March 4, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/13/2019

On February 4, 2019, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"I am requesting access to all communications between this Department and a mining exploration company operating in Central Newfoundland, known as Marathon Gold Corporation - for the period covering all of this year (2019) to date."

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 Act. 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, Str. 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).
Thank you.

On Fri, Jan 25, 2019 at 11:18 AM Elliott, Chad <ChadElliott@gov.nl.ca> wrote:

rickclarke@gov.nl.ca

Hello Chad,

OK. Thank you for the update.

I am in a meeting this morning to discuss the areas of proposed 2019 and 2020 cutting for exploration and early stage site preparation and I will get a map to Rick by late this afternoon.

What is Rick’s e-mail address so I can forward the information?

Thank you, Sherry

On Fri, Jan 25, 2019 at 11:15 AM Elliott, Chad <ChadElliott@gov.nl.ca> wrote:

Hi Sherry,
Yes I did. Forwarded it to Rick Clarke...I usually handle the returns and royalties just took over the commercials while Rick was off. He is not here today and as far as I know is awaiting maps from Marathon.

Chad

From: Sherry Dunsworth [mailto:sherrydu42@gmail.com]
Sent: Friday, January 25, 2019 11:11 AM
To: Elliott, Chad
Subject: Fwd: 2019 commercial cutting licence for Marathon Gold Corporation

Hi Chad,

Did you receive this e-mail of 2 days ago?

Thank you, Sherry

---------- Forwarded message ----------
From: Sherry Dunsworth <sherrydu42@gmail.com>
Date: Wed, Jan 23, 2019 at 10:00 AM
Subject: 2019 commercial cutting licence for Marathon Gold Corporation
To: <chadelliott@gov.nl.ca>

Hello Chad,

I was speaking with Colin Carroll of the Corner Brook office who was directed by Steve Balsam, ADM Forestry, to advise me that Marathon Gold Corporation will now be granted a 2019 commercial cutting licence for the Valentine advanced exploration site.

Colin advised me to contact the Springdale forestry office and arrange for the permit. Colin said I need to prepare a map showing the areas where we would be cutting this year. He also advised that the scaling could be done by someone from government or we could have someone currently licenced do the scaling or perhaps also have one of our employees do the course with the Springdale district office and do our own scaling. As you may already know, most of the area is quite scrubby woods but there is some good timber as well. We use
some of the better logs in our drilling for making corduroy roads or cribbing for the rigs, the rest will be stacked.

I am planning to do a map for you showing a Phase 1 of planned 2019 cutting in the Marathon- Leprechaun and future infrastructure area, and a Phase 2 of future cutting in the Victory area which is NE along strike from the Marathon area.

Please let me know if there is anything else you would require at this time, fees, application etc. I will give your office a call this afternoon.

Thank you,

Sherry

--

Sherry Dunsworth, M.Sc.,P.Geo.
SVP Exploration
Marathon Gold Corporation
P.O.Box 160,
Pasadena, NL, A0L 1K0

Cell: [redacted]
Fax: 1.709.686.2317

[redacted]@gmail.com

--

Sherry Dunsworth, M.Sc.,P.Geo.
SVP Exploration
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Pasadena, NL, A0L 1K0

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Fax: 1.709.686.2317

[Email Address]@gmail.com

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Gord,

I have discussed with Lori Anne and we will be implementing a solution.

Thanks

Stephen Balsom, RPF
Assistant Deputy Minister
Department of Fisheries and Land Resources
Forestry and Wildlife Branch
P.O. Box 2006, Fortis Building
Corner Brook, NL Canada, A2H 6J8
1 709.637.2199
c 709.640.1330
f 709.637.2461
e stephenbalsom@gov.nl.ca

From: MacGowan, Gordon
Sent: Thursday, January 17, 2019 7:19 AM
To: Balsom, Stephen
Subject: Fwd: Marathon Correspondence

Hi Steve, Lori Anne and I have been discussing the marathon gold situation. She is asking that you please put together a note on this issue for her information and the ministers. This is a time sensitive situation.

Thx

Gordon MacGowan, MBA
Executive Assistant
Government of Newfoundland and Labrador
Office of the Minister of Fisheries and Land Resources

Sent from my iPhone

Begin forwarded message:

From: "Companion, Lori Anne" <LoriAnneCompanion@gov.nl.ca>
Date: January 16, 2019 at 9:17:44 PM NST
To: "MacGowan, Gordon" <GordonMacGowan@gov.nl.ca>
Subject: Fwd: Marathon Correspondence

Is this the information you were looking for?
Sent from my iPhone

Begin forwarded message:

From: "Dutton, Sean" <SDutton@gov.nl.ca>
Date: January 16, 2019 at 8:24:20 PM NST
To: "Companion, Lori Anne" <LoriAnneCompanion@gov.nl.ca>
Subject: Fw: Marathon Correspondence

Fyi

Sean

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Power, Loyola <LoyolaPower@gov.nl.ca>
Sent: Wednesday, January 16, 2019 2:40 PM
To: Dutton, Sean; McCarthy, Julian
Subject: RE: Marathon Correspondence

Hi Sean,

Please see the thread below where we provided OHS input back in 2016. This would be what we would expect currently as well and in talking to Criag and Darren the company had no concerns with our direction.

Hope this is helpful.

Thanks, Loyola

From: Sherry Dunsworth <sherrydunsworth@gmail.com>
Sent: Wednesday, August 24, 2016 5:13 PM
To: Hearns, Peter <peterhearns@gov.nl.ca>
Cc: Barnes, Blair <blairbarnes@gov.nl.ca>; Kavli, Darren F. <darrenkavli@gov.nl.ca>
Mercer, Dave W <davemercer@gov.nl.ca>
Subject: Fwd: Crown lands applicaiton

Hello Peter,

Blair Barnes of Wildlife is supporting our quest for gate permitting (see e-mail below). Blair notes the issues Marathon Gold Corporation has encountered in the past at the Valentine Lake exploration site re: illegal hunting. Blair also notes the fact that the legislation under the current Wildlife Act does not cover mining/exploration sites.

I have spoken with Darren Kavli, OHS, this morning and Darren is of the opinion that this is the right approach to protecting our workers. Under the OHS Act, Sections 4 and 5 (pertaining to duties of employer), a work supervisor is responsibility to ensure a safe working environment for his/her employees. The OHS Act states : Section 4. An employer shall ensure, where it is reasonably practicable, the health, safety and welfare of his or her workers. Likewise, the OHS Regulations - Section 654 (pertaining to protection of workings, pits and
quarries) states: An employer shall ensure that a surface mine working or open face is securely fenced or otherwise protected against inadvertent entry by persons where; (a) the working constitutes a hazard by reason of its depth; (b) the approaches to and openings of the workings are not readily visible; or (c) the hazard caused by the workings is greater than the hazard caused by natural topographical features within 600 meters of the workings. Both the OHS Act and Regulations cover the need for Marathon Gold to have in place gates to protect workers from hunters penetrating the workplace and for gates/fencing to be in place where there is workings such as pits, trenches and other potential hazards.

I will proceed with submitting the Crown Lands Application for the gates (noting we have a current Temporary Work Camp licence # 138262) and trust that the support expressed by both Wildlife and OHS is sufficient to enable Marathon Gold Corporation to obtain the appropriate gate permitting.

Also please note that all gates are clearly marked with signage, bright orange paint and abundant reflective tape on both sides of the gate. The gated areas do not have any other road or trail access. During winter, when snowmobiles may enter sites without any trails, the gates are clearly marked (both sides) and cleared or snow (so highly visible).

Please advise if you wish any additional information.

Regards, Sherry

-------- Forwarded message --------
From: Barnes, Blair <blairbarnes@gov.nl.ca>
Date: Wed, Aug 24, 2016 at 4:08 PM
Subject: RE: Crown lands applicaiton
To: Sherry Dunworth <hidden@gmail.com>

Hello Sherry
I totally support Marathon Gold Corporation in placing control gates to protect your workers. We have responded to complaints of hunting near your site and I am troubled by the lack of consideration to public Safety by Hunters, even with signage placed. We will continue this year to make a presence at your site and have Public Safety issues with hunters addressed. But I believe that control gates will and can avoid a potential hunting accident. I have personally seen hunters disregard the no hunting signage, and hunt beyond. But as we discussed in the past our legislation under the wildlife Act does not address mining camps. I Fully support control Gates. Safety should always be in the forefront for workers.

Blair Barnes
Detachment Supervisor

Fish and Wildlife Enforcement Division
From: Sherry Dunsworth [mailto:********@gmail.com]
Sent: Wednesday, August 24, 2016 10:40 AM
To: Barnes, Blair
Subject: Fwd: Crown lands application

Hi Blair,

I gave you a call and left a message this morning regarding Marathon Gold Corporation's installation of control gates to keep out workers safe from hunters and the general public away from our work sites.

Would you be able to send me a quick note stating something to the effect that you would recommend we have the gates in place to control hunting too close to our workplaces and camps.

Thank you, Sherry

-------- Forwarded message --------
From: Hearns, Peter <peterhearns@gov.nl.ca>
Date: Wed, Aug 24, 2016 at 9:40 AM
Subject: Crown lands application
To: "Sherry Dunsworth [email protected]"
Cc: "Mercer, Dave W" <davemercur@gov.nl.ca>

Hi Sherry,

I was just talking to Dave Mercer about your upcoming application and he asked me to remind you that the application cost is $150 + HST ($172.50).

Where the Crown is very hesitant to issue permission to erect gates due to liability issues, would you please include any correspondence that you have that recommend gates with your Crown lands application. Preferably the ones where you mentioned Wildlife Division, Occupational Health and Safety and any others that you might have. If you do not have written (or emailed) recommendations I think that it would be best for you to contact them again to get it. Crown Lands
does not send referrals to OHS, but if you have something from them it would certainly help to alleviate some of the gate hesitation on our part.

Thanks,

Peter

Peter Hearns, MES
Manager of Resource Evaluation and Policy Integration
Land Management Division, Dept. of Municipal Affairs
Email: peterhearns@gov.nl.ca | Tel: (709) 729-3231

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Sherry Dunsworth, M.Sc., P.Geo.
V.P. Exploration
Marathon Gold Corporation
P.O.Box 160,
Pasadena, NL, A0L 1K0
Tel: 1.709.686.0153
Cell: 1.709.686.2317
Fax: 1.709.686.2317
Sec 40(1)

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Sec 40(1)
From: Dutton, Sean <SDutton@gov.nl.ca>
Sent: Wednesday, January 16, 2019 12:55 PM
To: McCarthy, Julian <jmccarth@gov.nl.ca>; Power, Loyola <LoyolaPower@gov.nl.ca>
Subject: FW: Marathon Correspondence

Any thoughts on this?

Sean

From: White, Kelly
Sent: Wednesday, January 16, 2019 10:09 AM
To: Dutton, Sean
Subject: FW: Marathon Correspondence

Sean – can you please review and provide feedback

From: MacGowan, Gordon <GordonMacGowan@gov.nl.ca>
Sent: Wednesday, January 16, 2019 9:44 AM
To: White, Kelly <KellyWhite@gov.nl.ca>
Subject: FW: Marathon Correspondence

Hi Kelly,

As per our discussion. Can you please have your people look into any legislative or regulatory provisions in the Health and Safety Act/Regs that will allow for no hunting signage that is legally enforceable for the protection of workers on the Marathon Gold mining site. The email below outlines the issues in more detail.

Thanks,

Gord

From: Canning, Perry <PerryCanning@gov.nl.ca>
Sent: Tuesday, January 15, 2019 4:41 PM
To: MacGowan, Gordon <GordonMacGowan@gov.nl.ca>
Subject: FW: Marathon Correspondence

From: Sherry Dunsworth [mailto:Sec 40(1)@gmail.com]
Sent: Monday, January 14, 2019 8:27 PM
Hello Perry,

I sent a number of e-mails to Chad Elliot asking if there was going to be any issue with Marathon Gold Corporation obtaining a 2019 commercial wood cutting permit in order that we can continue to have legal no hunting signs at the Valentine Lake advance exploration site.

As you can see from Chad's response below, Department of Forestry now wants Marathon Gold Corporation to submit a 2019 wood harvesting plan.

Perhaps I was wrong, but my understanding from the meeting we had with Natural Resources and Forestry on Dec 5, 2018, was that we would receive the 2019 permit and thereby allow Department of Wildlife to visit and enforce the no hunting laws and provide a safe work site for our employees.

I am reaching out to you to ask for your assistance again in this ongoing matter. Perhaps there has been no communications with Chad Elliott or his immediate supervisor regarding this matter or perhaps this issue needs to be a discussion between Ministers.

I will give you a call tomorrow to discuss.

Thank you, Sherry

-------- Forwarded message --------
From: Elliott, Chad <ChadElliott@gov.nl.ca>
Date: Mon, Jan 14, 2019 at 12:18 PM
Subject: Marathon Correspondence

Sherry,

It is our Departments direction that Marathon Gold, due to the fact that there is no history of wood cutting, will only be issued a harvest permit when a harvest plan, including areas and timelines specific to the activities. Upon review of the submitted plan we will determine if a permit will be issued and if so we will be monitoring any diversion from the plan.

Any further questions can be forwarded to the Springdale Office at your convenience.

Sincerely,
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notify the sender."

--
Sherry Dunsworth, M.Sc., P.Geo.
SVP Exploration
Marathon Gold Corporation
P.O. Box 160,
Pasadena, NL A0L 1K0
Cell: [redacted]
Fax: 1.709.686.2317
[redacted]@gmail.com

Sec 40(1)
Sherry,

It is our Department's direction that Marathon Gold, due to the fact that there is no history of wood cutting, will only be issued a harvest permit when a harvest plan, including areas and timelines specific to the activities. Upon review of the submitted plan we will determine if a permit will be issued and if so we will be monitoring any diversion from the plan.

Any further questions can be forwarded to the Springdale Office at your convenience.

Sincerely,

Chad Elliott
From: Companion, Lori Anne  
Sent: Wednesday, January 16, 2019 2:08 PM  
To: Balsom, Stephen  
Cc: MacGowan, Gordon  
Subject: Fwd: Marathon Correspondence

Steve, can we discuss?

Sent from my iPhone

Begin forwarded message:

From: "Dutton, Sean" <SDutton@gov.nl.ca>  
Date: January 16, 2019 at 1:57:11 PM NST  
To: "Companion, Lori Anne" <LoriAnneCompanion@gov.nl.ca>  
Subject: FW: Marathon Correspondence

?

From: White, Kelly  
Sent: Wednesday, January 16, 2019 10:09 AM  
To: Dutton, Sean  
Subject: FW: Marathon Correspondence

Sean – can you please review and provide feedback

From: MacGowan, Gordon <GordonMacGowan@gov.nl.ca>  
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To: White, Kelly <KellyWhite@gov.nl.ca>  
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I am reaching out to you to ask for your assistance again in this ongoing matter. Perhaps there has been no communications with Chad Elliot or his immediate supervisor regarding this matter or perhaps this issue needs to be a discussion between Ministers.

I will give you a call tomorrow to discuss.

Thank you, Sherry

---------- Forwarded message ----------
From: Elliott, Chad <ChadElliott@gov.nl.ca>
Date: Mon, Jan 14, 2019 at 12:18 PM
Subject: Marathon Correspondence
To: [Redacted]@gmail.com <[Redacted]@gmail.com>
Cc: Carroll, Colin <ColinCarroll@gov.nl.ca>, Carter, Brian <briancarter@gov.nl.ca>

Sherry,

It is our Departments direction that Marathon Gold, due to the fact that there is no history of wood cutting, will only be issued a harvest permit when a harvest plan, including areas and timelines specific to the activities. Upon review of the submitted plan we will determine if a permit will be issued and if so we will be monitoring any diversion from the plan.

Any further questions can be forwarded to the Springdale Office at your convenience.
Sincerely,

Chad Elliott

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Sherry Dunsworth, M.Sc., P.Geo.
SVP Exploration
Marathon Gold Corporation
P.O.Box 160,
Pasadena, NL, A0L 1K0
Cell: [redacted]
Fax: 1.709.686.2317
[redacted]@gmail.com

Sec 40(1)
Elliott, Chad
Sent: Monday, January 14, 2019 12:18 PM
To: [Email redacted]
Cc: Carroll, Colin; Carter, Brian
Subject: Marathon Correspondence

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Chad Elliott