June 5, 2018

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/62/2018

On May 7, 2018, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

“REQUEST FOR INFO TO CROWN LANDS; WHAT ACTION HAS CROWN LANDS TAKEN TO CORRECT THE ILLEGAL OCCUPATION OF CROWN LANDS [REDACTED] AT FLATROCK CBN REESTTRATED# [REDACTED] CLAIMS INCLUDE A LARGE PIECE OF CROWN LANDS, SOME GRANTED LANDS AND PRIVATE LANDS. MAY 2017 CROWN LAND WAS PRESENTED WITH EVIDENCE OF THIS ILLEGAL OCCUPATION BUT HAS NOT BEEN ADVISED OF ANY ACTION TAKEN BY CROWN LANDS. WHAT ACTION HAS CROWN LANDS TAKEN TO RECTIFY THIS ILLEGAL POSSESSION OF LAND BY [REDACTED], REQUESTING ANY PAPER TRANSACTION BETWEEN CROWN LANDS AND [REDACTED] TO RECTIFY THIS SUITATION? WHAT TIME LINES IF ANY HAS BEEN GIVEN TO [REDACTED] TO ESTABLISH OWNERSHIP IF ANY OF THE OCCUPIED LAND? ”

Please be advised that a decision has been made by the Deputy Minister for FLR to provide partial access to the requested information. Redactions have been made under Section 40 Personal Privacy. 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 709-729-4797 or by email at JasonWhiteway@gov.nl.ca

Sincerely,

Jason Whiteway
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).
Adverse Claim and Section 25

- The Salmon Cove Pasture Committee (SCPC) had their pasture Licence amended and reissued in May 2017.
- It had been amended to exclude the resettled community of Flat Rocks.
- The final sign off on the Licence was put on hold due to an adverse claim by [redacted].

- [Redacted] surveyed a small triangular piece of land in the southwest corner of the pasture Licence and claimed that he owned it.
- This adverse claim created an issue for the pasture committee as it is their only viable source of water for their animals.
- The SCPC’s Licence was issued with the adverse claim portion excluded.

- [Redacted] also claimed a large tract of land on the Road to Salmon Cove opposite the triangular piece of land. Both pieces of land were originally claimed by [redacted].

- A survey for the smaller piece of land, done in 2015, was provided by [redacted].
- No survey was provided for the larger tract of land. Instead, [redacted] submitted a rough, hand-drawn sketch outlining both parcels of land. The nature of the sketch made it difficult to plot on Departmental mapping.
- An examination of aerial photos from the 1950s through the 1970s showed no use or occupation of the triangular piece of land.
- Over the same time period aerial photos revealed limited use and occupation of the larger tract.

- In 1975, a 4.52 ha piece of land in the middle of [redacted] claim was granted to the Town of Salmon Cove. At that time, [redacted] did not object to the Town being granted this land, even though it was a substantial piece of land in the middle of his claim.

- On the diagram provided for the larger piece of land, the [redacted] claim surrounds a rectangular parcel of land claimed by [redacted]. A slightly different piece of land has been applied for by descendants of [redacted].

- The Lands Branch is considering serving [redacted] with a Section 25 Notice on the entirety of the claim or just the smaller section that impacts the Salmon Cove Pasture.
NOTE TO USERS

The information on this map was compiled from land surveys registered in the Crown Lands Registry.

Since the Registry does not contain information on all land ownership within the Province, the information depicted cannot be considered complete.

The boundary lines shown are intended to be used as an index to land area owned by the Crown. The accuracy of the plot is not sufficient for measurements purposes and does not guarantee title.

Users finding any errors or omissions on this map sheet are asked to contact the Crown Title Mapping Section, Industry Building, Higgins Line, St. John's, Newfoundland.

Users finding errors or omissions may contact the Crown Title Mapping Section by telephlone at 729-5571.

Such titles may not be posted due to Crown lands volumes showing from the Crown Lands registry or not posted due to insufficient survey information.

The User hereby acknowledges and agrees that the Minister, his employees and agents shall not be liable for any loss, injury, damage or person (including claims, demands, losses or claims of damages), or injury, damage or person (including claims, demands, losses or claims of damages) arising out of any misuse or intellectual property arising out of any error or omission in any Crown Land titles and that the User indemnifies the Minister, his employees and agents from any such loss, injury, damage or person (including claims, demands, losses or claims of damages).

For inquiries please contact a Regional Lands Office:
- Corner Brook - 637-2390
- Gander - 256-1400
- Clarenville - 466-4974
- St. John's - 729-2654
- Goose Bay - 896-2488

Land claim with outline of land claimed by

Annex 1

Government of Newfoundland & Labrador
Department of Fisheries and Land Resources

Scale 1:6,314

Crown Lands Division

Triangular area bounded by road and the Salmon Cove Pasture. This area was surveyed.

Land claimed by

Scale 1:6,314

Meters

W

S

E

N
Annex 2: purchase document for his land claim

To Whom it may concern,

In the absence of Bay D. Vered, we are selling a piece of land of 10 acres to

the said piece of land are as follows: by the west, the rock cut; on the north by the

by Thomas Collier, which is the road to Anthony. For the sum 7500 dollars five dollars.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
SCHEDULE "A"

All that piece or parcel of land situate and being on the eastern side of Ridge Road, near the town of Freshwater, in the Provincial Electoral District of Trinity Bay De Verde, in the Province of Newfoundland and Labrador, Canada, abutted and bounded as follows, that is to say:

Beginning at a point, said point being a capped iron bar set at the southeastern corner of the land and having grid co-ordinates of North 5,292,215.673 metres and East 291,812.424 metres;

Thence running along now or formerly of North fifty seven degrees fifty four minutes twenty six seconds West (N 57° 54' 26" W) a distance of one hundred fifty four decimal three six one metres (154.361m), to a capped iron bar;

Thence running along the eastern limit of the aforementioned Ridge Road, South nine degrees forty six minutes forty nine seconds West (S 9° 46' 49" W) a distance of seventeen decimal eight nine six metres (17.896m), to a capped iron bar;

Thence South three degrees fifty nine minutes fifty eight seconds West (S 3° 59' 58" W) a distance of seventeen decimal four seven eight metres (17.478m), to a capped iron bar;

Thence South sixteen degrees forty seven minutes twenty seconds West (S 16° 47' 20" W) a distance of sixteen decimal five one four metres (16.514m), to a capped iron bar;

Thence South four degrees fifty one minutes twelve seconds West (S 4° 51' 12" W) a distance of four decimal nine eight eight metres (4.988m), to a capped iron bar;

Thence South eight degrees forty two minutes twenty three seconds East (S 8° 42' 23" E) a distance of fifty decimal one four eight metres (50.148m), to a capped iron bar;

Thence South zero degrees forty six minutes fifty four seconds West (S 0° 46' 54" W) a distance of thirty decimal seven five eight metres (30.785m), to a capped iron bar;

Thence South fourteen degrees thirty three minutes twenty six seconds West (S 14° 33' 26" W) a distance of seven decimal two nine metres (7.229m), to a capped iron bar;
Thence South twenty three degrees twenty eight minutes fifty eight seconds West (S 23° 28' 58" W) a distance of thirty four decimal four six seven metres (34.467m), to a capped iron bar;

Thence South fourteen degrees fifty eight minutes fifty one seconds West (S 14° 58' 51" W) a distance of twenty one decimal two zero zero metres (21.200 m), to a capped iron bar;

Thence South zero degrees thirty six minutes eighteen seconds East (S 0° 36' 18" E) a distance of five decimal three zero two metres (5.302m), to a capped iron bar;

Thence South twenty six degrees twelve minutes fifty nine seconds East (S 26° 12' 59" E) a distance of one decimal three nine seven metres (1.397m), to a capped iron bar;

Thence running along the northwestern limit of Otterbury Road following the arc of a curve to the left a distance of twenty four decimal four five (24.475m) meters, said curve having a radius of one hundred thirteen decimal zero zero zero (113.000m) meters, and a chord bearing and distance of North sixty nine degrees sixteen minutes fifty seconds East (N 69° 16' 50" E), twenty four decimal four two seven metres (24.427m.), to a capped iron bar;

Thence following the arc of a curve to the left a distance of sixty three decimal two six one (63.261m) meters, said curve having a radius of three hundred fifty two decimal six eight six (352.686m) meters, and a chord bearing and distance of North forty eight degrees forty five minutes twenty seven seconds East (N 48° 45' 27" E), sixty three decimal one seven six metres (63.176m.), to a capped iron bar;

Thence North forty four degrees zero zero minutes zero seven seconds East (N 44° 00' 07" E), a distance of thirty nine decimal nine eight eight metres (39.988m.), to a capped iron bar;

Thence North fifty three degrees thirty five minutes zero four seconds East (N 53° 35' 04" E) a distance of sixty eight decimal six nine five metres (68.695 m), more or less, to the point of beginning.

Containing an area of one decimal three eight four (1.384) hectares, more or less, and being more particularly described and delineated on the drawing annexed hereto.

This description and accompanying plan, Job No. 215343 of W.J. Thorne Surveys Limited, form an integral part of the whole and are not separable.
All bearings are referred to the meridian of fifty three degrees West Longitude of the Modified Three Degree Transverse Mercator Projection for Newfoundland and Labrador with NAD83, Zone 1 reference datum.

W.J. Thorne Surveys Limited
December 8, 2015
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
SCHEDULE "A"

ALL THAT piece or parcel of land situate on the North side of Pottle's Hill, Victoria, in the Province of Newfoundland and Labrador and being more particularly described as follows:

- that is to say

Commencing at the point of intersection of the North side of Pottle's Hill and the East side of the Rock Cut Road and following in a general Northerly direction along the East side of Rock Cut Road for a distance of Five Hundred Twenty feet (520') more or less or to the Southern boundary of property of 40(1) thence turning in a general Easterly direction along the Southern boundary of property of 40(1) for a distance of One Hundred, Fifty feet (150') more or less or to the Southeastern boundary of property of 40(1) thence turning in a general Northeasterly direction and following along the Southeastern boundary of property of 40(1) for a distance of Nine Hundred and Seventy-five feet (975') more or less or to the Southwestern boundary of 40(1) thence turning in a general Easterly direction and following along the Southwestern boundary of property of 40(1) for a distance of One Thousand and Twenty-five feet (1025') more or less or to the Western boundary of property of 40(1) thence turning in a general Southerly direction and following along the Western boundary of property of 40(1) for a distance of Fourteen Hundred, Sixty feet (1460') more or less or to the Northern side of Pottle's Hill; thence turning in a general Westerly direction and following along the Northern side of Pottle's Hill for a distance of Two Thousand, One Hundred, Twelve feet (2112') more or less or to the point of commencement;

SAVING AND EXCEPTING THEREFROM the following two parcels of land:

ALL THAT piece or parcel of land owned by 40(1) situate on the North Side of Pottle's Hill, Victoria, in the Province of Newfoundland and Labrador as follows:
Bound on the North by the property described herein by which it measures Four Hundred, Fifty feet (450') more or less;
Bound on the East by the property described herein by which it measures One Hundred, Fifty feet (150') more or less;
Bound on the South by Potter's Hill by which it measures Four Hundred Fifty feet (450') more or less;
Bound on the West by the property described herein by which it measures One Hundred feet (100') more or less;
And as outlined in yellow on the attached plan; and

ALL THAT piece or parcel of land owned by the Local Improvement of Salmon Cove, bounded and abutted as follows:

Bound on the Northwest by the property described herein by which it measures Seven Hundred feet (700') more or less;
Bound on the Northeast by the property described herein by which it measures Seven Hundred feet (700') more or less;
Bound on the Southeast by the property described herein by which it measures Seven Hundred feet (700') more or less;
Bound on the Southwest by the property described herein by which it measures Seven Hundred feet (700') more or less TOGETHER WITH a right of way over the property described herein and extending from the Southeasterm boundary of the property owned by the Local Improvement of Salmon Cove to the Northside of Potter's Hill and as outlined in pink on the attached plan.