Dear [REDACTED]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our file #ENV/030/2013]

On November 8, 2013, the Department of Environment and Conservation received your request for access to the following information:

"Records related to the full review of protocols referenced by the Minister (section highlighted) in the attached news story. Request included correspondence (in any and all formats, including paper and electronic) and results of this review."

I am pleased to inform you that your request for access to these records has been granted in part. Access to specific content contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

Section 21(1)(b): "The head of a public body may refuse to disclose to an applicant information that would disclose legal opinions provided to a public body by a law officer of the Crown."

Section 30(1): "The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy."

In particular, access is provided to the review records and requested correspondence. The appropriate copies have been enclosed. Please be advised that pages 49-54 have been exempted from disclosure as per Section 21 of the Act.

Further to your request, the Department has implemented an application and approval process for groups seeking to use provincial parks in the off season. However, the review of protocols for the use of provincial parks by outside organizations remains ongoing and any formal processes may change subject to the review’s findings and recommendations. In addition, I would like to provide clarification of a comment found on page 39 of the document package. The closure of regional offices referred to in the comments occurred in 1997.
As required by subsection 7(2) of the Act, we have severed information that is exempted from disclosure and have provided you with as much information as possible.

Section 43 of the Act provides that you may ask the Information and Privacy Commissioner to review this response or you may appeal to the Supreme Court Trial Division. A request to the information and Privacy Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
34 Pippy Place
P.O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Facsimile: (709) 729-6500

In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five 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 feel free to contact the ATIPP Coordinator at telephone (709) 729-7393.

Sincerely,

JAMIE CHIPPETT
Deputy Minister
Haskell, Ellen

From: Squires, Susan E  
Sent: Monday, September 23, 2013 8:07 AM  
To: Chippett, Jamie; Vokey, Sharon; Thomas, Deborah

Subject: Fw: Mud immortal

Attachments: Mud immortal 008.JPG; Mud immortal 009.JPG; Mud immortal 010.JPG; Mud immortal 012.JPG; Mud immortal 013.JPG; Mud immortal 014.JPG; Mud immortal 015.JPG; Mud immortal 016.JPG; Mud immortal 018.JPG; Mud immortal 019.JPG; Mud immortal 020.JPG; Mud immortal 021.JPG; Mud immortal 022.JPG; Mud immortal 024.JPG; Mud immortal 025.JPG; Mud immortal 026.JPG; Mud immortal 027.JPG; Mud immortal 028.JPG; Mud immortal 029.JPG; Mud immortal 030.JPG

The below email is from our park manager. Butter Pot staff are not new to outside events. It has been a common place to whole running and triathlon events. The planning for this event seemed to fall apart.

Susan

From: Brown, Keith  
Sent: Sunday, September 22, 2013 06:33 AM  
To: Turner, Frank  
Cc: Squires, Susan E

Subject: Mud Immortal

The mud immortal race was held yesterday at Butter Pot.
Many, many thanks for sending in the two extra staff Darren Stockely and Keith King there were a great help.
The organizers of this race experienced many challenges and obstacles of their own and face book and twitter are full of complaints.
We had a number of injuries and broken bones during the race.
Many of the volunteers for mud immortal did not show, and several of the companies and suppliers did not show.
Our first problem that we park staff encountered was that the security company employees who were responsible for traffic control and parking became overwhelmed in the first hour and quit.
At 10:15 am I became aware of this and closed the park to vehicle traffic due to the congestion on park roads.
Park staff then took over traffic control for rest of day.
The clean up will take several days and the sponsors of this event are responsible and I will ensure they comply.
I would estimate that there is about 1000 pairs of running shoes left around the park it is amazing.
I have attached photos.
The organizers tell me that they had (5,100) five thousand and one hundred people registered in race.

Keith W. Brown  
Manager  
Butter Pot Provincial Park  
Parks & Natural Areas  
Dept of Environment & Conservation  
686 - 1853

11/14/2013
Frank,

Here are a list of questions coming in from executive... Any answers would be helpful.

Can you let me know what protocol currently exists for approvals for events of this sort?

If no such protocols exist, we likely need to develop one.

Under the current practice, who approves such events?

What is the proponent/organizer supposed to supply to facilitate us making this decision?

Plan and/or logistics etc? Question here is did we know that the bog area being utilized was going to be utilized or was this something after the fact.

Is there an agreement they sign for use of our facilities?

Did Mud Immortal paid us to use the park. How much?

When deciding where the race was going to be held, did we consider harming plant species?

What type of screening do we do when allowing private groups to book the park for an event?

How many prov park employees were on hand, and how many did we call in?

How much information do we require from people when they are looking to use the park for events?

How routine is it to allow private events to be hosted in our parks?

Any damages to the park would be the responsibility of the organizers?

Who is paying for the clean-up?

How will we recoup this money?
Haskell, Ellen

From: Squires, Susan E
Sent: Monday, September 23, 2013 9:34 AM
To: Chippett, Jamie; Thomas, Deborah
Subject: Fw: Mud immortal

Clean up underway...

From: Brown, Keith
Sent: Monday, September 23, 2013 09:26 AM
To: Squires, Susan E; Turner, Frank
Subject: RE: Mud immortal

Mud immortal organizers started cleaning up Saturday after the event and continued on Sunday and are here again today. The amount of litter and discarded clothes and running shoes is appalling but organizers are doing a great job with clean up.
I will continue to monitor and keep you apprised

Keith W. Brown
Manager
Butter Pot Provincial Park
Parks & Natural Areas
Dept of Environment & Conservation
685 - 1853

From: Squires, Susan E
Sent: Mon 23/09/2013 8:12 AM
To: Turner, Frank; Brown, Keith
Subject: Mud immortal

Frank and Keith,

Much media on mud immortal and the Ministers office has already sent a few questions about what we knew prior to the event.

Please let me know if anything else develops on this from you end. Keith please let me know if organizers have started cleaning up.

Thank-you,
Susan
Haskell, Ellen

From: Squires, Susan E  
Sent: Wednesday, September 25, 2013 9:58 PM  
To: Turner, Frank  
Subject: RE: Protocol for event approvals in provincial parks

Frank,

We have to have something for them to sign asap. This will be an interim process while we develop something more substantial. Please draft something for review tomorrow.

I think some of Manitoba’s protocol...  
http://www.gov.mb.ca/conservation/parks/pdf/special_events_application.pdf ... could be used.

Thanks,  
Susan  
---  
Susan E. Squires, PhD  
Director (A)  
Parks and Natural Areas Division  
Department of Environment and Conservation  
709-637-2275

From: Chippett, Jamie  
Sent: Wednesday, September 25, 2013 3:49 PM  
To: Squires, Susan E  
Cc: Firth, Ross; Turner, Frank  
Subject: Re: Protocol for event approvals in provincial parks

I wouldn’t suggest we cancel yet but I need a comfort level on scope of event and activities to be pursued; perhaps its as simple as a short agreement that we want them to sign being drafted asap.

Jamie Chippett  
Deputy Minister  
Environment and Conservation

From: Squires, Susan E  
Sent: Wednesday, September 25, 2013 03:44 PM  
To: Chippett, Jamie  
Cc: Firth, Ross; Turner, Frank  
Subject: RE: Protocol for event approvals in provincial parks

Jamie,

I just wanted to ensure you that I have asked staff to make this a priority. We have not have yet had a chance to speak on the events of the weekend but I when we do I will pass along to you my personal apologies and regret.

I asked for a list of groups that have booked the use of Butter Pot Provincial Park for the next month and Keith Brown has provided the following list:

<table>
<thead>
<tr>
<th>Dates</th>
<th>Name of Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/14/2013</td>
<td></td>
</tr>
</tbody>
</table>
Sept 28, 29 overnight 1st Mount Pearl Rangers
Oct 5, 6 overnight Gonzaga Army Cadets
Oct 12 day only Scouts
Oct 13 day only Girl Guides
Oct 27 1 day only St John’s orienteering Club

* Another three groups (CLB and Scouts) have indicated they are coming in but have not confirmed dates as of yet

These are all non-profit groups and vary in size from 12-150 and therefore very different that Mud Immortal.

There are very likely similar bookings within other provincial parks. Recognizing that we will not have a legal agreement and department approved policy in place before the next booking (Sept 28th) and your direction below to have that in place prior to hosting any further events I wanted to make sure you were aware of the groups that will be impacted in case they raise concerns. We have not yet cancelled these events but will begin to do so tomorrow morning.

Thank-you,
Susan

---

Susan E. Squires, PhD
Director (A)
Parks and Natural Areas Division
Department of Environment and Conservation
709-637-2275

From: Chippett, Jamie
Sent: Monday, September 23, 2013 10:57 AM
To: Squires, Susan; Turner, Frank
Subject: Protocol for event approvals in provincial parks
Importance: High

Susan and Frank,

In the discussions this morning around the event at Butter Pot Park this weekend, it is clear that a protocol is needed for decision-making, and if an event is approved, for the follow-up and communication to executive of such events:

I understand that such events, but at smaller scale, may have been approved in the past but before any further events are approved or hosted I want a protocol developed that covers at minimum the following:

1) Need for formal written request from the organizer/requestor which covers off the type of event, anticipated number of people to participate, safety and security provisions, route or particular park assets to be utilized; insurance, etc (this list is not exhaustive);
2) Protocol needs to cover at which level in the department the approval will be given (needs some discussion) and the considerations (e.g. safety/security, environmental, condition of assets, liability, logistics) and that communications staff/executive staff will be advised of the event request
3) If approvals are granted, there needs to be a legal agreement signed prior to the event occurring, the agreement must cover the responsibilities of each party, liability etc and insurance; these would be utilized in TW for example when Government buildings are utilized for certain purposes; TW’s solicitor David Jones has experience in drafting/reviewing this kind of agreement; we should mention that when we consult with our solicitor as we work through this.

While there certainly is a linkage between Parks and physical activity, there needs to be a sufficient and
consistent amount of due diligence and planning that goes into such events on both our part and that of the organizers/requestors. This protocol should be of assistance to all park managers as we move forward.

Thanks
Jamie
FYI...

---

Susan E. Squires, PhD
Director (A)
Parks and Natural Areas Division
Department of Environment and Conservation
709-637-2275

-----Original Message-----
From: Firth, Ross
Sent: Tuesday, November 05, 2013 8:59 AM
To: Coffey, Tina
CC: Squires, Susan E
Subject: RE: Key messages - mud immortal

Tina

Possible key messages:

* Our provincial camping parks host groups on a regular basis. To date, these events have proven to be very successful and no issues of a similar nature to those experienced with "Mud Immortal" have been encountered.

* In meetings with the organizers of "Mud Immortal", officials with the Parks and Natural Areas Division were assured that matters such as security, bus shuttle, St. John’s Ambulance, food/water, etc. would be provided on site. This was confirmed again by the event organizer in the days leading up to the event.

* On the day of the event, the organizer failed to provide adequate services, such as security and traffic control. As a result, parks staff were forced to have to close the park to vehicle traffic.

* Officials within the Department of Environment and Conservation have investigated issues relating to this event. The department has reviewed procedures to ensure that similar issues will not recur.

* Organizers from Mud Immortal cleaned up Butter Pot Provincial Park following the event.

* The race took place on the park roadways and in an area operated in the winter months as a groomed cross country ski trail. The department will continue to monitor all areas used during this event.

Ross

Ross Firth
Assistant Deputy Minister - Natural Heritage
Department of Environment and Conservation  P.O. Box 2007
117 Riverside Drive
Corner Brook, NL
From: Coffey, Tina
Sent: Monday, November 04, 2013 3:18 PM
To: Firth, Ross; Squires, Susan E
Subject: Key messages - mud immortal

Ross, susan
I will need some key messages re; mud immortal issue.
Tina
Department of Environment and Conservation Government of Newfoundland and Labrador P.O.Box 8700 St.John's, NL Canada A1B 4J6
Haskell, Ellen

From: Brown, Keith
Sent: Monday, November 18, 2013 3:28 PM
To: Haskell, Ellen
Subject: FW: Mud imortal
Attachments: Mud imortal 049.JPG; Mud imortal 046.JPG; Mud imortal 045.JPG; Mud imortal 044.JPG; Mud imortal 043.JPG; Mud imortal 042.JPG; Mud imortal 040.JPG; Mud imortal 050.JPG; Mud imortal 038.JPG

Keith W. Brown
Manager
Butter Pot Provincial Park
Parks & Natural Areas
Dept of Environment & Conservation
685 - 1853

From: Brown, Keith
Sent: Sun 22/09/2013 6:41 AM
To: Turner, Frank
Cc: Squires, Susan E
Subject: Mud imortal

More photos attached

Keith W. Brown
Manager
Butter Pot Provincial Park
Parks & Natural Areas
Dept of Environment & Conservation
685 - 1853
Haskell, Ellen

From: Brown, Keith
Sent: Monday, November 18, 2013 3:24 PM
To: Haskell, Ellen
Subject: FW: Protocol for event approvals in provincial parks

Keith W. Brown
Manager
Butter Pot Provincial Park
Parks & Natural Areas
Dept of Environment & Conservation
685 - 1853

From: Brown, Keith
Sent: Mon 23/09/2013 3:39 PM
To: Turner, Frank; Graham, Jeri
Subject: RE: Protocol for event approvals in provincial parks

Understood, prior to closure of regional offices groups wishing to utilize a park for an event would have to make a formal written request to the Regional Supervisor and then Supervisor would contact the Park Manager involved and discuss. The Supervisor would then approve or disapprove and notify applicant in writing. This process dissolved with closure of Regional Offices

Keith W. Brown
Manager
Butter Pot Provincial Park
Parks & Natural Areas
Dept of Environment & Conservation
685 - 1853

From: Turner, Frank
Sent: Mon 23/09/2013 3:20 PM
To: Graham, Jeri
Cc: Brown, Keith
Subject: FW: Protocol for event approvals in provincial parks

No doubt we will be seeking your help on this in the coming days.

Frank

From: Chippett, Jamie
Sent: Monday, September 23, 2013 10:57 AM
To: Squires, Susan E; Turner, Frank
Subject: Protocol for event approvals in provincial parks
Importance: High

Susan and Frank,

In the discussions this morning around the event at Butter Pot Park this weekend, it is clear that a protocol is needed for decision-making, and if an event is approved, for the follow-up and communication to executive of

11/18/2013
such events:

I understand that such events, but at smaller scale, may have been approved in the past but before any further events are approved or hosted I want a protocol developed that covers at minimum the following:

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3) If approvals are granted, there needs to be a legal agreement signed prior to the event occurring, the agreement must cover the responsibilities of each party, liability etc and insurance; these would be utilized in TW for example when Government buildings are utilized for certain purposes; TW’s solicitor David Jones has experience in drafting/reviewing this kind of agreement; we should mention that when we consult with our solicitor as we work through this.

While there certainly is a linkage between Parks and physical activity, there needs to be a sufficient and consistent amount of due diligence and planning that goes into such events on both our part and that of the organizers/requestors. This protocol should be of assistance to all park managers as we move forward.

Thanks
Jamie
Haskell, Ellen

From: Brown, Keith
Sent: Monday, November 18, 2013 3:26 PM
To: Haskell, Ellen
Subject: FW: butter pot park protection

Keith W. Brown
Manager
Butter Pot Provincial Park
Parks & Natural Areas
Dept of Environment & Conservation
685 - 1853

From: Brown, Keith
Sent: Mon 23/09/2013 12:32 PM
To: Turner, Frank
Cc: Hussey, Jackie; Bannister, Jeff; Pittman, Erika; Breon, Crystal
Subject: RE: butter pot park protection

This is the Big Otter Pond Ski Trail which links Camping and Day use area (goes from the Group Camping in Camping area to the day use swimming area parking lot).
I have checked out two sections so far and have seen worst damage with the illegal early season snowmobile usage that has occurred over the years and unfortunately this area has also been illegally used by the orv/atv operators in years gone by.
Part of this trail system encompasses a hiking/skiing trail that was cut from Butter Pot to Bowring park in St. John's the late 1960s.

Keith W. Brown
Manager
Butter Pot Provincial Park
Parks & Natural Areas
Dept of Environment & Conservation
685 - 1853

From: Turner, Frank
Sent: Mon 23/09/2013 12:03 PM
To: Brown, Keith
Cc: Hussey, Jackie; Bannister, Jeff; Pittman, Erika; Breon, Crystal
Subject: FW: butter pot park protection

From: Turner, Frank
Sent: Monday, September 23, 2013 12:02 PM
Cc: Graham, Jeri; Hussey, Jackie; Bannister, Jeff; Pittman, Erika; Breon, Crystal
Subject: FW: butter pot park protection

Keith,
The area and trail damage depicted in the photos has raised a great deal of concern. Would this area be part of the snowmobile trail you mentioned earlier this morning?

11/18/2013
Frank

From: Graham, Jeri
Sent: Monday, September 23, 2013 11:59 AM
To: Hussey, Jackie; Bannister, Jeff; Pittman, Erika; Breon, Crystal
Cc: Turner, Frank; Squires, Susan E
Subject: FW: butter pot park protection

I suggested to Frank that we follow up in the spring with some habitat analysis to document site recovery and any long-term impacts.

Jeri

Jeri Graham
Manager, Natural Areas Program
Parks and Natural Areas Division

Address: PO Box 550, Corner Brook, NL A2H 6E6
Street Address: 117 Riversdale Drive, Corner Brook, NL
Telephone: 709-637-4066
Cell phone: 709-639-2111
Facsimile: 709-637-8060
Email: jjeri@nov.nl.ca

From: [redacted]
Sent: Monday, September 23, 2013 9:52 AM
To: Graham, Jeri
Cc: [redacted]
Subject: Fwd: butter pot park protection

Here are the photos along with the email from [redacted]. You should contact [redacted] directly regarding who took them and exactly where. From your response it seems that maybe this event had some sort of approval from Parks, would that be correct?

/ Thanks for the comment on my photo sites. I certainly enjoy taking them.
all the best

---------- Forwarded message ----------
From: [redacted]
Date: 23 September 2013 00:18
Subject: butter pot park protection
To: [redacted]

Hello

Are there laws protecting the marshes / barrens in butter pot park? I saw some photos recently from a horribly horribly organized event called "mud immortal". It was an obstacle course that took place in the park - and are now probably going to be sued for lying to people about a lot of things. The obstacles were unsafe, etc.

Anyway, attached are some photos from it - you can see they did a lot of damage to the marshes, and some barrens areas. It was a several kilometer long route too.... Perhaps someone from conservation might like to know? With the number of people who participated, I am sure the info will eventually

11/18/2013
trickle down to someone who needs to know - but I thought I'd check with you.

Newfoundland and Labrador, Canada
Haskell, Ellen

From: Brown, Keith
Sent: Monday, November 18, 2013 3:21 PM
To: Haskell, Ellen
Subject: FW: Mudimortal

Attachments: Mud Imortal.JPG; Mud Imortal (2).JPG; Mud Imortal (5).JPG; Mud Imoral (6).JPG

Keith W. Brown
Manager
Butter Pot Provincial Park
Parks & Natural Areas
Dept of Environment & Conservation
685 - 1853

From: Brown, Keith
Sent: Sun 10/11/2013 10:40 AM
To: Turner, Frank
Subject: RE: Mudimortal

Hello Frank

Here are photo's as per your request, note the first few photos were taken a couple of days after the event and the rest were taken today.
On my first attempt battery went dead in camera

Keith W. Brown
Manager
Butter Pot Provincial Park
Parks & Natural Areas
Dept of Environment & Conservation
685 - 1853

From: Turner, Frank
Sent: Tue 05/11/2013 11:36 AM
To: Brown, Keith
Subject: Mudimortal

Hi Keith,

As per Susan's direction this is a reminder to get pictures of the boggy portion of the route used for the mudimortal race before the snow covers the ground for the season. Should you have any further damage from off road vehicles prior to freeze and during spring thaw photos need to be taken of same as well.

Thanks,

Frank
Group Use of a Provincial Park

Parks and Natural Areas Division, Department of Environment and Conservation, Government of Newfoundland and Labrador

Part I Application

1. Name of Group/Organization and/or Event Sponsor: ____________________________

2. Name of Applicant: ____________________________

3. Mailing Address:
   P.O. Box/Street Address ____________________________
   City/Town ____________________________
   Province ____________________________
   Postal Code ____________________________

4. Event Coordinator Contact Information:
   Name ____________________________
   Home/Work ____________________________
   Cell ____________________________
   Fax ____________________________
   Email ____________________________

5. Name of Event: ____________________________

6. Date(s) and Time(s) Desired: ____________________________

7. Name of Park Required: ____________________________

8. Description of Event:
   ____________________________
   ____________________________
   ____________________________
   ____________________________
   ____________________________
   ____________________________
   ____________________________
   ____________________________

9. Number of participants: ____________________________

Signature of Event Coordinator: ____________________________
Date: ____________________________

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Part II Responsibilities of the Applicant

Upon signing this agreement the Applicant accepts responsibility for the following terms:

1. The Applicant shall use due care in the occupation of the Park to ensure that no participant or attendee in the group, organization or event is injured, no property is damaged or lost, and no rights are infringed.

2. The Applicant and/or Group, Organization or Event Sponsor shall be solely responsible for:
   (a) any injury to persons (including death),
   (b) any damage or loss of property,
   (c) any violation or infringement of any property rights,
   (d) any omission, wrongful or negligent act of the Applicant or any participant or attendee of their group, organization or event

   whether caused or suffered by the Applicant or any participant or attendee of their group, organization or event that may result from the use and occupation of the Park by their group, organization or event.

Cancellation
This agreement may be cancelled immediately if the Applicant or any participant or attendee or the group, organization or event fails to comply with any provision of The Provincial Parks Act, its related Regulations, or any of the terms and conditions of this agreement, or the description of the event in this agreement. Any unauthorized structures or works left in the Park, may be removed by the Park Manager at the Applicant’s sole cost.

Signature of Applicant: __________________________ Date: ________________

Recommended Approval by:

Park Manager: __________________________ Date: ________________