November 7, 2017

Dear

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/101/2017]

On October 23, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Wish to obtain all permits issued by Department of Environment to on Joes’s Lake, Badger Lake Ni. between 2014 to present related to infilling or water resource related."

I am pleased to inform you that a decision has been made by the Deputy Minister for Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, some of the information 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, 2015 (the Act):

"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."

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

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

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 Completed Access to Information Requests 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 me by telephone at 709-729-7183 or by e-mail at lisas@gov.nl.ca.

Sincerely,

LISA SULLIVAN
ATIPP Coordinator
Enclosures
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).
PERMIT TO ALTER A BODY OF WATER

Pursuant to the Water Resources Act, SNL 2002 cW-4.01, Section(s) 48

Date: AUGUST 05, 2013

Proponent: [Redacted]

Attention: [Redacted]

Re: Joe’s Lake - Boulder Removal within 15 meters

File No: 525
Permit No: ALT7108-2013

Permission is hereby given for: the break down and removal of a large boulder, for safety reasons, from the 15 meter reservation of Joe’s Lake using an excavator with buster attachment as outlined in the application received July 4th, 2013 and additional information received July 17th, 2013.

- This permit does not release the proponent from the obligation to obtain appropriate approvals from other concerned provincial, federal and municipal agencies.
- The proponent must obtain the approval of the Crown Lands Division of the Department of Environment and Conservation if the project is being carried out on Crown Land.
- This permit is subject to the terms and conditions indicated in Appendix A (attached).
- It should be noted that prior to any significant changes in the design or installation of the proposed works, or in event of changes in ownership or management of the project, an amendment to this permit must be obtained from the Department of Environment and Conservation under Section 49 of the Water Resources Act.
- Failure to comply with the terms and conditions will render this permit null and void, place the proponent and their agent(s) in violation of the Water Resources Act and make the proponent responsible for taking any remedial measures as may be prescribed by this Department.

[Signature]
MINISTER
GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Environment and Conservation
Permit No: ALT7108-2013

APPENDIX A
Terms and Conditions for Environmental Permit

General Alterations

1. Any work that must be performed below the high water mark must be carried out during a period of low water levels.

2. Any flowing or standing water must be diverted around work sites so that work is carried out in the dry.

3. All operations must be carried out in a manner that prevents damage to land, vegetation, and watercourses, and which prevents pollution of bodies of water.

4. The use of heavy equipment in streams or bodies of water is not permitted. The operation of heavy equipment must be confined to dry stable areas.

5. All vehicles and equipment must be clean and in good repair, free of mud and oil, or other harmful substances that could impair water quality.

6. Any areas adversely affected by this project must be restored to a state that resembles local natural conditions. Further remedial measures to mitigate environmental impacts on water resources can and will be specified, if considered necessary in the opinion of the Department.

7. The beds, banks and floodplains of watercourses, or other vulnerable areas affected by this project, must be adequately protected from erosion by seeding, sodding or placing of rip-rap.

8. All waste materials resulting from this project must be disposed of at a site approved by the Department of Service NL.

9. Periodic maintenance such as painting, resurfacing, clearing of debris, or minor repairs, must be carried out without causing any physical disruption of any watercourse. Care must be taken to prevent spillage of pollutants into the water.

10. Sediment and erosion control measures must be installed before starting work. All control measures must be inspected regularly and any necessary repairs made if damage is discovered.

11. The attached Completion Report (Appendix B) for Permit No. 7108 must be completed and returned to this Department upon completion of the approved works.

12. This Permit is valid for two years from the date of issue. Work must be completed by that date or the application and approval procedure must be repeated.

13. The location of the work is highlighted on the Location Map for this Permit attached as Appendix C.

14. Pictures must be submitted along with the completion report, showing the project site prior to and after development.
Appendix B - Completion Report

Pursuant to the Water Resources Act, SNL 2002 cW-4.01, Section(s) 48

Date: AUGUST 05, 2013

Proponent: [Redacted]

Attention: [Redacted]

File No: 525
Permit No: ALT7108-2013

Re: Joe's Lake - Boulder Removal within 15 meters

Permission was given for: the break down and removal of a large boulder, for safety reasons, from the 15 meter reservation of Joe's Lake using an excavator with buster attachment as outlined in the application received July 4th, 2013 and additional information received July 17th, 2013.

I (the proponent named above or agent authorized to represent the proponent) do hereby certify that the project described above was completed in accordance with the plans and specifications submitted to the Department of Environment and Conservation and that the work was carried out in strict compliance with the terms and conditions of the Permit issued for this project.

Date: __________________________ Signature: __________________________

This completion report must be completed and forwarded to the following address upon completion of the approved work.

Department of Environment and Conservation
Water Resources Management Division
PO Box 8700
St. John's NL A1B 4J6
GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
Department of Environment and Conservation

APPENDIX C
Location Map for Environmental Permit