November 27, 2018

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: PRE/29/2018]

On October 29, 2018, the Premier’s Office received your request for access to the following records/information:

"Requesting information from the Premiers office regarding the mining exploration activity in Central Newfoundland at an area to the North of Victoria Lake by a company named Marathon Gold. Specifically information on 1) Which Government Department(s) oversees this Mining Exploration activity? 2) Permits (to date) that have been issued to Marathon Gold to occupy the land in this area? 3) The issuing of Permits and the parameters of those permits, limitations etc... 4) Government Site Inspections (to date) since this company has begun operations in this area for approx. the past ten years. 5) Government Environmental Site inspections, observations and limitations (to date) for any permits given approval for this project. 6) Land Use - Land Occupation Permits issued to Marathon Gold in their operations in this area and limitations placed on those permits."

Please be advised the Premier’s Office would not have records in relation to this request. However, we can confirm the Departments of Natural Resources (NR), Fisheries and Land Resources (FLR), Municipal Affairs and Environment (MAE), and Service NL (SNL) would have records responsive to this request. The following information is provided in relation to your request:

1) Which Government Department(s) oversees this Mining (Mineral) Exploration activity?

Answer: NR - Mineral Lands Division

2) Permits (to date) that have been issued to Marathon Gold to occupy the land in this area?

Answer:
- The company has several mineral licenses issued by NR under the Mineral Act and associated mineral exploration approvals over several years to carry various types of mineral exploration work. NR can provide this information.
• MAE advises the company has two water use licenses (WUL-13-003 and WUL-13-049) issued under the Water Resources Act to withdraw water from and use of bodies of water within boundary of the property at Valentine Lake. Only one of the water use licenses (WUL-13-049) is still valid. It will expire on December 31, 2018.

• FLR - Crown land division issues these permits, SNL is a referral Department for Crown Lands. Final licence/permit to occupy the land is issued by FLR.

3) The issuing of Permits and the parameters of those permits, limitations etc...

Answer:
• The exploration approvals issued by NR contain several general conditions (see Appendix A of document at [https://www.nr.gov.nl.ca/nr/forms/mines/MEA_Application_Editable.pdf](https://www.nr.gov.nl.ca/nr/forms/mines/MEA_Application_Editable.pdf) and also specific conditions provided by agencies as part of NR’s referral process.

• The water use licenses issued by MAE contain terms and conditions pertaining to the protection of the environment. MAE can provide this information.

• Service NL would issue permits for any petroleum storage (tank and/or drum) that is registrable under the Gasoline and Associated Products Regulations (2 registration and a historical.) The Environmental Health Officer would issue a Food Establishment License and conduct site visits for food safety issues based on exact type of license issued.

• FLR - Crown Lands would issue permits and limitations included within those permits. FLR permits include commercial cutting permits and related conditions.

These departments can explain the permitting process for permits/approval they issue.

4) Government Site Inspections (to date) since this company has begun operations in this area for approx. the past ten years.

Answer:
• Please contact NR for information related to site inspections completed by this department.

• SNL advises an Environmental Protection Officer (EPO) performed a final backfill inspection for an engineered sub-surface disposal field in May 2011. SNL issued the overall septic Certificate of Approval after successfully undergoing the backfill inspection. The EHO performed one site inspection of the food handling facilities in May 2012. Please contact SNL for further information.

• Please contact FLR for Crown Lands records related to site inspections, field reports and removal notices for gates on roads.
5) Government Environmental Site inspections, observations and limitations (to date) for any permits given approval for this project.

Answer:

- Mineral Lands Division of NR can provide you with this information in relation to permits issued by the NR.

- SNL – Can provide you with this information in relation to EPO inspections.

- FLR - Crown Lands can provide you with this information in relation to site inspections, removal notices and limitations.

6) Land Use - Land Occupation Permits issued to Marathon Gold in their operations in this area and limitations placed on those permits.

- Answer: FLR – crown lands Crown Lands has responsive records including occupation permits and limitations.

To obtain the information requested, you can file an access to information request via https://apps.gov.nl.ca/atipp/ with each respective department. A listing of ATIPP coordinators can be found here: http://www.atipp.gov.nl.ca/info/atipp_coordinators_govt_departments.pdf.

You may appeal this decision by asking the Information and Privacy Commissioner to review this response, 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 response and why you are submitting the appeal. Contact information for 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
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 this response, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

This response will be published as outlined on the Completed Access to Information Requests website. (http://atipp-search.gov.nl.ca/) If you have any further questions, please feel free to contact me by telephone at (709)729-3570 or by e-mail at joybuckle@gov.nl.ca.

Sincerely,

[Signature]

Joy Buckle
ATIPP Coordinator
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).