November 6, 2017

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/53/2017

On October 7, 2017, The Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

“All documents related to application # 115873 on Jan. 22nd 2004 from the Gun Club"

To be clarified on October 12, 2017 by phone and e-mail to include:

“What we would specifically like to see is the full original application from the Rod & Gun Club.”

Please be advised that a decision has been made by the Deputy Minister for FLR to provide partial access to the requested information. Please note that access to specific information contained within the records has been refused in accordance with Sections 40 (1) Personal Privacy. A full list of relevant legislation is attached. As required by 8(2) of the Act, we have severed information that is exempt from disclosure and have provided you with as much information as possible.

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 is 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
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 responsive records 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 709-729-3730 or by email at hollyphilpott@gov.nl.ca

Sincerely,

Holly Philpott
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.

Disclosure harmful to personal privacy

40. (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

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).
LABRADOR TRAP & SKEEKT CLUB

For

1. Are you a resident of the Province of Newfoundland and Labrador? YES □ NO □
2. Are you an employee of the Department of Government Services & Lands? YES □ NO □
3. Have you, your spouse, or any dependent children ever applied for, or received land from the Crown?
   YES □ NO □ If yes, specify Title No(s).

Outdoor shooting range

3. Describe buildings to be erected (if applicable) Dimensions: Length 40' Width 30'
4. Proposed water and sewage facilities (if applicable)
   Well □ Septic □ Municipal Water □ Municipal Sewer □ Other □ (provide details below)
   Bottled water □ Porta Potti □

C) LAND DESCRIPTION
1. The land is situated at Smokey Mountain Road, Labrador City in the Electoral District of Labrador West.
2. Is the land applied for located within municipal boundaries? YES □ NO □
   If yes, you must enclose a Municipal Recommendation Form.

NOTE: This form is available from the Municipal Council, Regional Lands Office, & Government Service Centres
3. Approximate dimensions of the land: Frontage 1000 metres Depth 500 metres
4. Distance to closest waterbody: 800 metres Name Unnamed (if applicable)
5. Is the site accessible by road? YES □ NO □
   If no, will the site require new road construction for access? YES □ NO □
   If yes, what will be the approximate length of the road? _______ metres
   For sites without road access, please indicate method of transportation:
   Walking _______ A.T.V. _______ Boat _______ Snowmobile _______ Aircraft _______
   For sites without road access, location of access route must be indicated on the map attached to the application and access by A.T.V. must be in accordance with A.T.V. Regulations.
6. Is the site presently occupied: fences, buildings, signs, clearing, local understanding? YES □ NO □
   If yes, state year occupation commenced, area occupied and name of person who developed or occupied the land _______ Date _______ The range was developed and
   Building was constructed and fenced
7. Are you aware of any evidence of previous land use, such as fences, buildings, signs, clearing, local understanding, etc.? YES □ NO □ If yes, state year occupation commenced, area occupied and person who developed the land _______
DESCRIPTION OF LAND

Please Note: When your application is accepted by this Department you are required to identify the site in the field by clearly marking your corner posts. If there is a discrepancy between the area marked in the field and the area indicated on the map, the latter shall prevail.

Sketch the land applied for showing distance to prominent nearby features such as buildings, fences, road intersections. Map must also be attached.

Bounded on the North by ________
Bounded on the South by ________
Bounded on the East by ________
Bounded on the West by ________

PLEASE NOTE: It is the policy of the Crown Lands Division to accept applications on a first come, first serve basis. Applications must be fully completed, with a map showing the exact locations of the land applied for together with the application fee. The approved Municipal Recommendation Form from Council, if applicable, must also be attached. Only then will the application be accepted and deemed registrable by this Department.

AFFIDAVIT OF APPLICANT

I, [Redacted], do hereby make oath and declare as follows:

(a) The information contained in this application is true and correct to the best of my knowledge and belief.
(b) I have inspected the land applied for and have found no evidence of occupation (with the exception of No. 6 and/or No. 7 on Page 1, where applicable).
(c) I am not aware of any adverse claim to the land applied for by any person(s).
(d) I recognize and accept that I am solely responsible for correctly identifying the parcel of land that is the subject of this application.
(e) I fully understand that acceptance of this application by the Department does not give me any rights or privileges in relation to the land under application.
(f) I FULLY UNDERSTAND THAT THE LAND IS NOT TO BE OCCUPIED UNTIL I RECEIVE A FULLY EXECUTED TITLE DOCUMENT.
(g) I FULLY UNDERSTAND THAT, UNDER SECTION 14 OF THE LANDS ACT, THE MINISTER OF GOVERNMENT SERVICES AND LANDS MAY CANCEL OR REFUSE THIS APPLICATION AT HIS OR HER DISCRETION AT ANY TIME PRIOR TO THE DELIVERY OF A FULLY EXECUTED TITLE DOCUMENT.

Sworn before me ________

__________________________
At Salmon City
this 10 day of April 1920
__________________________
Claudine BarsbyMOREY
Office: A Commissioner for Oaths
in and for the Province of Newfoundland
My commission expires on December 31, 2006.

NOTE: A non-refundable processing fee of ONE HUNDRED DOLLARS ($100.00 plus 15% H.S.T. for a total of $115.00) must accompany this application.

Cheques or money orders are to be made payable to NEWFOUNDLAND EXCHEQUER ACCOUNT.
FOR DEPARTMENTAL USE ONLY

SUMMARY OF AGENCY REFERRALS

☑ Government Service Centre ☐ Mines Branch ☐ Transportation Branch
☑ Urban and Rural Planning Division ☐ Municipal Assessment Agency ☐ Environmental Assessment Division
☑ Water Resources Division ☐ Dept. of Fisheries and Aquaculture ☐ Agriculture Branch
☑ Forestry Branch ☐ Wildlife Division ☐ Parks Division
☐ Municipal Authority ☐ Fisheries and Oceans (Federal) ☐ Tourism Development Division
☐ Other ☐ Other "Fed. Dept. of Justice (Firearms)"

Comments Attached Date Sent Received
☑ ☐ ☐ 01-05-07 2001-5-16
☐ ☐ ☐ 01-05-07 2001-5-15
☐ ☐ ☐ 01-05-07 2001-5-14
☐ ☐ ☐ 01-05-07 2001-5-13
☐ ☐ ☐ 01-05-07 2001-5-12
☑ ☐ ☐ 01-05-07 2001-5-11

Officer's Comments:

(P99) OUTDOOR SHOOTING RANGE (EXISTING)

50 Ha @ 1000 m frontage within 500m mining lease. 2001-05-07

within protected watershed. 2001-05-07

Robert Kocher

Lands Management/Lands Officer

Recommendation of Regional Office:
☑ Approved (Complete section below)
☐ Refused (Give reason)

5 year Licence (Subject to undertaking if approved & Service Notice at Clubhouse & Shooting Range.) 2001.10.09.

Regional Lands Manager

Date

This section to be completed by Regional Office when approval is recommended.

Area approved 50 ha Frontage 1000 m Consideration/Rental $200 Back Rental 1200

Lease ☐ Grant ☐ Licence ☐ Other ☐ Type of Use:

Cabinet approval required? YES ☐ NO ☐

Special Instructions to Surveyor (if any): Restricted survey.

Departmental decision:
☑ Approved ☐ Refused ☐ Deferred ☐ To Cabinet ☐

Special Instructions:

2001-01-07

Date

Director of Lands Management
Special Conditions of Approval:

Access to the lands for the purpose of mineral exploration and development shall not be denied.

Date: 2001.10.09, Regional Lands Manager

Special Title Conditions: This licence is subject to the prior reserved rights of the Labrador Mining and Exploration Co. Ltd. and its successors and assigns. These rights include, but are not limited to the right to explore for minerals and to repurchase the lands herein described without indemnity or compensation for loss or damage suffered thereby to the licencelholder.

Date: 2001.10.09, Regional Lands Manager