

Final Response

July 18, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 - FLR-59-2019

On June 19, 2019 the Department of Fisheries and Land Resources (FLR) received your request for access to the following records

“I would like to receive a copy of any and/or all correspondence relating to a recent complaint that was submitted to a Crown Lands and Water Resources suggesting that someone was backfilling the harbour at Rodgers Cove, NL in Gander Bay North.”

Please be advised that a decision has been made by the Deputy Minister for FLR to provide access to the requested information. Redactions have been made under Section 40 – Personal Privacy of the **Access to Information Protection of Privacy Act, 2015**. You will find a copy of responsive material attached.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the *Act* (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P.O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act* (a copy of this section of the Act has been enclosed for your reference).

Please be advised that this letter will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for

personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-637-2354 or by email at Lisaneville@gov.nl.ca .

Sincerely,



Lisa Neville
ATIPP Coordinator

Right of access

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

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

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

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42 , the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

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

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

Mercer, Dave W

From: Mercer, Dave W
Sent: Monday, June 17, 2019 11:58 AM
To: Investigations, Water
Subject: Infilling at Rodger's Cove
Attachments: Complaint - Rodger's Cove.pdf

A complaint submitted to our office.

Regards,

Dave Mercer
Land Management Specialist

Dept. of Fisheries and Land Resources
Crown Lands Administration Division
Government of Newfoundland and Labrador
P.O. Box 2222
Gander, NL A1V 2N9
T: (709) 256-1407, F: (709) 256-1095
E: davemercer@gov.nl.ca

JUNE 15th. 2019.

In the community of Rodgers Cove on Sat JUNE 15th.
an individual in the community of Rodgers Cove
had a piece of equipment on the beach and in the
water removing boulders and moving them onto the
beach creating a breakwater and barrier from
using the beach, especially at high tide.
It is directly across from 103 Rodgers Cove Rd.



Government of Newfoundland & Labrador Department of Fisheries & Land Resources



NOTE TO USERS

The information on this map was compiled from land surveys registered in the Crown Lands Registry.

Since the Registry does not contain information on all land ownership within the Province, the information depicted cannot be considered complete.

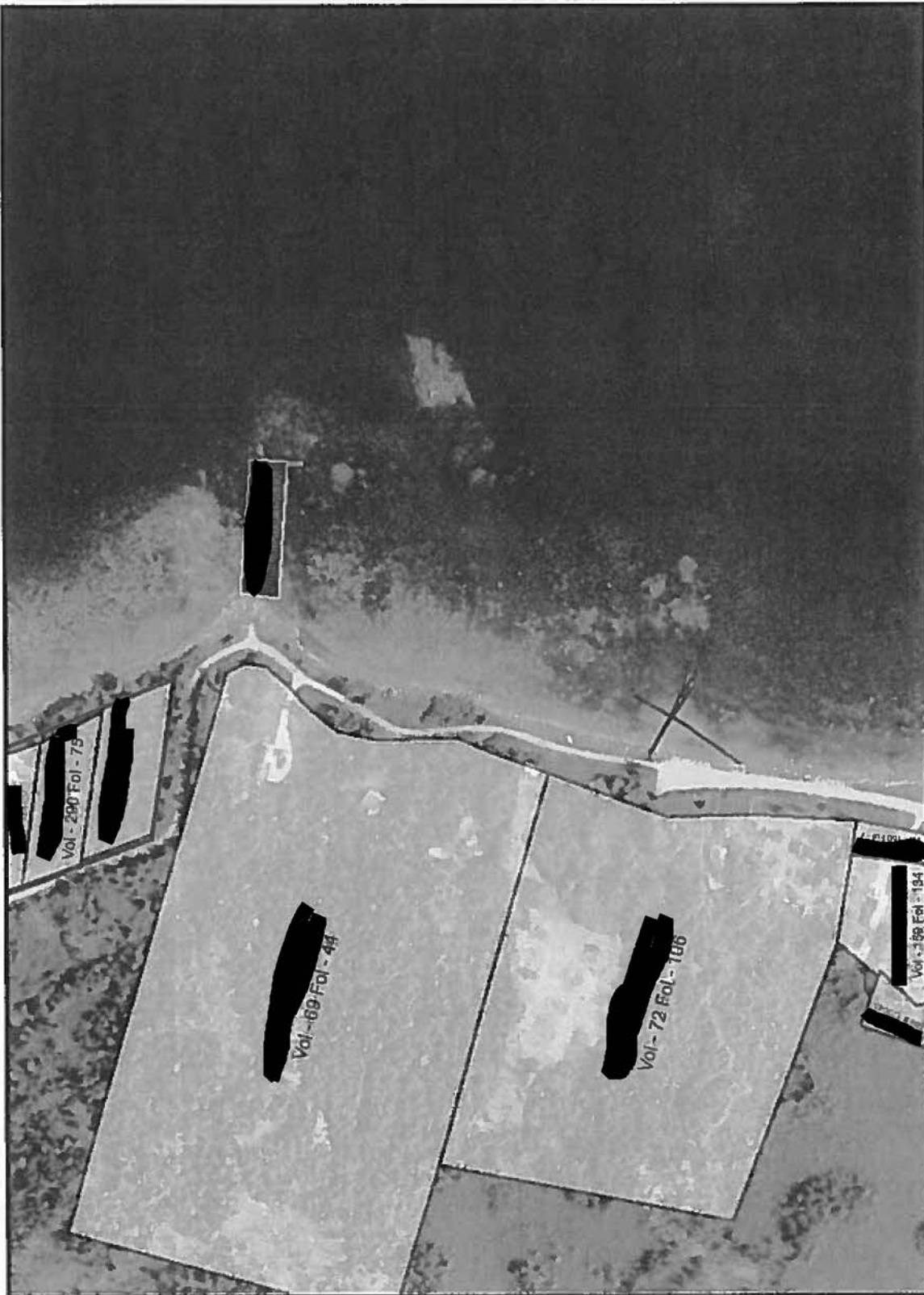
The boundary lines shown are intended to be used as an index to land titles issued by the Crown. The accuracy of the plot is not sufficient for measurement purposes and does not guarantee title.

Users finding any errors or omissions on this map sheet are asked to contact the Crown Lands Inquiries Line by telephone at 1-833-891-3249 or by email at CrownLandsinfo@gov.nl.ca.

Some titles may not be plotted due to Crown Lands volumes missing from the Crown Lands registry or not plotted due to insufficient survey information.

The User hereby indemnifies and saves harmless the Minister, his officers, employees and agents from and against all claims, demands, liabilities, actions or cause of actions alleging any loss, injury, damages and matter (including claims or demands for any violation of copyright or intellectual property) arising out of any mapping or incomplete Crown Land titles, and the Minister, his or her officers, employees and agents shall not be liable for any loss of profits or contracts or any other loss of any kind as a result.

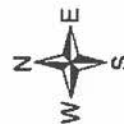
For inquiries please contact the Crown Lands Inquiries Line by telephone at 1-833-891-3249 or by email at CrownLandsinfo@gov.nl.ca. Or visit the nearest Regional Lands Office; http://www.flr.gov.nl.ca/department/contact_land.html



Crown Lands Administration Division

Scale 1:3,500

Compiled on June 17, 2019



Complaint 600 Field Analysis Report

Title:

Decision Required: To investigate the details of a complaint regarding construction of a breakwater without permission:

Background and Current Status:

- A complaint was received on June 17, 2019 regarding an individual constructing a Breakwater without permission at 103 Rodgers Cove Road.
- An inspection was completed at the site accompanied by the complainee Rodney Torrville on June 18, 2019

Analysis:

- The complaintee indicated that he had placed 6 maybe 7 large rocks adjacent to his sewer pipe to slow the erosion process near his sewer line.
- There was evidence from tracks that the complaintee's excavator was on the shoulder of the road at the site.
- No evidence or tracks from the excavator were observed on the beach at the site.
- There was evidence that a truck had been driven on the beach outside the location of the sewer pipe.

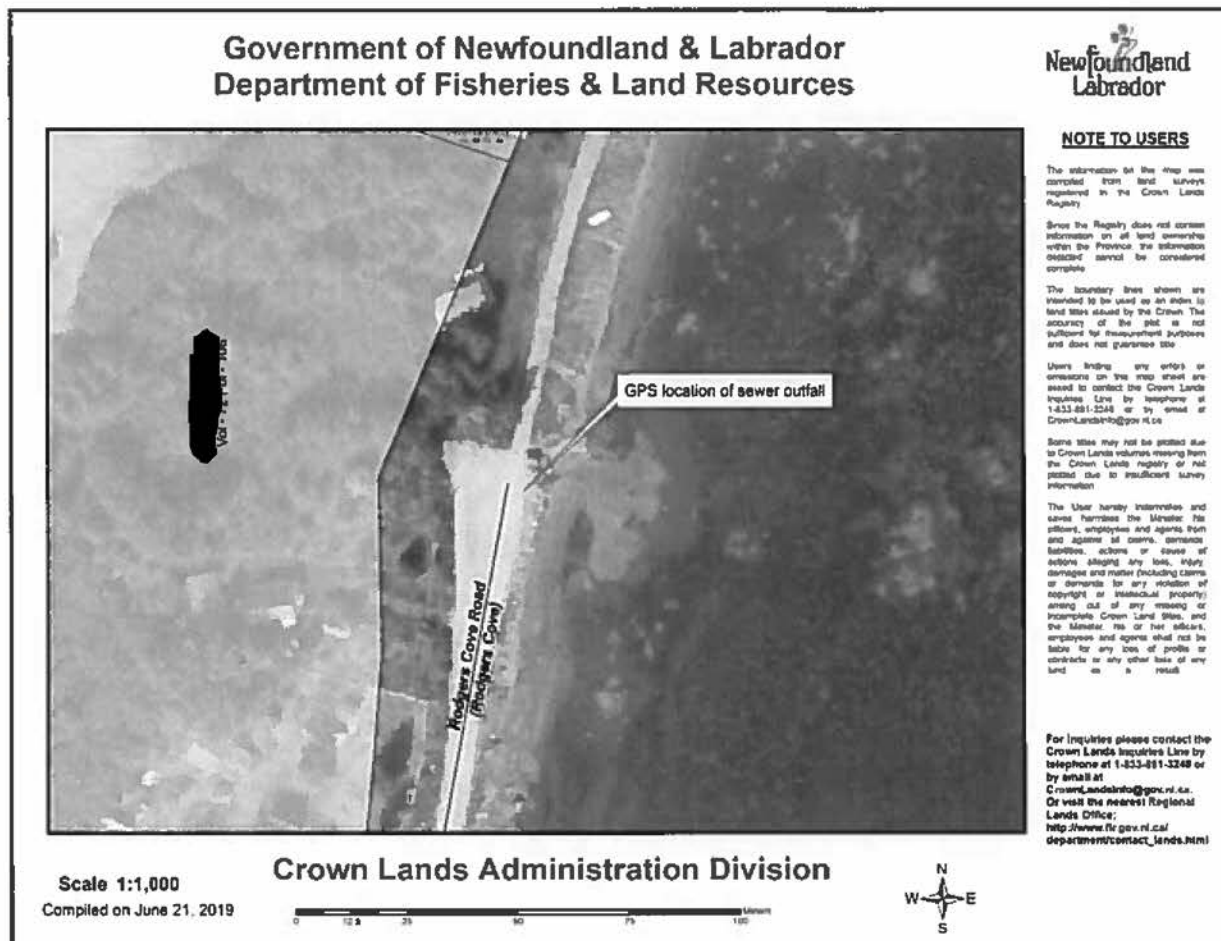
Photo's



Photos above show the rocks placed around the sewer pipe.

Map:

40(1)



Recommendations and Alternatives:

- The complainee has been informed that no further work is to take place within the shoreline reserve without the proper permits from Water Resources Management Division
- The findings have been forwarded to Water Resources Management Division.
- No further action required at this time.

Prepared by: Trevor Mills, LMO

Date: June 21, 2019