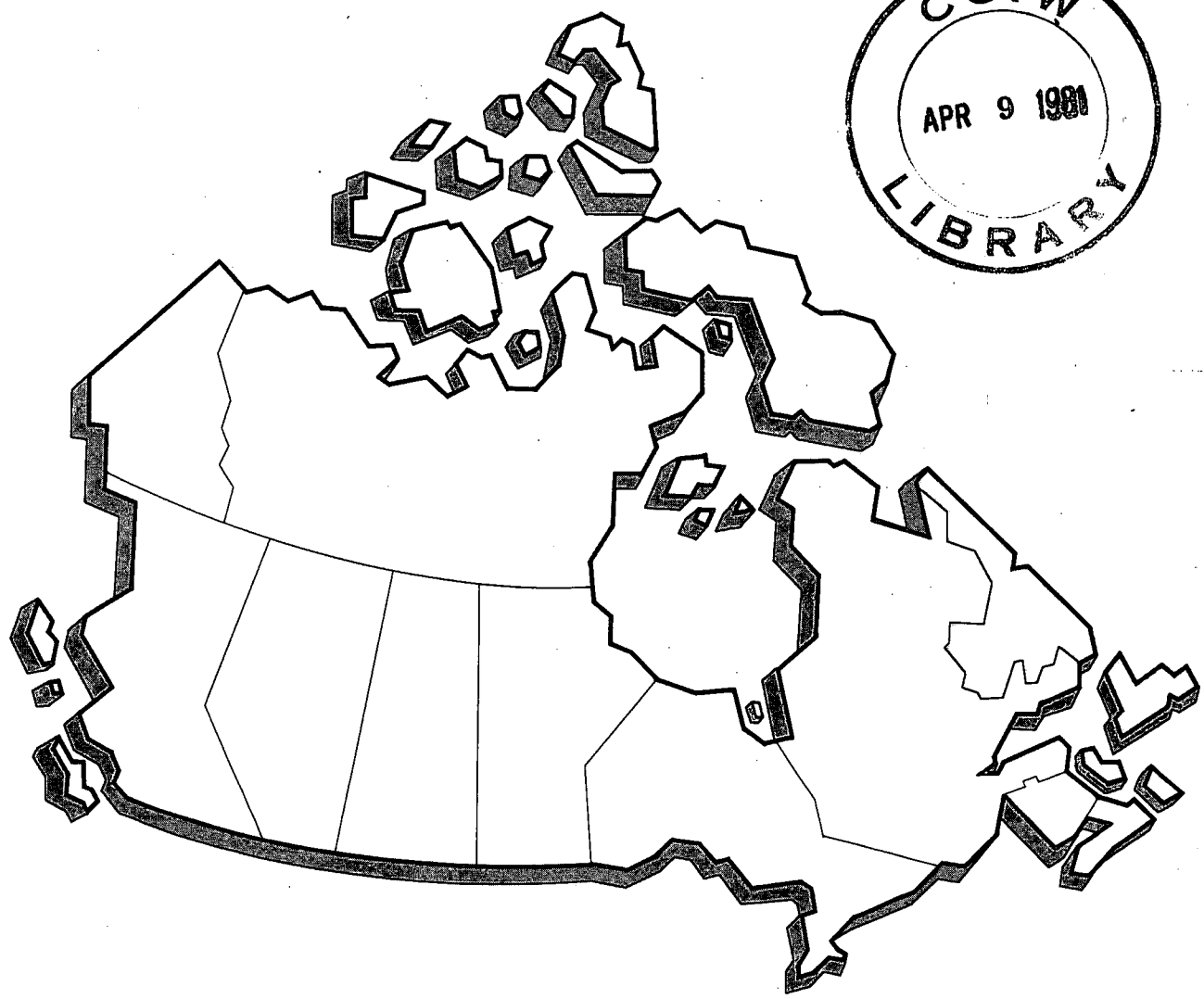
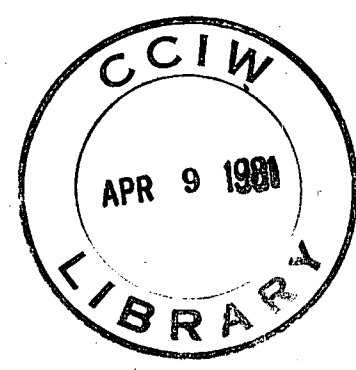


*Land Use Programs in Canada : Newfoundland
#6.*

LAND USE PROGRAMS IN CANADA

NEWFOUNDLAND and LABRADOR



HD
111
L36
no. 6



Environment
Canada

Environnement
Canada

Lands
Directorate

Direction générale
des terres

LAND USE PROGRAMS IN CANADA

NEWFOUNDLAND AND LABRADOR

NOVEMBER 1974

Cover Design: J. Lenning

V. Cranmer,
Land Use Planner,
Consultant to
Lands Directorate,
Environment Canada.

© Crown Copyrights reserved

Available by mail from Information Canada, Ottawa, K1A 0S9
and at the following Information Canada bookshops:

HALIFAX
1683 Barrington Street

MONTREAL
640 St. Catherine Street West

OTTAWA
171 Slater Street

TORONTO
221 Yonge Street

WINNIPEG
393 Portage Avenue

VANCOUVER
800 Granville Street

or through your bookseller

Price : Canada : \$1.25

Other Countries : \$1.50 Catalogue No. EN 73 - I / 6

Price subject to change without notice

Information Canada
Ottawa, 1975

TABLE OF CONTENTS

	Page
I Introduction.....	1
II Historical Context.....	2
III Provincial Urban and Regional Planning.....	7
A. Provincial Planning Task Force.....	7
B. Agencies and Institutions Involved in Land Use Planning.....	8
1. Department of Forestry and Agriculture.....	8
a. Division of Lands and Surveys.....	8
2. Department of Municipal Affairs and Housing.....	12
3. Department of Rural Development.....	16
IV Agriculture.....	22
A. Department of Forestry and Agriculture.....	23
1. Agriculture Branch.....	23
V Forestry.....	28
A. Department of Forestry and Agriculture.....	29
VI Mining, Quarrying and Energy Resources.....	33
VII Recreation and Tourism.....	36
A. Department of Forestry and Agriculture.....	36
B. Department of Tourism.....	37
VIII Wildlife Management.....	40
A. Department of Tourism.....	40
B. International Biological Program.....	41
IX Conclusions.....	43
Appendix.....	44
Crown Lands Act R.S.N. 1970, c. 71.....	44
The Abandoned Lands Act, R.S.N. 1970, c. 1.....	46
The Unimproved Lands (Redistribution) Act, R.S.N. 1970, c. 384..	46
The Resettlement Act, R.S.N. 1970, c. 336.....	46

Page

The Evaluated Communities Act, R.S.N. 1970, c. 114.....	48
The Land Development Act, R.S.N. 1970, c. 197.....	49
The Crown Lands (Mines and Quarries) Act, R.S.N. 1972, c. 72.	50
The Petroleum and Natural Gas Act, R.S.N. 1970, c. 294.....	51
Urban and Rural Planning Act RSN 1970, c. 387.....	52
The Development Areas (Lands) Act, R.S.N. 1970, c. 95.....	61
Bibliography.....	63

LIST OF TABLES

		Page
Table 1	Area and Use of Farm Land 1971.....	24
Table 2	Summary of Productive Forest Area in Acres and Per Cent of Total Area of Island of Newfoundland.....	30

LIST OF ILLUSTRATIONS

Map 1	Map of Newfoundland and Labrador.....	3
Map 2	Map Indicating Area of Land Freeze.....	27
Figure 1	Flow Chart Showing Procedure for Crown Land Application.....	9
Figure 2	The Process of Plan Approval in Newfoundland.....	14
Figure 3	Department of Rural Development Organization Chart....	18
Figure 4	Organization of the Department of Tourism.....	38

ACKNOWLEDGEMENTS

The author is sincerely grateful to Newfoundland and Labrador government officials, for their co-operation in the preparation of this report. Mr. A.C. McEwen, Director of Lands and Surveys, was particularly helpful. Their comments, combined with published information, form the basis of this report. Any opinions expressed in this report are strictly the author's and not necessarily those of Environment Canada.

I

INTRODUCTION

Land use planning in Canada is a complex process to which many government departments and agencies contribute. This report on Newfoundland and Labrador is the fourth in a series encompassing each of the provinces and the territories. When completed, the series will present an overview of the land use planning process in Canada.

In this paper, the land use problems and major concerns of the province with regard to land use and land ownership will be discussed. Also, the roles of the provincial departments engaged in land use planning and/or land management will be outlined and the pertinent legislation examined.

The information presented in this report was compiled in 1973 and 1974. Much of the detail was obtained through reports that were made available to the author. Since the land use planning process is in a continuous state of flux and refinement, the description of its state in Newfoundland and Labrador, in this study, can be considered correct only to November, 1974. Comments by provincial government officials were incorporated into this report by E. Neville Ward, Lands Directorate, Environment Canada. It is expected that the report will be updated at regular intervals through contact with provincial officials.

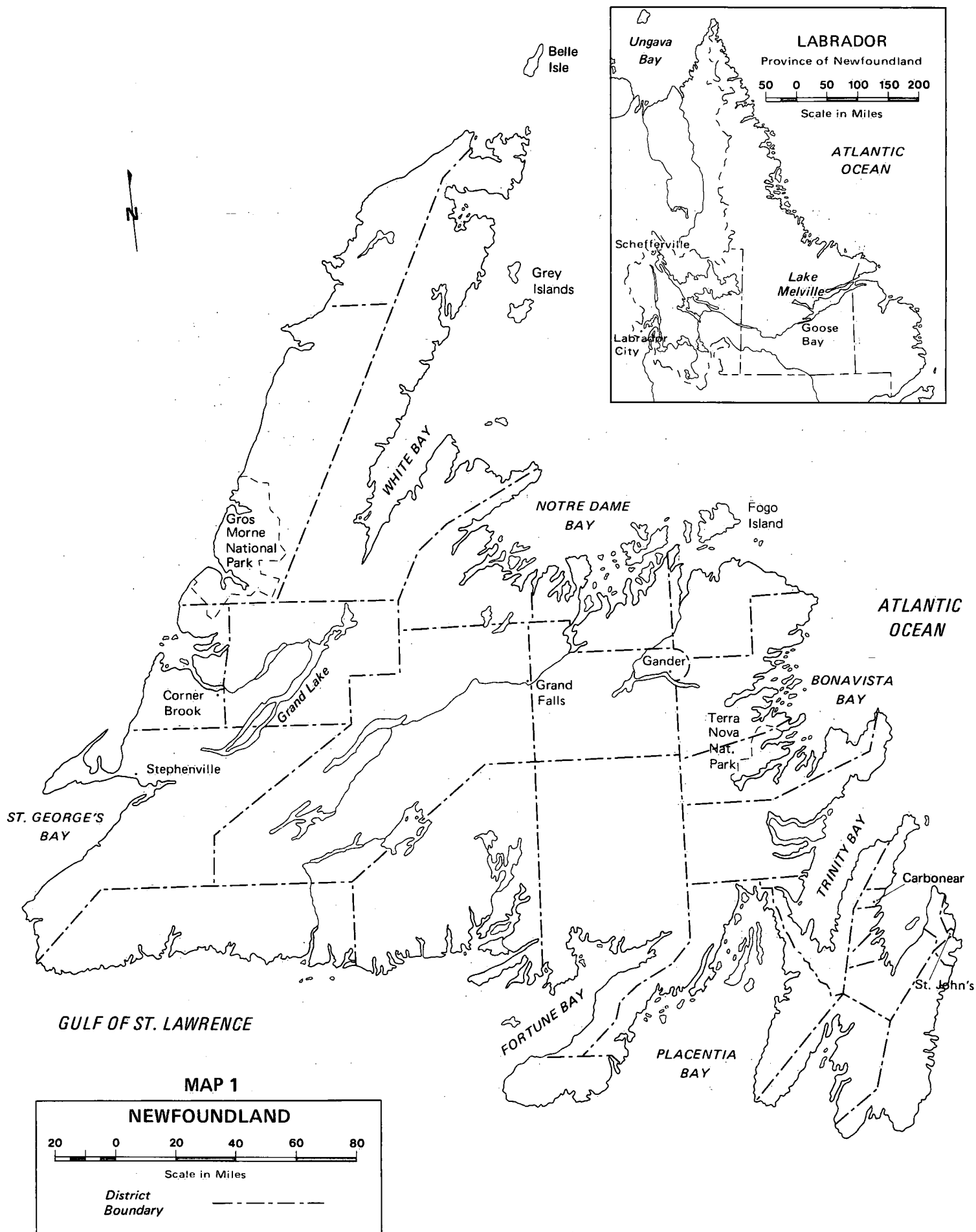
II

HISTORICAL CONTEXT

In 1971, the combined population of Newfoundland and Labrador was 522,100. The urbanization trend evident throughout Canada in recent decades has proceeded at a similar pace in Newfoundland, although the absolute percentage of population in urban areas has declined. In 1961, 50.7 per cent of the population was urban. This figure increased to 57.2 per cent in 1971. Two-thirds of the population increase in the province in the past ten years has occurred in Metropolitan St. John's. This figure indicates the intensity of the rural to urban shift underway in the province. Emigration from the province has traditionally been high but was counterbalanced, until recently, by an extremely high birth rate. Map 1 shows the district boundaries for Newfoundland and Labrador.

The economy of the province is heavily dependent on natural resources. For almost 400 years, since its discovery in 1497, the island depended primarily upon cod fishing and it was not until the 1900s that the economic base was expanded to include the exploitation of mineral and forest resources. Mineral resources and timber reserves provided opportunities for diversifying the economy and the impetus to improve communications with a view to opening up the interior. The pulp and paper industry became a major element in the Newfoundland economy in terms of employment and production, and the value of its exports now considerably exceeds the value of fish and fish products exports. In addition to the three basic industries, there are a number of secondary manufacturing industries that serve mainly local needs.

Historically, the distribution of the population has reflected the dominance of the fisheries. In choosing sites for their homes, the original settlers (English, Irish and French) paid little attention to what they considered relatively unimportant factors, such as the quality of the soil, the dis-



tance from other settlements and the lack of amenities. They settled on the shoreline in bays and coves close to inshore and offshore fishing grounds. The main criterion for choosing a site was the promise of good catches.

Until shortly before representative government was established in 1832, residents of Newfoundland were not allowed to obtain grants or titles to land. Permanent settlement on the land had been strenuously opposed by commercial interests and was both forbidden and positively discouraged by governing authorities until 1813. The settlers, whether engaged in fishing or agriculture, required land for residence and for food production. The average fisherman was also a "farmer", that is, while he was primarily dependent on fishing for his livelihood, he also cultivated a small strip of land. In most cases, the farm was, and still is, little more than an allotment, which supplied the family with potatoes and other vegetables and sometimes supported a few sheep or goats.

Grants of land were forbidden on the west shore because privileges granted to French nationals by the Treaty of Utrecht, 1713, and subsequently confirmed by the Treaty of Paris 1763, and the Treaty of Versailles, 1783, militated against the development of the area. After 1881, many of the titles issued for the west coast included the unique provision that no permanent improvements were to be made to the land.

With the advent of representative government, restrictions on grants were removed, but by that time, many parcels of land had already been occupied and held on the basis of possession only. The settlers continued their occupation of Crown lands, foregoing the advantage of obtaining title because of the relatively high cost of surveying and proving their small claims. Holdings continued to pass from one generation to the next without the establishment of title or other evidence of ownership. It

has been estimated that 50 to 60 per cent¹ of the landholders in Newfoundland today have neither grant nor lease for the land they occupy. Possession was uncertain because there was always the risk of an adverse occupant infringing on prescribed rights and the possible threat of the Crown re-establishing its rights over the "prescribed" land. Many parcels of land have been and still are held on the basis of long occupation which, in certain circumstances, is sufficient in Newfoundland to establish a valid possessory claim against the Crown. In 1921, the Quieting of Titles Act was enacted. This Act provides for judicial investigation of title and may be used to settle land title disputes. Application may be made to the court by a person who wishes to obtain a certificate of his title. The total number of applications made under this Act, though comparatively small, has increased markedly in recent years.

The pattern of land holdings, not appreciably changed by the above Act, was to a considerable degree, crystallized in 1930 when the Crown Lands Act (Appendix) provided that no application for lease or grant would be allowed on occupied lands. From then on, title to prescribed lands could be obtained only by recourse to the courts. It was later amended to allow grants for lands that had been occupied for five years prior to the passage of the amendment. This Act effectively restricted the flow of Crown lands to speculators and "indifferent farmers". It did not reduce the accumulation of unused land, most of which was granted in the vicinity of the railroad and subsequently abandoned.

Numerous problems of land tenure and land use have developed from the pattern of land settlement. Many occupants do not hold title of land ownership. Because there is no legal title, the land is not marketable. The more frequent use of the Quieting of Titles Act reflects the problem of marketable title, particularly where lending institutions are involved. In addition, since the occupant is unable to prove title to the land he has little incentive to make improvements to it.

1

Lands and Surveys Division, Department of Forestry and Agriculture.

The concept of common rights to certain parcels of land, such as pastures or blueberry fields, has developed over the years. Certain lands, usually owned by the Crown, are shared by the community. However no one takes responsibility for the care of the land and as a result few improvements are made.

Much unused land is not available for development and use. Lands suitable for development may be withheld from constructive use by non-residents, resident-occupiers or abandonment. This reduces the opportunities for expanding existing farms or land holdings and for establishing new farms, which in turn limits total production and the efficiency of the agricultural industry.

Non-resident² ownership of land is not of great concern at present to the government of Newfoundland and Labrador. The only area where there is any appreciable non-resident ownership is on the west coast of the island, in the Codroy Valley. Because Prince Edward Island, and perhaps Nova Scotia, are imposing restrictive conditions on the acquisition of land by non-residents, increased attention is expected to be directed towards this matter in Newfoundland. The absence of a rural land tax, unique among Canadian provinces, is an attractive inducement to non-residents to acquire provincial land merely as a speculative investment. The province is a member of a federal-provincial committee that has examined the extent of non-resident ownership of land in Canada and the constitutionality of any restrictive legislation. The final report of this committee was submitted to the Prime Minister in August 1974 for presentation to the Conference of First Ministers. Newfoundland has passed the Crown Lands (Amendment) Act 1971 which restricts the sale of Crown land to residents of the province, but it is not yet in force.

² A non-resident of Newfoundland is one who has not been a resident of the province for at least the past twelve consecutive calendar months immediately prior to the appropriate date of application with the intention of making his permanent home in the province. This definition is found in The Crown Lands (Amendment) Act, 1971 which has not been proclaimed.

III

PROVINCIAL URBAN AND REGIONAL PLANNING

Land use planning provides the basis for making rational choices between competing claims for land use and for ensuring that as near optimal use as possible is made of the province's land resources. However, at the present time, land use planning and land management programs in Newfoundland are not conducted in a systematic manner. Since there is no overall policy for land use and land management, the individual relevant provincial agencies require separate consideration.

A. Provincial Planning Task Force

A provincial planning task force was created in 1972 to examine problems in all aspects of the economy of Newfoundland and Labrador. Nineteen committees, or study groups, were formed and each was to investigate one particular segment or aspect of the economy. A land use study group, one of the nineteen, was assigned the task of investigating land use and land management within the province. Areas examined were: 1) the land registration system; 2) the organization and functions of the Crown Lands Division; 3) the administrative procedures and policies presently employed in leasing and granting Crown lands; 4) the identification and management of lands for alternative uses; 5) the identification and listing of all land controlled by the Crown either as Crown land or other public land; 6) the present policy of government with respect to abandoned land held by absentee owners and the acquisition of recreational land for private development by non-residents; and 7) the government's position with respect to land evacuated under the Resettlement Program (explained in detail beginning page 19). A final report of findings and recommendations, to be considered by the government in the formulation of its long-range policies and programs, was submitted to a Cabinet Committee in May, 1973. The main result of the report thus far has been the official recognition that the various agencies dealing with land problems should be placed under one department. It has not yet been decided which department that will be or how it will be organized.

B. Agencies and Institutions Involved in Land Use Planning

There are several agencies and institutions involved in land use planning in the province. The Department of Forestry and Agriculture administers the Crown lands of the province. The Department of Municipal Affairs and Housing is actively involved in planning the larger urban areas. The Department of Rural Development assists the small rural communities and administers the Resettlement Program.

1. DEPARTMENT OF FORESTRY AND AGRICULTURE

a. Division of Lands and Surveys

One provincial agency that has a profound effect upon provincial land use and land management is the Lands and Surveys Division. The division administers the Crown lands of the province. Applications for leases and grants of Crown land are received and processed. There is a complicated procedural system for approval or refusal which, in the past, has not been conducive to a systematic, consistent and speedy method of land allocation. Leases and grants may be made for residential, agricultural, commercial and recreational uses. Leases can be obtained for commercial hunting and fishing areas. Figure 1 shows the procedure for Crown land application.

Under the authority of the Crown Lands Act (Appendix), land for residence may be leased or granted in all areas. Along protected roads, such as the Trans-Canada Highway, and in areas where development is restricted as in development areas, leases and grants may be issued but building or other development requires prior approval from the Development Control Division of the Department of Municipal Affairs and Housing. The only requirement is the erection of a dwelling fit for habitation. The Minister may issue a lease to any person for an area up to 50 acres under the 1974 Crown Lands (Amendment) Act. The Minister may issue a "fee" simple grant where the area involved is less than 5 acres and where the land was occupied for a period of five years prior to June 30, 1933, for the statutory fee

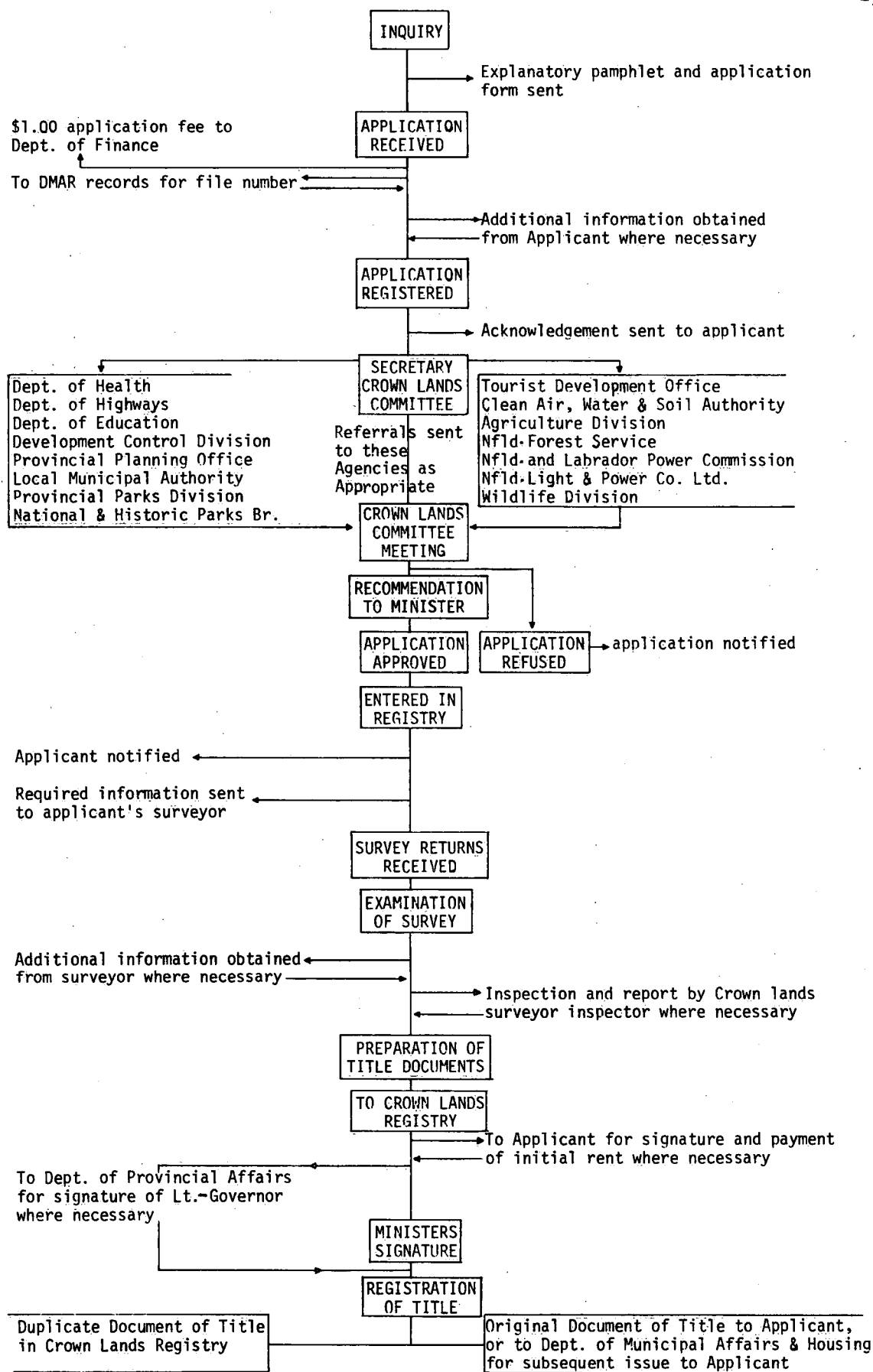


Figure 1

Flow chart showing
procedure for
crown land application.

Source: Dept. of Forestry and Agriculture, Lands and Surveys Division

of five dollars. If the Crown land is located within a municipality and the municipal area is the subject of a municipal plan approved by the Minister of Municipal Affairs and Housing, the applicant is referred to the Minister of Municipal Affairs and Housing to ensure that the proposed development is in accordance with the approved plan.

A lease may be issued by the Minister for an area to be used for agriculture not exceeding 20 acres for a period of five years at five dollars per year annual rent. The Lieutenant-Governor in Council may issue a lease for an area over 50 acres but not more than 200 acres for a period of five years at an annual rent of five dollars. Agricultural lands are those lands that will be cleared and cultivated at the rate of 10 per cent of the area within two years and 25 per cent within five years of the date of issue of the lease. A person may receive a grant on any acreage that has been approved for lease up to 200 acres provided that 25 per cent of the land is cleared and cultivated within the five year lease period and upon payment of five dollars per year or a total of twenty-five dollars.

Title to land for commercial establishments may be obtained in the form of a lease or grant. Consideration for a grant for a commercial establishment pursuant to a lease is 25 times the annual rent less any rental payments made during the term of the lease.

A lease may be issued for an area not exceeding 50 acres and upon terms and conditions as determined by the Minister. A grant will normally be issued for an area only if the applicant is already the holder of a lease of the same area issued for the same purpose.

The general rules for leasing Crown land for commercial and recreational purposes are as follows: not more than 150 feet frontage and not more than 50 acres shall be leased for the purposes of summer cottages. Usually one acre for a summer cottage is maximum. The terms of the lease shall

not be more than 25 years with a rent of ten dollars a year, although these conditions are currently under review. The lessee must build a cottage with no less than 200 square feet of floor space within a specified time. A grant may be issued for an area if the applicant is already the holder of a lease of the same area issued and for the same purpose.

Title to land for commercial fishing and hunting purposes may be obtained in the form of a lease only, for a period not exceeding ten years, with a provision for renewal for a further period of five years. If the Crown land is subject to a municipal plan, the application must be referred to the Minister of Municipal Affairs and Housing to ensure that the development is in accordance with that plan. If it is not the subject of an approved municipal plan, the application must receive the recommendations of the Department of Tourism.

All applications for leases and grants must be referred to the Crown Lands Committee for recommendation. This interdepartmental committee ensures that recommendations concerning individual applications for Crown land are obtained from every appropriate source before a decision is made.

In 1968, the four Atlantic provinces and the federal government initiated a cooperative venture known as the Atlantic Provinces Surveying and Mapping Program, the object of which was to establish in each province an integrated survey system which would provide the basis for advanced land registration and environmental data storage and retrieval facilities. However, in 1972, New Brunswick, Nova Scotia and Prince Edward Island formed the Maritime Survey Union, which assumed the administrative responsibilities of the program. Newfoundland decided that it would have a separate agreement with the federal government. Another major function of the Lands and Surveys Division was the execution of this multi-million dollar survey and mapping program, supported by DREE contributions under the Canada/Newfoundland Land Surveying and Mapping Agreement.³

³ Canada/Newfoundland, Land Surveying and Mapping Agreement, October 5, 1972.

The program consists of four phases. Phases 1 and 2 establish the coordinate control survey and provide for large-scale planimetric and topographic mapping compiled photogrammetrically from aerial photographs. The DREE agreement provides for 100 per cent reimbursement of all expenditures incurred by the province for phases 1 and 2 up to \$3,965,000 during the period from April 1, 1972 to March 31, 1977. DREE'S contribution also provided up to \$500,000 towards the cost of accommodation for the province's surveying and mapping staff and/or the central office for land title records.⁴ To assist in the implementation of Phases 1 and 2, a management committee was created. This committee, which consists of two provincial and two federal members, assists in the selection of the geographical areas, supervises the execution of the surveying and mapping work (most of which is undertaken by private contractors), and approves reimbursement claims for expenditures incurred by the province. Phases 3 and 4 allow for the preparation of the land registration system and data bank, and all other matters necessary for the implementation of a land titles system of land registration.

2. DEPARTMENT OF MUNICIPAL AFFAIRS AND HOUSING

The Department of Municipal Affairs and Housing has the broadest role in and the opportunity for planning in the province. The Provincial Planning Office is the division within the department concerned with matters of municipal and regional planning. The planning functions of the department are to develop planning policies and programs for province-wide application, to carry out research and up date planning methods in a rapidly changing society, to provide administrative support for Regional Appeal Boards, and to support and assist in the implementation of provincially sponsored developments.

4

However, on January 23, 1974 the funding for this accommodation was removed from the Land Surveying and Mapping Agreement through a separate agreement signed by DREE and the Province. A fund of \$900,000 was established for a combined facility of surveying and mapping and an analytical laboratory for minerals (see p. 34 of this report).

The authority for planning in Newfoundland and Labrador is derived from the Urban and Rural Planning Act (Appendix). The Act sets out the procedures for the preparation, approval and implementation of municipal, regional and local area plans and for the control of development and the handling of appeals related to decisions concerning these matters. Figure 2 illustrates the process of plan approval.

The Act provides a wide range of alternatives for planning, controlling or protecting land. The three types of areas that may be formed for planning purposes are: the municipal planning and joint planning areas, the local planning area and the regional planning area. The municipal planning area consists of one municipality but may or may not coincide with the boundaries of that municipality. The Lieutenant-Governor in Council reserves the right to define the area of the planning regions. A joint planning area consists of one or more municipality. In the case of municipal and joint planning areas, the local council requests the government that a planning area be formed. The Minister can declare any area outside of a municipal planning area and outside of a joint planning area to be a local planning area and may define its boundaries. A regional planning area may consist of all three of the above-mentioned planning areas and is declared so by the Minister who then defines the boundaries.

The Urban and Rural Planning Act also allows several boards and committees to be created in order to facilitate the planning process. The Provincial Planning Board, which consists of fifteen members, is appointed by the Lieutenant-Governor in Council. The Board has several functions, the most important of which is to conduct studies with respect to the physical, economic and social aspects of development and to prepare reports and recommendations on regional planning, metropolitan growth, the planning of new towns and any other matters relating to the development of any part of the province that may require the consideration of the Lieutenant-Governor in Council.

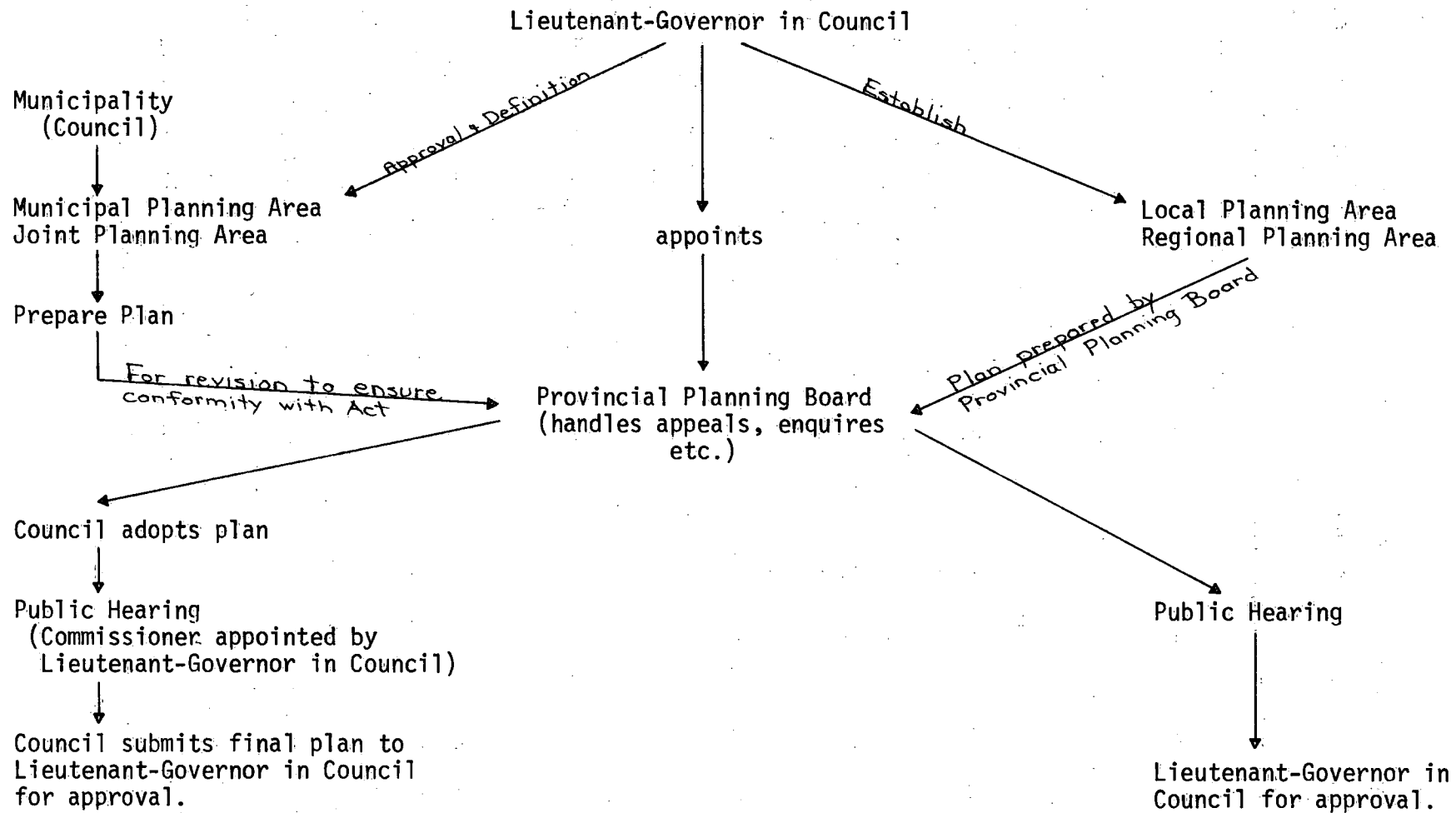


Figure 2

The Process of Plan Approval in Newfoundland.

The Act requires all planning schemes to be subject to a public hearing before approval. A Commission is established by the Minister to conduct the public hearing and to prepare a report to be submitted to the Minister. The Commissioner and the other members are appointed by the Minister.

After a joint planning area has been defined, a Joint Planning Authority may be constituted to administer the joint planning area. The Authority consists of representatives from the province and from the municipality. A Regional Planning Authority is also created by an Order-in-Council.

A Board of Arbitrators can be appointed by the Minister to settle a matter of expropriation. A case may be brought before the Board if the provincial government and the owner of land expropriated cannot agree on the amount of compensation to be paid for the expropriated land; in cases of adverse affection; if the owner cannot be found; or if there is any doubt as to the ownership of the land.

The Act is permissive in that its provisions apply only when invoked, but once invoked for a particular area or community, its provisions are mandatory. It is primarily concerned with urban land use and management. Rural land development is dealt with mainly in terms of its effect on urban areas since the Act specifically excludes from the various types of development any provision for the use of land for forestry, agriculture or mining purposes.

Since the enactment of the Urban and Rural Planning Act, many organized communities, particularly the larger ones, have been in a position to undertake planned local development. The city of St. John's has not yet elected to use the Urban and Rural Planning Act but has preferred to employ its own professional planning staff.

The community planning functions of the Provincial Planning Office include the preparation of municipal plans and the provision of direct support in problem solving and plan implementation to local councils. Municipalities can employ their own planning staff, (most cannot afford to even if sufficient planners were available), or employ planning consultants to prepare their own Municipal Plan. Most however, prefer to ask for the services of the Planning Office staff, which are given without charge, but frequently after considerable delay due to the amount of work at hand. Of the 199 communities, 67 reported that plans were completed, 32 of which had been approved by the Minister. Five others were in the course of preparation. There are only 3 communities with a population greater than 2,500 that do not have community plans either completed or being prepared; over 80 per cent of this work has been carried out directly by the Planning Office.

The Development Control Division also administers the Development Areas (Lands) Act (Appendix). This Act, by law, is administered by the Minister, of Industrial Development. In practice, he unofficially delegates this responsibility to the Development Control Division of the Department of Municipal Affairs and Housing. The Act has two objectives: 1) to provide for orderly and economic development of areas where new industries are established; and 2) to prevent land speculation in those areas. The area established under the Act is known as a Development Area within which provisions may be made for prohibiting or restricting by regulation the granting, sale or lease of lands, whether or not privately owned: the construction of any buildings on the lands and/or the application of the lands to a new industrial or commercial purpose. This Act has been used very sparingly since its enactment.

3. DEPARTMENT OF RURAL DEVELOPMENT⁵

The Department of Rural Development was created in 1973 through the reorganization of several government departments and the dissolution of

⁵ A detailed description of the organization, structure and activities of this Department may be found in "Report on Department of Rural Development Development" by John Murray, Director, Rural Project Planning Division.

the Department of Community and Social Development. The new department is particularly responsible for the involvement of people in deciding and planning programs for the development of their regions.

The Department of Rural Development has four main divisions: (see Figure 3), Rural Extension, Home Industries, Rural Project Planning and the Community Consolidation Division. The Rural Extension Division is involved in organizing regional groups to affect participation in planning and development, encouraging programs of a self-help nature, social development and the dissemination of information. For the purposes of serving rural communities as effectively as possible, the division has decentralized its activities.

The basic purpose of the Home Industries Division is to encourage the establishment of small rural based industries. Within the ARDA III Rural Development Agreement, a program of "Incentive Grants to Small Rural Industries" has been implemented. Grants are made available for the establishment and/or expansion of industries in (i) manufacturing or processing and (ii) utilization of primary resources. This division assists local businessmen in establishing simple and efficient accounting systems for their operations; to assist local businessmen establish procedures for produce inventory and quality controls; to assist local businessmen with marketing and general merchandizing of their products; and to encourage coordination, quality controls and marketing for the province's craft industry.

The Rural Project Planning Division administers the Canada/Newfoundland Rural Development Agreement (ARDA III) 1971-1975.⁶ This agreement was formally signed in early January 1974 covering programs valued at approximately \$13 million. The intent of this agreement is to enable the governments involved to undertake measures to improve income and employment opportunities for rural people by making possible alternative and more efficient use of rural lands and by helping rural people make

⁶ Canada/Newfoundland, Federal-Provincial Rural Development Agreement, 1971-1975, Department of Regional Economic Expansion.

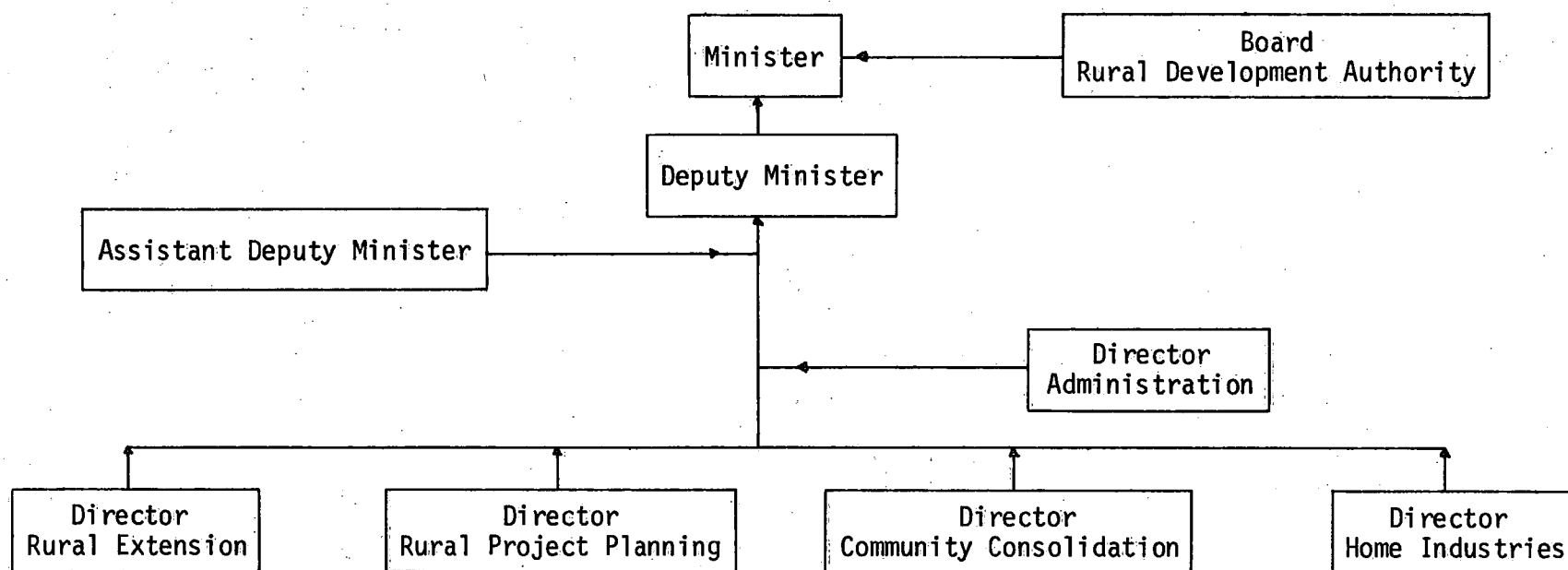


Figure 3 Department of Rural Development Organization Chart.

the necessary adjustments to take advantage of income and employment opportunities. The agreement is also aimed at improving opportunities for increased income and employment and at helping people, particularly fishermen to take advantage of improved opportunities in rural development regions. A wide variety of programs in each sector of the economy could be sponsored under this agreement. Several relate to the revitalization of the agricultural industry, programs to advance soil and water conservation, the provision of recreation facilities and the establishment, expansion or the modernization of facilities for processing or manufacturing.

Two major studies to be conducted in the immediate future by the Planning Division will be a study of the potential for commercial handicraft production on the Labrador coast and a study of the transportation needs of Labrador in conjunction with (i) the Provincial Department of Transportation and Communications and (ii) the Atlantic Transportation Commission.

The fourth division of the Department of Rural Development, Community Consolidation, is concerned with assisting families who wish to move to areas of greater employment opportunity. Emphasis is placed on counselling those involved in order to provide alternatives to rural depopulation. The Resettlement Act, first enacted in 1965, resulted from federal and provincial recognition of the desirability of moving considerable numbers of households in Newfoundland from rural settlements where the environment was unsatisfactory and of resettling them in places which would be more to their advantage. By December 31, 1971, 280 communities had been completely evacuated. A new program for this division is the Manpower Mobility Assistance Program. Under this new program, the only requirement for assistance in relocation is that the individual householder be assured of employment in the community to which he wishes to relocate. Thus householders are dealt with on an individual rather than on a community basis. In addition to relocation for employment opportunities, thirteen homes have been relocated from the landslide "danger area" in Harbour Breton.

The Rural Development Authority is associated with the Department of Rural Development but is not strictly a part of the department. The authority encourages the development of small resource-based industries, secondary manufacturing and essential service industries, through the provision of financial assistance. Loans issued by the Authority are interest free and can be up to a maximum limit of \$10,000. Loans or portions of loans approved for the purchase of machinery and equipment must be repaid within a five-year period. Loans or portions of loans approved for working capital must be repaid within one year and loans or portions of loans secured by property mortgages may be approved up to a maximum of ten years.

Important to the Department of Rural Development is the Special Areas Agreement.⁷ This Agreement is administered by the Intergovernmental Relations Division of the Provincial Executive Council and is directly concerned with community infrastructure, such as schools, roads, water, sewage systems and the servicing of land for housing and industry. Assistance is provided for the purpose of developing community assets, particularly in those areas and communities to which people have been moving and where employment opportunities are likely to improve. The special areas covered under the agreement are: St. John's, Corner Brook, Burin, Happy Valley, Come-by-Chance, Grand Falls-Botwood-Gander, Stephenville and Hawke's Bay-Port au Choix.

Considerable assistance has been given to St. John's under this and previous agreements. St. John's is the most attractive centre in the province for the rapidly growing financial, community, business and personal service sectors of the economy. The previous Special Areas and Highways Agreement provided for assistance in the development of a "new town" and a related industrial land assembly immediately adjacent to the developed portion of St. John's, as well as assistance in improving and

⁷ Canada/Newfoundland, Second Special Areas Agreement, August 9, 1971.

expanding the city's primary and secondary educational facilities. Both financial and technical assistance were provided for the preparation of the St. John's Urban Region Plan. This plan provides the framework within which the regional infrastructure will be required to accommodate and stimulate further growth. It includes such items as regional arterial road, regional water supply systems and pollution control facilities, the development and servicing of adequate and well-located supplies of industrial, residential and commercial land and the institutional and public services essential for full and rapid development, including educational facilities.

The special area projects, together with provincial expenditures for improved infrastructure of other kinds and in other areas are very important components of an overall development plan for the province.

IV

AGRICULTURE

Agriculture has traditionally been of very minor importance in Newfoundland. The adverse climate and the limited availability of land suitable for agriculture combine to limit severely the scope of agricultural development. The growing season is only two and one-half to three months in length. However, there are scattered pockets of fertile land and the cool, short summers are ideal for cabbage, turnip, carrots and potatoes. Conditions are particularly suitable for the growth of hay and pasture crops. Small fruits, such as blueberries, do quite well although there is some danger of loss of the crop due to early autumn frosts.

Most farms in Newfoundland are much too small to permit efficient use of the land or an adequate income for the farm family. In 1971, only 14 percent of the farms had a total value of agricultural products sold of \$10,000 or more. Of the 91.8 million acres in the province, only 62,700 acres, less than one-tenth of one percent, is farmed. However, Newfoundland agriculture is making a relatively rapid transition from its former position of small scale operations ancillary to fishing. Recent growth in agriculture has resulted from the establishment of family farms operating on a commercial basis as a major source of income. The number of census farms is declining, reflecting the reduced importance of "traditional" part-time farming. There is, however, a concurrent increase in the number of commercial farms and in the average acreage of farms.

Many potential agricultural areas have not yet been surveyed to determine desirable land uses. As a result, some of the Crown land that might be in agricultural use is still idle while other land is not in its most productive use. Agricultural land, for many years has been issued on a conditional lease leading to a fee simple grant. However, once a fee simple grant has been issued, land use can no longer be effectively controlled. Because using land for purposes of agriculture in Newfoundland is not usually

profitable without a substantial investment in the land for clearing and soil improvement, much of the Crown land issued for agricultural use tends to lie idle. Since only 50 acres were allowed, applicants for Crown land for agricultural uses, tended to select the best land in order to obtain an area that would give them a satisfactory income. The requirement that 25 percent of the acreage must be cleared within five years also encouraged applicants to survey only the land that could be most easily and economically cleared regardless of the irregularity of shape or its suitability for cultivation. This resulted, in most cases, in a group of unevenly shaped farms mostly of inadequate size for a full-time operation with many odd corners of low-quality Crown land interspersed among them. This pattern presents a difficult obstacle to a program for land use improvement that includes the expansion of existing farms to a scale that is efficient and which provides a satisfactory income to the farm family. However, the Crown Lands (Amendment) Act, 1974, now permits flexibility in determining the size of agricultural holding, percentage of land clearing, etc.

The Department of Forestry and Agriculture has several programs aimed at improving the agricultural industry. In addition to these, there are several cost-shared programs available under ARDA.

A. Department of Forestry and Agriculture

1) Agriculture Branch

The Agriculture Branch has many programs available to assist farmers for the improvement of the industry. Some of these are as follows:

- a) assistance to farmers to clear new land.
- b) financial assistance to study agriculture at Canadian colleges and universities.
- c) extensive educational and organizational field services.
- d) improvement of livestock by paying part of the high cost of quality breeding stock.
- e) development and improvement of blueberry lands.
- f) assistance in obtaining agricultural limestone at low cost.
- g) assistance to agricultural fairs and sheep shows.
- h) assistance to farmer marketing organizations.

- i) assistance for the construction of farm vegetable storage facilities.

Table 1 illustrates the 1971 agricultural land use and resources in Newfoundland. The table demonstrates that the land base may be more than trebled using the unclaimed farm lands. Included in the 17,116 acres designated in 1971 as being in production, there are many small plots of less than three acres that are not expandable. Also included is some acreage that is now inappropriately or ineffectively used. Much of the unimproved land is owned by non-residents, decedents of original farmers on land grants, who have left the province. As such it is adjacent to land in production. In addition, there is a substantial amount of developable land in other areas of the province. It has been estimated that an additional one million acres could be brought under cultivation and a further one million acres, mostly bog now being reclaimed, are suitable for livestock pasture, compared with the 62,704 acres currently used.

TABLE 1

AREA AND USE OF FARM LAND 1971⁸

Total Area of Farms	62,704 acres
Improved Land	19,148 acres
In Production	17,116 acres
Idle	2,032 acres
Unimproved Land	43,556 acres
Unimproved Pasture	21,737 acres

Under the proposed ARDA agreement, there is an integrated set of agricultural development programs aimed at increasing the amount of land in agricultural use and its productivity, encouraging new expanding farm operations

⁸Statistics Canada 96-721 (AA-4) Advance Bulletin August 1972.

through capital assistance, improving the skills and management abilities of the farm operator and assisting him to take advantage of opportunities through training and agricultural services, and providing the marketing infrastructure required for expanded production.

Under the land consolidation program, land now idle is to be acquired for redistribution to persons wishing to use the land for agricultural purposes. The program includes the expansion of present farm holdings by the purchase of adjacent unutilized land and the leasing or selling of land assembled into viable farm units to prospective farmers. Land use studies are to be initiated in areas where new farm land, consolidation of land and general development is to be concentrated.

Under the capital assistance program, grants will be made available to bone fide farmers for the erection of farm buildings and the acquisition of machinery, equipment and breeding stock. It is estimated that the average basic grant offer to an expanding farm would be \$3,500 and to a new entrant \$5,500.

Through the human resource development program, training and farm management assistance will be provided to new and existing farmers. Information important to the farmers will be disseminated. Farmers will be assisted in the preparation of a farm development plan that will demonstrate how the farm will be developed over a period of some years into a viable operation, complete with cash flows, capital and operating cost estimates, and expected market prices. Community and area workshops will be held to inform farmers to new techniques, the market potential for different commodities and other methods for solving problems.

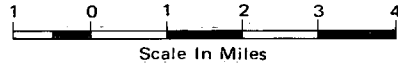
The objectives of the marketing program are: to determine the type and extent of further processing of farm products that can be undertaken; to provide guidelines for the phasing and timing for construction of marketing facilities, and, to investigate and develop expanded markets for agricultural products. Product development and market development activities are to be geared largely to local provincial markets.


The farming support program will provide specialized facilities and services that are not normally provided by the farmers themselves or agri-business. For example, regional community pastures, presently in operation will be improved and new pastures will be developed. Farm access roads are to be built in areas of land consolidation to provide better access to existing farms. Flood control will be undertaken on rivers in agricultural areas. Several breeding programs will also be introduced.

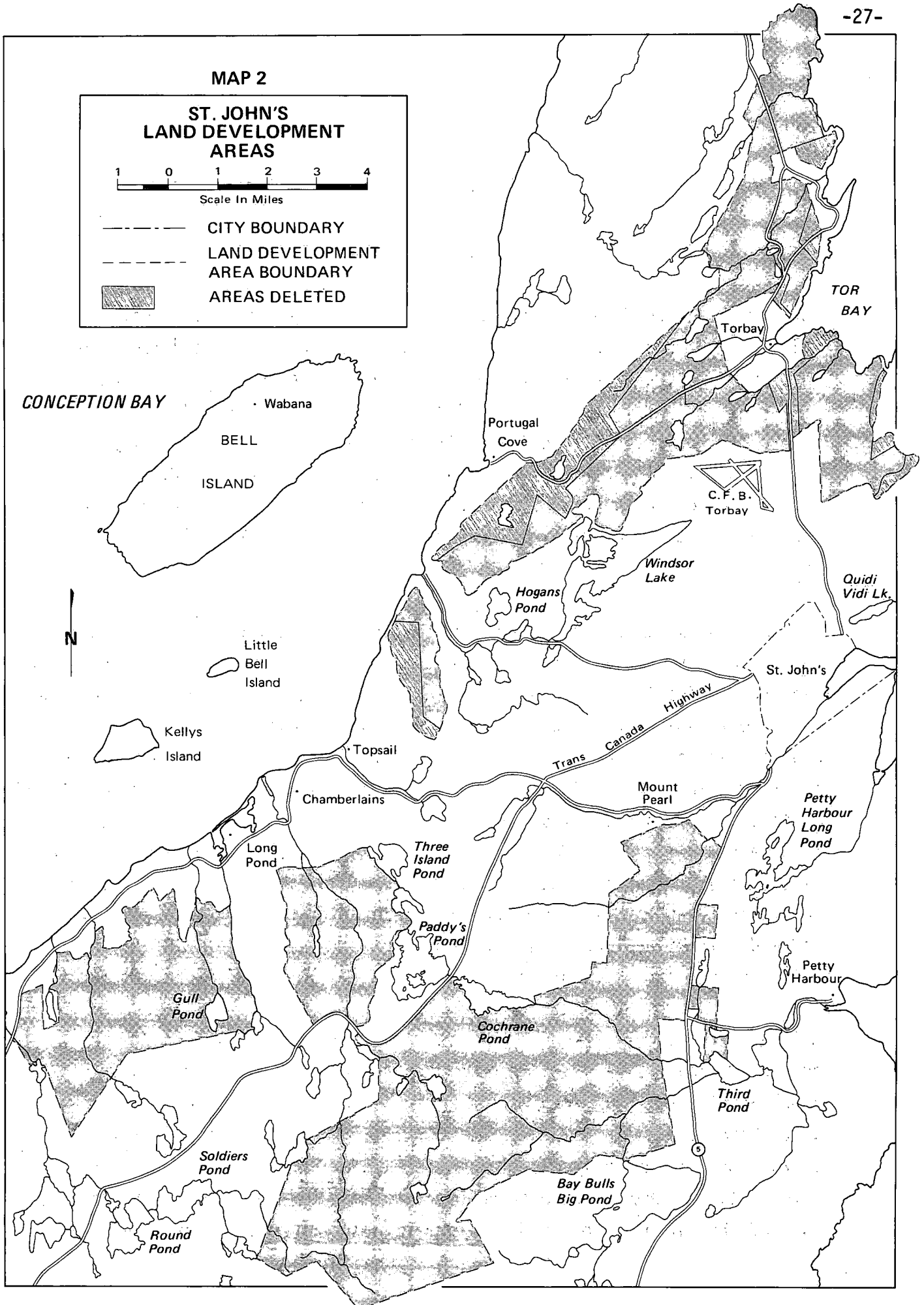
Very naturally, the location of agricultural areas is closely related to population centres. About 50 per cent of the total agricultural production is confined to the northern-half the Avalon Peninsula, and 90 per cent of hog and 75 per cent of the province's poultry production found in that region. In the St. John's area, the best farm land is being converted to urban use or is kept idle in speculation of urban development. Although zoned for agriculture, it is readily re-zoned for urban use, under even weak pressures from developers. The Department of Forestry and Agriculture quickly recognized the necessity of preserving the dairy farm areas surrounding St. John's and consequently the Land Development Act (Appendix) was enforced. On October 3, 1973, all lands designated for agricultural use in the St. John's Urban and Regional Study Area (Map 2) were declared a Land Development Area. These areas were formally established on December 6, 1973. Several areas were deleted on July 9, 1974 (see Map 2). The Act gives the Minister of Forestry and Agriculture sole authority for making zoning changes within the agricultural land control areas. Before any development can take place, prior approval must be granted by the Minister of Forestry and Agriculture. The Minister has no control over the sale of land; however, no development is allowed without the permission of the Minister. The designation of the Land Development Area was intended as a temporary measure to alleviate the present situation until a regional plan and some type of regional body to administer the plan has been established.

Because of the agricultural land control, the government is presently considering buying all the farm land put up for sale. The land would then be leased to farmers who otherwise could not control it.

MAP 2
ST. JOHN'S
LAND DEVELOPMENT
AREAS



- CITY BOUNDARY
- LAND DEVELOPMENT AREA BOUNDARY
-  AREAS DELETED



V

FORESTRY

Industry based on forest resources has historically played an important role in the economic base of the province. However, for the period from 1961 to 1971, there was a decline in employment and the relative contribution of the forest-based industries. There has been a rapid decline in the availability of forest industry manpower in spite of steadily improving wage and working conditions and living standards. This stems primarily from the reluctance of most workers to put up with separations from their homes and families for weeks at a time or even a few days a week.

It has been estimated that there are approximately 88,260 square miles (approximately 56.5 million acres) of forested land on the island and in Labrador. Of this total, less than half is considered productive. Despite this, Newfoundland has under-utilized its forest resources. The basic problems are the interspersal of forest holdings of privately-owned, leased and Crown land and the lack of adequate primary and secondary transportation systems. There are 1,000 sawmills in the province, most of which are small and inefficient. These problems not only inhibit greater development of the forest resources, but they also contribute to the high cost of wood delivered to the mills. Even though the province is relatively heavily endowed with timber lands, Newfoundland is still importing nearly two-thirds of its lumber requirements.

A large part of the forest land of the island is leased, licenced or owned by the two major paper companies, Bowaters Newfoundland Limited in Corner Brook and the Price Newfoundland Company in Grand Falls. These companies, which have been working the island's forest stands for more than fifty years, cut approximately one million cords of spruce and fir a year and have cutting rights on acreage equivalent to about one-third of the island. Most of this land is held under a 99-year lease arrangement at a rental of

approximately two dollars a square mile. Both companies were exempted from municipal taxes and although the Grand Falls operations were taxable by the province, no tax has ever been collected. Bowaters, which began operations in the late 1920s, (about 20 years later than the company at Grand Falls), was almost completely exempt from taxation until June 1973, when the original fifty-year agreement expired.

Another major holder was Reid Newfoundland Company which, in part payment for building and operating the railway across the island around the turn of the century, was granted freehold land in large blocks on the island in fee simple. The province of Newfoundland has recently bought most of this land back from this company.

The Crown has direct control over about half of the approximately 28 million acres on the island of Newfoundland and all of the forest lands of Labrador.

A. Department of Forestry and Agriculture

A federal-provincial task force on forestry was organized shortly after Premier Moores' Conservative administration took office. The terms of reference for the task force were to identify and analyze the factors affecting the management and utilization of the forest resource, and to draw technical conclusions and evaluate alternative approaches the province may use in formulating forest policy. Several committees were formed to assist the task force members in assessing the various aspects of the forest resource and its management. Figure 5 indicates the capability of the productive forest area in acres. Seventeen per cent of the forest area with high capability is estimated as being capable of producing 27 per cent of the potential volume.⁹ This is also the category that contains

⁹ Report of Land Capability and Land Use Committee to Federal-Provincial Task Force on Forestry, p. 32.

the majority of hardwood volumes. Medium category areas are also of major importance since they represent 44 per cent of the total potential volume as well as 44 per cent of the total merchantable volume. It was estimated that 10 per cent of the total productive forest area should be managed either on an integrated resource use basis or on the basis that another sector other than forestry should be considered as prime user.

TABLE 2

SUMMARY OF PRODUCTIVE FOREST AREA IN ACRES AND
PER CENT OF TOTAL AREA OF ISLAND OF NEWFOUNDLAND¹⁰.

	High	Medium	Low	%
Total Productive Forest Area	1,615,380	3,795,324	4,124,328	38
Total of Existing Land Use Commitments	52,332	229,264	136,437	2
Total of Proposed Land Areas Requiring Integrated Resource or Specialized Management considerations	164,413	175,694	2,183,060	10
Remaining	1,398,635	3,390,336	1,804,831	26

As a result of the federal-provincial task force on forestry, a new and broad-based scheme for forest resource planning and management has been instituted. Under the program, Newfoundland has been divided into 31 forest management areas. Overall planning, in turn, will dictate individual plans for each management area.

The Forest Land (Management and Taxation) Act, was passed in May 1974. This Act, which awaits finalization of regulations and proclamation by the Lieutenant-Governor, will create two levels of taxation. The aim is to force compliance with the program. Legislation will require every owner

¹⁰

Ibid., p. 35.

of 300 or more acres of forest land to submit a forest management plan directed towards maximum sustainable forest yield. Failure to submit such a plan or to meet approval will mean higher tax rates for the owner. The primary objective of forest management in Newfoundland is to provide a continuous supply of raw material to industry at the lowest possible cost over an indefinite period of time. Good forest management comprises thinning, spacing, pruning, fertilization, genetics and silvicultural research.

The Department of Forestry and Agriculture also administers the grants, leases and licences of forest on Crown land. At present, one-half of the Crown forests are under management. Commercial timber cutting on unoccupied Crown lands has been allowed by permit since 1952; permits for amounts up to 120 cords per person are issued by field staff but permits for larger quantities must be approved by the government. The cutting of up to one million cubic feet may be issued by the Minister or an authorized official. Permits for larger quantities may be issued by the Lieutenant-Governor. Land may be leased to a holder of a licence if he requires land for a saw-mill or pulp-mill. The land, not exceeding 50 acres, is then leased at an annual rent of one dollar an acre. Grants to cut timber can be granted on any Crown land except on lands within three miles of tidal waters. In addition to this, there must also be a reserve of not less than 33 feet around and adjoining all lakes and ponds along each bank of all rivers. On April 26, 1974, a Forestry Subsidiary Agreement, under the General Development Agreement¹¹, was signed between DREE and the Department of Forestry and Agriculture. The objective of this agreement is to enable Canada and Newfoundland to expand and diversify Newfoundland's forest industries and thus increase income and employment opportunities in the province.

¹¹ The General Development Agreement was signed on February 1, 1974 between DREE and the Premier of the Province.

Program items to be carried out under this agreement include:

- a) acquisition of forest land,
- b) forest management,
- c) harvesting and utilization research and development,
- d) access road construction,
- e) intensive forest inventories,
- f) protection of the forest resource,
- g) forest improvement,
- h) administration of the forest resource.

The amount payable by Canada under this agreement with respect to the above listed program items shall not exceed 90 per cent of the total eligible cost up to an amount of \$30,062,000.

VI

MINING, QUARRYING AND ENERGY RESOURCES

The mining industry of Newfoundland and Labrador has increased in output value from approximately \$27,000,000 to \$358,000,000 over a span of twenty years. Exploration expenditures during that period exceeded \$100,000,000 ¹². Although there has been more than a three-fold increase in the value of production on the island of Newfoundland, by far the bulk of expansion has been in the iron-ore fields of Labrador. The value of mineral production for 1973 has been estimated at \$377,151,000 of which iron ore represents 95 per cent. As a result of the expansion of the Iron Ore Company of Canada, production was up 71.5 per cent over 1972, but production of other metals was down 10 per cent.

The exploration and production of minerals is controlled by the provincial government through the Crown Lands (Mines and Quarries) Act (see Appendix). Quarry permits allowing the removal of limestone, granite, slate, marble, gypsum, marl, clay, sand and gravel, any building stone, volcanic ash and peat may be granted by the province for not more than one year. The permit may not be renewed. Annual rent for a permit is 50 cents an acre. There is no statutory limit to the acreage which may be granted under a quarry permit. However, since 12 acres is the limit for a quarry lease, an excess of 12 acres for a quarry permit is discouraged. A quarry lease is available only to the holder of a valid quarry permit, following submission of a proper survey of the area applied for, and following the approval of the Lieutenant-Governor in Council. Some of the conditions of the lease concern re-habilitation of the area. The lessee must remove material and handle the quarry in such a manner that the tree screens are not removed between the designated land and any highway or road adjacent thereto until it becomes necessary for the last stages of removal. Also, the lessee is to leave no refuse or abandoned vehicles

¹²

Special Areas Agreement, Schedule C, "Development Program Outline 1971-1975", p. 4.

or equipment in the quarry and the topsoil is to be conserved and subsequently replaced and the area reseeded.

The federal government departments of Energy, Mines and Resources and Regional Economic Expansion have a joint program to assist the province in searching out basic geological information to enable the acceleration of exploration activities and development of the mineral resources of Newfoundland and Labrador.¹³ The program includes mineral inventory, mineral development and planning, prospector-technician training, a mineral evaluation survey, an analytical laboratory¹⁴ and a glacial geological-geochemical survey. The mineral inventory includes all available geoscience and ownership data and was to be completed during the first year of the program and then kept up to date. The mineral development planning program includes resource planning, further processing, land tenure and related legislation and taxation. A six-to-eight-week course was developed to provide prospector-technician training. In the mineral evaluation survey, the province will undertake exploration and development work on known mineral occurrences that warrant further development on a small scale to the stage where a company may be interested in taking over continued, but large-scale development. The analytical laboratory project is designed to provide adequate facilities in Newfoundland, for chemical and other analyses of mineral samples. With the objective of increasing mineral development activity over broad areas at minimum cost, geochemical-glacial-geological surveys will be undertaken on a reconnaissance basis in such areas as the Notre Dame and Belle Isle.

13

Canada/Newfoundland Agreement on Mineral Exploration and Evaluation, 1971-1975.

14

Funding for this laboratory has been removed from the Mineral Exploration and Evaluation Agreement. A separated agreement was signed on January 23, 1974 (see p. 12 of this report).

Newfoundland has been rapidly developing its hydro-electric power potential, especially on the Churchill Falls in Labrador. On the upper Churchill Falls, seven of the projected eleven generators are on stream, two more are expected to go into service by mid-1974 and all will be completed by 1975. A total of seven million horsepower will be produced annually. On Gull Island, in the Lower Churchill River, there is a horsepower potential of 2,400,000. The province will be developing this site to fulfill the energy requirements of the island of Newfoundland.

The development of petroleum resources is of great concern to Newfoundland. Deep drilling for petroleum has begun off the coast of Newfoundland and Labrador and interest at the moment centres on the well drilled last summer for the Eastcan Group. Tests on Bjarni H-81, located off the Labrador coast were scheduled for the summer of 1974. The final 1973 off-shore expenditures for off-shore oil exploration could exceed fifty million dollars compared with twenty-seven million dollars in 1972. It is expected to increase similarly for 1974. A major oil refining complex is being developed at Come-by-Chance. One refinery has already been completed and a second, three times the size of the first is already underway.

The exploitation of petroleum and natural gas is controlled by regulations in the Petroleum and Natural Gas Act (Appendix). All petroleum is declared to be vested in her Majesty in right of the province. The province has recently asked the federal government to re-open talks concerning the ownership of off-shore petroleum and gas reserves.

VII

RECREATION AND TOURISM

Newfoundland has a large recreation industry that has developed as a result of extensive logging and, in the past, without government funds. The relative isolation of the province, its unique, unspoiled coasts, its rugged and uninhabited wilderness areas and attractive small fishing villages generate a strong interest for tourists. Features of importance for intensive use are salmon rivers, scenic coasts ideal for boating, shorelands capable of supporting beach activities and cottaging, historic sites, waterfalls, sea bird colonies, viewpoints and ski slopes.

Two departments of the Newfoundland and Labrador government are involved in recreation and tourism. The Department of Forestry and Agriculture administers cottage leases while the Department of Tourism has divisions dealing with provincial parks, wildlife management, historic resources and tourist services.

A. Department of Forestry and Agriculture

The Crown Lands Act describes the regulations concerning the leasing of Crown land for summer cottages. In general, not more than 150 foot frontage shall be leased for a summer cottage. The term of a summer cottage lease is normally 25 years at an annual rate of ten dollars. A cottage having 200 square feet or more floor space must be built within a specified time, usually three years. The lease may be replaced by a grant for the same site provided the lessee has complied with the terms and conditions of his lease and pays the department the unpaid balance of rentals based on a 25 year period. Implicit in the demand for summer cottage land is the requirement for the proper planning of areas which have been set aside for cottage development. The entire summer cottage policy, including design, physical layout, construction of access roads, terms and conditions, etc., is currently being studied.

Of primary consideration in processing applications for Crown lands in a summer cottage development is the provision for access to the area. The approaches to lakes and streams must be kept free so that they are accessible for the use and enjoyment of the public at all times. The Crown has reserved a strip of land on the banks of all lakes, ponds and rivers in the province. Lands along the coast may be leased and granted by the Crown but there is a statutory prohibition against the issue of commercial timber licences within three miles of tidal waters.

B. Department of Tourism

The Department of Tourism is divided into five divisions: Tourist Services, Historic Resources, Cultural Affairs, Wildlife and Provincial Parks. Figure 4 indicates the organization of the department and the functions of the various divisions. The Tourist Services Division administers the granting of licences to hotels and motels and for hunting and fishing. Thus, the Crown Lands Act regulates the granting of these licences.

Interest in hunting continues to grow. Camps of much higher quality are being built and the older camps are being replaced with modern facilities. The Historic Resources division administers museums and historic sites. The Wildlife Management Division supervises the wildlife reserves and controls the introduction of new species. The division of Provincial Parks administers the existing parks plans and the public beaches. In 1971 the development of eighteen new provincial parks was proposed. These parks would be modified for year-round use through the addition of ski and skidoo trails. The development of thirty beaches for family recreation was also proposed. The ARDA program could be used to provide federal assistance for the provincial parks and other recreation facilities that can increase the income available to Newfoundlanders from the attraction of tourists and other visitors to the province.

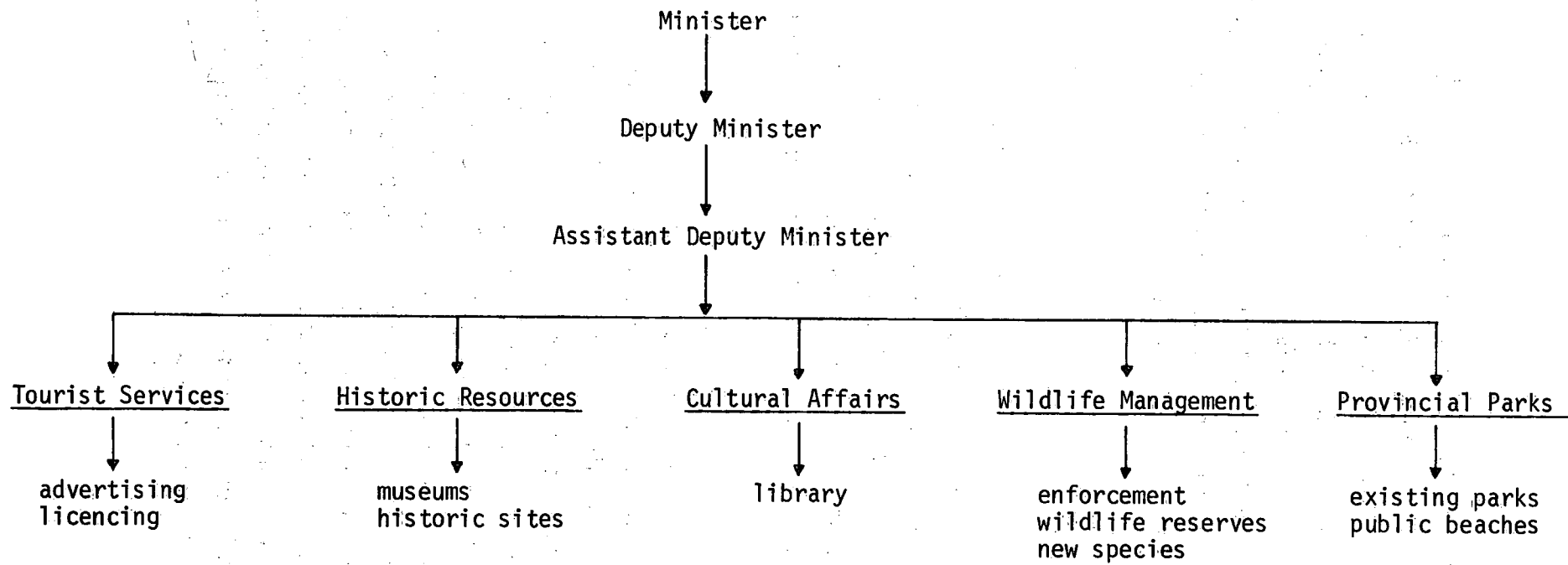


Figure 4

Organization of the Department of Tourism

The land used for recreation does not conflict to any great degree with other resource uses, although minor conflicts with agriculture may occur in small locations which provide scenic points, summer cottage sites, recreation parks or roads to such areas. However, agricultural development often enhances the value of recreational parks by providing roads and a rural setting, as opposed to the usually remote and wild aspect of most areas of the province.

VIII

WILDLIFE MANAGEMENT

The fish and wildlife resources of Newfoundland contribute significantly to the provincial economy. An economic survey of hunting and sport fish fishing conducted by the Newfoundland Wildlife Service in 1969 indicated that approximately thirty-five million dollars were spent that year by sportsmen in quest of their favorite game species.

The wildlife resources of the province have decreased markedly in the past fifty years. Newfoundland was formerly the home of large herds of caribou and when the moose was introduced it multiplied rapidly. However, once the railway was built across the island, giving easy access to the interior, hunting proceeded at such a rapid rate that these animals were in danger of extinction. The interior is also well-suited to fur-bearing animals such as beaver, otter, mink and fox. Beaver, once flourishing, are now almost extinct and the other animals have been reduced to small proportions of their former populations.

A. Department of Tourism

The division of Wildlife Management, Department of Tourism is considering importing several species of animals. The whole island is of fairly high capability for ungulates, such as moose or caribou depending respectively on whether the forested areas of the barrens are considered. Labrador has not yet been surveyed to determine the capability of the land to support wildlife.

The objective of wildlife management is to ensure that the land is producing sustained annual crops of wildlife. Techniques employed in ungulate management involved little more than the manipulation of hunting regulations to keep populations in balance with habitat requirements. Moose populations are kept below the level at which they cause damage to forest growth and retard the growth of wood fibre used in forest-based

industries. Wildlife and forestry seldom exist in direct conflict with one another.

For some time the salmon sport fishery has been a source of concern. The size and quantity of fish in the well-known rivers had dropped noticeably. It has been asked whether this has resulted from water pollution, an increase in the number of drift nets used commercially, abuses in commercial netting in the mouths of the rivers, or excessive poaching. Commercial fishing conducted by the Scandinavian countries off the west coast of Greenland, alleged to be the winter grounds of the Atlantic salmon, may also be a cause.

B. International Biological Program

The International Biological Program (IBP) was designed to promote basic knowledge relevant to the needs of man in the fields of food production and the rational management of natural resources. Natural areas have been preserved to insure the survival of some plants and animals that are rare and might otherwise become extinct. In addition, the preservation of natural areas is intended to show what the country was like before man's activities changed it. The most important use for these areas is research.

There are three types of ecological reserves: major, supplementary and special. The major ecological reserves are large areas containing examples of the majority of ecosystems occurring in one biogeoclimatic zone. They consist, for the most part, of national parks. The supplementary ecological reserves contain examples representing the majority of ecosystems occurring in one biogeoclimatic zone and may be located within provincial parks. Special ecological reserves are those areas with exceptional ecological features, either biological or physical and include areas such as bird colonies or relict stands of plants.

By 1973, seventy-nine areas in Newfoundland and Labrador had been listed as potential sites for conservation. Eleven of these sites are located in national parks; forty-eight are supplementary reserves and twenty are special.

IX

CONCLUSIONS

Provincial land use planners and other officials are concerned about uncontrolled development around major urban centres and the degradation of the rural landscape. However, no government agency has been given the authority or the resources to undertake the development of land use and management plans for the province. Many provincial agencies are intimately concerned with land use for their own specific purposes. This is particularly true with respect to those responsible for housing, agriculture, forestry, mining and energy. The only effective land management at the moment relates to the urban uses of land, where the land within a planning area is of primary concern to only one agency which has the technical resources and the clear legislative authority to manage land use.

The shortcomings of land use management in Newfoundland result from the absence of a satisfactory policy, rather than from the implementation of present policy. The absence of a clear land use policy has led to unsatisfactory land management. It is expected that when the reorganization of the land management agencies is completed, the preparation of a provincial land use policy and plan can be started.

APPENDIX

Crown Lands Act R.S.N. 1970, c. 71

The purpose of this Act is to provide for the management and disposition of Crown lands and the conservation of forests and timberlands. The following will be a discussion of excerpts of relevant sections of the Act. Crown lands as defined by the Act are:

2. (d) ...all lands within the Province of Newfoundland, except such as may be in the use of occupation of any department of the Government of Newfoundland or of any officer or servant thereof as such and such lands as may, before the enactment of this Act, have been lawfully set apart or appropriated for any public purposes and lands lawfully alienated from the Crown.

From the above definition, it follows that Crown land in Newfoundland is not synonymous with all public land. That is to say, there are areas of land which are vested in Her Majesty the Queen in right of Canada, or in right of Newfoundland, which are administered and controlled by the appropriate federal or provincial government department, but which are not Crown lands within the meaning of the Crown Lands Act.

Sections 5, 6, 7, 9, 10 and 11 of the Crown Lands Act were repealed by the Crown Lands (Amendment) Act, 1974, and substituted by the following:

5. (1) The Minister may issue a lease to any person to an area of Crown lands not exceeding fifty acres for such period and upon such terms and conditions and subject to the payment of such rents, royalties or other charges as the Minister may prescribe.
- (2) The Lieutenant-Governor in Council may issue a lease to any person of an area of Crown lands in excess of fifty acres for such period and upon such terms and conditions and subject to the payment of such rents, royalties or other charges as the Lieutenant-Governor in Council may prescribe.

6. (1) The Minister may issue a grant to any person of an area of Crown lands not exceeding fifty acres subject to such terms and conditions and for such consideration as the Minister may prescribe.
- (2) The Lieutenant-Governor in Council may issue to any person a grant of an area of Crown lands in excess of fifty acres subject to such terms and conditions and for such consideration as the Lieutenant-Governor in Council may prescribe.
7. The Minister may grant an easement to any person in, over, or upon Crown lands for such purpose and for such period and upon such terms and conditions as the Minister may prescribe.
9. Whenever any person applies to the Lieutenant-Governor in Council representing himself to require any rights in the seashore of foreshore or in public waters and land thereunder in connection with any industrial undertaking and no specific provision is made elsewhere in this Act for granting the use of any such seashore or foreshore or public waters and land thereunder or any interest therein for such an undertaking, the Lieutenant-Governor in Council may, if it appears to him expedient so to do, by grant, lease or licence, as he may deem fit, vest in such person any seashore or foreshore or public waters and land thereunder or the right to use the same for such period and upon such terms and conditions as may in such grant, lease or licence be contained: Provided that the Lieutenant-Governor in Council, before issuing any such grant, lease or licence, may require the applicant.
 - (a) to show that such seashore or foreshore or public waters and lands thereunder are reasonably required for the purpose of such undertaking and the granting of such grant, lease or licence is not calculated to cause undue injury to the rights of others;
 - (b) to show that there is no adverse claim or other reason why such grant, lease or licence should not be issued; and
 - (c) to furnish such information as in the circumstances may be required.
10. The Lieutenant-Governor in Council may, from time to time, by Order-in-Council published in The Newfoundland Gazette and in the province, reserve and set apart any seashore or foreshore or public waters and lands thereunder that may be deemed useful for any undertaking referred to in Section 9 and not held by any person under any existing grant, lease or licence and may prohibit or limit the use of the same or any portion thereof for any or all purposes by the public or any members thereof and may, by such order prescribe penalties for violation of the provisions of the order.

THE ABANDONED LANDS ACT

R.S.N. 1970 c. 1

In Newfoundland there are many areas of land granted, leased or licenced by the Crown, the owners of which, in the case of grants, and the lessees or licensees of which, in the cases of leases or licences, have died without issue or left the province or cannot now be found, and such lands have remained for many years unused and apparently abandoned. The aim of this Act is to make available such lands for use in agriculture. The Act provides for the control of land use, but makes little or no provision or requirement for land use planning.

Section 4(b) provides for the Extract of Title or a Certificate of Search being certified by the Registrar of Deeds in conjunction with any application under the Act by the Attorney-General. According to the present Registrar of Deeds no such abstracts have ever been given an application to the Supreme Court of Newfoundland under this Act.

THE UNIMPROVED LANDS (REDISTRIBUTION) ACT

R.S.N. 1970, c. 384

This Act provides for expropriation of land, at nominal compensation, in certain designated areas, for agriculture and other purposes.

THE RESETTLEMENT ACT*

R.S.N. 1970, c. 336

* This Act has been administered since April 1, 1973 by the Department of Rural Development.

The aim of this Act is to provide for the removal of considerable numbers of households in the Province from small settlements where the environment is unsatisfactory and to aid resettlement in places which will be more to their advantage.

The Minister of Rural Development of the province may, subject to the approval of the Lieutenant-Governor in Council, make regulations as to

4. (a) the places from which households may be removed;
- (b) the circumstances and conditions under which, and the numbers of households in respect of which, such removal shall be undertaken;
- (c) the places at which, and the circumstances and conditions under which, the resettlement of such households shall be undertaken;
- (d) the nature and extent of all payments and allowances to be made to assist removal and resettlement, including without prejudice to the generality of the foregoing, grants in aid and actual travel and removal expenses of persons and property of all kinds;
- (e) the conditions under which, if at all, any property or equipment remaining in evacuated settlements may be utilized by the households or persons removed;
- (f) the surrender of property in evacuated settlements to the Minister representing Her Majesty in right of Newfoundland, and the destruction, if it be thought fit, of abandoned dwellings or other structures, and the prohibition of resettlement of persons or households in evacuated communities;
- (g) the provision of retraining and of equipment if necessary to enable removed households or persons to resume their occupations, or take up new occupations, in places where they may be resettled;
- (h) the proportion of the inhabitants of any settlement whose agreement shall be sought before a resettlement programme is undertaken in respect of such settlement;

- (i) what property shall be removed, and any limitations of expense thereon;
- (j) what assistance, if any, shall be provided to households unwilling or unable to move when the major part of their community has been evacuated;
- (k) the acquisition of land in resettlement areas, and the conditions on which it may be granted or leased to resettled households or the heads thereof;
- (l) the provision of water or sanitary facilities at resettlement points;
- (m) the construction, reconstruction and repair of houses and other buildings in resettlement areas for the use of resettled households;
- (n) the conditions, if any, upon which resettled households may be deprived of or forfeit any advantages conferred upon them in the process of resettlement;
- (o) penalties, if thought fit, for any breach of any mandatory provisions of the regulations; and
- (p) all such matters generally as are necessary in order efficiently to deal with and control the removal and resettlement process and to account for and protect public moneys in connection therewith.

Although the resettlement program is virtually complete, subsections (f) and (k) have not been fulfilled. This has created a slight problem in that some people have returned to the evacuated communities. The people originally evacuated still have title to the land since the Crown never took the necessary steps to acquire title.

THE EVALUATED COMMUNITIES ACT

R.S.N. 1970, c. 114

This Act is administered by the Department of Rural Development. The Minister is allowed to regulate, by permit, the construction of new,

or use of existing buildings in a vacated community.

THE LAND DEVELOPMENT ACT*

R.S.N. 1970, c. 197

This statute was enacted to set aside special areas of land on which, subject to certain conditions, persons can receive government assistance to settle, for the purpose of clearing and cultivating the soil and promoting rural and fishing industries. The land available for this purpose consists of areas of Crown land and/or privately owned land acquired by government purchase or expropriation which are declared by the Lieutenant-Governor in Council to be a land development area. This Act was recently used to institute an agricultural land control in the agricultural area near St. John's.

4. (1) Whenever the Minister shall desire to establish a land development area in any part of Newfoundland he shall submit to the Lieutenant-Governor in Council a proposal in that behalf together with a plan and description of the area to be so settled and an estimate of the cost of acquiring land privately held within the area and, upon approval of such proposal by the Lieutenant-Governor in Council, all Crown land within the area and all land within the area thereafter acquired by the Lieutenant-Governor in Council under the provisions of Clause 21 of the Agreement forming the Schedule to the Bowaters Newfoundland Act, 1938, and all land within the area acquired under the provisions of the Expropriation Act shall be held for the purposes of such area and the Lieutenant-Governor in Council may deal with and dispose of all such land in the manner hereinafter provided.

* This Act has been administered since April 1, 1973 by the Department of Forestry and Agriculture.

- (2) The land comprised in a land development area established under subsection (1) of this section shall be deemed to be a local government area as if it had been declared as such under Section 2 of the Local Administration Act, 1937, and the Lieutenant-Governor in Council may, in lieu of an Order appointing a local council for the area, make an Order appointing the Minister of Forestry and Agriculture to act in place of a local council had been appointed, and the Minister so appointed shall have the powers, duties and authority of a local council and of the chairman thereof and of the powers set forth in Section 30 of that Act.
- 30 The Minister shall have power to organize, manage and supervise all land development areas and in the exercise of such power may from time to time make regulations for the efficient administration of the affairs thereof and for the maintenance of discipline therein on the part of all persons residing or employed within the areas and generally for all matters necessary or incidental to the organization and management of such areas and may by such regulations prescribe penalties prescribed by this Act and may appoint such officers as he may deem necessary and assign to them their respective duties in or in connection with such areas and may enter into contracts and purchase, sell, lease or take mortgages upon land or other property as he may decide and may do all acts and things necessary for the organization and management of such areas and for the exercise of the powers conferred on him by this Act.

THE CROWN LAND (MINES AND QUARRIES) ACT

R.S.N. 1972, c. 72

Land required for quarry rights means permission to remove limestone, granite, slate, marble, gypsum, marl, clay, sand and gravel, any building stone, volcanic ash and peat from a given area. Generally speaking, all Crown lands within the province are available for prospecting unless this is prohibited by existing lease, grant or other statutory authority, or if by order of the Lieutenant-Governor in Council, they are reserved from the operation of the Crown Lands (Mines and Quarries) Act.

Applications include:

- a) permit for removal of quarry materials, including inter alia, gravel, beach sand and peta;
- b) lease of land for removal of quarry materials;
- c) permit to search and prospect for minerals, not including coal, oil, natural gas or salt;
- d) development lease for a mining claim;
- e) mining lease
- f) boring permit, or renewal of boring permit, to prospect for coal, oil, natural gas or salt;
- g) lease of coal, oil natural gas or salt.

Although the Act makes provision for the leasing of mining claims, very little claim staking is being undertaken at the present time owing to the Mineral Concession System, adopted by the province shortly after Confederation which is based on special and individual statutory agreements with particular mining companies and organizations.

THE PETROLEUM AND NATURAL GAS ACT

R.S.N. 1970, c. 294

All petroleum which exists or which may be found in or under land or land covered by water, including without limitation, the bed of the sea, and which is within the jurisdiction of the Legislature of the province is declared to be and to have been at all times before the enactment of this Act property separate from the soil. All petroleum is declared to be vested in Her Majesty in right of the province and to have been so vested at all times before the enactment of this Act, whether the land or land covered by water, including without limitation, the bed of the sea, in or under which the petroleum is located was:

- a) alienated from the Crown by a statute of the province or by deed, lease, licence or other instrument whatsoever made under or pursuant to or ratified by any statute of the province.

The Lieutenant-Governor in Council may make regulations

- (i) providing for the issue and renewal of exploratory licences to search for petroleum generally throughout the province and to drill such wells and do all other acts and things prescribed in the regulations;
- (ii) providing for the issue and renewal of permits authorizing any person to prospect and explore for petroleum in a defined area of the province and to drill such wells and do such other acts and things in that area as may be prescribed in the regulations;
- (iii) providing for the issue and renewal of leases to permittees over that part of the area covered by a permit which may be prescribed in the regulations empowering the lessee to (1) carry out exploratory work and drill wells in the lands comprised in his lease, and (2) produce, mine quarry or extract any petroleum from the lands comprised in his lease.
- (iv) providing for the disposal of the whole or any part of a Crown reserve and prescribing the manner, terms, conditions and stipulations of the disposal.

THE URBAN AND RURAL PLANNING ACT

R.S.N. 1970, c. 387

The Urban and Rural Planning Act sets out the procedures for the preparation, approval and implementation of municipal, regional and local area plans and for the control of development and the handling of appeals related to decisions concerning these matters. The Act relates mainly to urban and deals with rural areas in respect to its effect on urban areas. The Act specifically excludes:

2. (j) (viii) the use of any land for the purpose of agriculture or forestry (including afforestation), and the use for any of those purposes of any building occupied together with land so used; and

(ix) the carrying out of mining operations in any part of the province when it is outside of a Joint Planning Area, Municipal Area, Local Planning Area, Protected Road area of control, or Protected Area.

The Act allows for the establishment of a Provincial Planning Board.

5. (1) The Lieutenant-Governor in Council may by order constitute a Provincial Planning Board of not more than fifteen persons which shall include:
 - (a) such representatives of Departments of the Governor of Newfoundland concerned with any aspects of urban and rural development or matters associated therewith within the Province as may be designated or appointed by the Lieutenant-Governor in Council; and
 - (b) such other persons as the Lieutenant-Governor in Council appoints.
6. (1)
 - (a) advise the Minister with respect to Urban and Rural Planning,
 - (b) discharge any duties or functions assigned to it by this or any other Act or by the Minister,
 - (c) each year, make a report to the Minister concerning the activities of the Board during the preceding calendar year.
- (2) Subject to the approval of the Minister, the Board may
 - (a) conduct studies with respect to the physical, economic and social aspects of development and prepare reports and recommendations on regional planning, metropolitan growth, the planning of new towns, and any other matters relating to the development of any part of the province that may require the consideration of the Lieutenant-Governor in Council;

- (b) assist and advise any Public Authority in the planning or orderly and economical development of land within its jurisdiction and as to the methods whereby such orderly and economical development may be obtained;
- (c) collect such information, undertake such research and publish and disseminate such material as will assist public authorities, and encourage the planning or orderly and efficient development within the province.

The Act describes the procedures for the preparation of Municipal Plans.

- 11. (1) Any Council may by resolution propose to prepare a Municipal Plan in accordance with this Act.
- (2) When a resolution is passed under subsection (1) the Council concerned shall apply to the Minister requesting him to define the area to be comprised in the proposed Municipal Plan.
- (3) When a Council makes an application under subsection (2) it shall forward to the Minister with the application
 - (a) a copy of the resolution passed in accordance with subsection (1) and certified by the Chairman of the Council to have been so passed; and
 - (b) a description of the whole of the area in respect of which the application is made;
 - (c) a statement of the arrangements that the Council has made or proposes to make for (i) the preparation of the Municipal Plan, and (ii) the administration of interim development control.

The Urban and Rural Planning Act also describes what the Municipal Plan should contain.

- 15. (1) (a) A Municipal Plan shall be prepared under the direction of qualified planning officers or qualified planning consultants who shall be appointed by the authorized Council and be responsible to it, and shall have been first approved by the Minister,
- (b) shall be prepared on the basis of surveys and studies of land use, population growth, the economic base of the municipality, its present and future transportation and communication needs, public services, social services and such other factors as are relevant to the preparation of a Municipal Plan.

- (2) Every Municipal Plan shall contain proposals for such general development of the Municipal Planning Area as can be foreseen for a period not exceeding ten years from the date of the completion of the Municipal Plan and shall be designed to co-ordinate the public purposes of the authorized Council that bear upon urban development so as to achieve the common well-being of the community and to conserve the financial and material resources of the Municipal Planning Area and without limiting the generality of the foregoing shall contain,
- (a) a plan or plans showing (i) the proposed network of streets sufficient to carry the volume of traffic over them or reasonably to be anticipated, (ii) the proposed division of all the land in the Municipal Planning Area into areas of permitted land use classes that the authorized Council considers necessary for the purposes of the Municipal Plan, (iii) the delineation of areas for comprehensive redevelopment;
 - (b) proposals relating to the provision of public roadways, services, public buildings, schools, parks and recreation areas and the reservation of land for these and other public and community purposes;
 - (c) proposals as to the content of land use zoning regulations, and other regulations or schemes required in order to put the Municipal Plan into effect;
 - (d) a proposed program of public works relating to streets, public buildings, public open spaces and utilities which should be undertaken by the appropriate authorities during the period covered by the Municipal Plan in order to implement the Municipal Plan and a time table indicating when such public works should be completed and an estimate of the capital cost thereof;
 - (e) a program setting forth the order in which any part or parts of the development provided for in the Municipal Plan is to be carried out and the order in which any designated parts of the area included in the Municipal Plan is to be supplied with light, water and sewerage, streets, transit and other facilities; and
 - (f) a proposal showing in detail the method of financing any works and expenses to be incurred in connection with or incidental to the carrying out of the development contemplated in the Municipal Plan.

The Act requires that a public hearing be held after the Municipal Plan has been adopted by the Council.

18. When an authorized Council has adopted a Municipal Plan by resolution in accordance with Section 16 the Minister shall, subject to this Act and upon application of the authorized Council set a day, hour and place for the holding of a public hearing to consider any objection to the Municipal Plan or any part thereof which may be raised by any person, corporation, partnership or association; and the date shall be fixed sufficiently far in advance to allow the authorized Council a reasonable time in which to arrange for the first publication of the notice referred to in Section 17 at least one month before the date of the public hearing, and the public hearing shall be held at some place within the jurisdiction of the Authorized Council.

A Commissioner is appointed by the Minister to conduct the public hearing and report to the Minister. When the public hearing is completed the authorized Council can apply to the Minister for his approval of the Municipal Plan.

At any time after the adoption of a Municipal Plan, the authorized Council may prepare and adopt a development scheme for the purpose of:

- 31 (1) (a) ensuring that any proposal contained in the Municipal Plan will be carried out or will be carried out in a particular manner.
 - (b) amplifying the details of any such proposal,
 - (c) carrying out Urban Renewal in accordance with the National Housing Act, 1954, as amended by subsequent legislation, or any subsequent or similar Act.
- (2) Without limiting the generality of subsection (1), the authorized Council, by a development scheme may

- (a) provide for the acquisition, assembly, consolidation, subdivision and sale or lease by the municipality of such land and buildings as are necessary to carry out the development scheme,
 - (b) reserve land for future acquisition as the site or location of any public roadway, service or building or for a school, park or other open space and make such agreements with the owners of the land as will permit its acquisition and use for those purposes,
 - (b) specify the manner in which any particular area of land is to be used, subdivided, or developed, and regulate or prohibit the construction of buildings that would interfere with the carrying out of the development scheme, and
 - (d) make available any land for agricultural, residential, commercial, industrial or other uses of any class at any particular time.
- (3) A development scheme shall describe and set out:
- (a) the manner in which the scheme is intended to implement a proposal or part of a proposal contained in the Municipal Plan,
 - (b) the land affected by the scheme,
 - (c) the details of (i) the development to be carried out, and (ii) any land to be reserved and the manner in which the reservation is to be affected, or (iii) the manner in which land affected by the scheme is to be subdivided.

Part III of the Act deals with Joint Municipal Plans, the Joint Municipal Planning Area is created the same way a Municipal Planning Area is except that it consists of one or more Councils. A Joint Municipal Planning Area may be formed for the control of watersheds or to insure control over the countryside surrounding the Municipalities or any part of any of them included in the Joint Planning Area.

43. (1) Subject to this section when a Joint Planning Area is defined by the Minister under Section 42 the Lieutenant-Governor in Council may, by order, constitute a Joint Planning Authority to administer the Joint Planning Area consisting of such number of persons to represent the Province and the Municipalities concerned as the Lieutenant-Governor in Council may consider necessary or desirable, and the Joint Planning Authority when so constituted shall be a corporation.

The duties of the Joint Planning Authority are:

46. (a) to advise and assist the Council of any Municipality represented on the Authority (i) in the planning of orderly and efficient development of the Municipality, and (ii) on matters affecting the planning of orderly and efficient development of the Municipality, and (ii) on matters affecting the planning of orderly and efficient development that are of common concern to the Municipality and any other Municipality or the Province.
- (b) shall prepare a Joint Municipal Plan for the Joint Planning Area under its jurisdiction; and the provisions of this Act from Section 13 to and including Section 15 and of Section 30 shall apply to the Joint Planning Authority, the Joint Planning Area and the Joint Municipal Plan as if the Joint Planning Authority was an authorized council, the Joint Planning Area was a Municipal Planning Area and the Joint Municipal Plan was a Municipal Plan.
- (c) shall when so requested, prepare and recommend to the Council of any Municipality represented on the Authority all or any of the schemes, plans, or regulations referred to from Section 31 to and including Section 41,
- (d) shall exercise such rights and powers and perform such duties relating to the planning and control of development as are (i) vested in it by the Lieutenant-Governor in Council, or (ii) delegated to it by resolution of the Council of a Municipality represented on the Authority,

- (e) may expend the funds furnished to it by the Municipalities represented on the Authority and by the Province for any of the purposes of the Authority,
- (f) may with the approval of the Minister appoint such planning officers and other employees and such consultants as the Authority considers necessary for its purposes.

Part IV of the Urban and Rural Planning Act deals with Local Area Plans. The Minister can declare any area outside of a Municipal Planning Area and outside of a Joint Planning Area to be a Local Planning Area and may define its boundaries. The Provincial Planning Board prepares the Local Area Plan.

Part V of the Act deals with Regional Plans. As in the case of Local Area Plans, the Minister can declare any area to be a Regional Planning Area and may define its boundaries. The Provincial Planning Board also prepares the Regional Plan.

A Regional Plan consists of

- 58 (1) Shall be prepared on the basis of surveys and studies of land use, population growth, the economic base of the regional planning area, its transportation and communication needs, public services, social services and such other factors as are relevant to the preparation of a Regional Plan,
- (2) shall include such written statements, reports, charts and drawings as may be necessary to express and illustrate the proposals contained in the Regional Plan,
- (3) may include (a) a map showing the division of all or part of the land in the Regional Planning Area into areas of permitted land use classes as the Board considers necessary for the purposes of the Regional Plan,
 - (b) A schedule prescribing the uses of lands and buildings to be permitted within each of those areas,
 - (c) proposals relating to the provision of highways, public roadways, services, public buildings, schools, parks and recreation areas and the reservation of land for these purposes,

- (d) a schedule setting out the sequence in which specified areas may be developed or re-developed and in which the public services and facilities should be provided, and
- (e) proposals relating to the financing and programming of public development projects and capital works to be undertaken by the Municipalities or other public authorities having jurisdiction within the Regional Planning Area,
- (f) proposals relating to the conservation of natural resources, the prevention of pollution of streams, and bodies of water, the control of flooding and the utilization of lands and resources within the Regional Planning Area.
- (g) proposals relating to the supply of water and the provision of sewerage facilities or other public services within the Regional Planning Area,
- (h) proposals relating to the location, attraction, development, diversification and dispersal of industry within the Regional Planning Area and proposals to facilitate the development of industrial enterprises especially adapted to the economic base and resources of the Regional Planning Area, and
- (i) proposals relating to the adjustment of boundaries between Municipalities and Communities, and
- (j) any other proposals or matter which in the opinion of the Board are necessary or desirable.

Part VI of the Act deals with Protected Areas. The Lieutenant-Governor in Council may declare any area of natural beauty or amenity to be a Protected Area where in his opinion control should be exercised over development in order to preserve the natural amenities of the area. The Provincial Planning Board prepares the plans and schemes it considers necessary for the conservation and development for public use of the natural amenities of the area. When a plan or scheme is prepared, the Lieutenant-Governor in Council may make an order to be known as a Protected Area Order prohibiting all public authorities and all other persons, corporations, partnerships, associations or other organizations whatsoever from taking any action or undertaking any development that conflicts with or is inconsistent with the plan or scheme and authorizing the Board or any public authority to make

regulations consistent with this Act for the implementation and enforcement of such plan or scheme.

Part VII deals with Protected Roads. The Lieutenant-Governor in Council may by order designate any existing or proposed highway, road or way as a Protected Road for the purpose of controlling development along the highway, road or way.

If during expropriation procedures, agreement cannot be reached as to the amount of compensation to be paid, a Board of Arbitrators can be appointed by the Minister.

- 93 If the Minister and the owner of land expropriated or injuriously affected by the expropriation cannot agree on the amount of compensation to be paid for the expropriated land or on account of injurious affection or if the owner cannot be found or if there is any doubt as to the ownership of the land, or if for any other reason the Minister deems it expedient, the amount of compensation to be paid shall be fixed by a board appointed under this Act.

THE DEVELOPMENT AREAS (LANDS) ACT*

R.S.N. 1970 c. 95

This Act was instituted to make provision for the orderly and economic development of certain areas in the province where hydro-electric and other industries may be established and to prevent speculation in land in such areas.

* This Act has been administered since April 1, 1973 by the Department of Industrial Development.

The Lieutenant-Governor in Council may by regulation prohibit without limitation of time or for such period or periods, or render subject to such conditions or restrictions, as may be prescribed in the regulation:

5. (1) (a) the granting, leasing or licencing of any or all lands, whether privately owned or not, within a Development Area or the conveyance of any other rights in any such lands;
- (b) the erection, construction or placing of any building, structure or thing in, on or over any such lands; or
- (c) the application of any such lands to a new industrial or commercial use.

BIBLIOGRAPHY

General

A Report on the Disposition of Public Land for Cottage Purposes in Ontario, other Canadian Provinces and Neighbouring States, Ontario Department of Lands and Forests, January, 1971.

Brackenbury, S.K.B. Provincial Crown Land Study Report, Land Administration Section, Water, Forestry and Land Division, Northern Economic Development Branch, Department of Indian Affairs and Northern Development, Ottawa, August 1972.

Canadian Council of Resource and Environment Ministers, Administration of Crown Lands in Canada, Montreal, 1972.

Canadian Council of Resource and Environment Ministers, Land Seminar Proceedings, Fredericton, New Brunswick, September 19-22, 1972.

Gibson, G. "This Land is Their Land", Weekend Magazine, March 10, 1973, pp. 3-7.

1971 Census of Canada, Agriculture: Census Farms by Size, Area and Use of Farm Land, Advance Bulletin, Cat. 96-721 (AA-4), Statistics Canada, August 1972.

1971 Census of Canada, Agriculture: Population, Tenure, Age and Residence of Operators, Type of Farm Organizations, Advance Bulletin, Cat. 96-723, (AA-6), Statistics Canada, October 1972.

1971 Census of Canada, Agriculture, Number and Area of Census Farms, Advance Bulletin, Cat. 96-728 (AA-11) Statistics Canada, February 1972.

1971 Census of Canada, Population: Urban and Rural Distributions, Cat. 92-709, Vol. 1, Part 1 (Bulletin 1.1) Statistics Canada, February 1973.

Non-Resident Ownership of Land in Canada, Halifax Chapter Committee for an Independent Canada, September, 1972.

Shoreland: Its Use, Ownership, Access and Management. Proceedings of a two-day seminar, March 8-10, 1972, Amherst, Nova Scotia, Sponsored by Dalhousie University.

Newfoundland and Labrador

Boni, Watkins, Jacon & Co. Economic Outlook for Province of Newfoundland, New York, 1969.

Canada/Newfoundland Agreement on Mineral Exploration & Evaluation, 1971, Department of Regional Economic Expansion.

Canada/Newfoundland. Federal-Provincial Rural Development Agreement 1971-1975, Department of Regional Economic Expansion.

Canada/Newfoundland Land Surveying-Mapping Agreement 1972, Department of Regional Economic Expansion, October 5, 1972.

Canada/Newfoundland, Second Special Areas Agreement, August 9, 1971, Department of Regional Economic Expansion.

Copes, P. The Resettlement of Fishing Communities in Newfoundland, Canadian Council on Rural Development, April 1972.

Department of Forestry and Agriculture, ARDA III, Agreement Program Proposals, St. John's.

Department of Regional Economic Expansion, Atlantic Region: Economic Circumstances and Opportunities, One of a series prepared as a contribution to federal-provincial consultations on regional development policy in Canada, April 1973.

Department of Regional Economic Expansion. Newfoundland: Economic Circumstances and Opportunities, One of a series prepared as a contribution to federal-provincial consultations on regional development policy in Canada, April 1973.

Department of Rural Development, Rural Development News, Vol. 1, No. 1, June 1973, St. John's.

Minister of Forestry and Agriculture, Statement on Land Freeze, October 3, 1973.

Newfoundland Royal Commission 1933, Presented by the Secretary of State for Dominion Affairs to Parliament by Command of His Majesty, November 1933, London.

Newfoundland Royal Commission on Agriculture, St. John's, Newfoundland, 1955.

Report of the Commission of Enquiry on the Logging Industry, St. John's, November 1960.

Report of the Land Capability-Land Use Committee to the Federal/Provincial Task Force on Forestry, St. John's, January, 1973.

Report of the Tourist Development Division, Department of Economic Development, Government of Newfoundland and Labrador, January, 1970-December, 1970.

Small Scale Agriculture in Selected Newfoundland Communities, Ed. I. Whitaker, ARDA Project No. 14024, Memorial University of Newfoundland, Institute of Social and Economic Research, 1963, St. John's.

Smallwood, Submission by the Government of the Province of Newfoundland to the Royal Commission on Canada's Economic Prospects, October 1955.

Taylor, G. Newfoundland: A Study of Settlement with Maps and Illustrations, Canadian Institute of International Affairs, 1946.

PROVINCIAL LEGISLATION

The Urban and Rural Planning Act, R.S.N. 1970, c. 387.

The Development Areas (Lands) Act, R.S.N. 1970, c. 95.

The Resettlement Act, R.S.N. 1970, c. 336.

The Abandoned Lands Act, R.S.N. 1970, c. 1

The Land Development Act, R.S.N. 1970, c. 197.

The Crown Lands Act, R.S.N. 1970, c. 71.

The Crown Lands (Mines and Quarries Act), R.S.N. 1970, c. 72.

The Petroleum and Natural Gas Act, R.S.N. 1970, c. 294.

NEWSPAPERS

Benedict, M. "Weather Must Stay Good for Normal Newfoundland Crop" Report on Business, Globe and Mail, Thursday, August 15, 1974.

Walsh, B. "Work of Task Force May Result in Creation of Realistic Newfoundland Forestry Policy", Report on Business, Globe and Mail, September, 21, 1973.

Jennings, G. "Outward Signs Support Minister's Claim that Things Never Better in Newfoundland", Report on Business, Globe and Mail, Wednesday, January 19, 1974.

"Improving Efficiency Becomes the Priority in Forest Industry", Report on Atlantic Provinces, The Financial Post, June 15, 1974.

"They're Optimistic About Oil in East", Report on Atlantic Provinces,
The Financial Post, June 15, 1974.

"Land Control - Not War", Globe and Mail, May 3, 1973.

Provinces Move Towards Land Use Controls, Chronicle-Herald, Halifax,
March 1, 1973.

Environment Canada Library, Burlington



3 9055 1017 3514 9