February 18, 2019

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/08/2019

On January 29, 2019, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"Terms of the contract and quota conditions as it pertains to the timber allocation on the northern peninsula and proposed pellet plant by Timberlands/AEG."

Please be advised that a decision has been made by the Deputy Minister for FLR to provide full access to the requested information. You will find a copy of responsive material attached. Also note the Environmental Protection Guidelines which can be found here: https://www.faa.gov.nl.ca/forestry/managing/pdf/Environmental-Protection-Guidelines.pdf

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).
COMMERCIAL CUTTING PERMIT 2018 CONDITIONS

1. Operating Areas

2018 maps for each commercial cutting area are attached to your commercial cutting permit. This is the area for your individual operation. Cutting outside the area shown on your attached map is the same as cutting without a permit, and as such will be treated as an offence. The same applies to points not approved in advance by Forestry.

It is the responsibility of each individual operator to ensure that they have maps outlining their approved cutting areas. The map should identify all buffer zones and the exact cutting boundary. To ensure there is no discrepancies, the block boundaries should be flagged where warranted by the contractor and his assigned Conservation Officer.

2. Purchase Procedure

Logs, firewood, wharf sticks, etc. can only be purchased from a commercial permit holder. If you wish to purchase wood, you are required to have a purchasing licence.

If you wish to sell to a purchaser, the purchaser must provide you with purchase receipts showing the amount bought. If no purchase receipts are used the commercial cutting permit holder may be held responsible for royalty. Unless otherwise stated in the permit, the permit holder must harvest all timber suitable for sawlogs as sawlogs and the remainder as pulpwood to a top diameter of 8 cm outside bark.

3. Royalty

All royalty payments and permit returns “Must” be submitted to the District Office quarterly (due no later than the last day of June, September, December & March). See attached permit return forms.

4. Scaling

It is a requirement for all sawmills greater than 50,000 fbm to have a licensed scaler. Scalers’ returns are to be submitted to the District Office at the end of each month. Round timber (eg. Wharf sticks and construction timber) is to be reported separately from sawlog fbm on monthly returns and at the end of the year.

5. Fuelwood

There are no Domestic Cutting Permits issued for cutting of timber on active commercial operating areas in District 18. Any wood that is produced/cut/salvaged from a Commercial Operation and sold or delivered to Domestic wood users must be done using a load slip and royalty must be calculated and paid on it.
TABLE 2 - SAWLOG MATERIAL

<table>
<thead>
<tr>
<th>Butt Diameter (Inside Bark)</th>
<th>8ft. Logs</th>
<th>12ft. Logs</th>
<th>16 ft. Logs</th>
</tr>
</thead>
<tbody>
<tr>
<td>7&quot;</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>8&quot;</td>
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<tr>
<td>9&quot;</td>
<td>1</td>
<td>0</td>
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<tr>
<td>10&quot;</td>
<td>2</td>
<td>1</td>
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<tr>
<td>11&quot;</td>
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<tr>
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<td>3</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>17&quot;</td>
<td>4</td>
<td>4</td>
<td>8</td>
</tr>
</tbody>
</table>

Note: Rot refers to advanced rot (where wood is softer and fibre separation can be seen with naked eye). Initial rot need not be junked as much.

8. Sawlogs

The permit holder must harvest all timber suitable for sawlogs as sawlogs. A sawlog is 2.5 metres (8 ft.) or more in length and 12 centimetres (5 in.) or more in the top.

9. Fire Equipment

All chainsaw operators are required to have firebags on their person, and all equipment (for example, skidders and forwarders) must have approved fire extinguishers in good working order. Any operation with five persons or less is required by law to have a back tank for each five persons, as well as other fire equipment (such as drums of water around the mill, shovels, etc.). All chainsaws should be equipped with a muffler screen. Please abide by the Forest Fire Regulations and Operating Permit regarding the appropriate amount of fire equipment.

10. Environmental Protection

Each operator should obtain a copy and become familiar with the environment protection guidelines. Specifically:

- All garbage must be removed from the cutting area to an approved waste disposal site.

- Lunch shacks, sawmill stands, discarded equipment, etc. must be removed from the harvest block before an operator transfers or terminates his operation.

- A 20 metre buffer must be maintained around all waterbodies greater than one (1) metre in width. Other buffers will be designated for ecological purposes as required.

- All stream crossings must be approved by the Department of Fisheries & Oceans
COMMERCIAL CUTTING PERMIT 2018
Permit Number: 18-17-00507

Western Region 17 Northern Peninsula Port Saunders 2018/11/23 Date Issued
Region District Zone W.C.

Under and by virtue of The Forestry Act, Permission is hereby granted to:
Name: Richard Spink
Phone: (709) 660-4566
Address: Timberlands International (NL) Inc.
Driver's Licence #: 
Poole Althouse
51 Park St #49

To cut timber to the conditions and restrictions as stated below:
Total Volume to be harvested: softwood 66,500m³
hardwood 0m³

Stumpage Rates:
None Specified

Location where timber is to be cut: As per attached maps see below
Location where timber must be piled for scaling: Roadside and/or processing facility

Standard Conditions:

- A minimum of 25% (16,625 m³) of the permit volume will be utilized as sawlogs and made available to the local sawmill industry
- Safeguarding of the Environment: refer to EPG's and EMS-ISO 14,000 standard and attachments
- Species of timber: Balsam Fir, White Spruce, Black Spruce, White Birch and Larch
- Volume of Timber - 66,500 Subject to: see attached and conditions and regulations

Special Condition: This is part of a 5 Year Permit Allocation
This permit is effective starting: 2018/11/23 and expires 2018/12/31
Fee for the issuance of this permit is: $50.00
Payment Method: Master Card
ADDITIONAL COMMERCIAL CUTTING PERMIT CONDITIONS

A. Volume of Timber: 66,500m3 Subject to:

a. Five-year Commercial Cutting Permit holders must harvest at least 25 per cent of their volume allocation by the halfway point of their Commercial Cutting Permit. If the permit holder has failed to harvest this amount, they will lose their remaining commercial cutting permit volume allocation;

b. If the permit holder has harvested 25 per cent to 40 per cent of their volume allocation by the halfway point of their Five-year Commercial Cutting Permit, then the remaining permit volume will be scaled back to the actual annually harvested amount;

c. If the permit holder has harvested 40 per cent or more of their volume allocation by the halfway point of their Five-year Commercial Cutting Permit, then the permit holder retains the remaining volume allocation for the duration of the permit;

d. If the permit holder has harvested the total amount of their volume allocation by the halfway point of their Five-year Commercial Cutting Permit, they are encouraged to apply for additional volumes, subject to timber availability and completion of a Commercial Cutting Permit Application;

Under virtue of the Forestry Act, permission is granted to TIN (NL) to cut timber. Where the holder of this cutting permit issued under section 27. (1) of the Forestry Act does not comply with the conditions of this permit, all applicable Federal, Provincial, and Municipal laws respecting the cutting of timber the minister of Forestry Official may cancel the permit.

Signed: ______________________

Dated: ______________________
COMMERCIAL CUTTING PERMIT 2018
Permit Number :18-18-00539

Western Region 18 Northern Peninsula Zone Roddickton W.C.

2018/11/23 Date Issued

Under and by virtue of The Forestry Act, Permission is hereby granted to:
Name: Richard Spinkx
Address: Timberlands International (NL) Inc.
            Poole Althouse
            51 Park St #49

Phone: (709) 660-4566
Driver's Licence #: 

To cut timber to the conditions and restrictions as stated below:
Total Volume to be harvested: softwood 33,500m³
                                hardwood 0m³

Stumpage Rates:
None Specified

Location where timber is to be cut: As Per Attached maps/See Below
Location where timber must be piled for scaling: Roadside and/or Processing Facility

Standard Conditions:
- Species of Timber: Balsam Fir, White Spruce, Black Spruce, White Birch, and Larch.
- A minimum of 25% (8375 m³) of the permit volume will be utilized as sawlogs and made available to the local sawmill industry.
- Safeguarding of the Environment: Refer to EPG’s and EMS-ISO 14000 standard and attachments.
- Volume of Timber- 33, 500 Subject to: See attached conditions & regulations.

Special Condition: This is Part of a 5 Year Permit Allocation.

This permit is effective starting: 2018/11/23 and expires 2018/12/31
Fee for the issuance of this permit is: $50.00
Payment Method: MasterCard
ADDITIONAL COMMERCIAL CUTTING PERMIT CONDITIONS

A. Volume of Timber: 33,500m³ Subject to:

a. Five-year Commercial Cutting Permit holders must harvest at least 25 per cent of their volume allocation by the halfway point of their Commercial Cutting Permit. If the permit holder has failed to harvest this amount, they will lose their remaining commercial cutting permit volume allocation;

b. If the permit holder has harvested 25 per cent to 40 per cent of their volume allocation by the halfway point of their Five-year Commercial Cutting Permit, then the remaining permit volume will be scaled back to the actual annually harvested amount;

c. If the permit holder has harvested 40 per cent or more of their volume allocation by the halfway point of their Five-year Commercial Cutting Permit, then the permit holder retains the remaining volume allocation for the duration of the permit;

d. If the permit holder has harvested the total amount of their volume allocation by the halfway point of their Five-year Commercial Cutting Permit, they are encouraged to apply for additional volumes, subject to timber availability and completion of a Commercial Cutting Permit Application;

Under virtue of the Forestry Act, permission is granted to TIN (NL) to cut timber. Where the holder of this cutting permit issued under section 27. (1) of the Forestry Act does not comply with the conditions of this permit, all applicable Federal, Provincial, and Municipal laws respecting the cutting of timber the minister of Forestry Official may cancel the permit.

Signed: ___________________________

Dated: ___________________________