December 11, 2018

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/114/2018

On November 20, 2018, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"Application for 113 acres of agricultural land at the Witless Bay Line area of the Southern Shore."

Please be advised that a decision has been made by the Deputy Minister for FLR to provide access to the requested information. Redactions have been made under Section 40 – Personal Privacy of the Access to Information Protection of Privacy Act, 2015. You will find a copy of responsive material attached.

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 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 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 this letter 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 HollyWarford@gov.nl.ca.

Sincerely,

Holly Warford
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.

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).
Newfoundland
Labrador
Municipal Affairs

APPLICATION FOR
CROWN LANDS

FOR DEPARTMENT USE ONLY

APPLICATION NO. 151333
FILE NO. 1-30890
DATE REGISTERED March 22/17
INITIAL PP

AMOUNT 172.90
DATE Feb 9/17

RECEIPT NO.

NO.

TOPO NO.

INITIAL GM

APPLICANT INFORMATION

SURNAME

NAME

MIDInitial

AGE

MAILING ADDRESS

CITY/TOWN

PROVINCE

NL

BETWEEN TELEPHONE

HOME TELEPHONE

ARE YOU A RESIDENT OF THE PROVINCE OF NEWFOUNDLAND AND LABRADOR? [YES] [NO]

ARE YOU AN EMPLOYEE OF THE DEPARTMENT OF MUNICIPAL AFFAIRS? [YES] [NO]

HAVE YOU, YOUR SPOUSE, OR ANY DEPENDENT CHILDREN EVER APPLIED FOR, OR RECEIVED LAND FROM THE CROWN? [YES] [NO]

PROPOSED TENURE AND USE

TYPE OF APPLICATION

[ ] LEASE

[ ] GRANT

[ ] LICENCE TO OCCUPY

LAND USE

[ ] RESIDENCE

[ ] COTTAGE

[ ] AQUACULTURE

[ ] AGRICULTURE (provide details below)

[ ] COMMERCIAL (provide detailed description below)

[ ] OTHER (provide details below)

The development of a mid-size multi-use farm and woodlot. This development will support business plans for a vegetable market/stand in the community of westlea bay and surrounding communities on the southern shore.

For further info see attached briefing on development plans & business plan.

DESCRIBE BUILDINGS TO BE ERECTED (if applicable)

DIMENSIONS LENGTH WIDTH

PROPOSED WATER AND SEWAGE FACILITIES (if applicable)

[ ] WELL

[ ] SEPTIC

[ ] MUNICIPAL WATER

[ ] MUNICIPAL SEWER

[ ] OTHER (provide details below)

Any water requirements will come from adjacent pond.
I. THE LAND IS SITUATED AT
Old witness bay line, witness bay, southwest

IN THE ELECTORAL DISTRICT OF
Ferryland

2. IS THE LAND APPLIED FOR LOCATED WITHIN MUNICIPAL BOUNDARIES? □ YES ☑ NO

3. APPROXIMATE DIMENSIONS OF THE LAND

FRONTAGE 345 metres DEPTH 45.75 metres

4. DISTANCE TO CLOSEST WATERBODY

NAME OF WATERBODY (if applicable) Full Pond

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?

250 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

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 NAME OF PERSON WHO DEVELOPED OR OCCUPIED 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 NORTH BY Old witness bay line
BOUNDED ON SOUTH BY Gull Pond / Little Pond
BOUNDED ON EAST BY Old witness bay line / Little Pond
BOUNDED ON WEST BY Gull Pond

PLEASE NOTE: IT IS THE POLICY OF THE CROWN LANDS DIVISION TO ACCEPT APPLICATIONS ON A FIRST COME - FIRST SERVED BASIS. APPLICATIONS MUST BE FULLY COMPLETED, WITH A MAP SHOWING THE EXACT LOCATIONS OF THE LAND APPLIED FOR TOGETHER WITH THE APPLICATION FEE. ONLY THEN WILL THE APPLICATION BE ACCEPTED AND DEEMED REGISTERABLE BY THIS DEPARTMENT.
AFFIDAVIT OF APPLICANT (to be read carefully)

I, ________________________, 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 2, 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 MUNICIPAL AFFAIRS OR THE LIEUTENANT-GOVERNOR IN COUNCIL MAY CANCEL, AMEND OR OTHERWISE DEAL WITH THE GRANT, LEASE, LICENCE OR EASEMENT AT ANY TIME PRIOR TO THE DELIVERY OF A FULLY EXECUTED TITLE DOCUMENT.

Sworn before me
At _______________
this _____ day of ___________ 20___

______________________________
Official Administering Oath

Section 40(1)

NOTE: A non-refundable processing fee of ONE HUNDRED AND FIFTY DOLLARS ($150.00 plus H.S.T.) must accompany this application.

Cheques or money orders are to be made payable to the NEWFOUNDLAND EXCHEQUER ACCOUNT.
Farm and Woodlot Development Plan

*Southern Shore Farm* will be a family owned and operated, medium sized farm and woodlot located on the Old Witless Bay Line near the community of Witless Bay. The farm and woodlot will be developed to support a family run vegetable/farmers market stand on the Southern Shore of the Avalon Peninsula serving Bay Bulls, Witless Bay, and surrounding communities. As well the business will look at wholesale options and online vegetable ordering and delivery.

**Agriculture Development Plan**

The attached maps outline the location and site plan for the proposed agriculture development. The site is located near the communities of Witless Bay and Bay Bulls. It is also located within the Butterpot Pot Witless Bay Environ area. Agriculture / forestry is an approved activity within this protected area. The site is predominantly medium site types which are comparable to some of the best sites for growing on the Avalon. Gull pond is adjacent to the property and would be a source of water if required. A buffer zone of greater than 100m is proposed along the boundary of the pond. It's important to note that the farm component of the plan is a total of 24 ha which will require ground work. The woodlot component is 20 ha which will maintain a constant state of forest cover with small scale selection management.

The development specs include:

- Total land area is approx. 44 ha
- Area allocated to root crops is approx. 16 ha
- Area allocated for leafy veg is 2 ha
- Area allocated for greenhouses is 5 ha
- Area for woodlot is 20 ha.
- Class D road required for access - will meet provincial resource road spec. - approx. 250 m in length.

**Root crop production may include:**

- Potato
- Beet
- Onion
- Garlic
- Turnip
- Carrot
- Parsnip
Leafy vegetable production may include:

- Lettuce
- Arugula
- Cabbage
- Beans
- Broccoli
- Herbs (cilantro, chives, mint, sage, thyme)
- Kale
- Spinach
- Peas
- Pumpkin
- Cauliflower

Greenhouse:

- Tomatoes
- Hot Peppers
- Cantaloupe

- Bell Peppers
- Cucumber

Woodlot component:

The woodlot would be managed to supply a sustainable harvest of the following products:

- Bagged firewood splits for sale at market stand
- Balsam fir tips for wreath and other crafts
- Christmas tree production
- Firewood
- Sawlogs for fencing property
- Mushrooms

It is important to note the woodlot makes up half of this development in area however this size is required in order to manage a sustainable harvest of resources that meets the needs of the farm and business component. **This area will not be clear cut. It will be kept in constant state of forest cover.** It will be a selection managed harvest using chainsaw and focus on blowdown, deformed, dead and diseased trees. All management will be done under EMS/ISO14001 trained operations to ensure minimal environmental impact. Tree planting will occur as required.

**Initial Development Timeline:**

**Summer 2017**

- Clearing of timber for road right of way and root crop areas. A local commercial sawmill / firewood operator will be used to clear timber. This will support local forest industry. Operator will be ISO14001 trained to ensure harvest operations meet stringent environmental guidelines.
- Marketing, Social Media, Branding, Website development
Late Summer/Fall 2017
- Commence site preparation of root crop areas. Removal of stumps, rocks, overburden, etc.
- Marketing, Social Media, Branding, Website development

Winter 2017/18
- Woodlot work for bagged firewood, Christmas trees, fir tips and fencing
- Marketing, Social Media, Branding, Website development

Spring/Summer 2018
- Continued site prep, rock removal of root crop areas and planting.
- Fencing of property for animal control.
- Road construction
- Marketing, Social Media, Branding, Website development

Fall 2018
- Anticipated first harvest of root crops
- Farmer market/stand established and set up for selling of products
- Planning for greenhouse production
- Online retail and stand establishment

Employment:
The farm will employ two to three people on an ongoing basis once operational, as well as 2-3 summer students. In addition, the development would support local businesses, forest industry, and road construction. The farm will also promote the expansion and diversification of locally grown and sustainable agriculture products.

If you require any further information regarding this proposed agriculture development please feel free to contact me.