

**GOVERNMENT OF
NEWFOUNDLAND AND LABRADOR
Department of Tourism, Culture, Arts and Recreation
Parks Division**

**TEMPORARY VEHICULAR ACCESS PERMIT IN THE NEWFOUNDLAND AND
LABRADOR T'RAILWAY PROVINCIAL PARK**

BETWEEN: The Department of Tourism, Culture, Arts and Recreation as represented by the Minister of the Department of Tourism, Culture, Arts and Recreation

(Hereinafter called the “**MINISTER**”)

- OF THE ONE PART -

AND: Catherine Dale, Birds Canada

(Hereinafter called the **Permit Holder**)

- OF THE OTHER PART -

Pursuant to section 15 of the *Executive Council Act*, section 5 of the *Provincial Parks Act*, and sections 8 through 12 of the *Provincial Parks Regulations*, a Temporary Vehicular Access (TVA) Permit is hereby issued to the Permit Holder to use in the Newfoundland and Labrador T’Railway Provincial Park (T’Railway) as shown in the attached “Schedule A” for the purpose of conducting a nocturnal Owl survey. This Permit is subject to the following terms and conditions:

1. This Permit authorizes the Permit Holder to temporarily use and access the T’Railway in a motor vehicle for the purpose of conducting a nocturnal Owl survey. The owl surveys will occur throughout the island using the T’Railway intermittingly.
2. This Permit does not provide an authorization for the use and operation of a motor vehicle which is unsafe and/or does not comply and conform to any and all Federal, Provincial and Municipal laws respecting and regulating the use and operation of such vehicles. The vehicles must be licensed and carry liability insurance.
3. The Permit Holder agrees that the Minister does not owe a duty of care towards a person who is using the T’Railway or that person’s property whether or not the person is within the T’Railway.
4. The Permit does not authorize the Permit Holder to enter upon private land, to dispute private claims to land, or to obstruct any public right-of-way.

5. The Permit Holder is not permitted to erect a structure of any type in T’Railway without the prior written consent of the Minister.
6. The Permit Holder must ensure that the safety of the T’Railway users is paramount at all times.
7. The Permit Holder is solely responsible for all other licenses, permits or approvals from Federal, Provincial, Municipal and other Government authorities, that may be necessary.
8. The Permit does not convey the right to extract any minerals including, limestone, granite, slate, marble, gypsum, marl, clay, sand, gravel, peat, coal, natural gas, petroleum or salt from or under the T’Railway.
9. The Permit Holder shall pay and discharge all taxes and charges that may be levied by any Municipal, Provincial or Federal authorities relating to its operations.
10. This Permit may not be assigned or conveyed without the prior written consent of the Minister.
11. The Permit Holder shall indemnify and save harmless the Minister against any loss, cost or damage resulting directly or indirectly from the Permit Holder’s use or occupation of the T’Railway and carry sufficient insurance to discharge this obligation.
12. Should the Permit Holder, or his/her/its heirs, executors, administrators and assigns default in the performance of any of the provisions herein contained, the Minister may immediately terminate this Permit, and this Permit shall cease and the Permit Holder shall forthwith vacate the T’Railway.
13. The failure of the Minister to insist upon strict performance of any of the covenants and provisos contained in this Permit shall not be deemed a waiver of any rights or remedies that the Crown may have or a waiver of any subsequent breach or default.
14. This Permit is binding on the heirs, assessors and assigns of the parties.
15. This Permit does not waive the ability of the Department to levy a fee in the future for use of the T’Railway.
16. The Permit Holder shall ensure that while operating a motor vehicle within the T’Railway the vehicle does not exceed a speed of 20 km/hr.
17. If a bridge/trestle or structure along the T’Railway is to be accessed, crossed or utilized in any way, and the vehicles Gross Vehicle Weight is in excess of 4356 kilograms (10, 000 pounds), an independent engineering assessment must be carried out on those bridges/ trestles or structures to be sure they are structurally sound to carry the anticipated loads under this Permit before they are accessed. The engineering assessment will be at the applicant’s sole expense. The Minister must review and approve all engineering

assessments before any such bridge, trestle or structure is accessed, crossed or utilized in anyway.

- 18. The term of this Permit unless sooner terminated hereunder commences on the date this permit is executed by the Department of Tourism, Culture, Arts and Recreation and expires on December 31, 2026.
- 19. This permit may be terminated at any time by either the Minister or the Permit Holder for any reason on sixty (60) days' notice in writing to the other party.
- 20. It is the responsibility of the Permit Holder to make an application to the Parks Division to renew this permit prior to the expiration date.
- 21. This Permit shall be interpreted in accordance with the laws of Newfoundland and Labrador.

DELIVERED, SIGNED AND THE COMMON SEALS OF THE PARTIES ATTACHED

by their duly authorized officers at the times and places indicated below.

Catherine Dale
Signature

Catherine Dale
Name (print)

Coordinator, NL Breeding Bird Atlas
Title

DATE 20 April 2023

PLACE St. John's, NL

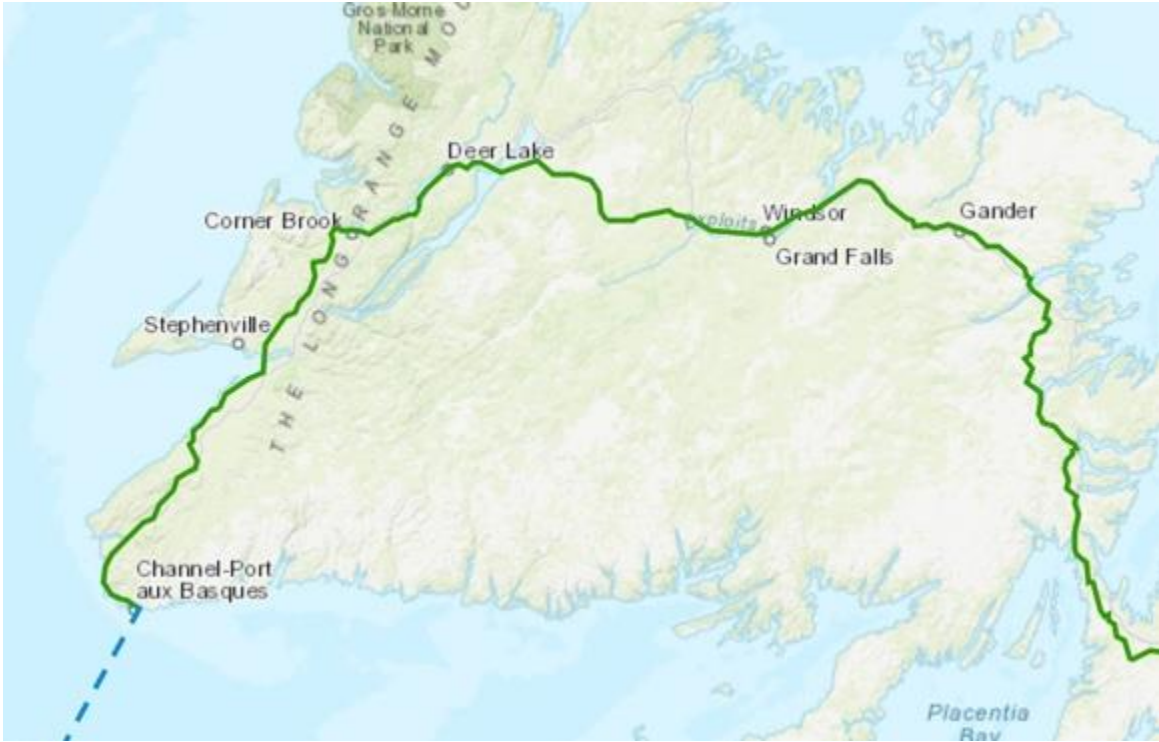
Signature

Geoff Bailey
Director
Parks Division

DATE _____

PLACE _____

Schedule "A"



Copy of NOS_All Routes_2022
Last edit was 2 minutes ago

Add layer Share Preview

Survey Routes_Avalon.xlsx
Styled by Route Number

- NL001 (10)
- NL002 (10)
- NL003 (10)
- NL004 (10)
- NL007 (10)
- NL009 (10)
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- NL040 (10)

An interactive map of Newfoundland and Labrador showing numerous colored pins representing survey routes. The map includes labels for various locations such as Rigolet, North River, Churchill Falls, North West River, Happy Valley-Goose Bay, Charlottetown, Blanc-Sablon, Saint-Lunaire-Griquet, St. Anthony, Havre-Saint-Pierre, Natashquan, Anticosti Island, Gaspé, Percé, Summerside, Rocky Harbour, Twillingate, Lewisporte, Gander, Bonavista, Stephenville, Corner Brook, St. John's, St. John's South, and St. Pierre and Miquelon. The Gulf of St. Lawrence is also labeled. A search bar and navigation tools are visible at the top of the map interface.