community (municipality) have control of the land and allow them to deal with the land issues</li> <li>Does Crown lands know that an area is a flood zone or dangerous zone? Municipality knows</li> </ul> |
| Shorten the time to get through process <ul style="list-style-type: none"> <li>Would take two years for housing development and town council is ready now</li> </ul>   |
| Make data available to the public (e.g. maps)  |
| Application in for seniors cottage for funding from province and Federal Government; when approved (e.g. NLHC), municipality given only three months to complete that, but the application for Crown lands to establish the cottages would take longer than that                               |
| Submit electronic applications online  |
| Government needs to identify what is Crown lands   |
| One-stop-shop for all types of government applications   |
| Municipalities should not have final say in applications within municipal boundaries   |
| Need to keep the appeal process  |
| First improvement was seeing an application where Crown lands had provided a map and the applicant was able to attach the map to his application   |

## Topic 2: Squatters Rights

### Polling Questions

#### My familiarity with “squatters rights” is...

|                         | Per cent    | Count    |
|-------------------------|-------------|----------|
| Very Weak               | 22.22%      | 2        |
| Weak                    | 11.11%      | 1        |
| Neither Weak nor Strong | 55.56%      | 5        |
| Strong                  | 11.11%      | 1        |
| Very Strong             | 0.00%       | 0        |
| <b>Total</b>            | <b>100%</b> | <b>9</b> |

#### Are you aware of anyone that has claimed or is claiming rights to Crown lands under “squatters rights”?

|              | Per cent    | Count    |
|--------------|-------------|----------|
| Yes          | 62.50%      | 5        |
| No           | 37.50%      | 3        |
| <b>Total</b> | <b>100%</b> | <b>8</b> |

### Discussion Question:

What would be a reasonable approach for government to take with respect to “squatters rights” on Crown lands?

| Participant Responses                                  |   |
|--|---|
| Issue with current legislation/process                 | <ul style="list-style-type: none"> <li>• Old affidavits stamped by government in 1970s/1960s; registered with registry of deeds, Crown lands does not accept that for squatters rights today</li> <li>• It costs a lot of money to prove this</li> <li>• Squatters rights is worse than dealing with Crown lands application; for example, needed photos, now need more money</li> <li>• Cannot find people to sign affidavits</li> <li>• Let's get everyone doing this now because won't be possible later</li> </ul>                          |
| Government needs to identify what is Crown lands       | <ul style="list-style-type: none"> <li>• You should be able to go to the town hall and ask what Crown lands is in the town, before application made to Crown lands</li> <li>• A lot of land in the municipality is being occupied, but do not know who owns it</li> </ul>   |
| Remove Squatters Rights                                | <ul style="list-style-type: none"> <li>• Cutoff - after Dec 2020, cannot ask for squatters rights</li> </ul>  |
| Keep Squatters Rights                                  | <ul style="list-style-type: none"> <li>• Remove the 20 year (1957-77) stipulation. Should have a 50 year time frame, any 50 year period</li> <li>• Should be a simple process. Two affidavits and photos</li> <li>• The land has to be used today; have to show that it is being used</li> <li>• Require public notice so that people can object to an application under Squatters Rights</li> <li>• Mapping should be attached to the application. Then the application would be provided to the municipality with the map attached</li> </ul> |
| Better communication to the public on Squatters Rights | <ul style="list-style-type: none"> <li>• People do not know that affidavits are required</li> <li>• Educate the public as to the complications regarding not registering their land, especially when obtaining a property mortgage</li> <li>• In resettled community, land went back to Crown; other people say they had to go back to the original owner but the owner did not have a deed</li> </ul>  |

### Topic 3: Shoreline Reservations

#### Polling Questions

My familiarity with shoreline reservations is...

|                         | Per cent    | Count    |
|-------------------------|-------------|----------|
| Very Weak               | 11.11%      | 1        |
| Weak                    | 33.33%      | 3        |
| Neither Weak nor Strong | 44.44%      | 4        |
| Strong                  | 11.11%      | 1        |
| Very Strong             | 0.00%       | 0        |
| <b>Total</b>            | <b>100%</b> | <b>9</b> |

Have you ever applied for a Crown lands Grant/Lease or License under Section 7 regarding



| shoreline reservations? |              |             |          |
|-------------------------|--------------|-------------|----------|
|                         |              | Per cent    | Count    |
|                         | Yes          | 37.50%      | 3        |
|                         | No           | 62.50%      | 5        |
|                         | <b>Total</b> | <b>100%</b> | <b>8</b> |

### Discussion Question:

Are there changes you would or would not suggest with respect to Section 7 on shoreline reservations?

| Participant Responses  |
|--|
| <p>Other approvals required</p> <ul style="list-style-type: none"> <li>• Department of Environment &amp; Conservation involved in shoreline reservation</li> <li>• Have to go to coast guard to get approval for stage</li> <li>• Contact Transport Canada before building a wharf; need document from navigable waters</li> </ul>   |
| <p>Restrictions</p> <ul style="list-style-type: none"> <li>• The boathouse should not just be for the boat, but also for storage</li> <li>• Boathouse should not be a place where you can live or watch the hockey game</li> <li>• Define the boathouse</li> <li>• Depending on the area, allow people to put wharf in to create economic opportunity in the community</li> <li>• Municipality should not have to apply to Crown lands to put in culvert, but Crown lands should be aware that municipality is putting in the culvert and where</li> </ul> |
| <p>Enforcement</p> <ul style="list-style-type: none"> <li>• Municipality had to tell a person to stop putting an extension on</li> </ul>   |
| <p>Reservation Area</p> <ul style="list-style-type: none"> <li>• Should be able to go back to ownership of property to the high-water mark</li> <li>• 15m reservation is adequate</li> </ul>   |
| <p>Advertising</p> <ul style="list-style-type: none"> <li>• Should not have to go through the expense of public notice without knowing the zoning; municipality should know the zoning; for example, an applicant went through the ad process (very expensive), only to find out that the land was not in the zone available for development</li> </ul>  |
| <p>Shoreline reservation concept should not change. Public should always have access to the shoreline</p>  |

## Topic 4: Unauthorized Occupation/Possession of Crown lands

### Polling Questions

**My familiarity with how government can legally deal with persons who occupy/possess Crown lands without the right to do so is...**

|   | Per cent    | Count    |
|---|-------------|----------|
| Very Weak   | 62.50%      | 5        |
| Weak  | 0.00%       | 0        |
| Neither Weak nor Strong   | 37.50%      | 3        |
| Strong  | 0.00%       | 0        |
| Very Strong   | 0.00%       | 0        |
| <b>Total</b>  | <b>100%</b> | <b>8</b> |
| <b>Have you known anyone that has occupied or possessed Crown lands without the right to do so?</b> |             |          |
|   | Per cent    | Count    |
| Yes   | 33.33%      | 3        |
| No  | 66.67%      | 6        |
| <b>Total</b>  | <b>100%</b> | <b>9</b> |

### Discussion Question:

Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?

| Participant Responses   |
|---|
| <b>Enforce Squatters Rights</b>   |
| Enforcement <ul style="list-style-type: none"> <li>Government should practice better enforcement</li> <li>When enforcement is practiced, others who are illegally occupying Crown lands will comply with the law</li> </ul>   |
| Better communication with the public on Squatters Rights <ul style="list-style-type: none"> <li>Educate the public as to what is, and is not, legal.</li> </ul>   |
| Alternatives/Changes needed <ul style="list-style-type: none"> <li>Could be houses that have been there for years; if generalized rule, could be a problem</li> <li>Requirements now are different from those previously; cannot go back</li> <li>Some went in 30 years and built a cabin, and now Crown lands will say, you do not own that; what should be the date?</li> <li>Careful what rule you bring in; squatters rights might kick in but that will disappear soon</li> <li>Any new development, as of Jan 1, 2015, would be an appropriate date</li> <li>Rule stay as is, i.e. not adverse possession after 1977</li> <li>Municipality could cut off water</li> <li>Would like the ability to auction off property, not just demolish or remove</li> <li>Vacant building in municipality, in arrears on taxes, municipality would like to go under s.137 and auction off the property to recoup taxes, but you can't because it is Crown lands; if private land, could do it</li> </ul> |
| Government needs to identify what is Crown lands  |

## Topic 5: Other Parts of the Act

### Polling Question

My familiarity with other parts of the Act is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 55.56%   | 5     |
| Weak                    | 11.11%   | 1     |
| Neither Weak nor Strong | 33.33%   | 3     |
| Strong                  | 0.00%    | 0     |
| Very Strong             | 0.00%    | 0     |
| Total                   | 100%     | 9     |

### Discussion Question

Is there anything else you would like to add to today's discussion?

#### Participant Responses

Cost of Crown lands to the municipality is too high

All Crown lands within municipality should be turned over to the municipality

If have Crown lands, should have only short time to develop on it; not 20 years

Abandoned Crown lands within a municipality should revert back to the municipality. Land that has already been granted as it would be savings for the municipality with regard to title searches

Crown lands not being used by Churches should be released to the Crown if not used. Considered abandoned lands

Land is not registered because the application process is considered onerous, especially by elderly people

Municipality has no say on the decision for a wharf

# Grand Falls-Windsor

---

## Demographics

Today I am here representing...

|                                    | Per cent    | Count     |
|------------------------------------|-------------|-----------|
| Agriculture/Aquaculture            | 8.70%       | 2         |
| Forestry/Mining/Oil and Gas Sector | 8.70%       | 2         |
| Environmental Group                | 0.00%       | 0         |
| Municipal Government               | 39.13%      | 9         |
| General Public                     | 0.00%       | 0         |
| Tourism                            | 13.04%      | 3         |
| Land Developers                    | 4.35%       | 1         |
| Business Community                 | 8.70%       | 2         |
| Legal Profession                   | 4.35%       | 1         |
| Other                              | 13.04%      | 3         |
| <b>Total</b>                       | <b>100%</b> | <b>23</b> |

## Topic 1: Obtaining Crown lands

### Polling Questions

My familiarity with the process for applying for Crown lands is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 4.35%       | 1         |
| Weak                    | 8.70%       | 2         |
| Neither Weak nor Strong | 30.43%      | 7         |
| Strong                  | 34.78%      | 8         |
| Very Strong             | 21.74%      | 5         |
| <b>Total</b>            | <b>100%</b> | <b>23</b> |

Have you ever applied for Crown lands?

|     | Per cent | Count |
|-----|----------|-------|
| Yes | 65.22%   | 15    |
| No  | 34.78%   | 8     |

|  | Total | 100%            | 23           |
|--|-------|-----------------|--------------|
| <b>Have you ever obtained Crown lands?</b>                         |       |                 |              |
|  |       | <b>Per cent</b> | <b>Count</b> |
| Yes  |       | 60.00%          | 12           |
| No   |       | 40.00%          | 8            |
| <b>Total</b>   |       | <b>100%</b>     | <b>20</b>    |
| <b>Do you have a...</b>  |       |                 |              |
|  |       | <b>Per cent</b> | <b>Count</b> |
| Lease  |       | 21.43%          | 3            |
| License to Occupy  |       | 42.86%          | 6            |
| Grant  |       | 28.57%          | 4            |
| other  |       | 7.14%           | 1            |
| <b>Total</b>   |       | <b>100%</b>     | <b>14</b>    |
| <b>Did you find the process for applying for Crown lands easy?</b> |       |                 |              |
|  |       | <b>Per cent</b> | <b>Count</b> |
| Yes  |       | 14.29%          | 2            |
| No   |       | 85.71%          | 12           |
| <b>Total</b>   |       | <b>100%</b>     | <b>14</b>    |

## Discussion Question

How can the process for obtaining Crown lands be improved?

| <b>Participant Responses</b>                      |  |
|---|--|
| Shorten time to get through process               | <ul style="list-style-type: none"> <li>Process is too cumbersome and too long</li> </ul>   |
| Different requirements for different applications | <ul style="list-style-type: none"> <li>Categorize by farm vs. regular applications</li> </ul>  |
| Implement and enforce processing timelines        | <ul style="list-style-type: none"> <li>Government is giving us 90 days to respond at the end of the process, and yet the government time is two years</li> <li>Experience where a person had a survey done, then by the time that government acted, government asked for extra survey</li> <li>After 30 days and no response to referral, should be considered approved</li> </ul> |
| Staff   | <ul style="list-style-type: none"> <li>Five people to take care of the amount of work at Crown lands; not enough people</li> <li>Need more access to staff. Tired of travelling to Regional Office</li> <li>Specialization of staff. Applications be assigned to one person who will follow through the process and answer inquiries</li> </ul>                                    |

|   |
|---|
| <p>Make data available to the public</p> <ul style="list-style-type: none"> <li>Land Use data online</li> </ul>   |
| <p>Work closer with municipalities</p> <ul style="list-style-type: none"> <li>Process too long for town, slows development within town. Town plan should be sufficient to manage the land. Town should be able to sell the land and remit a portion of revenue to the Crown.</li> <li>Keep requirement for a municipal referral form</li> </ul>   |
| <p>Simplify the application process</p> <ul style="list-style-type: none"> <li>Cut down on paperwork for applicant</li> <li>Very difficult to navigate through the process unless a lands officer is helping</li> <li>Too much red tape</li> <li>Town plans were referred and approved to different departments. Then an application has to be referred out again. Duplication of process.</li> </ul> |
| <p>One Stop Shop</p> <ul style="list-style-type: none"> <li>Reduce or eliminate the need for referrals. Should have the expertise within Crown lands with the knowledge to carry out the referrals</li> </ul>   |
| <p>Flexibility with transfer of leases</p> <ul style="list-style-type: none"> <li>Thought lease to occupy would be quicker but it was not; they do not answer my calls anymore; not allowed to occupy until get documentation; our camp has been there 50 years; paying to Abitibi; now application still waiting with Crown lands</li> </ul>   |
| <p>Better communication to the public on process for applying for Crown lands</p> <ul style="list-style-type: none"> <li>Checklists for each application type</li> <li>Typo error on document - was five acres instead of 50 acres; had to go through the whole process again; told later could apply for 35 acres and it would be automatic, why was I not told in advance</li> </ul>                |
| <p>Update maps</p> <ul style="list-style-type: none"> <li>Lakes do not have local names for ease of reference</li> <li>Maps do not show the latest data</li> </ul>  |
| <p>Applicant should have to do more work upfront</p> <ul style="list-style-type: none"> <li>All information should be provided at first contact</li> </ul>  |
| <p>If application is incomplete and has to be sent back to the applicant then the parcel of land applied for is not kept for that person. It is only held if the application is complete.</p>   |

## Topic 2: Squatters Rights

### Polling Questions

| My familiarity with “squatters rights” is... |          |       |
|--|----------|-------|
|  | Per cent | Count |
| Very Weak                                    | 8.70%    | 2     |
| Weak   | 8.70%    | 2     |
| Neither Weak nor Strong                      | 47.83%   | 11    |
| Strong                                       | 8.70%    | 2     |

|  |  |                 |              |
|--|--|-----------------|--------------|
|  | <b>Very Strong</b>   | 26.09%          | 6            |
|  | <b>Total</b>   | <b>100%</b>     | <b>23</b>    |
| <b>Are you aware of anyone that has claimed or is claiming rights to Crown lands under “squatters rights”?</b> |  |                 |              |
|  |  | <b>Per cent</b> | <b>Count</b> |
|  | <b>Yes</b>   | 69.57%          | 16           |
|  | <b>No</b>  | 30.43%          | 7            |
|  | <b>Total</b>   | <b>100%</b>     | <b>23</b>    |
| <b>In terms of changes to squatters rights, what do you feel is most appropriate?</b>                          |  |                 |              |
|  |  | <b>Per cent</b> | <b>Count</b> |
|  | <b>Floating term</b>   | 13.64%          | 3            |
|  | <b>Remove Squatters rights</b>                                 | 4.55%           | 1            |
|  | <b>Remove Squatters rights with a grace period</b>             | 27.27%          | 6            |
|  | <b>Remove Squatters rights and move to a true title system</b> | 31.82%          | 7            |
|  | <b>Change the term (e.g. 20 years)</b>                         | 0.00%           | 0            |
|  | <b>Move to private law (10 years)</b>                          | 22.73%          | 5            |
|  | <b>Total</b>   | <b>100%</b>     | <b>22</b>    |

### Discussion Question:

What would be a reasonable approach for government to take with respect to “squatters rights” on Crown lands?

### Participant Responses

#### Issues with current legislation/process

- Tough to prove because of aging population
- It will die out eventually
- Boundary definition is a problem in certain areas. Limits information that can be put in affidavit as description of land
- Hard to get witnesses
- The process is too difficult for some people and their family members
- Still need a Crown lands survey, so still goes through same process and that gets hung up in the system
- A person was told it would be cheaper to apply for the land than go through squatters rights

#### Keep Squatters Rights

- Extend the 20 years
- Change period of possession, change to 30 years prior to date of application
- The only way to change is for the 20 year to be floating
- Change affidavit criteria
- Process under Crown lands same as private individual; just a different time frame

|  |
|--|
| <ul style="list-style-type: none"> <li>• Prove ownership of land using deeds and titles.</li> <li>• Rules are fine as is (i.e. open, notorious etc.)</li> <li>• Should still be some opportunity for people to come forward</li> </ul>   |
| <b>Remove Squatters Rights</b> <ul style="list-style-type: none"> <li>• Eliminate squatters rights and move to a true titles system</li> </ul>   |
| <b>Mandatory Land Registration</b> <ul style="list-style-type: none"> <li>• All land should be registered within a set time frame</li> <li>• Provide an incentive to register land</li> </ul>  |
| <b>Make data available to the Public</b> <ul style="list-style-type: none"> <li>• Registered Deeds need to be accessible</li> </ul>  |
| <b>Better communication to the Public on how to apply for Squatters Rights</b> <ul style="list-style-type: none"> <li>• Needs to be specific program for seniors; one on one; may not be able to read and write; will not try to apply for adverse possession; maybe could have someone help people with this process</li> </ul> |
| <b>Municipality should have first right to apply for land that someone has cleared or occupied without title</b>   |

## Topic 3: Shoreline Reservations

### Polling Questions

| <b>My familiarity with shoreline reservations is...</b>   |                 |              |
|---|-----------------|--------------|
|   | <b>Per cent</b> | <b>Count</b> |
| <b>Very Weak</b>  | 13.64%          | 3            |
| <b>Weak</b>   | 22.73%          | 5            |
| <b>Neither Weak nor Strong</b>  | 40.91%          | 9            |
| <b>Strong</b>   | 18.18%          | 4            |
| <b>Very Strong</b>  | 4.55%           | 1            |
| <b>Total</b>  | <b>100%</b>     | <b>22</b>    |
| <b>Have you ever applied for a Crown lands Grant/Lease or License under Section 7 regarding shoreline reservations?</b> |                 |              |
|   | <b>Per cent</b> | <b>Count</b> |
| <b>Yes</b>  | 17.39%          | 4            |
| <b>No</b>   | 82.61%          | 19           |
| <b>Total</b>  | <b>100%</b>     | <b>23</b>    |

### Discussion Question

Are there changes you would or would not suggest with respect to Section 7 on shoreline reservations?



| Participant Responses  |
|--|
| <p>Better communication to the public on Shoreline Reservations</p> <ul style="list-style-type: none"> <li>• 15m wide and in some cases 10m; when can you have 10m? Who can have 10m and when?</li> <li>• Who decides if 10 or 15 m? Crown lands officials?</li> <li>• Crown lands needs to tell the surveyor in advance the criteria for 10 vs 15; surveyor ends up have to do it twice; that it costly to the client</li> <li>• Consistency and clarity needed; interpreted differently; individual government employee should not have the power to make these decisions for shoreline reservations</li> </ul>              |
| <p>Enforcement</p> <ul style="list-style-type: none"> <li>• Why have Section 7 if it's not going to be enforced, how many wharves out there vs how many have title. Punishing the honest person</li> <li>• More enforcement on reservation lands</li> <li>• If we are to keep shoreline reservations then do not expect the municipalities enforce it.</li> </ul>  |
| <p>Reservation Area</p> <ul style="list-style-type: none"> <li>• 15 meter reserve is ok</li> <li>• Up to interpretation where is high water mark; dry season for a pond; high water mark out</li> <li>• Around a pond more defined; usually water cuts off and vegetation starts so usually easier to determine high water mark</li> </ul>   |
| <p>Consistency</p> <ul style="list-style-type: none"> <li>• Wildlife - one officer says it is ok; someone else says no; no consistency</li> <li>• They need to be more lenient; e.g. gazebo was allowed 10 m in one instance; in another instance, not allowed at all; no consistency</li> <li>• Outfitter had shed near water, over 30 years, helicopter inspection; told to move it; never been a problem before and had been inspected before</li> </ul>  |
| <p>Advertising</p> <ul style="list-style-type: none"> <li>• Should only have to publish in the local paper, not Gazette or Telegram</li> <li>• Theoretically blocking public access so need to give public opportunity to respond</li> <li>• Expectations are high; not cheap to advertise in paper</li> <li>• Do people still read the newspaper?</li> <li>• Cannot get the paper in my community; only available online; aging population may not be online</li> <li>• More active on social media with Facebook, twitter; if I could check on that every week to see what is going on</li> <li>• Maybe a website</li> </ul> |
| <p>Authority</p> <ul style="list-style-type: none"> <li>• Avoid cabinet and let administration make approvals</li> <li>• Let Municipalities deal with shoreline reservations, deal with it under <i>Municipalities Act</i></li> <li>• Approval should be at the regional level</li> </ul>  |
| <p>Is it necessary to go through all the current process, time factor</p>  |
| <p>Riparian Rights should be included in the <i>Act</i> if the Crown uses it as a policy</p>   |
| <p>Access to the shoreline should be guaranteed especially within a municipality. May have a shoreline reservation but public may not have access to the shoreline, blocked by grants along the waterway</p>   |
| <p>Staff levels need to be sufficient to deal with the process</p>   |

Our rights should not be extinguished easily; need specific shoreline reservation

## Topic 4: Unauthorized occupation/possession of Crown lands

### Polling Questions

My familiarity with how government can legally deal with persons who occupy/possess Crown lands without the right to do so is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 14.29%   | 3     |
| Weak                    | 28.57%   | 6     |
| Neither Weak nor Strong | 42.86%   | 9     |
| Strong                  | 9.52%    | 2     |
| Very Strong             | 4.76%    | 1     |
| Total                   | 100%     | 21    |

Have you known anyone that has occupied or possessed Crown lands without the right to do so?

|       | Per cent | Count |
|-------|----------|-------|
| Yes   | 85.71%   | 18    |
| No    | 14.29%   | 3     |
| Total | 100%     | 21    |

### Discussion Question

Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?

#### Participant Responses

##### Enforcement

- Government should practice enforcement
- Hire more enforcement officers
- Enforcement has to be quick. Currently takes too long
- More enforcement and fines
- Checks by government staff with respect to illegal possession should be conducted on a regular basis
- Field presence more patrols, notices
- Be less rigid in enforcement

##### Alternatives/Changes needed

- Three months in jail and \$1000 fine is not enough penalties for a corporation
- Fair warning then destroy illegals

- \$1000 is not a deterrent; no amount would be a deterrent; e.g. people not paying traffic tickets
- Have tried to go through the process of putting in an application; not hearing anything back; should be a difference if application in - that should be a different category for a fine than someone who has not made an application
- Don't give illegal occupant first right to land unless approved by municipality
- Have a user friendly system; rather than work against the people; work with the people. A more user friendly system would save fights; have less people upset at the department
- Signage on forest roads indicating necessity of Crown title for structures
- Signage
- Stiff fine for new construction (\$2,500.00)
- Has to pay equal to what a legal would be paying
- Buses used as living structures should be banned even though they are mobile
- Imprisonment not appropriate. Are you going to put someone in jail because they built a cabin that you are going to burn down anyway
- Fines should be increased
- Cabin vs commercial outfitting lodge to make money - that is a different situation - should be a different system for residential vs commercial
- Give authority to municipalities over Crown lands and enforcement within the municipality

#### Method for Complaints

- Online complaint form
- 1-800 line for complaints on illegal development

Have seen people take chainsaw to eave of house; if option is to move it or lose it

Government wanted shed moved because over boundary line; seems excessive

Takes a long time for application; they have time to tell you to remove it but no time to process your application

Person made a complaint to Crown lands; then person told number of days to remove it; meanwhile the person has the application in the system but upset waiting so long; figure they are going to get it anyway; so go ahead and build only to have neighbor complain

Ignored illegals devalues valid titles

Current practices encourages illegal activity, giving occupant first right to acquire land created by illegal infilling

On line map of titles

## Topic 5: Other Parts of the Act

### Polling Question

My familiarity with other parts of the Act is...

|           | Per cent | Count |
|-----------|----------|-------|
| Very Weak | 8.70%    | 2     |
| Weak      | 26.09%   | 6     |

|                         |             |           |
|-------------------------|-------------|-----------|
| Neither Weak nor Strong | 47.83%      | 11        |
| Strong                  | 13.04%      | 3         |
| Very Strong             | 4.35%       | 1         |
| <b>Total</b>            | <b>100%</b> | <b>23</b> |

## Discussion Question

Is there anything else you would like to add to today's discussion?

| Participant Responses  |
|--|
| Web-based application would be convenient, that is tied in existing database that has information with the applications; may not need more staff; if sit at home and type in your tracking number; you will not need to call the office, that would cut down on percentage of people calling in to the office  |
| Increased capacity in human resources in Crown lands is needed. 100,000 inquiries with five people   |
| Lot of back and forth in the application process; could there be more up front; Use the example of application for a passport; you sit with a person to make sure you have all the necessary documents   |
| More cottage areas developed by department and made available to public  |
| Not all Abitibi lands were expropriated. Some of this land is within the municipalities. They cannot purchase and develop this land as it is not for sale.   |
| Development period in Crown titles so large areas of land are not tied up indefinitely   |
| Checklist should be provided, if you have a checklist, then would avoid sending it back  |
| Why should commercial development have priority over a person who has a dream to build a cabin   |
| Abandoned lands should be investigated and reverted to the Crown.  |
| Municipalities want land to be developed in a timely manner for taxation purposes.   |
| Crown lands within municipalities should be the responsible of the municipality.   |
| Need process to free up large tracts of undeveloped Granted land within municipalities. Detriment to Town development  |
| More regulated cottage lot draws   |
| Incorporate step 5 of the Crown lands process (as shown in the presentation) into step 3; e.g., could be a draft document that is signed and people paying early on; positive process could end at step 4; if not approved, then need extra step   |
| Outfitter buffers way too big and unplanned. Also not bound by geographic features such as rivers  |
| Land within Special Development Areas are required to be registered at Registry of Deeds, why not all Crown land titles?   |
| Crown lands in Newfoundland and Labrador different from other provinces; Crown lands does not know what they own in Newfoundland and Labrador; Nova Scotia Crown lands map and demarcate their boundaries; that does not happen here; Crown lands will not give private surveyors their boundaries; that information should be provided to surveyors; a person would not know if illegally occupying Crown lands because do not know what is Crown lands |
| Too many referrals sent to government departments/agencies   |

|   |
|---|
| Too vague; too many grey areas  |
| Agricultural land should be preserved solely for agriculture. Future generations will not be able to provide for themselves otherwise   |
| Volume of applications and inquiries etc. on annual basis; seems level of staff doesn't reflect level of <i>activity</i> . Staff resources low on priority list.  |
| Abandoned house or other structure on a lease can't be sold by a community to recoup loss. Crown lands is not helping to facilitate   |
| Corner Brook Pulp and Paper should not be allowed to prevent land from being sold   |
| Share work load with municipalities would make Lands staff workloads more manageable. Give municipalities authority to deal with lands within municipal boundaries  |
| Person applies for Crown lands, they send out a survey inspector; inspector comes back and says it can be surveyed; private surveyor goes and does the work; has to do a lot of his own personal research that has already been done by Crown lands; there should be more information sharing |
| Have no fines   |

# Corner Brook

---

## Demographics

Today I am here representing...

|                                    | Per cent    | Count     |
|------------------------------------|-------------|-----------|
| Agriculture/Aquaculture            | 16.67%      | 3         |
| Forestry/Mining/Oil and Gas Sector | 0.00%       | 0         |
| Environmental Group                | 0.00%       | 0         |
| Municipal Government               | 11.11%      | 2         |
| General Public                     | 22.22%      | 4         |
| Tourism                            | 5.56%       | 1         |
| Land Developers                    | 11.11%      | 2         |
| Business Community                 | 0.00%       | 0         |
| Legal Profession                   | 5.56%       | 1         |
| Other                              | 27.78%      | 5         |
| <b>Total</b>                       | <b>100%</b> | <b>18</b> |

## Topic 1: Obtaining Crown lands

### Polling Questions

My familiarity with the process for applying for Crown lands is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 16.67%      | 3         |
| Weak                    | 5.56%       | 1         |
| Neither Weak nor Strong | 16.67%      | 3         |
| Strong                  | 38.89%      | 7         |
| Very Strong             | 22.22%      | 4         |
| <b>Total</b>            | <b>100%</b> | <b>18</b> |

Have you ever applied for Crown lands?

|     | Per cent | Count |
|-----|----------|-------|
| Yes | 83.33%   | 15    |

|              |             |           |
|--------------|-------------|-----------|
| No           | 16.67%      | 3         |
| <b>Total</b> | <b>100%</b> | <b>18</b> |

**Have you ever obtained Crown lands?**

|              | Per cent    | Count     |
|--------------|-------------|-----------|
| Yes          | 72.22%      | 13        |
| No           | 27.78%      | 5         |
| <b>Total</b> | <b>100%</b> | <b>18</b> |

**Do you have a...**

|                   | Per cent    | Count     |
|-------------------|-------------|-----------|
| Lease             | 25.00%      | 4         |
| License to Occupy | 31.25%      | 5         |
| Grant             | 25.00%      | 4         |
| other             | 18.75%      | 3         |
| <b>Total</b>      | <b>100%</b> | <b>16</b> |

**Did you find the process for applying for Crown lands easy?**

|              | Per cent    | Count     |
|--------------|-------------|-----------|
| Yes          | 52.94%      | 9         |
| No           | 47.06%      | 8         |
| <b>Total</b> | <b>100%</b> | <b>17</b> |

### Discussion Question

How can the process for obtaining Crown lands be improved?

| Participant Responses  |
|--|
| Shorten time to get through process <ul style="list-style-type: none"> <li>When we send survey in after applicants apply it seems to be backlogged in Crown office waiting to receive the outcomes</li> <li>Improve wait time after application submission</li> <li>Applications are not acted upon timely. Takes from five to 13 years</li> <li>Approval of septic designs should be quicker. Septic system should be approved within one month prior to approval of Crown lands</li> <li>Implement and enforce processing timelines</li> </ul> |
| Better/more timely communication with applicant <ul style="list-style-type: none"> <li>Divergence of answers is received with inquiry directed to the Crown lands application department - Clients are a bit confused</li> <li>Misinformation has led to prolonging of process</li> </ul>  |
| Better communication to the public on applying for Crown lands <ul style="list-style-type: none"> <li>The process should be clear between transfer of title and initial application of Crown</li> </ul>  |

|  |
|--|
| lands. This has cost us money when different departments want more   |
| <ul style="list-style-type: none"> <li>• Knowledge gap between people looking to get Crown lands before they get surveys done</li> <li>• Representatives in office are responsive until the application phase - then there's no response</li> </ul>  |
| Make data available to the public  |
| <ul style="list-style-type: none"> <li>• Crown lands layer in land Gazette should be accessible to public not just surveyors</li> <li>• Maps</li> </ul>  |
| More flexibility with grants/leases  |
| <ul style="list-style-type: none"> <li>• Agricultural land should be able to be granted</li> <li>• Lands within agricultural lease should be able to be divided for other uses</li> <li>• Lots of money has been spent on land that is still invested in the Crown and there should be more options to be able to protect the investment</li> <li>• Residential Leases</li> <li>• Should have ability to transfer a Lease from the owner of one company to another</li> <li>• Initially an Abitibi lease then became a Crown lands lease in one company's name. Company was purchased and purchaser was expected to go through the process all over again</li> </ul> |
| Need to complete enforcement/compliance checks   |
| <ul style="list-style-type: none"> <li>• Follow up process is non-existent</li> </ul>  |
| Update maps  |
| <ul style="list-style-type: none"> <li>• Errors in maps cause more delays and frustration</li> <li>• Quicker fix time when they find errors on maps of where the Crown lands 'should be'</li> </ul>  |
| One Stop Shop  |
| <ul style="list-style-type: none"> <li>• Shouldn't have to go through so many departments. One department should have all the answers and be able to streamline the process. Too much time going through all the different departments</li> </ul>  |
| Fees   |
| <ul style="list-style-type: none"> <li>• Applicants should be able to avail of a payment plan for purchasing Crown lands. Young people can't afford the high costs. Older people also can't afford the high cost.</li> <li>• Why are fees collected up front? All fees should be paid after the approval</li> </ul>  |
| Better communication within Government   |
| <ul style="list-style-type: none"> <li>• The St John's office is detached from the local offices in other municipalities</li> <li>• More information needs to be provided to the referral agencies. Saves time</li> <li>• Why are there two different lands divisions within government? One in lands and one in agriculture?</li> </ul>   |
| Decision makers to actually come out and look at land before making decision on approval or rejection  |
| Government needs to identify what is Crown lands   |
| Quarterly review of land gazette rather than biannually  |
| There should be a land surveyor on the member of council   |
| Submit electronic applications online  |



## Topic 2: Squatters Rights

### Polling Questions

#### My familiarity with “squatters rights” is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 20.00%      | 3         |
| Weak                    | 6.67%       | 1         |
| Neither Weak nor Strong | 26.67%      | 4         |
| Strong                  | 13.33%      | 2         |
| Very Strong             | 33.33%      | 5         |
| <b>Total</b>            | <b>100%</b> | <b>15</b> |

#### Are you aware of anyone that has claimed or is claiming rights to Crown lands under “squatters rights”?

|              | Per cent    | Count     |
|--------------|-------------|-----------|
| Yes          | 55.56%      | 10        |
| No           | 44.44%      | 8         |
| <b>Total</b> | <b>100%</b> | <b>18</b> |

### Discussion Question:

What would be a reasonable approach for government to take with respect to “squatters rights” on Crown lands?

#### Participant Responses

##### Issues with current legislation/process

- Affidavit might be difficult for relevant persons to fill out because of age
- Issue is whether persons with the knowledge are still able to attest to the use of the land over generations

##### Keep Squatters Rights

- Squatters rights should stay
- Another time period should be considered that is relevant to the people of today, from the 70s not from the 50s
- Change the years for squatters rights from '57-'77 to a newer period of time, for example say '70-'90
- Apart from the two affidavits needed to prove squatters rights there should be other types of evidence that would be admissible
- They should be able to provide some form of proof of an old survey, old fence, or photograph rather than having full property totally clear to prove squatting rights
- There should be a shifting 20 year time frame instead of that fixed specific 20 year period
- Suggested 30 year period from 1967-1997
- Squatters rights should be for residential and agricultural uses. If the area is not zoned

|  |
|--|
| <p>properly the use should not be allowed. Uses should only be approved if it is suitable for the land</p> <ul style="list-style-type: none"> <li>• Every 10 years the time period should shift</li> <li>• 10 years is also reasonable for occupants to lay claim on land</li> <li>• Land should remain in family, as long as they've been there and have been using it for a number of years</li> <li>• If the right is removed, all the land that would have been squatters claims would become Crown lands and it will be sold off at market value. That would be unfair to the public</li> <li>• If you have used and invested in the land then you should be able to purchase the land as a grant regardless of type of use</li> <li>• Very few people in NL have proof of registration of land and as long as they're living on the land they shouldn't have to prove ownership</li> </ul> |
| <p><b>Remove Squatters Rights</b></p> <ul style="list-style-type: none"> <li>• If you want to claim squatters rights there should be a one year time period to apply, afterwards anyone should be able to apply for that land if no one came forward during that year. Too much land tied up without proper ownership</li> <li>• This section of the <i>Act</i> should be removed once a certain time period to allow everyone to apply for squatters rights has concluded</li> <li>• No extension to the squatter rights tenure because there are a lot of illegal occupiers in between lands of lawful occupiers</li> </ul>  |
| <p>Why were those specific 20 years selected?</p>  |
| <p>What happens to succession due to squatters right?</p>  |
| <p>Squatters rights in Humber Valley are at the shoreline with no buffer zones</p>   |

### Topic 3: Shoreline Reservations

#### Polling Questions

**My familiarity with shoreline reservations is...**

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 17.65%      | 3         |
| Weak                    | 11.76%      | 2         |
| Neither Weak nor Strong | 29.41%      | 5         |
| Strong                  | 35.29%      | 6         |
| Very Strong             | 5.88%       | 1         |
| <b>Total</b>            | <b>100%</b> | <b>17</b> |

**Have you ever applied for a Crown lands Grant/Lease or License under Section 7 regarding shoreline reservations?**

|     | Per cent | Count |
|-----|----------|-------|
| Yes | 10.53%   | 2     |
| No  | 89.47%   | 17    |

### Discussion Question:

Are there changes you would or would not suggest with respect to section 7 on shoreline reservations?

#### Participant Responses

##### Relate to Squatters Rights

- Limited land right should be given to shoreline reservation and should be governed maybe by the squatters right
- You should make it easier for people who are applying under squatters to take in a portion of the shoreline reservation
- The current process is ok except for the squatter claims

##### Enforcement

- Enforcement of shoreline reservation too poor in Humber Valley. Houses are built right into the river
- Department of Fisheries and Oceans or field officers do not enforce shoreline encroachment
- More monitoring after leases are issued
- Lack of budget to enforce eviction against illegal shoreline reservation
- There are examples where people do not make the application, and go ahead and build wharves. In some cases they should not be there

##### Better communication to the public on Shoreline Reservations

- Clarification is needed in order to apply for land within the shoreline reservation.
- Unaware that the lands had to be applied through Crown lands. Thought Department of Fisheries and Oceans was the approval authority
- Does the legislation cover Airplane hangars?

##### Advertising

- The process works when the public has enough time to give objections
- Agree with placing notice in newspaper

##### Authority

- Remove cabinet approval to make process more efficient
- Make approval rest at the director level

##### Reservation Area

- 15 meters would be too restrictive
- Width should be reduced to 10m or maybe even 5ft
- Under new grants or leases, we should keep it to a 10m reserve
- Likes idea of buffer zones around water bodies
- The buffer zone for roads should be lessened. E.g. for a cabin. Different buffer zones for different roads

##### Lack of interaction with Department of Fisheries and Oceans and Crown lands

##### Agree with section as is

##### Rule regarding discharge of waste near shoreline should be defined and enforceable

Wouldn't want to see the shoreline reservation disappear. There is a need for the public to access these lands

## Topic 4: Unauthorized occupation/possession of Crown lands

### Polling Questions

**My familiarity with how government can legally deal with persons who occupy/possess Crown lands without the right to do so is...**

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 5.88%       | 1         |
| Weak                    | 17.65%      | 3         |
| Neither Weak nor Strong | 23.53%      | 4         |
| Strong                  | 35.29%      | 6         |
| Very Strong             | 17.65%      | 3         |
| <b>Total</b>            | <b>100%</b> | <b>17</b> |

**Have you known anyone that has occupied or possessed Crown lands without the right to do so?**

|              | Per cent    | Count     |
|--------------|-------------|-----------|
| Yes          | 93.75%      | 15        |
| No           | 6.25%       | 1         |
| <b>Total</b> | <b>100%</b> | <b>16</b> |

### Discussion Question:

Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?

### Participant Responses

Alternatives/Changes needed

- The person occupying Crown lands should be able to have more control over the land they are using and government should have less say. Especially if the land has been invested in
- If the building was built for a number of years (~five yrs) a negotiation between the owner and the Crown should take place in regards to a license to occupy; some fee should be charged
- Give Crown lands staff opportunity to write ticket, so persons pay fine or challenge in court
- A fine is always a deterrent
- More resources needed on the management end to ensure people abide by the rules; more cooperation between departments
- Legitimate complaint should have a mandatory mechanism to enforce
- When applications are made, Crown lands staff should go out and actually look at land, as opposed to using google earth. Difference in the actual land as opposed to what is reflected on Google Earth, so there should be actual visits to site before making decisions

- Make Licenses To Occupy more available to the public
- Frivolous complaint should not hinder the transfer title of legitimate holder of Crown lands or people in the process of getting a title transfer
- If agricultural lands is issued and the land is not suitable for agriculture than any other uses should be allowed. Regardless of zoning. The land should be scrutinized more to see what uses can be allowed
- Have more site inspections on the land
- Government should advertise areas that are available for License to Occupy
- Removal order should be last resort. Rezoning should be considered
- All options should be exhausted in trying to legalize the land instead of forcing removal
- Methods used to serve notice might not be effective, as there's no way to ensure that occupant receives notice

#### Enforcement

- Officials are not proactive to evict unauthorized occupation
- Section on removal is not being enforced
- The status quo is okay. But there should be more need for more enforcement.
- Disconnect between the offices in various areas of province - difference in enforcement of this section in different areas of the province
- Government official chooses who to prosecute

#### Make more information available to the public

- The public should have access to Crown lands records; some do not know when they are on Crown lands
- More clarification from government
- Process needs to be more transparent

## Topic 5: Other Parts of the Act

### Polling Question

My familiarity with other parts of the Act is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 18.75%      | 3         |
| Weak                    | 6.25%       | 1         |
| Neither Weak nor Strong | 31.25%      | 5         |
| Strong                  | 31.25%      | 5         |
| Very Strong             | 12.50%      | 2         |
| <b>Total</b>            | <b>100%</b> | <b>16</b> |

### Discussion Question

Is there anything else you would like to add to today's discussion?

### Participant Responses

|  |
|--|
| Abandoned lands - Government needs to be more <i>active</i> in actually determining which grants are abandoned to reinvest   |
| One department does not understand the requirements of another department. Need better understanding between departments.  |
| There should be subordinate legislation that will give a clear directive on any application process  |
| There should only be one department to deal with   |
| Abandoned Lands - Not knowing what to reinvest ties up development   |
| 60 day period should not be applied until it is proven that occupant has been notified. Registered mail, for e.g. is one means of ensuring notification of removal order is received |
| Better management  |
| Survey markers: They need to put more "teeth" into the <i>Act</i> to allow surveyors to do their job!  |
| Persons are not treated the same way across the board  |
| Right to appeal a removal order should be included   |
| There are a lot of road blocks. There should be more ways to get approval. Government should try harder to make things work for the applicants                                       |
| Survey Markers: Obtain order from a judge to allow access to a property  |
| Subordinate regulation should contain directive on how to make various applications so such regulation can be enforced   |
| Need regulations to protect land. However families should be able to expand their land if desired  |
| Section 65 of the <i>Act</i> should be a criminal offense not a civil offense  |
| Why does it take so long for (agricultural) applications?  |
| Why are there so many referral agencies if the proposed use has nothing to do with that department?  |
| Enforcement: There are specific innovative ways of finding occupants of these lands, such as use of cameras  |
| If land is zoned for a particular use why does it take so long to get approval?  |
| Timelines for application should be inserted in the regulation   |
| Stress the need for the Association of NL Land Surveyors to be involved in the review process  |
| Too much red tape. Lawyers have to be consulted because process is so difficult and long   |
| There should be a timeline from start to finish of the application   |
| Septic systems should be an easier process   |
| More communication needed, especially for municipalities   |
| Better education for municipalities  |
| Section 64, 11 should be eliminated because it ties the hands of land surveyors; making it difficult to do their job   |
| Crown and municipality need to work closely together and joint approval for development applications should be required  |
| Applicants shouldn't have to go to municipality for approval and to find out which departments they have to apply to   |
| Town council should be able to approve instead of Crown lands  |

# St. Anthony

---

## Demographics

Today I am here representing...

|                                    | Per cent    | Count    |
|------------------------------------|-------------|----------|
| Agriculture/Aquaculture            | 11.11%      | 1        |
| Forestry/Mining/Oil and Gas Sector | 0.00%       | 0        |
| Environmental Group                | 0.00%       | 0        |
| Municipal Government               | 55.56%      | 5        |
| General Public                     | 11.11%      | 1        |
| Tourism                            | 0.00%       | 0        |
| Land Developers                    | 11.11%      | 1        |
| Business Community                 | 11.11%      | 1        |
| Legal Profession                   | 0.00%       | 0        |
| Other                              | 0.00%       | 0        |
| <b>Total</b>                       | <b>100%</b> | <b>9</b> |

## Topic 1: Obtaining Crown lands

### Polling Questions

My familiarity with the process for applying for Crown lands is...

|                         | Per cent    | Count    |
|-------------------------|-------------|----------|
| Very Weak               | 0.00%       | 0        |
| Weak                    | 12.50%      | 1        |
| Neither Weak nor Strong | 0.00%       | 0        |
| Strong                  | 75.00%      | 6        |
| Very Strong             | 12.50%      | 1        |
| <b>Total</b>            | <b>100%</b> | <b>8</b> |

Have you ever applied for Crown lands?

|     | Per cent | Count |
|-----|----------|-------|
| Yes | 88.89%   | 8     |
| No  | 11.11%   | 1     |

| Total  | 100%            | 9            |
|--|-----------------|--------------|
| <b>Have you ever obtained Crown lands?</b>                         |                 |              |
|  | <b>Per cent</b> | <b>Count</b> |
| Yes  | 66.67%          | 6            |
| No   | 33.33%          | 3            |
| <b>Total</b>   | <b>100%</b>     | <b>9</b>     |
| <b>Do you have a...</b>  |                 |              |
|  | <b>Per cent</b> | <b>Count</b> |
| Lease  | 0.00%           | 0            |
| License to Occupy  | 37.50%          | 3            |
| Grant  | 25.00%          | 2            |
| other  | 37.50%          | 3            |
| <b>Total</b>   | <b>100%</b>     | <b>8</b>     |
| <b>Did you find the process for applying for Crown lands easy?</b> |                 |              |
|  | <b>Per cent</b> | <b>Count</b> |
| Yes  | 66.67%          | 6            |
| No   | 33.33%          | 3            |
| <b>Total</b>   | <b>100%</b>     | <b>9</b>     |

## Discussion Question

How can the process for obtaining Crown lands be improved?

### Participant Responses

#### Issue with current legislation/process

- Application bounced around for two to three years from department to department and also from desk to desk within Crown lands. This has to improve
- Include a permanent interdepartmental *Review Committee*
- In the procedure for obtaining a development permit for a proposed building within 400m of a protected road, if the applicant states that it is private land, Service NL does not ask if they have clear title. Crown Lands Division seldom disputes these claims. If the applicant does not really have clear title, it causes major problems for land management
- If town had control, town could ask for evidence of clear title and do title searches if necessary

#### Work closer with municipalities

- Transfer Crown lands within municipal boundaries to the municipality at no cost and allow municipalities to collect tax revenue
- Municipalities want to control the land within their boundaries, support the development plan, do more planning



|  |
|--|
| <ul style="list-style-type: none"> <li>Municipalities should develop a title path. Have a beginning point of ownership</li> </ul>  |
| Implement and enforce processing timelines <ul style="list-style-type: none"> <li>Referrals can be held up as a result of personal reasons. Held up for nine months. Time limits should be set on referrals</li> </ul>                               |
| Government needs to identify what is Crown lands <ul style="list-style-type: none"> <li>Nothing documented on Crown lands maps as to who owns what</li> </ul>  |
| Increase access to staff <ul style="list-style-type: none"> <li>Provincial service center needed on the Northern Peninsula</li> </ul>  |
| Better/more timely communication with applicant <ul style="list-style-type: none"> <li>Difficult to get information on status of referrals</li> </ul>  |
| Make data available to the public <ul style="list-style-type: none"> <li>Maps (digitize)</li> </ul>  |
| Mandatory land registration  |
| Update Maps  |
| Implement appeal or grievance process for refusals   |
| Better communication to the public on applying for Crown lands   |
| Some regulations outrageous  |
| Treat all persons fairly/the same. If one applicant requires a septic system all structures in the area should have to too   |
| Establish a Provincial Land Use Advisory Council with legislative empowerment which would consist of members from all major land use stakeholders to mediate land use grievances and advise the Minister on land use planning especially Crown lands |
| Submit electronic applications online  |

## Topic 2: Squatters Rights

### Polling Questions

My familiarity with “squatters rights” is...

|                         | Per cent    | Count    |
|-------------------------|-------------|----------|
| Very Weak               | 0.00%       | 0        |
| Weak                    | 25.00%      | 2        |
| Neither Weak nor Strong | 37.50%      | 3        |
| Strong                  | 37.50%      | 3        |
| Very Strong             | 0.00%       | 0        |
| <b>Total</b>            | <b>100%</b> | <b>8</b> |

Are you aware of anyone that has claimed or is claiming rights to Crown lands under “squatters rights”?

|              | Per cent    | Count    |
|--------------|-------------|----------|
| Yes          | 62.50%      | 5        |
| No           | 37.50%      | 3        |
| <b>Total</b> | <b>100%</b> | <b>8</b> |

## Discussion Question

What would be a reasonable approach for government to take with respect to “squatters rights” on Crown lands?

| Participant Responses  |
|--|
| Issue with the current legislation/process <ul style="list-style-type: none"> <li>Now difficult to get affidavits</li> <li>Process could be manipulated if older persons are asked to give affidavits</li> </ul>   |
| Remove Squatters Rights <ul style="list-style-type: none"> <li>Squatters rights should be eliminated from the Act. Especially if you have not paid for it</li> <li>Why should we extend the time frame for squatters rights? There needs to be a cut off time. At some point people have to pay for Crown lands</li> </ul>                               |
| Keep Squatters Rights <ul style="list-style-type: none"> <li>Time frame is OK if one can prove that relatives have been on that land</li> <li>Squatters rights should be maintained, ownership can be identified</li> <li>Squatters rights should pertain to residential properties only</li> <li>Keep the 20 year period but move it forward</li> </ul> |
| Why a time limit for squatters rights?   |
| Crown lands should make an effort to correct mistakes, for example, grant is in a different location   |
| A family should not have a monopoly on the land surrounding them   |
| Older deeds are not allowing municipalities to practice land planning  |
| Abandoned lands (land not being used) should not be passed on through their estate. Land should revert back to the Crown or the town. Only the land that was being used should be allowed to be passed on through the estate   |
| Section 36 is redundant  |
| Put registry of deeds map/survey on the Crown lands survey. Continuation of ownership  |
| Lack of land registry has made it difficult for municipalities to plan   |

## Topic 3: Shoreline Reservations

### Polling Questions

My familiarity with shoreline reservations is...

|                         | Per cent    | Count    |
|-------------------------|-------------|----------|
| Very Weak               | 0.00%       | 0        |
| Weak                    | 37.50%      | 3        |
| Neither Weak nor Strong | 37.50%      | 3        |
| Strong                  | 25.00%      | 2        |
| Very Strong             | 0.00%       | 0        |
| <b>Total</b>            | <b>100%</b> | <b>8</b> |

**Have you ever applied for a Crown lands Grant/Lease or License under Section 7 regarding shoreline reservations?**

|              | Per cent    | Count    |
|--------------|-------------|----------|
| Yes          | 37.50%      | 3        |
| No           | 62.50%      | 5        |
| <b>Total</b> | <b>100%</b> | <b>8</b> |

**Discussion Question**

Are there changes you would or would not suggest with respect to Section 7 on shoreline reservations?

**Participant Responses**

**Advertising**

- Circulation of a weekend paper on the Northern Peninsula is delayed. Weekend paper is usually a week behind
- When a complaint comes in the process stops. Keep advertising local.
- All persons' rights should be protected. Make sure it is made known in the Telegram, or elsewhere
- Nobody reads the Gazette

**Better communication to the public on shoreline reservations**

- General public do not understand reservations. Think they own the land to the water
- Public education needed on shoreline reservation, especially with respect to trail development
- Definition of shoreline reservation is too vague, especially regarding definition of a water body
- Department of Environment and Conservation should ensure public is aware of sensitive areas

**Enforcement**

- Increase enforcement

Fences across a stream allow for public access

Shoreline is a right of every Newfoundlander

Every application must be inspected by Crown lands. Application should be turned down if it infringes on public rights

**Restrictions**

- Trails should be allowed within a shoreline reservation
- Exception to the rule would involve an industrial undertaking

**Topic 4: Unauthorized occupation/possession of Crown lands**

**Polling Questions**

**My familiarity with how government can legally deal with persons who occupy/possess Crown lands without the right to do so is...**

|  | Per cent | Count |
|--|----------|-------|
|--|----------|-------|

|   |                 |              |
|---|-----------------|--------------|
| Very Weak   | 37.50%          | 3            |
| Weak  | 37.50%          | 3            |
| Neither Weak nor Strong   | 0.00%           | 0            |
| Strong  | 25.00%          | 2            |
| Very Strong   | 0.00%           | 0            |
| <b>Total</b>  | <b>100%</b>     | <b>8</b>     |
| <b>Have you known anyone that has occupied or possessed Crown lands without the right to do so?</b> |                 |              |
|   | <b>Per cent</b> | <b>Count</b> |
| Yes   | 57.14%          | 4            |
| No  | 42.86%          | 3            |
| <b>Total</b>  | <b>100%</b>     | <b>7</b>     |

### Discussion Question

Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?

#### Participant Responses

##### Enforcement

- Person following the rules gets penalized
- Let municipalities have the Crown land within their boundaries and be involved in enforcement
- More enforcement needed
- Stop orders have been issued for residential structures
- Public are aware of ways to get around the *Act*. Aware that stop orders will not be issued
- No representation on the Northern Peninsula. Reason why laws are broken

##### Alternatives

- Persons who have cabins have been grandfathered with respect to septic systems. This should not be. All structures should meet environmental standards or be allowed to come up to standard over a period of time
- Government should provide more staff to enforce the *Act*
- More public knowledge is needed
- Should be able to talk to someone within an hour's drive to obtain information on government services
- Need a one-stop shop in government to obtain services? Applicant approached local municipality for information

##### Government needs to identify what is Crown lands

- Crown lands cannot tell you whether or not you are on Crown land until you apply for it and it is investigated

Persons building residences will come into land issues within unincorporated communities when wanting to obtain utilities

Crown lands are becoming expensive within municipalities. People are deciding to live in unincorporated districts

## Topic 5: Other Parts of the Act

### Polling Question

My familiarity with other parts of the Act is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 37.50%   | 3     |
| Weak                    | 12.50%   | 1     |
| Neither Weak nor Strong | 37.50%   | 3     |
| Strong                  | 12.50%   | 1     |
| Very Strong             | 0.00%    | 0     |
| Total                   | 100%     | 8     |

### Discussion Question:

Is there anything else you would like to add to today's discussion?

#### Participant Responses

Crown lands should have more control as to what happens within a protected water supply area

Crown lands should monitor bridges over protected water supplies

Rewrite the Act in plain English

Prohibit government from changing department names. Too much money spent on implementing changes

Enforcement is needed. Especially with gravel pit campers. Aware of many structures that should be removed

No need to have Acts and regulations if there is no enforcement

Treat all people fairly

# Labrador

\*To ensure confidentiality, Goose Bay and Labrador City have been combined due to low number of participants in Labrador City

## Demographics

Today I am here representing...

|                                    | Per cent    | Count     |
|------------------------------------|-------------|-----------|
| Agriculture/Aquaculture            | 66.67%      | 10        |
| Forestry/Mining/Oil and Gas Sector | 0.00%       | 0         |
| Environmental Group                | 6.67%       | 1         |
| Municipal Government               | 6.67%       | 3         |
| General Public                     | 6.67%       | 1         |
| Tourism                            | 13.33%      | 2         |
| Land Developers                    | 0.00%       | 0         |
| Business Community                 | 0.00%       | 0         |
| Legal Profession                   | 0.00%       | 0         |
| Other                              | 0.00%       | 0         |
| <b>Total</b>                       | <b>100%</b> | <b>17</b> |

## Topic 1: Obtaining Crown lands

### Polling Questions

My familiarity with the process for applying for Crown lands is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 21.43%      | 3         |
| Weak                    | 21.43%      | 3         |
| Neither Weak nor Strong | 14.29%      | 2         |
| Strong                  | 21.43%      | 4         |
| Very Strong             | 21.43%      | 4         |
| <b>Total</b>            | <b>100%</b> | <b>16</b> |

Have you ever applied for Crown lands?

|  | Per cent | Count |
|--|----------|-------|
|--|----------|-------|

|  |                   |                 |              |
|--|-------------------|-----------------|--------------|
|  | Yes               | 93.75%          | 16           |
|  | No                | 6.25%           | 2            |
|  | <b>Total</b>      | <b>100%</b>     | <b>18</b>    |
| <b>Have you ever obtained Crown lands?</b>                         |                   |                 |              |
|  |                   | <b>Per cent</b> | <b>Count</b> |
|  | Yes               | 75.00%          | 13           |
|  | No                | 25.00%          | 5            |
|  | <b>Total</b>      | <b>100%</b>     | <b>18</b>    |
| <b>Do you have a...</b>  |                   |                 |              |
|  |                   | <b>Per cent</b> | <b>Count</b> |
|  | Lease             | 85.71%          | 12           |
|  | License to Occupy | 7.14%           | 1            |
|  | Grant             | 0.00%           | 1            |
|  | other             | 7.14%           | 1            |
|  | <b>Total</b>      | <b>100%</b>     | <b>15</b>    |
| <b>Did you find the process for applying for Crown lands easy?</b> |                   |                 |              |
|  |                   | <b>Per cent</b> | <b>Count</b> |
|  | Yes               | 6.25%           | 1            |
|  | No                | 93.75%          | 16           |
|  | <b>Total</b>      | <b>100%</b>     | <b>17</b>    |

## Discussion Question

How can the process for obtaining Crown lands be improved?

### Participant Responses

Implement and enforce processing timelines

- The process was slow and should be sped up, it slows down during internal review
- In my case it took four years to process a lease for agriculture land; we had the documents complete and there were no issues there it was waiting in the system with no feedback
- The department should have a time frame to complete the process; people are left waiting months and years
- Crown lands should follow a strict timeline for processing the application. Timelines are forced on the applicant; this should also pertain to the application process

Better communication to the public on applying for Crown lands

- Checklist for applications
- Checklist/flowchart for applications process

Different requirements for different applications

|   |
|---|
| <ul style="list-style-type: none"> <li>• For agriculture you may not need septic, or if you have a house you may need it</li> <li>• The land survey and septic design should be separate because if you don't need septic then it's an added cost</li> <li>• Septic applies to leasing for a cabin but not necessarily for agriculture</li> <li>• For agricultural land it's possible to block out a zone and inquires/applications should go more quickly</li> <li>• Probably have a two-tier process. Expedite business applications</li> </ul> |
| <p>Work closer with municipalities</p> <ul style="list-style-type: none"> <li>• Transfer Crown lands within municipal boundaries over to the municipalities</li> <li>• Include municipal boundaries on the maps</li> <li>• Provide access to more information</li> </ul>  |
| <p>Staff</p> <ul style="list-style-type: none"> <li>• Crown lands should provide more staff resources to help with the application process</li> <li>• Have a Crown lands staff assigned to each application. This person would be the sole contact for that application</li> </ul>  |
| <p>Simplify the application process</p> <ul style="list-style-type: none"> <li>• This process is not efficient and means the person applying is bearing unnecessary upfront cost</li> <li>• We need a simple format for applying for land step by step-easy</li> </ul>  |
| <p>More flexibility with grants/leases</p> <ul style="list-style-type: none"> <li>• Should be able to have a house on the land, granted to you, on which you farm</li> <li>• Farmers should be granted land after X number of years</li> <li>• To promote farming, granting land that has been traditionally farmed would enhance farming</li> </ul>  |
| <p>Make data available to the public</p> <ul style="list-style-type: none"> <li>• Access to Land Use Atlas</li> </ul>   |
| <p>Better/more timely communication with applicant</p> <ul style="list-style-type: none"> <li>• No accountability/follow-up from Crown lands</li> </ul>   |
| <p>Authority</p> <ul style="list-style-type: none"> <li>• Decisions should be made at the local Crown lands office in the territory rather than on the island</li> <li>• As a farmer, biggest obstacle is in Regional Office. If they do not like your idea, it stops</li> <li>• It could be someone in municipality who blocks you, or someone in transportation who blocks you, as a farmer for a grant for the land on which you have a house on</li> </ul>  |
| <p>Level of bureaucracy is insurmountable</p>   |
| <p>Keep requirement for land surveys</p>  |
| <p>People in Labrador, in the particular region, should have first priority to the Crown lands</p>  |
| <p>Ten years ago it was a lot easier than it is today</p>   |
| <p>People of Labrador have historic treaties going back to 1763 (that is the main one); that should be entwined in Crown lands process when dealing with Labrador; 1763 treaty is the main one that should stand side by side with the <i>Lands Act</i></p>   |
| <p>Allow applicant to track status of application online</p>  |
| <p>Aboriginal people/indigenous people should have the piece of land that our grandfathers trapped</p>  |
| <p>The application should reflect how the land will be used, for example a set of requirements for farming but then a contractor is building on it etc.</p>   |
| <p>Submit electronic applications online</p>  |



|  |
|--|
| If lease fails, government takes land back, and anything on it, that is not fair |
| Application process was easy to navigate   |
| Should not have to pay application fee repeatedly if your request is rejected    |
| Dealing with Crown lands division difficult to deal with                         |
| Various government departments do not communicate with each other                |

## Topic 2: Squatters Rights

### Polling Questions

My familiarity with “squatters rights” is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 37.50%      | 6         |
| Weak                    | 25.00%      | 4         |
| Neither Weak nor Strong | 25.00%      | 6         |
| Strong                  | 6.25%       | 1         |
| Very Strong             | 6.25%       | 1         |
| <b>Total</b>            | <b>100%</b> | <b>18</b> |

Are you aware of anyone that has claimed or is claiming rights to Crown lands under “squatters rights”?

|              | Per cent    | Count     |
|--------------|-------------|-----------|
| Yes          | 46.15%      | 6         |
| No           | 53.85%      | 9         |
| <b>Total</b> | <b>100%</b> | <b>15</b> |

### Discussion Question:

What would be a reasonable approach for government to take with respect to “squatters rights” on Crown lands?

### Participant Responses

#### Keep Squatters Rights

- Squatter's rights should remain. No issue
- Update the dates. Move 10 years ahead (67-87)
- Drop the 20 year rule
- Consider another time period and another process
- Time frame for squatters rights should allow a "skip" in generational ownership
- Time frame for squatters rights should be moved to the present
- Apply squatters rights to farmers

|  |
|--|
| <ul style="list-style-type: none"> <li>• Why not apply pre 57 rules to the post 76 time frame for agriculture</li> <li>• Any proof of ownership should be considered an affidavit</li> <li>• Survey should have equal weight of proof as an affidavit</li> <li>• 'Continuous' should not be part of the test</li> <li>• Squatters rights should be viewed within zoning laws</li> </ul>  |
| <p>Issue with the current legislation/process</p> <ul style="list-style-type: none"> <li>• It's becoming irrelevant if we only look back to 1957</li> </ul>  |
| <p>Work closer with municipalities</p> <ul style="list-style-type: none"> <li>• Squatters claims do not involve the municipality. Municipality is not informed and may be issuing a Municipal Recommendation Form at the same time. Waste of time</li> <li>• Turn over Crown land to municipality and let the municipality deal with the issue</li> <li>• No squatters rights within municipalities. Let municipality deal with disputes</li> <li>• Municipalities should not have to enforce or investigate</li> </ul>  |
| <p>Agricultural Issues</p> <ul style="list-style-type: none"> <li>• The land as it is granted should stay the same even if it's sold (e.g. Agriculture)</li> <li>• Agricultural lands need to be protected</li> <li>• Agricultural land is shrinking and when it is granted and then sold the farmer gets nothing for farming for years</li> <li>• We have a farm, a lease for 50 years, we cannot pass it down generation to generation only as long as continue farming (e.g. if stop farming maybe could apply for grant)</li> <li>• You can pass down an agriculture lease, but it is a difficult process, not like a will or deeded over</li> </ul>   |
| <p>Historical Rights</p> <ul style="list-style-type: none"> <li>• We have been here on the land continuously; from European perspective 1835; that is not our perspective; what if the land had been fished, trapped, and tilts built on it by our people; especially at the mouth of the river, we should have rights to the land - especially where there was continuous use, we should have rights to the land</li> <li>• Oldest cemetery in North America is here in Labrador; there is proof of how far back people lived here; family used trap lines for centuries, they hunted, fished, had to make a living before Hudson Bay Company; squatters is a European term; squatters and use are two different things</li> <li>• Right to occupy, use and make a living off that sacred land</li> <li>• The term squatters should be gone; we legitimately built structures where needed; squatters is an insulting term; it is demeaning; no right to be used; it is an oxymoron; if squatter, no rights; it is limited by the people who decide you are a squatter; it does not define what our rights are, not even close; we are settlers, if you like, but not squatters</li> <li>• If going to replace 'squatters rights', say 'historic and existing land occupancy and use'</li> <li>• When the base came to Goose Bay, everyone moved to where the work was, but grandfather's trapping lines along the river - people should have been able to go back and get the traps but were not allowed to do that</li> </ul> |
| <p>I don't think people should have squatters rights to areas; should not trump conservation like watershed areas, etc</p>   |
| <p>Need better clarification; tilt should be considered as a house</p>   |
| <p>Why pick 57 to 77?</p>  |
| <p>Use Them Days magazine to assist</p>  |

## Topic 3: Shoreline Reservations

### Polling Questions

#### My familiarity with shoreline reservations is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 53.33%      | 10        |
| Weak                    | 33.33%      | 5         |
| Neither Weak nor Strong | 6.67%       | 1         |
| Strong                  | 0.00%       | 0         |
| Very Strong             | 6.67%       | 1         |
| <b>Total</b>            | <b>100%</b> | <b>17</b> |

#### Have you ever applied for a Crown lands Grant/Lease or License under Section 7 regarding shoreline reservations?

|              | Per cent    | Count     |
|--------------|-------------|-----------|
| Yes          | 6.25%       | 1         |
| No           | 93.75%      | 17        |
| <b>Total</b> | <b>100%</b> | <b>18</b> |

### Discussion Question:

Are there changes you would or would not suggest with respect to Section 7 on shoreline reservations?

#### Participant Responses

##### Reservation Area

- If have a dock, should be able to claim 100 feet either side of the walkway. Should be able to protect my investment. Do not want to see boats tied up to my wharf. It is ok to walk past
- I should have my freedom to walk on the shoreline
- We traditionally walked the riverbank; that was our only recreation; there are some people now who have put up barriers on the river bank
- Good to have a 15m riparian area on our farm
- I have heard that people applying for Crown lands leases (any kind of application) have to be 1km from water. That is different from section 7

##### Advertising

- Crown lands should provide an area on their website for advertising intent
- Advertising in papers is not practical in rural/remote areas. Not all papers are circulated. (Weekend paper)
- Post advertisements in common public areas in rural/remote communities. e.g. post office, hospital, town hall, etc

##### Restrictions

- Should be allowed to build a breakwater on the reservation to prevent river erosion

|   |
|---|
| Enforcement <ul style="list-style-type: none"> <li>Not always being followed; e.g. pushing tons of snow into waterways; or old cars</li> </ul>  |
| Better communication to the public on Shoreline Reservations <ul style="list-style-type: none"> <li>Thought Environment and Conservation would enforce this type of reservation</li> <li>Thought Environment and Conservation would approve a trail around a lake or pond</li> <li>What happens if the surveyed land is eroded? Does the reservation change?</li> </ul> |
| I have always liked the shoreline reservation   |
| There are regulations about taking water from the river. There are different grades of licence, depending on how much water is to be taken. I think agriculture should have first dibs for irrigation, frost control  |
| Section seven, shoreline reservation, may not belong in an Act under Crown lands  |

## Topic 4: Unauthorized occupation/possession of Crown lands

### Polling Questions

**My familiarity with how government can legally deal with persons who occupy/possess Crown lands without the right to do so is...**

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 30.77%      | 4         |
| Weak                    | 15.38%      | 2         |
| Neither Weak nor Strong | 38.46%      | 7         |
| Strong                  | 7.69%       | 1         |
| Very Strong             | 7.69%       | 1         |
| <b>Total</b>            | <b>100%</b> | <b>15</b> |

**Have you known anyone that has occupied or possessed Crown lands without the right to do so?**

|              | Per cent    | Count     |
|--------------|-------------|-----------|
| Yes          | 53.85%      | 9         |
| No           | 46.15%      | 6         |
| <b>Total</b> | <b>100%</b> | <b>15</b> |

### Discussion Question:

Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?

### Participant Responses

Alternatives/Changes needed

- Could there be something like an appeal board and not go direct to the courts

- People that apply for land in Labrador, if not living here, they should be last on the list. Labrador land should be for Labrador people. The restriction should be for people who are from outside Labrador who buy land to use once a year. If the person moves to Labrador, the restriction would not apply to that person

**Enforcement**

- Issue stop work orders, enforce fines, burn illegal structures
- Government needs to enforce the *Act*
- Deterrents would be effective if enforced
- Enforcement should apply to all citizens of the Crown, select groups should not be exempt
- Municipal employees should be out enforcing the *Act*
- Crown lands download enforcement onto the municipality
- There should be at least two Land Management Officers on the ground in Lab West

**Issues with current legislation/processes**

- This is unbalanced because it is costly and has to go through the courts
- Applications cancelled because Crown lands have not gotten back to the applicant in a timely manner, therefore not giving the applicant time to obtain required documentation
- Persons who abide by the rules are penalized, for example, when a structure is purchased that does not meet specifications outlined by Crown lands
- It is fundamentally our land. This approach may be good on the island; but not on Labrador where we are unique, with two cultures
- In 1988, Forestry built a cabin on Eagle River. I cleared land across from where my ancestors lived. I was completely outlawed. I have no legal title to that yet today. That is my land. Forestry was able to establish a cabin without a problem but I was not able to get legal title to that land
- This is a conflict for me. I agree with a lot of the rules and regulations here. But it depends on who it is. In Nova Scotia the Germans were buying up land on the lakes. They had to stop that. We do not want to see that here. You have to have some guidance. I do not want to see us taken over by outsiders

There is nothing respecting enforcement provisions that I would change. They are built-in safeguards

Government should be asking us what land we own

Municipalities, if they had control of the land within their boundaries, would be better suited to enforce the *Act*

## Topic 5: Other Parts of the *Act*

### Polling Question

**My familiarity with other parts of the *Act* is...**

|                                | Per cent | Count |
|--------------------------------|----------|-------|
| <b>Very Weak</b>               | 50.00%   | 7     |
| <b>Weak</b>                    | 21.43%   | 4     |
| <b>Neither Weak nor Strong</b> | 28.57%   | 5     |

|                    |             |           |
|--------------------|-------------|-----------|
| <b>Strong</b>      | 0.00%       | 0         |
| <b>Very Strong</b> | 0.00%       | 0         |
| <b>Total</b>       | <b>100%</b> | <b>16</b> |

## Discussion Question

Is there anything else you would like to add to today's discussion?

### Participant Responses

#### Agriculture Issues

- Process for an agricultural lease here takes two years; whereas in the Okanagan/southern Ontario, it could be a week; I appreciate that is not Crown lands, however the process here for Crown lands should be a lot shorter
- The lease on agriculture land is only good while a farmer farms the land then when they can no longer farm it reverts back to the Crown; this leaves challenges for the retired farmer, such as no cost recovery for all the infrastructure and land improvements. Government should give compensation for the infrastructure or grant the land
- One thing that bothers us, we are both old. If we cannot sell our lease, everything we have done there, is for not. We have put a lot of energy, work into it. They need to change that. For example passing on to our children
- There is also a cost to reverting the land back to the original state; this is another financial burden
- Rather than a lease for a farmer, you should be able to own the land and be able to deal with it as you like
- Agricultural land, new purchase should be a grant not a lease. 25 years to pay. Person holding the granted title should be able to develop the land. A co-ownership title. Once you achieve 75 per cent development, and complete the minimal payment
- Agricultural lease. Should be able to convert to a grant if the enterprise is successful. Five year time frame
- Protect agricultural lands so they can change ownership but not usage
- Agricultural grants should be available. Should be able to use the land as collateral if need be. Same should apply to outfitter enterprises
- Agriculture land is in short supply in the world. It is diminishing because not economical to work this land. Do they want agriculture to compete globally in this province, or do enough to feed ourselves, or on the other end of the spectrum just have hobby farms? They are going to have to do something about getting people on the land. It is not like a piece of land in the Annapolis Valley. It is not farm land here until we make it a farm land. It was a forest before.
- This is very serious in Labrador. In Newfoundland 200,000 acres suitable for agriculture before 1977 and in Labrador there was less than 200 acres -agriculture in Labrador is limited by leased land
- Farmers should not have to pay to survey leased land
- Government subsidizes our limestone we place on the land; but if we did not have enough sales last year, I cannot apply for the subsidy and would have to buy it on the open market, that is expensive unless subsidized

Labradorians are excluded unless follow rules. You decide we are squatters; after 20 years

|  |
|--|
| you take it away from us   |
| I would like to have more of a say in redefining the policy from top to bottom, on a regional basis. Squatters rights is a huge issue for me. This process should be broadened. There was short-notice. It does not do justice to legitimize the process   |
| Outfitters licence. If show a commitment to the enterprise should be able to obtain a grant  |
| The bureaucracy we have to go through, there are roadblocks  |
| I do not think it should be 20 years for abandoned. The land may be used differently today; it is not abandoned as such. Ask the people who are near that land about that property   |
| Maybe we need another similar discussion in a year from now. This was pulled together quickly. At some point in the future, Labrador will be a territory; and not part of the province.  |
| It takes so long to get a Crown lands application through, but a developer came in and was able to get things done quickly. I realize it was a huge contract, but how could they get permits? They pumped a pond dry. How did they get a permit for that? I have to have a permit to pump a river. It is frustrating to see preferential treatment |
| Public in the area do what they like. No enforcement.  |
| Not necessarily a good thing for Crown lands within a municipality to be turned over to the municipality   |

# St. John's

---

## Demographics

Today I am here representing...

|                                    | Per cent    | Count     |
|------------------------------------|-------------|-----------|
| Agriculture/Aquaculture            | 10.17%      | 6         |
| Forestry/Mining/Oil and Gas Sector | 0.00%       | 0         |
| Environmental Group                | 5.08%       | 3         |
| Municipal Government               | 8.47%       | 5         |
| General Public                     | 28.81%      | 17        |
| Tourism                            | 15.25%      | 9         |
| Land Developers                    | 5.08%       | 3         |
| Business Community                 | 3.39%       | 2         |
| Legal Profession                   | 5.08%       | 3         |
| Other                              | 18.64%      | 11        |
| <b>Total</b>                       | <b>100%</b> | <b>59</b> |

## Topic 1: Obtaining Crown lands

### Polling Questions

My familiarity with the process for applying for Crown lands is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 8.77%       | 5         |
| Weak                    | 12.28%      | 7         |
| Neither Weak nor Strong | 28.07%      | 16        |
| Strong                  | 29.82%      | 17        |
| Very Strong             | 21.05%      | 12        |
| <b>Total</b>            | <b>100%</b> | <b>57</b> |

Have you ever applied for Crown lands?

|     | Per cent | Count |
|-----|----------|-------|
| Yes | 45.90%   | 28    |



|  |                 |              |
|--|-----------------|--------------|
| No   | 54.10%          | 33           |
| <b>Total</b>   | <b>100%</b>     | <b>61</b>    |
| <b>Have you ever obtained Crown lands?</b>                         |                 |              |
|  | <b>Per cent</b> | <b>Count</b> |
| Yes  | 33.33%          | 19           |
| No   | 66.67%          | 38           |
| <b>Total</b>   | <b>100%</b>     | <b>57</b>    |
| <b>Do you have a...</b>  |                 |              |
|  | <b>Per cent</b> | <b>Count</b> |
| Lease  | 28.57%          | 8            |
| License to Occupy  | 25.00%          | 7            |
| Grant  | 32.14%          | 9            |
| other  | 14.29%          | 4            |
| <b>Total</b>   | <b>100%</b>     | <b>28</b>    |
| <b>Did you find the process for applying for Crown lands easy?</b> |                 |              |
|  | <b>Per cent</b> | <b>Count</b> |
| Yes  | 44.83%          | 13           |
| No   | 55.17%          | 16           |
| <b>Total</b>   | <b>100%</b>     | <b>29</b>    |

## Discussion Question

How can the process for obtaining Crown lands be improved?

### Participant Responses

Municipal Councils should not be involved in process

- Biases cause issues to applicants. Municipality has too much control over people that they do not like
- Remove Municipal referral form
- Council should not approve allocation of Crown lands just actual use
- Should be able to get approval from government and then council has to provide reasons why an application is approved or not
- Town should not oversee the sale of Crown lands. Minister of MIGA should have to give approval
- Town council is assuming jurisdictional authority and taking full management of Crown lands applications - not adhering to process

Mandatory land registration

- Use Company and Deeds Online software
- Introduce a system of Torrens used in Australia. Don't have to search title each time

|   |
|---|
| <ul style="list-style-type: none"> <li>• Combine the Registry of Deeds and the Crown lands Registry</li> <li>• Government needs to identify what is Crown lands</li> </ul>  |
| <p>Simplify the application process</p> <ul style="list-style-type: none"> <li>• Reduce paperwork</li> <li>• Reduce number of referrals</li> <li>• One stop shop online</li> <li>• Submit electronic applications online</li> <li>• Allow applicant to track status of application online</li> </ul>  |
| <p>Make data available to the public</p> <ul style="list-style-type: none"> <li>• Maps online (e.g. secure website, pay to use)</li> </ul>  |
| <p>Work closer with municipalities</p> <ul style="list-style-type: none"> <li>• Transfer Crown lands within municipal boundaries to the municipality – it may expedite their planning process</li> <li>• Provide maps</li> <li>• Inform of the status of applications</li> <li>• Crown lands difficult to deal with and lack of communication</li> <li>• Integrate municipal plans more with Crown lands</li> <li>• Have municipalities trained and educated regarding the Crown land process</li> <li>• Zoning issues, councils not aware of what's what</li> <li>• More municipal control makes sense, but there may not be as far reaching a vision for environmental and shoreline reservation within councils and may need oversight</li> <li>• The process that integrates municipal plans and the Crown land application process needs to be improved</li> </ul> |
| <p>Better communication to the public on the process for applying for Crown lands</p> <ul style="list-style-type: none"> <li>• Checklist for applications</li> <li>• Be interactive and have more online presence</li> <li>• Make the public aware of the number of applications ahead of you and what is the estimated time for processing</li> <li>• Clearer website</li> <li>• Maps online</li> </ul>  |
| <p>Staff</p> <ul style="list-style-type: none"> <li>• Specialization of staff</li> <li>• Need greater accountability, too much transferring of inquiries</li> <li>• Have more resources at Crown lands (e.g. staff)</li> <li>• Increased training for staff</li> <li>• Target number of applications to have completed within a specified time</li> </ul>   |
| <p>Shorten time to get through the process</p> <ul style="list-style-type: none"> <li>• Even with rapport it's still a lengthy process</li> <li>• Implement and enforce processing timelines</li> </ul>   |
| <p>Better communication within government</p> <ul style="list-style-type: none"> <li>• Problem with dealing with two departments for agriculture: MIGA and Agrifoods, need clear departmental responsibility</li> </ul>   |
| <p>Flexibility with Grants/Leases</p> <ul style="list-style-type: none"> <li>• Agricultural application for lease land you can apply for size, but department of Agriculture decides size; applicant should have more say</li> </ul>  |
| <p>Uniform survey standards</p> <ul style="list-style-type: none"> <li>• More uniform survey standards for private versus Crown lands.</li> <li>• A set of instructions for surveyors that are clear and interactive</li> </ul>   |

|   |
|---|
| Provincial Plan <ul style="list-style-type: none"> <li>The process of obtaining Crown lands - there is no rules, guidelines behind it; no growth strategy; you can apply for any piece of Crown lands; but no looking at whether that piece of land meets the growth strategy for the province; if there were provincial land use policies that lay down clear guidance for resource management, we protect coastline, set goals for sustainable communities</li> <li>Long term plan for consistency and policies that fall within the plan and well communicated to work with other industries and stakeholders</li> </ul> |
| Update Maps   |
| Disturbed that it takes place without any law   |
| Remote areas hard to apply for  |
| Increase time for Licences to Occupy  |
| Need favorable incentives and/or higher prioritization for environmental conservation purposes, provinces could have more active role in incentivizing conserving lands without burdening government (i.e. via private citizens). Other provinces and territories do this   |
| Private properties and Crown lands more compatible together. Survey point of view very confusing with the differences   |
| More consistent policy for trappers. Greater recognition of the profession of trapping consistent with other provinces and territories  |
| Maybe if there were a tribunal to deal with difficult applications, would be helpful. As an applicant it is difficult to get your input in, to offer any research in to it  |
| Government needs to recognize historic usage of land  |
| Access has to be equal not just for locals  |
| East Coast Trail has too much control over the Crown lands near the coastline. There should be no restrictions caused by this   |
| Digital Survey Submissions  |
| Cottage application lottery - too many applications were allowed for the lots. Persons applying through proxies obtained more than one lot. Sold lot later for a profit. Public should have to put money down, refunded if unsuccessful in draw   |
| Have the people/community involved in the process   |
| Application process is fast (one week) and up to 19 months for a quit claim, for a 50 ft. x 100 ft. block of land   |
| The application for grants is good and no big cost until you have been approved   |
| All the timeframes rest upon the applicant and not the government   |
| When Crown lands is granted it doesn't impede development of hiking trail   |

## Topic 2: Squatters Rights

### Polling Questions

My familiarity with "squatter's rights" is...

|           | Per cent | Count |
|-----------|----------|-------|
| Very Weak | 14.55%   | 8     |

|                         |             |           |
|-------------------------|-------------|-----------|
| Weak                    | 18.18%      | 10        |
| Neither Weak nor Strong | 20.00%      | 11        |
| Strong                  | 25.45%      | 14        |
| Very Strong             | 21.82%      | 12        |
| <b>Total</b>            | <b>100%</b> | <b>55</b> |

**Are you aware of anyone that has claimed or is claiming rights to Crown lands under “squatters rights”?**

|              | Per cent    | Count     |
|--------------|-------------|-----------|
| Yes          | 66.67%      | 38        |
| No           | 33.33%      | 19        |
| <b>Total</b> | <b>100%</b> | <b>57</b> |

**What do you think is the most appropriate approach to take**

|                                       | Per cent    | Count     |
|---------------------------------------|-------------|-----------|
| Maintain as is                        | 15.00%      | 9         |
| Change timeframe (floating timeframe) | 48.33%      | 29        |
| Do away with squatters rights         | 36.67%      | 22        |
| <b>Total</b>                          | <b>100%</b> | <b>60</b> |

## Discussion Question

What would be a reasonable approach for government to take with respect to “squatters rights” on Crown lands?

### Participant Responses

Issues with current legislation/process

- In many rural communities there are a lack of municipalities to enforce rights
- A lot of affidavits are not accurate and it is possible to fraudulently submit them
- The burden of proof upon the applicant is very weak
- Criteria for Squatters rights is dated and unfair
- As municipality, before can we sell land at a tax sale, we have to go to Crown lands to see whether the land has been alienated from the Crown. That is a process of looking at aerial photos. Purely a visual check. There are issues with aerial photos. They do not accept paper. They do not accept title searches. Town loses out on municipal revenue at the end of the day. Solution: develop a process to deal with those issues. In trying to resolve these issues, do not depend only on aerial photos. Even if Crown makes people pay an increased fee to sort out the issue
- Title insurance is a real issue
- Continuous use is problem. Break in continuity can cause problems
- Phony deeds are used to create paper trails
- 20 year period confuses people...why arbitrary dates?
- Do not necessarily agree with the Open Notorious Continuous Exclusive test

- Affidavits should not be taken carte blanche. Land can get stolen this way
- If it doesn't change this will be impossible to identify in the future
- Problem with getting affidavits and for past claims most of the people are no longer alive or can swear to the information
- Next to impossible to prove section 36 and was meant to help people and now it is hurting people
- Hard to get affidavits when a lot of the people in a small community are related

#### Keep Squatters Rights

- Time Period
  - Forget the 20 year period
  - 60 year period too long, 40 years more reasonable; it is easier to verify 40 years than 60 years
  - Don't restrict a 20 year period. A trail for example may have been in use for many years prior to this
  - Timeline should shift up for proof purposes
  - Go back longer and increase the number of years
  - 25 or 30 years fixed time, from the date you apply - that would be the preference
  - Dates should change to allow for criteria to include up to present day
  - Get rid of the dates! Put arbitrary 50 years occupancy.
  - The date should be moved. Too hard to prove as is. Dates not necessary should be a time period
  - 20 years should be the absolute minimum
  - Change the dates from 20 years to 40 years
  - 20 year period is very rigid and should be floating term
- Evidence/Affidavits
  - New criteria...some grace and discretion
  - Two affidavits? Why not consultant with the neighbor
  - Get rid of affidavits completely
  - Keep affidavits but threshold of age is difficult
  - Physical evidence rather than an affidavit
  - Before 1957 should be considered if use can be shown
  - Consider air photos, fence posts, physical evidence
  - Affidavits should be more recognized. Too hard to get proof
  - Take away the fence rule. Ridiculous. Limits of the land may be beyond fence
  - Documents of proof of any kind should be considered
  - More defined criteria for the various uses
  - Footpaths should be used to prove squatters rights
- Fairness
  - Respect people's rights to the land. Grew food and raised families on the land
  - Not a good idea to move dates past 1977 but should be easier for people that have a legitimate claim to Crown lands; should work with applicant to facilitate proof
  - Losing claim because of break in use or occupancy
  - Anybody who has lived on land for 20 years deserves to own the land
  - Need a grey zone that allows people to apply between rules
  - Even if 20 years, government lacks an overall plan
  - Squatters rights should not apply to coastal land, or big chunks of land that are near the coast, especially spaces that people are using for recreation or tourism, or to keep the environment intact, and not suddenly put a suburb up in

|   |
|---|
| <ul style="list-style-type: none"> <li>o beautiful open land. No manufacturers should be allowed</li> <li>o What happens if you do not meet squatters right, but you have occupied the lands for a considerable time?</li> <li>o People have rights to more than one acre</li> <li>o If someone is on the land at all then they should have rights</li> <li>• Should be a rigorous process, finite amount of land</li> <li>• Would like to see some kind of tribunal, with a process that the decision could be appealed; right now there is no appeal on a Crown lands decision; tribunal would be for squatters rights applications only</li> <li>• Doing away with squatters rights would not necessarily be a reasonable approach</li> <li>• Make it a formal process to limit the amount of people that can claim land</li> <li>• Agree with the test – Open Notorious Continuous Exclusive</li> <li>• Utilize municipal staff to help with this process</li> <li>• Danger in making squatters rights easier to claim. Squatter's rights should be maintained</li> <li>• Government should require the applicant to provide proof of the amount of land actually being used and not the amount of land that the applicant is requesting</li> <li>• Need a buffer for changes...allow people a timeframe to apply under both rules or criteria</li> <li>• Do not restrict to one acre</li> <li>• Make it harder as to protect water front properties</li> </ul> |
| <p>Remove Squatters Rights</p> <ul style="list-style-type: none"> <li>• Have a period of time for everyone to come forward and claim land. After this date, people cannot claim land</li> <li>• Eliminate the squatters right and use an expedited court process, like equity court</li> <li>• Don't need squatters rights, susceptible to abuse if many people start making use of the plethora of Crown lands</li> <li>• Adverse possession against the Crown should be removed the Crown should be able to make the decision</li> <li>• The government should not entertain any claims under squatters rights after the 1977 date</li> </ul>   |
| <p>Mandatory Land Registration</p> <ul style="list-style-type: none"> <li>• Current approach is largely acceptable if we move towards a mandatory title insurance system</li> <li>• Large scale macro planning for land use needs better baseline knowledge, and bureaucratic capacity, (i.e. a land registry and a land management plan)</li> <li>• Amend the <i>Act</i> and set a moratorium period...and make it mandatory to register the land. Then set a new line of criteria</li> <li>• Need a proper registry to prove land ownership to simplify determination of ownership</li> <li>• Different lands registration system (e.g. Torrens system) would help resolve issues, but would require large investment</li> <li>• Fully functioning land registry, with comprehensive GIS datasets that covers all of the province would be a worthwhile investment for squatters rights and all other lands issues</li> </ul>   |
| <p>Provide data to the Public</p> <ul style="list-style-type: none"> <li>• Any land ownership mapping should be made available to the public and they should be aware of what is viable but for free and on line</li> </ul>   |
| <p>Government needs to identify what is Crown lands</p> <ul style="list-style-type: none"> <li>• Onus should be on government to prove what land is Crown land</li> </ul>   |

|  |
|--|
| Better communication to the Public on Squatters Rights <ul style="list-style-type: none"> <li>o If you own land through squatter's rights, are you guaranteed access?</li> <li>o Any limit to size?</li> <li>o Can agricultural leases be applied for under Section 36?</li> </ul> |
| The Crown should decide on who gets the land   |
| Onus should be on Crown lands to help applicants prove their claims  |
| Title insurance would also cover inherited property  |
| Need province-wide comprehensive land management plan, will help with squatter's right   |
| Appeal board type system - review panel - to help determine ownership  |
| Need to assess value of all land and classify its uses   |
| Size standards should be put in place with respect to what the Crown contests. Larger parcels get more scrutiny.   |

### Topic 3: Shoreline Reservations

#### Polling Questions

My familiarity with shoreline reservations is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 11.48%      | 7         |
| Weak                    | 14.75%      | 9         |
| Neither Weak nor Strong | 21.31%      | 13        |
| Strong                  | 27.87%      | 17        |
| Very Strong             | 24.59%      | 15        |
| <b>Total</b>            | <b>100%</b> | <b>61</b> |

Have you ever applied for a Crown lands Grant/Lease or License under Section 7 regarding shoreline reservations?

|              | Per cent    | Count     |
|--------------|-------------|-----------|
| Yes          | 19.67%      | 12        |
| No           | 80.33%      | 49        |
| <b>Total</b> | <b>100%</b> | <b>61</b> |

#### Discussion Question

Are there changes you would or would not suggest with respect to section 7 on shoreline reservations?

#### Participant Responses

Reservation Area

- Extend shoreline reservation from 15m to 30m
- Should be able to walk and pass by all shorelines
- 10 meters was big enough
- The reservation should be back further than what it is now
- On Crown lands only - 30ft minimum
- Section 7 should stay same, 15m is national standard
- Too many regulations. Should not be so much space around rivers of small determined size
- Shoreline reservation should be extended in certain instances
- The costal reservation should not be measured from the high water mark it should be measured from walkable land or a slope
- Can reservation be determined based on each application?
- Increase the size of the reservation to protect the east coast trail and need to increase to have safe access to the coast
- Move the shoreline reservation on Crown lands to 20m
- Should be up to 50m and where land is owned should be able to walk past
- Increase the shoreline reservation to allow public access on the shoreline beyond 15m to include continuous access even when it is beyond 15m
- Change the reservation line, but keep the exceptions that are listed
- Up to 100m on accessibility/ruggedness of terrain, navigate coast or pond
- Need the ability to police the shoreline
- 15m reservation should not be able to be owned by anyone
- With regards to a cliff, shoreline reservation should extend from the top of the cliff
- With respect to beaches, shoreline reservation should start at the vegetation line

#### Enforcement

- Houses on reservation not being dealt with
- Enforce the rules and regulations around section 7 better
- Monitor current and/or increased enforcement efforts to gauge effectiveness
- Ensure enforcement to maintain actual reservation is left as public right of way
- Ensure enforcement is taking place to protect reservation
- Reservation is important; but needs inspectors, follow-up
- More and stricter enforcement for violations on reservations
- Need to establish clear liability as well as enforcement options in cases where land is unfenced and trespassed upon
- Need greater capacity to monitor as well as enforce land ownership
- Political will to enforce encroachment and restriction of access
- Issue with people building wharfs and not having permission and should have a title

#### Advertising

- Do away with the publishing before allocation
- Should be publication after application
- Public notification is good
- Should include other forms of media in publication
- Post on the website instead of the paper. How many people read the paper anymore
- Publishing should be only upon acquisition of the land
- Need to stop putting things in newspapers
- Notice of intent procedure is archaic; do away with it altogether and *contact* people within a 1/2 km radius who are most affected. Notify by mail. But it would have to be registered mail



|  |
|--|
| <ul style="list-style-type: none"> <li>• 1/2 km or km would be great for notification by mail – agree</li> <li>• Standardized physical public notice</li> <li>• 2 months' notice in paper seems excessive, need modernize method of advertising</li> </ul>   |
| <p>Restrictions</p> <ul style="list-style-type: none"> <li>• 15m shoreline is too locked down. It should be easier to do stuff there</li> <li>• Maintain construction of docks wharves etc.</li> <li>• Be less strict in regard to river way and the meter rule</li> <li>• Walking trails should be listed as a purpose</li> </ul>   |
| <p>Better Definitions</p> <ul style="list-style-type: none"> <li>• Specify what exactly a river is</li> <li>• How do we determine a high water mark? clarity</li> <li>• High water mark is too complicated</li> <li>• There needs to be a standard definition from where 15 m is</li> <li>• The existing criteria for measurement should be changed</li> </ul>   |
| <p>Better communication to the public on shoreline reservations</p> <ul style="list-style-type: none"> <li>• Size restrictions for boat houses etc. should be online</li> <li>• Need clarity of who actually owns, education</li> </ul>  |
| <p>Authority</p> <ul style="list-style-type: none"> <li>• To grant occupation, only Lieutenant Governor in Council can do that, which means a cabinet paper, and longtime delays; minister should be entitled to grant the title</li> <li>• If related to industrial undertaking, should go to cabinet</li> </ul>  |
| <p>Work closer with Municipalities</p> <ul style="list-style-type: none"> <li>• Municipality approval for section 7 should be needed - they should play a role with Crown lands</li> <li>• Inspection piece largely falls to municipalities, which may not have capacity to do alone. Need collaboration between municipalities and province on inspection</li> </ul>  |
| <p>Other Approvals</p> <ul style="list-style-type: none"> <li>• Still need a permit from Department of Environment if flood plain, or involves the water. But the permit is only required in limited cases. Before it was anything in the 15m buffer. Now, frustrating for municipality that has to deal with buffer alone because Environment no longer involved (except if flood plain or if matter involves water)</li> <li>• Before Crown lands and Water Resources worked together, but now Water Resources have changed regulations, do not need a permit within 15m, provided you do not touch or go into the water. Becomes a question of enforcement, especially for a municipality</li> </ul>  |
| <p>Erosion</p> <ul style="list-style-type: none"> <li>• Issue of definition in age of erosion of soil needs to be clearly addressed</li> <li>• Erosion is an issue - how does that affect existing trails etc</li> <li>• Issues with erosion of cliffs - who owns land in 15m in cases of erosion?</li> </ul>  |
| <p>Access</p> <ul style="list-style-type: none"> <li>• An easement could be given but not a grant</li> <li>• Anyone who owns lands makes it difficult for people to cross the land, to sit in front of their property, to enjoy the ocean. Makes people feel uncomfortable</li> <li>• How do you access the shoreline reservation? Ok to have the buffer, but if private property along there, how to get down to the water?</li> <li>• Shoreline reservation concept should remain and be publically accessible</li> <li>• Not a question of whether you are 15m from water body, but if you have access from one end to other. Denying access to point B from point A is the real issue</li> <li>• Crown lands is inaccessible at times</li> </ul> |

|   |
|---|
| <ul style="list-style-type: none"> <li>• 15m buffer should be sacrosanct, should not have any access to this buffer; only consideration should be grade of land</li> <li>• Community should have access to the coast</li> <li>• Unfettered public access to the shoreline</li> </ul>                |
| There is no overall plan to protect the coast. Coast land should be protected. Period. It needs to be protected for tourism   |
| There is no plan that land is to be sold at market value. It is valuable land and should cost more  |
| East Coast Trail should have no say on private land   |
| The Act is fine the way it is   |
| There should be a separate section dealing with the ocean coast line  |
| Completely insufficient   |
| Section 7 and section 36 should be combined   |
| Shoreline reservation should be eliminated  |
| No reservation should be claimed  |
| Process is not cumbersome   |
| Seeing on survey, one example, that the 10m shoreline reservation is gone   |
| Along the ocean coast it is difficult to determine where the reservation is located   |
| Maintaining access to the shoreline for tourism which is a big beneficiary of the east coast trail. In Europe they are well aware of the trail and it brings economic development to areas along the trail  |
| Database of online publishing's   |
| Polluting industrial undertakings should not be permitted   |
| Depending on the scale of the industrial undertaking, it may have to go to environmental assessment   |
| One thing that isn't right is that in the Act now the reservation line can be reduced, that should not be allowed   |
| The value of land has increased and the value of waterfront land has also increased   |
| The reservation does not seem to apply to ponds because people are developing right to the water's edge   |
| Member of the public not happy to have to apply for a permit for a stream crossing and developers are allowed to do whatever they want  |
| Problems with squatters rights impeding reservation   |
| Mapping of Crown lands would help, because over history, different kinds of setbacks from high water; some 0, some 10, some 15; so if municipality trying to develop a trail, almost impossible to figure it out, especially in an historical community; is there land there for trail development? |

## Topic 4: Unauthorized occupation/possession of Crown lands

### Polling Questions

---

**My familiarity with how government can legally deal with persons who occupy/possess Crown lands without the right to do so is...**

---

|   | Per cent    | Count     |
|---|-------------|-----------|
| Very Weak   | 12.28%      | 7         |
| Weak  | 19.30%      | 11        |
| Neither Weak nor Strong   | 36.84%      | 21        |
| Strong  | 21.05%      | 12        |
| Very Strong   | 10.53%      | 6         |
| <b>Total</b>  | <b>100%</b> | <b>57</b> |
| <b>Have you known anyone that has occupied or possessed Crown lands without the right to do so?</b> |             |           |
|   | Per cent    | Count     |
| Yes   | 64.81%      | 35        |
| No  | 35.19%      | 19        |
| <b>Total</b>  | <b>100%</b> | <b>54</b> |

### Discussion Question

Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?

### Participant Responses

#### Enforcement

- Good luck getting illegals out
- Not enough government agents out there to reinforce this law
- More enforcement required
- Increased presence and awareness. Overlap with other departments to record and enforce
- No enforcement on existing reserves, Avalon Wilderness Reserve
- If you can't enforce the law, do not make it
- Leadership requires guts!
- No more agents from the government; not worth the resources
- Enforce trailers' illegal occupation
- Government not willing to enforce regulations on structures that are permanent, e.g. expensive cottages or houses
- Crown lands often doesn't Act on public advising of persons occupying Crown lands without authority
- Increased enforcement, increase of staff and resources
- Keep this section of the Act, but enforce it. Rules are not strong enough.
- There has to be political will for enforcement. There was money in 2009 for enforcement
- Towns refusing to enforce their own regulations
- Public suspect that Lands Officers are told not to enforce
- Illegal occupation, especially causing environmental issues need to be enforced more

- Enforcement has to be done day to day
- Timely enforcement is an issue
- Government should be more proactive

#### Mandatory registration

- Make registration mandatory to help this issue
- Mandatory registration would police itself. If enough vested interest they would not make the gamble
- Need to integrate private and Crown lands registries

#### Alternatives/Changes needed

- Fines/Fees
  - Need appropriate sliding scale fee, as \$25 fee may not be sufficient deterrence depending on potential payout
  - Increase the illegal occupation fee
  - More cost associated with land, then should be greater fee
  - Section 30-35, not all bad, but what is intent of sections? If punishment, then fines need to increase; 1992 is dated point of reference
  - \$500 fee is a major joke
  - Should fine for illegal occupation. Crown not patrolling the land base to ensure no illegal occupation. If someone built in 1959 how was this not acted on before this date
  - Fines are not a deterrent, they need to be larger and stricter
  - Encourage people seeking permits by not fining them. Either give it or get them to de-occupy land
  - People will not seek permits if they will be fined
  - Minimize the fines. Discouraging people for seeking permits if something already built on the land
- Complaints Line
  - Have a contact line that people can call to report
  - Whistle blowing is an issue
  - Should make clear the issue of whistle blowing
  - A lot of illegal occupation that goes unreported
- Utilize technology to monitor these lands
- Mandatory removal. Needs to be removed... period. No fees or forgiveness
- Strengthen legislation - surveyors - legislation is vague does not force penalties on surveyors
- Give notice and take land
- Legalize the structure if possible
- Section 30-35, deterrence is more important than consequence, need to make sure people decide "it is not worth the risk"
- 60-day timeframe to remove/vacate is too long once notice is given
- Restoring lands not in section 32. Offender should be enforced to put the land back to its original condition
- No busses should ever be approved
- Need more collaborative and/or mediated options to create a path to legality
- With remote areas there should be no policing or registration
- Make the penalty fit the crime.
- Would like to see a ticket, warning, in this process
- Former gravel pits should be shut down
- Need to be careful when and if a new definition of Crown lands is created so if

|   |
|---|
| <p>someone missed a period under section 36 they would not be impeded</p> <ul style="list-style-type: none"> <li>• Strengthen legislation - no way for a citizen to initiate an adverse claim</li> <li>• Permits for rural occupation be accessible</li> <li>• If somebody is on Crown lands under section 30 there should be no requirement for government to get a court order. They should be able to issue there on references. The unauthorized users should have 90 days to appeal and if not then the Crown can issue a removal or demolition order</li> <li>• Extra provisions for non-profit organizations who are in dispute with land owners who don't have solid title</li> <li>• Need for a dedicated inspection service for illegal possession, as well as legal, environmental, and public health issues</li> <li>• Do a few test cases. Remove a few structures. If cannot issue title, then they have to come out of there. (For e.g., if on Salmon River.) Cannot continue as the present time</li> <li>• Make applications to quiet title</li> <li>• Emphasis in <i>Act</i> is on repossession for Crown rather than deterrence, but should be on deterrence</li> <li>• Should be some reasonable effort to maintain ownership on part of the department/province</li> <li>• Awareness of what is on the go. Increased presence</li> </ul> |
| <p>Authority</p> <ul style="list-style-type: none"> <li>• When it comes to Agricultural Development Areas, agricultural branch should have authority to make sole decision</li> </ul>   |
| <p>Work closer with municipalities</p> <ul style="list-style-type: none"> <li>• Define what the roles and responsibilities of municipalities are</li> <li>• Towns issuing permits on Crown lands</li> <li>• The responsibility of the municipality is not included in the unauthorized ownership for Crown lands</li> <li>• Partnerships with municipalities and provincial government would be helpful for enforcement; also the authority for the municipality to carry out enforcement is a possibility that municipalities could move toward</li> <li>• Towns that have authority to do so, should deal with illegal occupation</li> <li>• There should be a piece of legislation in place where the town council should have to be given proof from individuals that they have ownership of a piece of land before they allow that individual a permit</li> </ul>  |
| <p>Take out the politics</p> <ul style="list-style-type: none"> <li>• Minister should not be able to deny or appeal on behalf of an illegal</li> <li>• MHAs have approved or lobbied on behalf of illegal cabins</li> <li>• Minister should not be involved in enforcement</li> <li>• Minister needs to delegate responsibilities to staff, so that it is not a political question. Should be people in the field who make the decisions</li> </ul>   |
| <p>Government needs to identify what is Crown lands</p> <ul style="list-style-type: none"> <li>• First thing when you come into the Crown lands Office is "we do not know what is Crown land". How can you enforce if you do not know you own it</li> <li>• Difficult to find out who owns the land in a community. Mainly an issue when you get into built in older communities</li> <li>• Be easier to enforce if you knew who owned all the lands</li> </ul>   |
| <p>Better/more communication with the public on unauthorized occupation/possession of Crown lands</p> <ul style="list-style-type: none"> <li>• Ongoing public education of their rights and responsibilities of land ownership</li> </ul>   |

|  |
|--|
| The current system encourages people to occupy illegally.  |
| We would not have to answer this question, if there was grand plan in place in the first place. Government needs to set goals, what is off limits, what is off limits with concessions, by law. That needs to be done first. Then these other issues go away. Everyone would know what they could do   |
| Government needs to get records updated  |
| Combined effort by all departments   |
| 60-day may be acceptable under certain circumstances (e.g. established structures)   |
| If you illegally occupy Crown lands, you get the reward of being able to apply for that Crown lands and be successful in that application. If you have requested the Crown lands in the legal process, you may have been turned down   |
| Permit needed everywhere but no charge   |
| Pathway to legality needs to be inserted into legislation, based on precedent in common law  |
| Needs to be applied equally  |
| The current process for acquiring Crown lands that has no title does not appear to be an issue   |
| Need sufficient resources  |
| Not aware of any major issues with illegal occupation  |
| Wharves and boathouses are often illegal. Still need the process under section 7. There needs to be control  |
| Majority of people will seek permits before building, give leniency to others  |
| When a surveyor enters the field which already has existing pins, they are supposed to tie in those existing markers. When the surveyor does not do this and ignores existing pins and does not do the proper research to make sure who owns the adjoining lands, what can be done to enforce their duty? Does Crown lands do anything at all when a complaint is filed? |

## Topic 5: Other Parts of the Act

### Polling Question

#### 14. My familiarity with other parts of the Act is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 22.81%      | 13        |
| Weak                    | 22.81%      | 13        |
| Neither Weak nor Strong | 28.07%      | 16        |
| Strong                  | 21.05%      | 12        |
| Very Strong             | 5.26%       | 3         |
| <b>Total</b>            | <b>100%</b> | <b>57</b> |

### Discussion Question

Is there anything else you would like to add to today's discussion?

## Participant Responses

### Municipalities

- Towns should be enforcing on behalf of the province
- The province should maintain control over the management of Crown lands and it should not dissolve any of that authority to the towns
- Devolving more control to towns opens up abuse of Crown lands and who gets to purchase this land
- Too much municipality control
- S.53 and 54 refer to ability to transfer land to other governments (i.e. feds) and/or departments, but new subsection should be added to allow minister to transfer Crown lands to municipality as well
- Land in municipalities should be administered by towns

### Abandoned lands

- Industrial development. Abandoned wells, orphan wells, lands underneath have been altered. Company has no responsibility for cleanup
- How to actually tell, many gone to Alberta
- We have not seen abandoned land come back to the Crown
- Remove abandoned land from the *Act*
- Section 25 should be able to apply to abandoned Grants
- Should be process for clarifying ownership of old abandoned Grants. If owners do not come forward then statute barred
- Make registration mandatory to alleviate dispute
- Change abandoned land *Act* from 20 to 60 years
- Abandoned land should be investigated fully
- Implement a tax on abandoned land instead of the abandoned land *Act*. With mandatory registration
- Definition of abandoned land should be more specific
- Abandoned lands should be reduced to at least 10 years. Statute of limitation on part 6, topic 5

### Agricultural Land

- Agricultural land, when abandoned goes back into system; but there should be clearer profiling/designation to maintain this valuable land
- Should not rezone agricultural land
- The lease process for Crown lands for agriculture purposes should be longer so that if you cannot develop or maintain the lease or portion (three years) because of unforeseen circumstances it should not be taken back so quickly. Should be a longer time such six- eight years, a lot of time and money has gone into these leases and there should be an avenue for remuneration. There have been cases where Government has taken back the leases because they were not developed or farmed within the required term
- Why can't farmers buy their land?
- Abolish the agriculture land lease system

### Shoreline Reservations and buffer zones

- Buffer zones around rivers and ponds have to have better enforcement
- If there is interference with buffer zones there should be stricter penalties
- *Act* should provide for trails within shoreline reservation
- NL prospectors object to buffer zones
- Dedicated buffer zone for Gros Morne Park

- Advertise on twitter

#### Mandatory land registration and land management plan

- Integrate the registry systems
- There needs to be a better registry of Crown lands so that the public knows what land is available
- Begin a comprehensive land management plan
- Need more access to very long-term planning for agriculture and environmentally sensitive lands, need to consider more permanent transfers

#### Section 9

- Municipal recreation park is only thing specified. Section 9 should be broader than a municipal recreation park. Town recently acquired land for industrial development. Have to pay fair market value at time of getting the grant. Coming up with \$1.5 M was a lot of cash; meant other projects had to be put on hold. If there were some other options for repayment, it would make economic opportunities for towns easier.
- Should be broadened to include economic development when in municipal boundaries
- Should be broadened in general for things environmental protection, affordable housing, cultural heritage
- More broad, to align with most other provinces
- More enabling than prescriptive
- Language in section 9 needs to be updated

#### Better communication

- Educational videos on land information. General education. Video explaining the application process
- You tube video explaining the process
- Why isn't the policy manual online?
- Education in various mediums
- Communication needs to be improved with the division
- Regulations - people want to know the rules. Pamphlets would also be useful - how to apply for Crown lands, etc
- Have the steps of the application process online
- More responsive government staff - should give the indication that public owns the land - be more helpful - give specific responses to specific questions
- Land use atlas - should be shared in the public realm
- Better coordination amongst departments and governments regarding Crown lands. Need a committee structure

#### Section 8

Reservation of Crown lands, is good opportunity for province to broaden easement regulations, could allow more groups to use (charities, etc.) under certain conditions and/or protection (e.g.) protect species

- Lagging behind rest of country on section 8 of *Act* as well as section 9

#### East Coast Trail

- Should have statutory protection
- Legislation and enforcement to protect trails and quality of life for Newfoundlanders
- East coast trail should be included in special management areas

#### Surveys

- There are different requirements for surveys for Crown lands as opposed to private lands
- Survey markers why? Unnecessary



|   |
|---|
| <p>Unauthorized Occupation</p> <ul style="list-style-type: none"> <li>• With respect to illegal occupation create an illegal occupation tax</li> <li>• Enforcement needs to be beefed up and there should not be any ministerial involvement</li> <li>• Illegal structures should be removed. Then the person can reapply and build again if they get approval</li> <li>• No success with dealing with Crown lands issues. Issues with cabin sprawl in the back country area. Crown lands too willing to issue remote cabin leases. Having a huge environmental impact. Planning process needed which involves public consultations. Losing trout resources, back country opening up</li> </ul> |
| <p>Protection and Conservation</p> <ul style="list-style-type: none"> <li>• Access to Crown has to be even to everybody</li> <li>• Need an environmental bill of rights, right for everyone to enjoy the environment.</li> <li>• Very few opportunities in NL law for easements that can help government engage in protection and conservation</li> <li>• Traditional rights of way through towns should be protected or replaced if destroyed by residential development</li> <li>• The <i>Act</i> should be amended to recognized to public rights away</li> <li>• Strengthen section 7, 11, 25, 31 - to protect public use of the land</li> </ul>  |
| <p>Regulations</p> <ul style="list-style-type: none"> <li>• Need regulations. Day to day activity is in a policy manual is outdated; can get changed on a whim</li> <li>• Put procedures in the regulations; restrictions, integrating other requirements from other departments</li> </ul>   |
| <p>Squatters Rights</p> <ul style="list-style-type: none"> <li>• Need PROOF to take back land to the Crown; not a time period</li> <li>• There should be an ombudsman to review failed section 36 claims</li> </ul>   |
| <p>Concern that the eastern region was omitted totally from this public consultation process. There are people who should be here, but they know nothing about this process</p>   |
| <p>Need consistency within the <i>Act</i></p>   |
| <p>If there was a jurisdictional review done it should be made public</p>   |
| <p>Land is multiple land use wherever possible. Special land areas are very limited. Need early involvement with stakeholders</p>   |
| <p>Forestry roads kept open, maintenance paid for by government, to allow access to the back country</p>  |
| <p>Section 10 3 to 10 4.....discrepancy. One says application the second should say extension</p>   |
| <p>With regards to special management areas - take Agricultural Development Areas - have agricultural branch be sole authority</p>  |
| <p>Difficult for organizations to challenge in court (costly)</p>   |
| <p>5 year limit of liability. There are still problems beyond this, this should be fixed</p>  |
| <p>Land owners should be compensated for use of their land with regards to new zoning areas, watershed boundaries, etc</p>  |
| <p>Former Crown lands directors, managers, ADMs should be on a committee to provide advice to the Review Committee</p>  |

# Key Stakeholder

---

## Demographics

| Today I am here representing...    |             |           |
|------------------------------------|-------------|-----------|
|                                    | Per cent    | Count     |
| Agriculture/Aquaculture            | 16.67%      | 3         |
| Forestry/Mining/Oil and Gas Sector | 11.11%      | 2         |
| Environmental Group                | 5.56%       | 1         |
| Municipal Government               | 11.11%      | 2         |
| General Public                     | 0.00%       | 0         |
| Tourism                            | 11.11%      | 2         |
| Land Developers                    | 0.00%       | 0         |
| Business Community                 | 0.00%       | 0         |
| Legal Profession                   | 0.00%       | 0         |
| Other                              | 44.44%      | 8         |
| <b>Total</b>                       | <b>100%</b> | <b>18</b> |

## Topic 1: Obtaining Crown lands

### Polling Question

| My familiarity with the process for applying for Crown lands is... |             |           |
|--|-------------|-----------|
|  | Per cent    | Count     |
| Very Weak  | 0.00%       | 0         |
| Weak   | 5.88%       | 1         |
| Neither Weak nor Strong  | 35.29%      | 6         |
| Strong   | 35.29%      | 6         |
| Very Strong  | 23.53%      | 4         |
| <b>Total</b>   | <b>100%</b> | <b>17</b> |

### Discussion Question

How can the process for obtaining Crown lands be improved?

## Participant Responses

### Mandatory land registration

- Multiple registries exist so we need to group them together
- Better identity needs to be made what is private vs public
- There should be mandatory registration on all land i.e. easement, Crown lands, private land etc

### Simplify the application process

- Create an online system for obtaining Crown lands
- Why send out application for referral if it's not going to be approved in the first place
- All referrals should become paperless
- Digital submission should be done
- For applications that the government is making, the survey should be a part of the basic requirements for the application because they will have to make it anyways; it would be easier and faster to make it all as part of the required initial requirements for the application
- All of the information should be upfront
- Documents need to be sent out electronically
- Referrals have information that repeats itself when it enters the approval process with government

### Work closer with municipalities

- If municipalities have all the checks down for a part of land, it should be a priority for approval
- Make the municipality as part of the referral process for places outside of St. John's. The municipalities don't meet often

### Better communication to the public on Crown lands

- More online presence for the registry
- More up to date information
- Digital mapping is available, but it's not online

### Different requirements for different applications

- Should be a triage with Crown lands requests
- Should be a special process for a standard application for government processes where there is a lot of government money invested
- The process needs to be consistent, but it needs to be suited depending on what they are dealing with and what the application is so it is more appropriate towards the survey being reviewed

### Implement and enforce processing timelines

- Should be given 30 days for approval. If it goes over 30 days, moves on to next step

### Staff

- More experience with staff
- Very slow turn around, it can be difficult to get requests processed
- Performance reviews are based on numbers of surveys they review, so they will avoid reviewing long surveys, the performance review process should be different
- Should be different groups to deal with different forms of applications because the process is so slow and the process can be more specific depending on what the application is dealing with
- Have more employees working on the obtaining of Crown lands; have them more dispersed regionally
- Lack of consistency in policy, it can be very confusing for people because there are

|  |
|--|
| different regional officers so people in different areas are being told different information  |
| Better communication within Government <ul style="list-style-type: none"> <li>Little communication between departments, needs to be more inter-governmental work</li> </ul>  |
| The Crown doesn't have a solid definition to explain what Crown lands is   |
| Integrated land use plan so that industry and government departments are not fighting over land  |
| Have shared databases  |
| Crown land staff should be attending these sessions and more public consultations should be done often   |
| Make equal access to apply for Crown lands   |
| No issues with the process   |
| Many parcels are improperly implanted on the map   |
| It would be easier if they would look at other forms of applications as valid; they will not process something unless they have the original copy, making the process longer |
| Universal standards need to be set   |
| Do a review of what other provinces are doing and use best practices   |

## Topic 2: Squatters Rights

### Polling Question

My familiarity with “squatters rights” is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 5.56%       | 1         |
| Weak                    | 11.11%      | 2         |
| Neither Weak nor Strong | 22.22%      | 4         |
| Strong                  | 33.33%      | 6         |
| Very Strong             | 27.78%      | 5         |
| <b>Total</b>            | <b>100%</b> | <b>18</b> |

### Discussion Question

What would be a reasonable approach for government to take with respect to “squatters rights” on Crown lands?

### Participant Responses

Issues with the current legislation/process

- Anyone who can fill out an affidavit is gone so the individual can't prove that they owned the land. So the *Act* should be changed, the time period should be changed

|   |
|---|
| <p><b>Remove Squatters Rights</b></p> <ul style="list-style-type: none"> <li>• Eliminate the squatters' right, but give them a couple of years to register land</li> <li>• Give people a year to claim their land, then eliminate squatter's right and have people lose their land</li> <li>• Definitively end the squatter's rights for Crown lands</li> <li>• The <i>Act</i> should be taken out. No more squatters right and put in a set of rules so that land can be managed appropriately</li> <li>• A set time period should be put out to the public to claim and prove their land and if not all rights will be lost</li> <li>• Give the public 10 years to put claim to their land</li> </ul>   |
| <p><b>Keep Squatters Rights</b></p> <ul style="list-style-type: none"> <li>• Agree with the statute of limitation <i>Act</i> for a period of 10 years from 57-97</li> <li>• Restart the clock to respect the equity that people have in property</li> <li>• Should be grandfathered piece</li> <li>• Should be a protection of the traditional rights of way in the <i>Lands Act</i></li> <li>• It is important to have a very strict process to claim squatters' land so people are not land grabbing</li> <li>• If people do not have the correct legal documents, then the squatter's right is void</li> <li>• Property tax would resolve outstanding claims</li> <li>• Establishing Crown lands should not be easy because people are trying to take advantage of the system and claim that they own land that they are not paying property tax on the land</li> <li>• Establishing criteria to prove that they own the land</li> </ul> |
| <p><b>Mandatory Land Registration</b></p> <ul style="list-style-type: none"> <li>• Should be mandatory registration for land. It makes it difficult to trace who owns what land, especially in rural NL, when legally land is not registered under their name.</li> <li>• Mandatory registration would help alleviate squatters rights</li> <li>• People must be required to register lands, regardless of having it surveyed or not</li> <li>• Even if land is passed down, the person it is being passed down to must also register the land</li> </ul>   |
| <p>Doesn't agree with the statute of limitations</p>  |
| <p>Minister should have no intervention i.e. no political intervention - same rules should be applied to all individuals</p>  |
| <p>Designated agriculture land should be identified by the government and put as a top priority to protect and use for agriculture</p>  |

### Topic 3: Shoreline Reservations

#### Polling Question

My familiarity with shoreline reservations is...

|           | Per cent | Count |
|-----------|----------|-------|
| Very Weak | 12.50%   | 2     |
| Weak      | 6.25%    | 1     |

|                         |             |           |
|-------------------------|-------------|-----------|
| Neither Weak nor Strong | 37.50%      | 6         |
| Strong                  | 25.00%      | 4         |
| Very Strong             | 18.75%      | 3         |
| <b>Total</b>            | <b>100%</b> | <b>16</b> |

## Discussion Question

Are there changes you would or would not suggest with respect to Section 7 on shoreline reservations?

| Participant Responses  |
|--|
| <p>Reservation Area</p> <ul style="list-style-type: none"> <li>• With the amount of erosion there is with the land on the shoreline, coastal erosion zones should be expanded beyond 15 meters</li> <li>• It should be changed to 30 or 40 meters, 15 meters is not enough</li> <li>• Coastlines should have a wider buffer due to climate change, erosion, etc</li> <li>• Public access should be on walkable land, because so many areas for shorelines are not accessible due to flood zones, erosion, etc</li> <li>• Consider that the shoreline is always receding</li> <li>• Trees and vegetation should not be disturbed within 15 meters</li> <li>• The Reservation should start at an appropriate levelness to allow pedestrian access</li> <li>• All measurements of land and shoreline should be done by GPS and other advanced technologies rather than "by the stars" or by landmarks</li> <li>• Expand it and make public access to the coastline mandatory</li> <li>• 20 meters buffer zone should be on all fresh water i.e. rivers</li> </ul> |
| <p>Better communication with the public on Shoreline Reservations</p> <ul style="list-style-type: none"> <li>• There needs to be an awareness campaign</li> <li>• The public needs to be made aware of the shoreline reservation so that they know that every shore is available to the public and a lot of cabins or private properties cannot be so close to the water's edge</li> <li>• Privately owned coastline land should be put online so that the public are aware</li> <li>• Plot on a provincial map the coastline where plots are privately owned</li> </ul>   |
| <p>Enforcement</p> <ul style="list-style-type: none"> <li>• More enforcement staff hired</li> <li>• Enforcement should be better managed and make the cost of infraction high as a deterrent</li> <li>• More restrictions and rules should be put in place to give Crown lands the ability to Act on</li> </ul>  |
| <p>The application should go through a review by all departments if not already being done</p>   |
| <p>Difficult when people own private property right on the shore due to issues with danger</p>   |
| <p>Should be able to reclaim land on shorelines if the shoreline erodes</p>  |
| <p>Shoreline reservation should absolutely be kept in the Act</p>  |
| <p>In our harbour areas and traditional areas give rights to marinas however, there should be allowable access to the public.</p>  |
| <p>Ensure water quality is protected.</p>  |

|  |
|--|
| Do not privatize shoreline properties that are under the shoreline reservations <i>Act</i> , as the public should have access to the shoreline |
| Buildings should be able to be put into place by government on shorelines, such as water treatment facilities                                  |
| The license for occupying on a shoreline reservation should be as easy to obtain as the title of a property on the reservation                 |
| When the rules are made there should be no political involvement to abolish any rules  |

## Topic 4: Unauthorized occupation/possession of Crown lands

### Polling Questions

My familiarity with how government can legally deal with persons who occupy/possess Crown lands without the right to do so is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 5.88%    | 1     |
| Weak                    | 5.88%    | 1     |
| Neither Weak nor Strong | 64.71%   | 11    |
| Strong                  | 23.53%   | 4     |
| Very Strong             | 0.00%    | 0     |
| Total                   | 100%     | 17    |

### Discussion Question

Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?

| Participant Responses  |
|--|
| <p>Alternatives/Changes needed</p> <ul style="list-style-type: none"> <li>• Fines are too weak, they need to be excessive</li> <li>• Need to make fines realistic for people to pay</li> <li>• Illegal occupiers should be charged with the fines, costs, and repairs for restoring the Crown lands the way they were before the occupiers arrived</li> <li>• No current legislation protecting the East Coast Trail. There should be legislation</li> <li>• Government has turned a blind eye for people who have unregistered land; it is better to have a clean start and help people who have property in these areas resettle</li> <li>• Regulations are too weak to be enforced effectively</li> <li>• Need more manpower to enforce the rules and ensure all politicians are removed from the process</li> <li>• Value of the land should be appreciated</li> <li>• Why should the government have to go seek a court order? Shouldn't the legislation</li> </ul> |

|   |
|---|
| support them?   |
| <p>Enforcement</p> <ul style="list-style-type: none"> <li>• ATV trails need to be better maintained, need to be inspections</li> <li>• Better enforcement for remote locations</li> <li>• Needs to be policed in an efficient manner. New software should be invested in.</li> <li>• Staffing is an issue, there is not enough people who are regulating Crown lands, are examining how they are being used</li> <li>• The problem is not necessarily the legislation, it is the lack of the enforcement</li> </ul> |
| <p>Better communication to the public on unauthorized occupation/possession of Crown lands</p> <ul style="list-style-type: none"> <li>• There should be a lot of advertisement of the rules at town halls, post office, other public areas - not just at Crown lands office</li> </ul>  |
| <p>Work closer with municipalities</p> <ul style="list-style-type: none"> <li>• Councils should be informed of what their rights are on Crown lands</li> <li>• Have municipalities have a hand in policing with Crown lands issues</li> <li>• Lack of knowledge in towns; should be better informed so that they can enforce rules and regulations</li> <li>• Should not be a municipality issue</li> </ul>   |
| <p>Remove political interference</p> <ul style="list-style-type: none"> <li>• Political interference makes the process slower for other individuals because when a member of the public approaches their MHA then other applications are moved to the bottom of the pile as the person who approached their MHA becomes a priority</li> <li>• No political involvement. The only person who can change rules when they are made is a judge!</li> </ul>  |

## Topic 5: Other parts of the Act

### Polling question

My familiarity with other parts of the Act is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 6.67%       | 1         |
| Weak                    | 13.33%      | 2         |
| Neither Weak nor Strong | 40.00%      | 6         |
| Strong                  | 33.33%      | 5         |
| Very Strong             | 6.67%       | 1         |
| <b>Total</b>            | <b>100%</b> | <b>15</b> |

### Discussion Question

Is there anything else you would like to add to today's discussion?

### Participant Responses



|  |
|--|
| <p>Abandoned Lands</p> <ul style="list-style-type: none"> <li>• Under the "abandoned lands" it says at least twenty years, it should be changed because there are lands that are said to be used for agriculture but currently no one is using it and other agriculture areas need that land</li> <li>• How to deal with abandoned lands when people are interested in purchase</li> <li>• Abandoned Lands - Take out the part "in the province"</li> </ul>  |
| <p>Surveys</p> <ul style="list-style-type: none"> <li>• Surveys need to be accepted digitally, a lot of the processes could be more efficient</li> <li>• Access guaranteed on all lands in the province for the purpose of carrying out surveying to maintain and expand the determination of boundaries and also demarcation</li> <li>• Appointment of a surveyor general, only province without one, they oversee the actions of the Crown lands <i>Act</i> and surveyors</li> </ul>   |
| <p>East Coast Trail</p> <ul style="list-style-type: none"> <li>• Needs to be protected under Reserve Land</li> <li>• Would like to determine what use can be made of the East Coast Trail</li> <li>• Long term lease and license to occupy should have all the rights of ownership. E.g. East Coast Trail cannot prohibit motorized vehicles on the trail because they do not own the land</li> </ul>  |
| <p>Lease vs. Grant</p> <ul style="list-style-type: none"> <li>• NL Outfitters are not permitted to own land; they can only get long term lease. Should have all the rights and privileges to owning land as land owners do. Can't use equity on structure to raise money because they do not own land</li> <li>• Review policy to let business owners own land so that they can use equity</li> <li>• Individuals can own Crown lands and raise equity on their property, but business can't... policy needs to be changed to be treated like an individual</li> </ul> |
| <p>Municipalities must provide a detailed plan of what they plan to do with land they're interested in if they want to purchase land from Crown</p>  |
| <p>Do not put anything in the <i>Act</i> that precludes regional government / planning committees, rather place things in the <i>Act</i> that possibly presumes rationality</p>  |
| <p>Lands that fall under agriculture land should be changed to a "use it or lose it" type of idea, they need to make sure that they are using the majority of the land they have ownership over and it should not be as long as 20 years</p>   |
| <p>Regional government should be heavily considered</p>  |
| <p>Mandatory registration and coordination of registries</p>   |
| <p>Crown lands management group should be put in place</p>   |
| <p>If a person has a piece of land and does not pay into it, Crown lands should <i>redact</i> any sort of claim and take it</p>  |
| <p>Lands should have some sort of expectation for development. Speculative offers should be looked into</p>  |
| <p>The opportunity to have more public speaking events such as this</p>  |
| <p>Crown lands application process- have/ provide access to the Crown lands Registry database to public or other government departments including Hydro- similar to the CADO system</p>  |

# Written Submissions

---

## Topic 1: Obtaining Crown lands

### Responses Received

#### Mandatory Land Registration

- Include private lands
- Need to combine registry's (Crown land Registry, Registry of Deeds, Supreme Court Registry)
- Land which has been sold numerous times still may not be registered with the Province
- Need a better way to establish who owns the land, surveys if land etc. Extremely difficult to find out land ownership when need be, land registration must be mandatory. Hard to tell public land boundaries from Crown land boundaries
- All Crown lands should be required to be registered in the Registry of Deeds
- Implement a complete, integrated and electronic registry of lands and a technical mapping program for the province. Make this a priority role for Crown lands Division and ensure human resources are assigned accordingly

#### Simplify the application process

- Application process has bottle necks that must be eliminated, staff positions left unfilled, large Crown applications left unprocessed for years (5+)
- Eliminate duplication within the referral process (e.g. to agencies that were already referred to by the town council in preparation of the Municipal Referral Form)
- Implement and enforce processing timelines (e.g. for referrals)
- Referrals are doubled. Town has development plan approved why do it again
- Online fillable pdf documents
- Need a fully computerized administration system
- Too many government department approvals required
- Crown lands needs to better screen applications so that proposals for areas where they won't be approved are not sent out for referral
- The requirements for a sewage disposal system designed by a certified designer are not realistic for backwoods or remote locations
- Immediately implement a triage system to sort incoming applications by category and applicant. At a minimum, ensure municipalities with development control authority receive fast tracked consideration

#### Agriculture

- Agricultural land should be granted. Banks don't loan out on leased land
- 50 acres is not enough to start a viable farm
- Upon approval of the land application, the farmer is given the immediate option of a grant for the area of land one hectare upon which to build his farm headquarters, residence, barns, out buildings, corrals, well septic, etc. Following that the farmer can make percentage applications for ownership as the land is developed and put into production.
- Land zoned for agriculture when it goes back to the Crown should stay as agricultural land
- Once zoned for agriculture Crown lands should no longer be involved
- Applicants considering part time and full time farming operations have priority

#### Fees

- Payment plan for fees
- Too much money up front

#### Government needs to identify what are Crown lands

- Without proper inventory public access to Crown lands in communities is not completely fair and equal

#### Update Maps

- Mapping needs to be improved
- Need updated Crown lands GIS system
- Commission the creation of updated maps of every municipality in the province that clearly defines the boundaries of Crown lands within each municipality

#### Work closer with Municipalities

- Keep Municipal Referral Forms
- Lack of compensation for municipal staff for processing the Municipal Referral Forms
- Municipalities should have the first right of refusal in relation to Crown lands applications
- Transfer Crown lands within municipal boundaries over to the municipalities
- Larger communities should be granted authority to develop town
- Sections of the *Act* must be structured for municipalities that have municipal plans. We must have the authority to control the lands within our municipal planning area
- Why is the Municipal Integrated Sustainability Plan not sufficient as the approval process for small parcels of land?
- Crown lands within the town only has recommendation status in the sale of the land
- In order for Crown lands to be sold for development it must have access to a service road. If a Crown lands purchase request is submitted and not on a service road Council has to deny the request
- Updates of grants of new properties should be promptly provided to the Municipal Assessment Agency by the Lands Division with adequate information to update the assessment roles
- Tracking of referrals over time for applications for Crown lands should be a municipal responsibility
- Crown lands mapping system should be available for the municipality to view online
- Crown lands grants, leases, etc. are not provided to the town in a format that can be incorporated on to the mapping system
- The town should be provided the opportunity to provide input into the changes that are finally recommended for the *Lands Act*.
- The town observes that applications for Crown lands can take many, many months if not years to find their way through the provincial system
- Communications with municipalities needs to be enhanced
- Municipalities should not have to pay fair market value. Pay as you go plan?
- Needs flexibility to allow for municipal-private sector partnerships that would see land development
- Applicants should apply to Crown lands first with letter of support from the Municipality and that land only be made available for acquisition pending the applicant obtains the appropriate permits for their intended development.
- Crown is more interested in selling land where as town is interested in developing land
- Ensure changes with this review anticipate future municipal sector developments in the next 10-120 years, especially the move to regional government and regionalized service delivery models

#### Better communication to the public on Crown lands

- Provide public access to the Lands Atlas

|   |
|---|
| <ul style="list-style-type: none"> <li>• Public notification of changes pending</li> <li>• Crown lands better communicate the process involving municipal referral forms to the applicant</li> <li>• More information provided at front counter</li> <li>• Online mapping showing various layers of government involvement (i.e. frozen areas, areas of special significance)</li> </ul>  |
| <b>Regulations</b> <ul style="list-style-type: none"> <li>• Establishment of regulations clearly establishing the policies and procedures for acquiring Crown lands</li> </ul>  |
| <b>Staff</b> <ul style="list-style-type: none"> <li>• Government officials need to be qualified for making decisions</li> <li>• More counter staff</li> <li>• Crown lands staff need to conduct field investigations</li> <li>• Need more staff (e.g. in other referral depts. as well)</li> <li>• Need better trained staff who knows the regions</li> <li>• Realistically examine the inadequacy of the Crown lands staffing levels relative to levels of service needed to meet the existing demand for mandated administration, technical review and enforcement</li> </ul> |
| <b>Enforcement</b> <ul style="list-style-type: none"> <li>• No follow up is conducted to ensure compliance, even once complaints are received</li> <li>• Reversion of Crown lands if the development for the specific purposes is not adhered to within strict timeframes (i.e. two years after the issuance for a grant).</li> <li>• No enforcement of lease agreements. No action from the Crown</li> <li>• Field investigation never done</li> </ul>   |
| <b>Do not hand Crown lands over to municipalities</b> <ul style="list-style-type: none"> <li>• No further devolution of Crown lands to municipalities. Overall control of these lands must remain with the province</li> </ul>  |
| <b>Land Gazette partnership promoted</b>  |
| <b>Have professional planners involved in the review of Crown lands applications</b>  |
| <b>Process is straightforward and appropriate</b>   |
| <b>Comprehensive land use plan developed to expedite referral process</b>   |
| <b>Crown lands staff should be at the consultation sessions to listen to people's concerns</b>  |
| <b>Require that applicants must complete significant enhancements to the land as a condition of keeping title</b>   |
| <b>Review how Crown lands are sold and to consider land transfer options not currently available, such as long term leasing and lease to buy options</b>  |
| <b>Extend the maximum length of tenures that are granted on Crown lands for cabins</b>  |
| <b>To establish a provincial land use advisory council with legislative empowerment which would consist of members from all major land use stakeholders to mediate land use grievances and advise the minister on Land Use Planning especially Crown lands</b>  |

## Topic 2: Squatters Rights

### Responses Received

#### Keep Squatters Rights

- Change time period
  - Restart the clock to respect the equity people have in real property
  - Look at the limitations period

|  |
|--|
| <ul style="list-style-type: none"> <li>○ 40 years – similar to laws associated with private lands</li> <li>○ 20 years should be a minimum requirement</li> <li>○ Should not be shortened. Crown lands are a public trust and should not be given up without proof from at least 20 year time period</li> <li>○ 20 year period should be progressing versus stuck in history</li> <li>○ Impose a limitations period. E.g. 20 or 40 years or amend the <i>Lands Act</i> vesting good title for dispossession for a period of 20 years prior to 1996</li> <li>○ Time period must be updated (77-97) or 30 year period 67-97</li> <li>○ Amend to January 1, 1977 to current</li> <li>○ After 30 years of uninterrupted occupation should be able to come in and apply for a grant</li> </ul> <ul style="list-style-type: none"> <li>• Proof <ul style="list-style-type: none"> <li>○ Consider how the neighbours view the property</li> <li>○ Consider who is paying taxes on the property and the duration of taxation</li> <li>○ Eliminate the 57-77 clause and take into account other mitigating factors (e.g. old wills, affidavits of possession, evidence of land clearing, fences, rock walls, other boundary markers, absence of adverse claims)</li> <li>○ Other methods need to be considered. E.g. hire a research company comprised of a historian, archeologist and an expert in NL land use</li> <li>○ Usage must be specifically defined</li> </ul> </li> <li>• If can establish ownership and use of property over a period of time then they should be granted the land. 57-77 is purely arbitrary</li> <li>• The current legislation recognizes that it should never be easy to dispossess the Crown of provincial land</li> <li>• Crown lands also must develop a more streamlined procedure for “Letters of no interest” more expedited process for requests for such letters from law firms and lawyers</li> </ul> |
| <p>Remove Squatters rights</p> <ul style="list-style-type: none"> <li>• Government holds Crown lands as a public trust and should not make claiming squatters rights easier</li> <li>• Give a time period in which they can establish claim to property</li> <li>• Hold the line on the sun-setting of Squatters rights/adverse possession</li> </ul>  |
| <p>Affidavits are getting harder to achieve, age relocation resettlement</p>   |
| <p>Mandatory land registration</p>   |
| <p>Lack of clarity i.e. agricultural. Does it mean only the gardens around the homestead or can it apply to land in the immediate area that was used to sustain the household through cattle grazing, woodcutting</p>  |
| <p>Municipality needs control on any extensions to properties – Crown lands should give town first priority within town limits</p>   |
| <p>Sustainability of the East Coast trail. Adverse possession must not be easier to prove/lay claim to the land</p>  |

### Topic 3: Shoreline Reservations

#### Responses Received

##### Reservation Area

- Larger reservation area where local conditions warrant (e.g. 30m)
- Brian Butt MA research paper concluded that *Lands Act* is inadequate width to create a protective zone for trail along the coastline

- Need to consider coastal erosion
- Coastline reservation should be dealt with in a separate section of the *Act* separate from streams and ponds
- Buffer zones should be on walkable land and larger than 15m if needed
- Increase the size of the reservation along the coast in residential development areas
- 15m is an insufficient buffer to permit public access to the coast. Should reach walkable land and be increased to 30 m to allow for erosion
- 20m maintained on waterways for all Crown lands applications
- Buffer zone on coastal areas should be 50m from high-water mark
- Public access to shoreline must be maintained with 15m reservation retained
- Reservations should be larger – 20M freshwater and larger for coastline 50m

#### Enforcement

- Some land owners and developers are ignoring the 15m reservation. Need statutory protection of traditional right of ways
- Better monitoring and enforcement program as well as a requirement for remediation when buffer zones are destroyed
- If you can't enforce the rule why have it
- Need to be proactive not reactive
- Need a dedicated inspection service

#### Work closer with municipalities

- Section 7(2)(c) should be removed from the legislation where municipalities have an approved municipal plan in place
- Municipality must be part of the process. Municipality can make reservation larger

#### Definitions

- Different interpretation of how measured
- Need to define what guidelines as water body

#### Protection

- The shoreline reservation plays a key role not just in protecting the environment but also in protecting landowners and this should be better reflected in the *Act*
- Consideration should be given to making the coastline reservation into a Public Reserve under Section 8 of the *Act* to ensure its long-term protection
- Need to protect the East Coast Trail. Consider the welfare of the seabirds and shorebirds. World Class tourist destination
- The trails, both coastal and inland should have protective buffers too
- Some form of statutory protection is due to traditional paths and trails throughout the province
- The residents of NL have the absolute right to travel the shoreline reservations. Every application to apply for a grant, lease or licence in the shoreline reservation must be thoroughly inspected by Crown lands division to ensure it doesn't infringe on our citizens rights
- Shoreline reservations need to be preserved, enforced and where possible expanded to maintain public access and address climate change related changes (erosion, flooding) in coastal areas

#### Better communication to public on Shoreline Reservations

- Broad public awareness program to make people aware of their responsibilities
- Other ways to notify the public – social media – websites

#### Authority

- Regional/local approval should be sufficient why go through so many hands

|  |
|--|
| <ul style="list-style-type: none"> <li>Eliminate need for Cabinet approval. Revert to application process similar to other Crown land applications</li> </ul>  |
| Public notification should be maintained   |
| Object to any legislative change that would restrict access to the coast or make it easier to put coastal Crown Land in private ownership  |
| Provide for eternal continuous access on existing Crown lands reservations while also allowing for equity investment   |
| Major loss of marine infrastructure is being experienced with private investment required where the federal and provincial governments are pulling back. Investors must realize interested in real property along the shoreline while allowing right-of-way egress to the public, subject to an easement |
| Amend the <i>Act</i> to expedite the process (e.g. for private wharves)  |
| Should be increased residential development  |

#### Topic 4: Unauthorized occupation/possession of Crown lands

| Responses Received   |
|--|
| <p>Alternatives/Changes needed</p> <ul style="list-style-type: none"> <li>Cabin owners should be identified and asked if they would be willing to complete the Licence to Occupy with proper fees and fines</li> <li>Better management of Crown lands – inventory, checkups on development, address issues brought forward by often natural resource agencies, less red tape to <i>Act</i>.</li> <li>Give lands staff authority to issue ticket for violations (retain rights to fight the offence). This would lessen court time and costs</li> <li>Beef up violations and fines</li> <li>Stop order should be done by Crown lands immediately instead of needing a court order</li> <li>Section 32 should be abolished. Six months is not enough notice for those who travel and are only home every six months.</li> <li>Section 32 – powers of enforcement should be increased. The word may should be changed to shall</li> <li>Illegal occupation should not have right to buy land first</li> </ul> |
| <p>Enforcement</p> <ul style="list-style-type: none"> <li>Not enough resources to enforce</li> <li>Passive monitoring of areas through imagery, aerial and satellite</li> <li>More enforcement officers and a better coordination with other divisions and other provincial government departments</li> <li>Effective enforcement, especially regarding illegal buildings and camps. Not enough enforcement. There could be close to 40-50 illegal cabins inside the ripple pond reserve in the Avalon Forest ecoregion. A few may have been posted as per above but none have been removed. The entire ecological reserve has been compromised in fact because of ATV access, cutting, etc. and the unmitigated illegal cabin proliferation</li> </ul>  |
| <p>Better communication to the public on unauthorized occupation/possession of Crown lands</p> <ul style="list-style-type: none"> <li>Advertisement of rules at town halls, post office, government departments</li> <li>Public awareness program to make people aware of their responsibilities</li> </ul>  |

## Topic 5: Other

| Responses Received   |
|--|
| <b>Mandatory Land Registration</b> <ul style="list-style-type: none"><li>• Mandatory registration of all real property transactions</li><li>• Coordination of the multiple registries</li></ul>  |
| <b>Surveys</b> <ul style="list-style-type: none"><li>• Access guaranteed for land surveyors</li><li>• Appointment of a surveyor general to oversee the actions of land surveyors undertaking work for the Crown</li></ul>  |
| <b>Walking trails</b> <ul style="list-style-type: none"><li>• Statutory protection for traditional trails</li><li>• East coast trail should be designated as a special management area under section 57</li><li>• Increasing to 50m so the margin on each side protecting the East Coast Trail. Enforcing resolutely the protection of that margin; far beyond the mere 'encouragement' now in the plan for non-Crown land. Protecting Martin's Rock/Point and the Fisherman's Centre currently on it. Freeze development in these areas</li><li>• Trails such as east coast trail need to be legislatively protected and access not blocked without cause</li><li>• Any grant or transfer of Crown lands MUST recognize the existing East Coast Trail</li><li>• Lands Act be amended to include a clause that existing coastal hiking trails be recognized, and in particular, but not limited to, lands recognized under existing East Coast Trail Association Licences to Occupy</li><li>• Should be a question on any application form that specifically, and under oath, requires the applicant to disclose if the intended property contains an existing hiking trail</li></ul>        |
| <b>Protection and Conservation</b> <ul style="list-style-type: none"><li>• Recognize that the Lands Act makes an important contribution in building sustainable communities and that Crown lands should be protected as a valuable and limited provincial resource</li><li>• The coastal undeveloped land now zoned rural be turned to either conservation or better park land. Specifically the Beamer in Flat Rock</li><li>• Under no circumstances should a developer be allowed to bulldoze land to the edge of a waterway, put material into a pond for beach development or permanently remove treed riparian zones</li><li>• Better regulation/enforcement of site rehabilitation for Crown lands developments including tree planting areas back to native species</li><li>• Ensure the Lieutenant Governor in Council is empowered to control activities on certain areas of Crown lands for the purposes of conserving nature or more specifically for the purposes of creating buffer zones around parks/World Heritage Sites to ensure their values are protected in the long term.</li><li>• Creation and management of a buffer zone around Gros Morne National Park</li></ul> |
| <b>Provincial land use plan</b> <ul style="list-style-type: none"><li>• Create a sustainable and coordinated planning framework including regulations</li><li>• There should be a refocus on integrated land use planning</li><li>• Areas that are unique, critical to animal or plant species, especially larger relatively pristine areas, should be preserved. Protect agricultural land then, protect productive forest lands, then mineral, recreational and urban use</li></ul>  |
| <b>Trappers policy</b> <ul style="list-style-type: none"><li>• Neither consistent overall policy nor clearly established guidelines for trapper cabin</li></ul>  |



administration. Variance in administration applied by regional offices. Unfair annual cost for permits, the main cabin and all tilts on the trap line should be considered under one licence to occupy fee

- Currently use a minimal annual fur production value as the deciding criterion for guidelines which help ensure that trapping cabin privileges are not abused
- Need appeals process (e.g. for trappers issues). A working group between the wildlife division and the Lands Division on these issues
- Need a trap line cabin policy. Should be a licence or lease or fee for cabins built prior to Sept 1, 1980

#### Cottage lots

- Stronger legislated processes for assessing potential environmental impacts of cottage developments
- Review of Crown lands planning program to guide cottage development and to determine the carrying capacity of a water body under current conditions
- Cabin development needs long term planning and consultation. Carrying capacity impact areas does not seemed to base on a formula that protects water quality, forest health and overall ecosystem functioning
- Any new cabin development areas are fire smart communities that guide development to minimize risk
- Cabin development areas should have a condition upon purchase that potential owners agree that resource development including forestry will continue to occur within the development region
- Clearly stated principle in the new *Lands Act* should be that cottage development will be secondary to the primary goal of conserving and protecting sensitive landscapes, water resources, fish and wildlife
- The new *Lands Act* institute a planning and public engagement process for the development of cottage management plans

#### Work closer with municipalities

- Municipalities to have authority over all Crown lands within their boundaries and have some say on areas close to boundaries for future development
- The town needs the right to develop their community as they see fit and no land sales unless developed
- Towns can pay Crown lands fair market value after the land has been sold as determined by the Province
- All permits to be issued by the nearest town and fees collected.
- Caution should be taken in giving municipalities rights to Crown lands within their boundaries
- Section 9 - Free grants should be amended to include land for municipal roads and municipal infrastructure. Land currently identified as road reserves should be transferred to the municipalities in which they are located free of charge Section 9 should include all land within a municipality
- Section 53 and 54 should be looked at with a view to adding municipalities

#### Public Protected Water Supply Area

- Crown lands should have more control here
- There are improper bridges over these areas and other areas of Crown lands
- Nalcor – has unrestricted access and occupation (probably under Section 5-Easement)

#### Improve decision making capacity

Economic valuation of lands should account for ecological functioning, oxygen product/carbon sequestration, regulation of water quality and flow, and habitat provisions

|  |
|--|
| There needs to be better compliance to ensure that land proposals are developed for the specific application put forward and with what timeframe to develop                                    |
| Any application for road development must have road construction guidelines for development of a road. Especially roads approved to cross sensitive areas such as bogs                         |
| More Agricultural Leases   |
| Maintain section 2.1 regarding Labrador Inuit rights   |
| Don't allow people or organizations to apply for overly large pieces of land or multiple pieces of land...buying on spec ties up too much of our rare land                                     |
| Section 21 - Requirement of two ministers is duplication. Should be only one   |
| Crown lands are in the Real Estate business, they are selling Public lands "Cottage lots" for 30,000 back to the people that own it  |
| Amend the <i>Act</i> so that when a road is relocated, the section of the road no longer in use reverts back to the Crown. Currently an abandoned section of road is lost between departments. |

# Online Submissions

---

## Demographics

Today I am here representing...

|                                    | Per cent    | Count     |
|------------------------------------|-------------|-----------|
| Agriculture/Aquaculture            | 5.3%        | 1         |
| Forestry/Mining/Oil and Gas Sector | 5.3%        | 1         |
| Environmental Group                | 10.5%       | 2         |
| Municipal Government               | 5.3%        | 1         |
| General Public                     | 52.6%       | 10        |
| Tourism                            | 0%          | 0         |
| Land Developers                    | 0%          | 0         |
| Business Community                 | 0%          | 0         |
| Legal Profession                   | 0%          | 0         |
| Other                              | 21.1%       | 4         |
| <b>Total</b>                       | <b>100%</b> | <b>21</b> |

## Topic 1: Obtaining Crown lands

### Polling Questions

My familiarity with the process for applying for Crown lands is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 15.00%      | 3         |
| Weak                    | 20.00%      | 4         |
| Neither Weak nor Strong | 40.00%      | 8         |
| Strong                  | 10.00%      | 2         |
| Very Strong             | 15.00%      | 3         |
| <b>Total</b>            | <b>100%</b> | <b>20</b> |

Have you ever applied for Crown lands?

|     | Per cent | Count |
|-----|----------|-------|
| Yes | 10.00%   | 2     |
| No  | 90.00%   | 18    |

| Total  | 100%            | 20           |
|--|-----------------|--------------|
| <b>Have you ever obtained Crown lands?</b>                         |                 |              |
|  | <b>Per cent</b> | <b>Count</b> |
| Yes  | 10.50%          | 2            |
| No   | 89.50%          | 17           |
| <b>Total</b>   | <b>100%</b>     | <b>19</b>    |
| <b>Do you have a...</b>  |                 |              |
|  | <b>Per cent</b> | <b>Count</b> |
| Lease  | 40.00%          | 2            |
| License to Occupy  | 00.00%          | 0            |
| Grant  | 00.00%          | 0            |
| other  | 60.00%          | 3            |
| <b>Total</b>   | <b>100%</b>     | <b>5</b>     |
| <b>Did you find the process for applying for Crown lands easy?</b> |                 |              |
|  | <b>Per cent</b> | <b>Count</b> |
| Yes  | 30.00%          | 3            |
| No   | 70.00%          | 7            |
| <b>Total</b>   | <b>100%</b>     | <b>10</b>    |

## Discussion Question

How can the process for obtaining Crown lands be improved?

### Participant Responses

Better coordination between Crown lands offices

- There needs to be better communications between the offices
- There is a need for Clerks to keep track of the surveys and the surveyors should not be doing this...they are busy enough

Mandatory Land Registration

- This should include Private and Crown lands. At the moment there are possibly five registry systems in the province. Right now there is a double standard with respect to land registration. Government controls both of the systems. Crown lands registration is mandatory private interests are not. Why??? This leads to unnecessary costs, time delays and possible legal repercussions that could otherwise be avoided
- Provide access to the digital Crown lands Registry that Crown lands has, similar to the Company and Deeds Online system for the Registry of Deeds

Staff

- Crown lands are terribly understaffed. Because of this applicants are waiting years to finalize the process. Over the years the employer has allowed the professional staff deteriorate and has not replaced them. The time frames have to be reduced and this can

be accomplished by hiring more staff and ensuring the staff in place have the knowledge to expedite applications quickly and efficiently

- The performance reviews for Crown lands surveyors or others whose job it is to review surveys should NOT be based on the number of surveys that they review in a year

#### Municipalities

- The cost to a municipality to obtain Crown lands and the cost of rezoning is too expensive for most communities. The purpose of our interest in Crown land is to expand our town boundary for future residential development
- The towns want to gain control over Crown lands. This would be a massive mistake
- There should NOT be a requirement for a municipality to approve a municipal recommendation form (MRF) prior to a Crown lands application being submitted

#### Simplify the application process

- There should be an online process for applying and processing the product. A paper copy should only be generated upon completion of the application and processing
- All product that the Crown is responsible for should be available on line. This would include Crown lands Surveys, Mapping, Aerial Photography, Horizontal and Vertical Survey Marker Information, Simple to use Computer Programs so that the owners of all this product (the people of NL) can utilize
- Referrals and reminders should be sent by e-mail
- Crown lands should accept digital survey from Surveyors

Land values should be based on when the lease was obtained and not current market values

#### Clearer rules and regulations

The maps for the referrals need to be improved. They should have a town or something on a larger map so as to allow the reviewers to reference it. If they are sent by e-mail a GIS shapefile or Google KML file should go along with it

Do not take back agricultural land for a highway, then give it a big box store development, AKA CBS!

Politicians need to be kept away from the process of application and processing of Crown lands. The rules that exist within the system need to be followed. Politicians tend to challenge and change this process. Usually all it takes is a phone call and suddenly an applicant who is somewhere in the pile is at the top of the pile and other applicants suffer the consequences. This has to stop. It doesn't happen in Health Care. It shouldn't happen here

Land use planning should occur before further lands are made available. This planning should identify lands that need to be preserved in an undeveloped state, those that could sustain low impact development, those that could be used for industry, etc

(1) The Central Avalon Forest needs to be maintained as a forest. Under the current legislation, it is in danger of disappearing into cottage lots

(2) All people should have access to and the option to walk along our coast line without having to worry about crossing "private, no trespassing" lands. Inappropriate development could negatively affect the East Coast Trail and other trails across the island

(3) Adequate buffer zones around our various protected areas (national parks, provincial parks, ecological reserves, etc.) should be developed as soon as possible

## Topic 2: Squatters Rights

### Polling Questions

#### My familiarity with “squatters rights” is...

|                         | Per cent | Count |
|-------------------------|----------|-------|
| Very Weak               | 17.65%   | 3     |
| Weak                    | 29.41%   | 5     |
| Neither Weak nor Strong | 47.06%   | 8     |
| Strong                  | 5.88%    | 1     |
| Very Strong             | 0.00%    | 0     |
| Total                   | 100%     |       |

#### Are you aware of anyone that has claimed or is claiming rights to Crown lands under “squatters rights”?

|       | Per cent | Count |
|-------|----------|-------|
| Yes   | 23.5%    | 4     |
| No    | 76.5%    | 13    |
| Total | 100%     | 17    |

### Discussion Question

What would be a reasonable approach for government to take with respect to “squatters rights” on Crown lands?

#### Responses Received

##### Keep Squatters Rights

- The Government holds Crown land as a public trust for provincial residents. Government should increase the occupancy time that needs to be proven in order for someone to have squatter's rights to a piece of Crown land in our province
- Right now the Statute of Limitations has a 10 year cutoff date. Why is Crown lands 20 years? This needs to be changed. These time limits were introduced in 1976. That was almost 40 years ago. It is virtually impossible for those going this route to find a person who can sign an affidavit confirming use of land in the time frames allotted. Most people are unaware that there are other means to identify the use of land such as aerial photography, wills, old mapping etc. The acquisition of Crown lands should be a simplified process
- Should be an allowance for utility companies to claims squatters rights for the lines and Access to the lines for upgrades, maintenance and repair

##### Remove Squatters Rights

- The idea should be discontinued. Too much time has elapsed for there to be reasonable claims. This aspect of Crown lands is making it VERY difficult to figure out land use and who owns land. It must be stopped. We cannot do any land use planning with the provision in place

|   |
|---|
| <ul style="list-style-type: none"> <li>Squatters rights should be extinguished as soon as possible</li> </ul> |
| Current section sounds reasonable   |
| Towns would not know how to deal with Section 36  |

### Topic 3: Shoreline Reservations

#### Polling Questions

My familiarity with shoreline reservations is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 5.56%       | 1         |
| Weak                    | 11.11%      | 2         |
| Neither Weak nor Strong | 50.00%      | 9         |
| Strong                  | 33.33%      | 6         |
| Very Strong             | 0.00%       | 0         |
| <b>Total</b>            | <b>100%</b> | <b>18</b> |

Have you ever applied for a Crown lands Grant/Lease or License under Section 7 regarding shoreline reservations?

|              | Per cent    | Count    |
|--------------|-------------|----------|
| Yes          | 5.56%       | 1        |
| No           | 94.44%      | 17       |
| <b>Total</b> | <b>100%</b> | <b>8</b> |

#### Discussion Question

Are there changes you would or would not suggest with respect to section 7 on shoreline reservations?

#### Participant Responses

Enforcement

- Everywhere you look you see infractions of various degree around the lakes, ponds, rivers, streams and shorelines of our province. Hence we come back to staffing issues again. Not enough people to protect the resource
- The contraventions should be tightened and those who contravene the legislation should be charged and made to restore the bugger to its natural state. Our waterways, wetlands and water bodies are suffering because of the lack of enforcement and the weak adherence to the legislation. Enforce the law! and don't give out free passes!

Reservation Area

- Make the reservations larger - scientific evidence indicates that such buffers need to be

|  |
|--|
| <p>wider to be environmentally relevant in keeping the ecosystem healthy</p> <ul style="list-style-type: none"> <li>• The Shoreline Reservation should be at least maintained and hopefully strengthened. This allows the owners of the resource, the people of NL, access to the abundant water resources that we have in this province</li> <li>• A more adequate reservation might be 15m from the top of the cliff (defined appropriately, of course). Again, some type of coastline planning should be initiated to identify those shorelines that should be preserved from industrial or commercial development and those that could be made available for development</li> <li>• With the deterioration due to corrosion of some shorelines the 15m reserve should be extended taking into account future erosion. This would keep future homes from danger of collapse or being washed away</li> <li>• A 15 m buffer is sufficient</li> <li>• A substantial shoreline buffer zone is essential for environmental protection. I've seen fill storage piles fail and travel up to 300m through forest and still end up in waterways</li> <li>• Increase the reservation to 30 or 40 m</li> </ul> |
| Make advertising discretionary. Application to occupy shoreline should be simultaneous with application for land adjacent to reservation   |
| Help should be given to the East Coast Trails to allow them to develop this land for their trails. I think the government should expropriate it's shorelines for the enjoyment of the people. Shorelines must be held for public good, as spaces for wild harvest of foods   |
| Make knowledge of Shoreline Reservations more public. Include such information whenever a permit for building in rural areas is granted. Widen the shoreline reservation for larger waterbodies  |
| Make advertising discretionary. Application to occupy shoreline should be simultaneous with application for land adjacent to reservation   |
| I would limit availability to industry. Aquatic habitats are so sensitive and need to be protected   |

## Topic 4: Unauthorized occupation/possession of Crown lands

### Polling Questions

**My familiarity with how government can legally deal with persons who occupy/possess Crown lands without the right to do so is...**

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 17.65%      | 3         |
| Weak                    | 29.41%      | 5         |
| Neither Weak nor Strong | 29.41%      | 5         |
| Strong                  | 23.53%      | 4         |
| Very Strong             | 0.00%       | 0         |
| <b>Total</b>            | <b>100%</b> | <b>17</b> |

**Have you known anyone that has occupied or possessed Crown lands without the right to do so?**

|     | Per cent | Count |
|-----|----------|-------|
| Yes | 35.29%   | 6     |



|              |             |           |
|--------------|-------------|-----------|
| No           | 64.71%      | 11        |
| <b>Total</b> | <b>100%</b> | <b>17</b> |

### Discussion Question

Are there other ways you would suggest government could effectively address the issue of person(s) who occupy or possess Crown lands without proper authorization or the right to do so?

#### Responses Received

##### Alternatives/Changes needed

- Increased penalties for violations and more strict enforcement of the laws would better deter offenders
- Officials of Departments who are in the field (i.e. Wildlife, Forestry) should be given authority to post structures occupying land in violation of the *Lands Act*. Action to deal with violations should not require authorization of minister
- Fine for illegal occupation should be made substantially higher than it presently is.
- Continue to charge those who contravene the legislation and make the perpetrators pay for the removal of illegal structures
- More staff should be hired to patrol every square inch of this province

##### Enforcement

- Exercise your rights and get people off the land...Crown lands does a terrible job of dealing with those that do not have title to Crown lands and they occupy it. The laws may be sufficient but they are not enforced. Should be dedicated staff who deal with these people and companies and a tough attitude towards them
- Government *Act* more swiftly, more decisively, and more assertively to address the unauthorized occupation of Crown lands
- Illegal occupation is illegal under all circumstances and should be dealt with appropriately. Enforcement is key. Enforcement must not be influenced by politics.
- The old saying "easier to seek forgiveness than permission" is alive and well when it comes to illegal occupation of Crown lands. The rules currently in place are not enforced unless it is a high profile incident. Politicians become involved and the illegal occupier is given a grant
- Staff do post illegal occupation but unfortunately that is as far as it goes. Shortage of staff also leads to large areas of land that are not visited by the proper authorities for months and possibly years. This is a huge province and as such because of hot spots, shortage of staff and available money this will be an ongoing problem

##### Land Use Planning

- Land use planning would be very useful. Crown land should be classified into lands that must be protected from all development, lands that would be appropriate for cottage development, areas that are appropriate for agriculture, etc. penalties might vary depending upon the level of protection envisioned for that land

For agricultural land, if a 'farmer' is not utilizing the land for farming then it should be taken from them...much like the land for a trapper is taken if his/her harvest for a year is not as per the law....then farmland should produce a certain amount of harvest/food/crop in a year based on the land size and if not take it back from the owner

The *Act* needs regulations. Regulations regarding where applications for residential land may be considered are required in particular (i.e. frontage on a publicly maintained road; but not along high speed sections of provincial highways)

## Topic 5: Other Parts of the Act

### Polling Question

My familiarity with other parts of the Act is...

|                         | Per cent    | Count     |
|-------------------------|-------------|-----------|
| Very Weak               | 16.67%      | 3         |
| Weak                    | 22.22%      | 4         |
| Neither Weak nor Strong | 50.00%      | 9         |
| Strong                  | 11.11%      | 2         |
| Very Strong             | 0.00%       | 0         |
| <b>Total</b>            | <b>100%</b> | <b>18</b> |

### Discussion Question:

Is there anything else you would like to add to today's discussion?

#### Responses Received

##### Walking Trails

- There should be a provision in the public reserves or the special management areas for the East Coast Trail. This is a trail promoted by the Province yet the province does little to secure the land for this group
- Newfoundland and Labrador is full of traditional trails. They have been used by residents over the centuries. However, there is no statutory protection for them. If a private landowner blocks a traditional path, the only option is to challenge the landowner's position in court. That is a very expensive exercise which many cannot afford

##### Public Reserves

- Who decides on choosing Crown lands area for public reserves?
- The government should establish more Public Reserves for the protection of sensitive habitat and endangered species
- More agricultural areas would also be good for promoting agriculture and food security in the province

##### Abandoned Lands

- This seems to go hand in hand with "squatters rights". The land situation "European" in this province goes back well over 500 years. Land Claims by our Aboriginal People go back thousands of years. The argument that land "appears" to be abandoned and no person lawfully "entitled" to the lands or an "interest" in the lands can be found "in the province" does not fly. It would seem to be that a person would have a vested interest in land that their ancestors worked 200 years ago and raised families in and around that worked land 100 years ago and finally died on that same land 50 years ago. People get on with their lives and by the time they raise their families and entertain the notion of maybe moving back to their home province to spend their final days on the old homestead they should not be penalized for doing what they had to do in order to become successful in their lives
- Special Management Areas - Should be maintained and increased

Do not transfer Crown lands over to the municipalities

- Few, if any, municipalities in the province have the financial or administrative capabilities to manage complex land management and administration issues (i.e., land surveying, property law, digital mapping, resolving land use conflicts, etc.). They could face huge financial burdens and legal liabilities from property disputes. "Squatter's rights" alone could financially overwhelm many towns
- This would be a massive mistake. Giving lands to the town's would create a giant loss of revenue for the province and should not be entertained. This would cause liability issues. Instead, government should look to create regional governments that would collect municipal like taxes from those that do not currently pay them, but get benefits from others that pay taxes

Survey Markers

- Another area which needs to be addressed is the blatant destruction of Survey Markers placed by the Government. Markers are destroyed by vandals and the penalties for this should be toughened up. These markers cost thousands of dollars to place and maintain. There should be repercussions for destruction of them
- Surveyors should not be restricted in the performance of their duties. They should be allowed to cross property on both private and Crown. They should seek permission in keeping with good business practice but they should be able to perform their duties without hindrance. This should be made perfectly clear in the *Act*

Persons who have long term leases should be given the opportunity to purchase the lease, especially outfitters and park owners. There have to be rules of course with inspections to enforce the rules

Mandatory land Registration – Private and Crown both have to be done. There should be only one registry for the province. The Crown lands system need to be overhauled completely. More professionals hired - those that know the land tenure system in the province. Licensed land surveyors, land planners, front line workers who have knowledge on the policies, procedures regulations and the acts that are in place

In 2008, a review of the urban St. John's area recommended deletions of over 1,400 acres of viable farmland from this zone. This has had major outcomes on the ability to farm in our area, Portugal Cove. Agricultural land is under incredible pressure for residential and commercial development. Farmland must be protected and made available to people who want to farm!

If lands are to be "managed" there should always be an Environmental Assessment done and all lands should be screened for high conservation value. At present land use planning is not done and it needs to be done now

Are there people available from Crown lands to give a briefing to a town council?

