Dear [REDACTED]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act: MIGA/16/2015

On April 6, 2015, the Department of Municipal and Intergovernmental Affairs received your request for access to the following records:

"I am requesting a copy of the report or other information used to make the decision to suspend all landwork, sales, transfers, renovations in/around Copper Mine Brook."

I am pleased to inform you that your request for access to the record has been granted in part. In accordance with your request, I am pleased to enclose an email that describes the rationale for the decision to suspend all transfers and renewals in/around Copper Mine Brook. Access to some information contained within the record has been refused in accordance with the exceptions to disclosure, as specified in the following sections of the Access to Information and Protection of Privacy Act (the Act):

21. The head of a public body may refuse to disclose to an applicant information (a) that is subject to solicitor and client privilege;

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.

As required by subsection 7(2) of the Act, we have severed information that is exempt 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 partial refusal of access or you may appeal the refusal 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.

Records that are refused on the basis of section 21 (legal advice), you must appeal directly to the Supreme Court Trial Division within 30 days after you receive the decision of the public body, pursuant to section 60. You may also contact the Office of the Information and Privacy Commissioner who may decide to initiate an appeal pursuant to subsection 60(1.1).

The address and contact information of 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
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 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 Rosalind Squires at 729-1953.

Sincerely,

[Signature]

COLLEEN JANES
Deputy Minister for Municipal Affairs

Enclosure
Squires, Rosalind

From: Howe, Peter
Sent: Friday, September 13, 2013 11:53 AM
To: Dicks, Robert (ENVC); Kelland, Donna; Vardy, Butch
Subject: RE: Will this be sufficient?

Robert,

I discussed this with Donna Kelland this morning and until a proper review of the situation is completed we are both in agreement that there is to be hold placed on any assignments of title. Please advise staff accordingly.

Peter

-----Original Message-----
From: Dicks, Robert (ENVC)
Sent: Wednesday, September 11, 2013 10:47 AM
To: Howe, Peter; Kelland, Donna; Vardy, Butch
Subject: RE: Will this be sufficient?

I have spoken with the Region. The purchasers were advised of the area concerns. In some cases the sales had already happened and the purchaser has come forward after the fact.

Robert

-----Original Message-----
From: Howe, Peter
Sent: Wednesday, September 11, 2013 8:46 AM
To: Dicks, Robert (ENVC); Kelland, Donna; Vardy, Butch
Subject: RE: Will this be sufficient?

If approvals will not be granted pending further review the people who have recently been assigned should be advised. Was this the Town's or SNL's decision?

-----Original Message-----
From: Dicks, Robert (ENVC)
Sent: Tuesday, September 10, 2013 4:20 PM
To: Kelland, Donna; Howe, Peter; Vardy, Butch
Subject: RE: Will this be sufficient?

s.21(a)

Robert

-----Original Message-----
From: Kelland, Donna
Sent: Tuesday, September 10, 2013 4:01 PM
To: Howe, Peter; Vardy, Butch; Dicks, Robert (ENVC)
Subject: RE: Will this be sufficient?
---Original Message---
From: Howe, Peter
Sent: Tuesday, September 10, 2013 1:16 PM
To: Vardy, Butch; Dicks, Robert (ENVC)
Cc: Kelland, Donna
Subject: RE: Will this be sufficient?

Robert,

Thx.

Peter

From: Vardy, Butch
Sent: Tuesday, September 10, 2013 1:15 PM
To: Dicks, Robert (ENVC)
Cc: Howe, Peter; Kelland, Donna
Subject: RE: Will this be sufficient?

I just had another call from the Town of York Harbour and they tell me that two more transfers have taken place. [Redacted] transferred her property to [Redacted] and [Redacted] transferred her property to [Redacted]. Is it possible to have all renewals and transfers stopped until further notice? As noted in the email below, I had hoped that nothing would be renewed or change hands until we met and discussed options.

Butch

From: Dicks, Robert (ENVC)
Sent: Tuesday, September 10, 2013 9:43 AM
To: Vardy, Butch
Cc: Howe, Peter
Subject: RE: Will this be sufficient?

Butch,
I have very tentative plans to be on the West Coast the week of Oct 7th. Would that work?

Robert

__________________________
From: Vardy, Butch
Sent: Tuesday, August 27, 2013 9:41 AM
To: Dicks, Robert (ENVC); Howe, Peter
Subject: RE: Will this be sufficient?

I had a call from the Town of York Harbour today requesting another meeting to clarify the issues at Coppermine Brook. I'd like to get something set up in the next few weeks if possible, but I know that the representative from Municipal Affairs is not available next week. Could you get back to me on a time that we can get together again to discuss? The Town wants to be included in the meeting.

The Town Clerk also mentioned that in a conversation to the local Crown Lands office, she was told that renewals are on hold, but transfers are acceptable. In reading the email below, I realize that's what it says, but I think the intent was to stop any further issues from arising, so maybe that will need to be clarified.

Butch

From: Dicks, Robert (ENVC)
Sent: Tuesday, July 16, 2013 4:34 PM
To: Vardy, Butch; Howe, Peter
Subject: Will this be sufficient?

Until further notice, no renewals are to be completed on the LTOs for Coppermine Brook or #4 Brook. Any inquiries regarding renewals should be told that these areas are under review by the Lands Branch and the Department of Service NL and it is related to septic issues. For any requests for assignments, the purchaser should be informed of the ongoing review and therefore it is a buyer-beware conveyance.
Thank you

Robert Dicks

Robert C. Dicks
Director of Crown Lands Administration
Department of Environment and Conservation
Lands Branch
Howley Building, Higgin's Line
Box 8700, St. John's, NL
A1B 4J6

Ph: 709-729-3174
Fax: 709-729-4361

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Ph: 709-729-3174
Fax: 709-729-4361
Information Note
Department of Municipal and Intergovernmental Affairs

Title: Copper Mine Brook and Number Four Brook, Bay of Islands.

Issue: Overcrowding of existing structures, as well as illegally installed septic and grey water disposal systems are resulting in sanitation concerns.

Background and Current Status:
- Copper Mine Brook and Number Four Brook areas were occupied with fishing sheds near the shoreline of Bay of Islands prior to the 1980's.
- The decision of the day was to allow these unauthorized structures to remain although there were concerns that ground water levels were too high and could not accommodate traditional septic systems.
- Between October 1, 1981 and July 3, 1989, a total of forty-nine (49) Crown land Licences to Occupy (LTO) were issued in these two (2) locations.
- Today there are 27 cabins at Copper Mine Brook and 19 cabins at Number Four Brook. Many of these have associated sheds. This has resulted in overcrowding in the area. Many of the original fishing sheds have since been upgraded to more habitable structures (cottages).
- The original LTO documents had a condition restricting the installation of a septic system but did allow for a “Pit Privy” (an outhouse).
- A second restriction on the LTO was that it did not allow for the assignment of the LTO to another individual. The purpose of the non-assignment clause was to make the title a “Life Interest” ownership only. This would result in the area being vacated as ownership ceased to exist (death, abandonment or removal).
- These LTOs were for five (5) year terms and could be renewed for further terms. Subsequent renewals did not always have the original restrictive clauses incorporated into the renewals. As a result, some of the original titles did get assigned to new owners, as neither the sellers nor owners were aware of the original restrictive clauses.
- In Coppermine Brook there is only one LTO with the original no transfer clause and in Number Four Brook there are three that have the original clause.
- Recently, inspections have taken place by officials of Crown Lands Administration Division (CLAD) and Service NL whereby it has been determined that 37 of the structures have been connected to uncertified (illegal) septic systems.
• On February 2012, officials of the CLAD and Service NL met with the Town of York Harbour regarding the development of land in the area due to the Town’s concerns with overcrowding and sanitation.

• The Town of York Harbour is refusing to issue building permits in these areas due to illegal septic systems and want Government to cancel and order removal of the structures. Service NL is also refusing to issue any new electrical permits for power hook ups where the owners do not have approved septic systems.

• In June 2012, the Department of Transportation and Works (TW) purchased three (3) cabins on the eastern end of Copper Mine Brook due to decades of soil instability along Route 450 to the rear of the cabins. These cabins have been removed.

• In July 2013, CLAD instructed Western Regional Lands Office (WRLO) not to issue renewals for titles at Copper Mine Brook or Number Four Brook until the issue of septic concerns and overcrowding were addressed.

• In September 2013, WRLO was further instructed not to process assignments (transfers) for titles in these areas until the issue of septic concerns and overcrowding were addressed.

• On October 7, 2013, a meeting was held between CLAD, Service NL, the Town of York Harbour, the Dept. of Municipal Affairs and the Dept. of Health and Community Services regarding the ongoing issues of sanitation and overcrowding.

• At the conclusion of the meeting it was decided CLAD and Service NL would jointly investigate current occupations in the two areas and determine what breaches of original title conditions and septic system installation requirements existed.

• On October 16 and 28, 2014, meetings were held between WRLO and Service NL to identify potential alternative sewage waste removal systems that residents of these areas might be able to install, either individually or collectively.

• On November 18, 2014, a meeting was held between CLAD (MIGA), Service NL and the Western Regional Office (MIGA).

• At the conclusion of the meeting it was decided that the engineers with the Western Regional Office would review the potential alternative sewage waste removal systems for both areas.

• On November 26, 2014, staff from both the Western Regional Lands Office and the Western Regional Office visited both areas for a preliminary look at the potential alternative sewage waste removal systems. It was noted that there were several travel trailers in the area however staff were unable to determine if the trailers were used as ancillary buildings or just parked for storage.

• On December 8, 2014, the Town of York Harbour submitted a written complaint requesting action against the travel trailers in the Copper Mine Brook area.
- On February 20, 2015, the Western Regional Office with the Department of Municipal and Intergovernmental Affairs (MIGA) submitted the draft engineering report for potential alternative sewage waste removal systems that residents of these areas might be able to install, either individually or collectively to CLAD for comments.

- On February 24, 2015, a meeting was held between CLAD and Service NL to review the draft report. Service NL had several comments they wish to have included in the report along with some pictures from previous site inspections. CLAD is currently waiting on these comments to forward to the Western Regional Office (MIGA).

**Action Being Taken:**

- The Western Regional Office with the Department of Municipal and Intergovernmental Affairs (MIGA) are currently finalizing an engineering report for potential alternative sewage waste removal systems that residents of these areas might be able to install, either individually or collectively. The first draft of the report is complete and is being reviewed by Service NL for further edits. It is anticipated the final report will be completed the 2nd week of March. It should be noted that, given the high ground water tables and very small land parcels in this area, it is thought unlikely that any in-ground systems can be approved.

- Once the final report is completed, the department will be in a better position to determine whether the transfer of Crown lands titles in the area can be permitted and a meeting will be scheduled with the town.

- In the interim, Service NL continues to withhold electrical permits for any renovations or upgrades to cottages or sheds in these areas.

- CLAD continues to withhold renewal and/or assignment of Crown lands titles in both these areas.

- A preliminary inspection was conducted in the Fall of 2014 by the Western Regional Lands Office into the use and ownership of the travel trailers. The ownership could not be determined as a result of this inspection. Further investigation into ownership will have to be deferred until late Spring/early Summer when area is in use.

- The Town of York Harbour will only issue permits for minor repairs to cottages.
Annexes:
1. Location Map.
2. Site Map of Copper Mine Brook.
3. Site Map of Number Four Brook.

Prepared / Approved by: J. Grandy / M. Meaney
Approved by:
February 26, 2015
Number Four Brook
Government of Newfoundland & Labrador
Department of Environment & Conservation

Crown Lands Division

Scale 1:2,000
Compiled on January 03, 2014