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/07/2019

On January 28, 2019, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

“With regards to ATIPP File FLR/108/2018, Pgs. 15/16, the Department is to provide any and all records, of any nature/format, that pertain to the 2010 Wild Planet-North America film sequence on Labrador Black Bear and Caribou, specifically the George River Caribou Herd. Information to include, but shall not be limited to, any assets/caribou location updates and/or contributions of any kind, provided by the Wildlife Dept. in support of the photo shoot, any agreements/approvals/permits issued in connection to the photo shoot, time frame and flying hours involved, and any reports/updates/documentaries/video footage etc. gained by Wild Planet during their George River Caribou segment.”

Please be advised that a decision has been made by the Deputy Minister for FLR to provide access to the requested information. Reactions 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, 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).
Hi Nick

There will be a minimum of 2 but as many as 4 during part of that time period. However, the main issue will be the construction on the cabin. The construction plans are not minor as they will be putting an additional bunk room onto the cabin and putting some new windows and doors on as well. I believe this means taking down the bunks at the back of the cabin in this process so staying in the cabin will not be an option. I have cc'd Wayne Barney as he will be leading these efforts to answer your question about camping and use of the stove.

Shannon

---

From: Nick Lyon [mailto:Nick.Lyon@gmail.com]
Sent: Thursday, April 07, 2011 2:16 PM
To: Crowley, Shannon
Subject: Re: Black Bears & Caribou Second Filming Trip 2011

Hi Shannon,

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Speak soon,

Nick.

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Nick Lyon  
Assistant Producer  
Wild Planet – North America  
Wild Horizons  
59 Cotham Hill  
Bristol BS6 6JR  
United Kingdom

Skype: cockroach_ofpp

Tel : +44 (0) 117 906 4319

On Wed, Apr 6, 2011 at 12:19 PM, Crowley, Shannon <ShannonCrowley@gov.nl.ca> wrote:

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Shannon

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Sec 40(1)

From: Nick Lyon [mailto: NickLyon@WildPlanet.com]
Sent: Tuesday, March 29, 2011 8:57 AM

To: Crowley, Shannon
Subject: Re: Black Bears & Caribou Second Filming Trip 2011

PS - forgot to mention - the contact details below would be good for the permit.

Thanks, N.

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Mob: [Redacted]

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Let me know if there is anything else you need from me. I hope the caribou are well and behaving 'normally'.

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Nick.

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Last year Tony Chubbs gave us a scientific research permit to cover our work ( Permit No. 003LAB2010), are you able to issue us a new one to cover June & July? There was quite a lot of demand on the Wildlife Cabin last summer with the census, but my understanding is that this year things are quieter. Would it be possible for us to use it again for roughly 2 weeks between 20th June and 20th of July? We'll be able to give you more accurate dates closer to the time. For the helicopter element of the shoot we will want to be responsive to the data we get from radio collars on the caribou movement, and also to what our ground team can feed back via satellite phone - in essence trying to remain responsive to when caribou are close to Hebron Wildlife Cabin to save on ferry time in the helicopter.

I will also be writing to the Lands Division of the Nunatsiavut Government to request their consent to film on the native lands, and hope like last year this will be well received.

Looking forward to catching up with you on the phone, let me know when would be good for you. Best wishes,

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Warford, Holly

From: Andersen, Wanda E
Sent: Wednesday, April 20, 2011 12:04 PM
To: Crowley, Shannon
Subject: Permit for Nick Lyon....
Attachments: Permit for Nick Lyon 001.pdf
Importance: High

As you requested. Have a great day.

Wanda Andersen - Clerk Typist III
Department of Environment and Conservation
Wildlife Division
398 Centralia Road
P.O. Box 3014, Stn. B
Happy Valley-Goose Bay, NL
A0P 1E0
Tele: 709-896-5107
Fax: 709-896-0188
Email: wandaandersen@gov.nl.ca
Scientific Research Permit
Wildlife Division
(As under section 86 of the Wildlife Regulations, Consolidated Newfoundland and Labrador Regulation 1156/96)

Department of Environment and Conservation
Wildlife Division
P.O. Box 3014, Stn. B
Happy Valley-Goose Bay, NL
A0P 1E0

Project Title: Filming for Discovery Channel: Predation of caribou by black bears during the post-calving migration of the George River Caribou Herd.

Permit #: 001LAB2011

Issued To: Nick Lyon
Assistant Producer
Wild Planet - North America
Wild Horizons
59 Cotham Hill
Bristol BS6 6JR
United Kingdom
Skype: cockroach_ofpp
Tel: +44 (0) 117 906 4319
Mob: Sec 40(1)

Dates: Ground Crew: 8 June to 19 July 2011; Aerial Crew: 22 June to 11 July 2011

Location: Hebron and George River Calving Range in Labrador

Permit Conditions:
1.) No wildlife species will be harassed during this project. This will be at the discretion of the Senior Wildlife Biologist – Labrador.
2.) The Project will be conducted using accepted wildlife research techniques and filming protocols and target species will be disturbed as little as possible. Canadian Council on Animal Care guidelines should be followed in approaching and viewing animals in the field.
3.) Upon completion of the field portion of the project, a report summarizing to work will be remitted to the Wildlife Division – Labrador.
4.) Any unusually wildlife observations or any adverse effects observed during this survey are to be reported immediately to the Wildlife Division – Labrador.
5.) All conditions of this permit must be adhered to prior to another permit being issued.
6.) It is the responsibility of the proponent to ensure that all other permitting requirements are met for all permit and sub-permit holders.

Signed: [Signature]
Senior Wildlife Biologist, Labrador

Date: 20 April 2011

Department of Environment and Conservation, Wildlife Division, P.O. Box 3014, Stn. B
Happy Valley-Goose Bay, NL, A0P 1E0 (709) 896-5107
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Sec 40(1)

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Hi Nick,

We seem to keep missing each other. I ended up taking some time off due to a new addition to my family. I was in contact a bit with Rolf last week. I should be mostly office based for the next couple of weeks so please feel free to give me a call.

Shannon

---

From: Nick Lyon [mailto:....@gmail.com]
Sent: Tuesday, May 24, 2011 1:31 PM
To: Crowley, Shannon
Subject: Re: Black Bears & Caribou Second Filming Trip 2011

Hi Shannon,

Nick here from Wild Horizons. I wondered if I could grab a chat with you either this week or Monday/Tuesday next week (I’m off to the field again Weds).

I was wondering if there was a better strategy we could employ this year to get collar info for locating the caribou. I believe last year we were getting a random selection of GPS positions for us to try and locate the herd, but we didn’t seem to have much luck finding any sizeable numbers of caribou. I think I mentioned to you that we believe the sum total of caribou we saw was no more than 5,000 - and I think from the collar locations we were hitting we should have had a better success rate.

I just wondered if we could talk about your methodology for using the satellite collar info to locate caribou when you are doing the census to see if how you might do it differently, and if we could formulate a plan for this year that might give us the best chance of getting ahead of the herd post calving.

I hope all is well with you,

Look forward to chatting soon,

Nick.

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Looking forward to catching up with you on the phone, let me know when would be good for you. Best wishes,

Nick.

--
Nick Lyon
Assistant Producer
Wild Planet – North America
Wild Horizons
59 Cotham Hill
Bristol BS6 6JR
United Kingdom

Skype: cockroach_ofpp
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See attached rough map of most recent locations. Please do not distribute.

Shannon

Shannon Crowley, M.Sc.
Senior Biologist - Labrador
Dept. of Environment and Conservation
Wildlife Division
Box 3014, Station B
Happy Valley-Goose Bay, NL, A0P 1E0
Phone: (709) 896-5107
Fax: (709) 896-0188
Email: shannonercrowley.gov.nl.ca
Hi Nick

Give me a call if you require any more clarity.

Shannon

-----Original Message-----
From: Nick Lyon [mailto:Nick_Lyon@gmail.com]
Sent: Monday, July 11, 2011 6:57 PM
To: Crowley, Shannon
Subject: caribou locations

Hi Shannon,

how are things? i'm just back from the north, in boston, on my way back to england.
rolf and jonathan are still up in the field, and i wondered if you had any new caribou locations for us?

the last two days we were there the weather warmed up, the bugs started in earnest and we saw our first bachelor groups moving in.
i'm guessing they might start moving if the bugs are biting. a good location for recamping would be the top of fraser canyon if they are heading that way. are you able to see if anything is moving south and if the clumps have become denser with the warming?

our shoot went very well. no bear predation - they were busy with berries. but we filmed three wolf-caribou hunts, but decided to back off the wolves to minimise chance of disturbance. they have 9 beautiful little pups, quite an achievement for a lone pair.

thanks again for all your help with GPS locations, etc. invaluable to our work. best wishes,

nick.

--
Nick Lyon
Assistant Producer
Wild Planet – North America
Wild Horizons
59 Cotham Hill
Bristol BS6 6JR
United Kingdom
Hi Shannon,

hope all is well with you? We're beginning to think about scripting for the bears, wolves and caribou sequence and I wondered if you were aware of any publications which address specifically the behaviour and life histories of Labrador black bears. I've been trawling the net again, and did a fair sweep before getting out there, but I mostly found stuff further south and Keith Chaulk's papers on the bears around Voisey's Bay seem to describe smaller bears than we were encountering up in Hebron. So really what I'm looking for is if there is anything you know of the refers specifically to these more northerly black bear populations in Labrador?

The footage looks fantastic by the way and we witnessed and filmed 5 black bear and wolf encounters.

Thanks again,

Nick.
--
Nick Lyon
Assistant Producer
Wild Planet – North America

59 Cotham Hill
Bristol BS6 6JR
United Kingdom

Skype: cockroach_ofpp

Tel : +44 (0) 117 906 4319
Mob: [redacted]

On Wed, Apr 20, 2011 at 3:41 PM, Crowley, Shannon <ShannonCrowley@gov.nl.ca> wrote:
> Hi Nick,
> 
> I have attached your permit as a pdf in this email and will send the
> original in the mail. Sorry for the delay- we just made it through our
> frenzied field season. Let me know if you have any questions.
> 
> Shannon
Hi Shannon,

that's a shame about the scheduling conflicts? Can I ask how many staff will be heading up to Hebron. Would we fit in the cabin together? If its only 2 people then they'd be no problem, if 3 we could squeeze... if not, would we be OK to still camp there and use the stove in the cabin. We are very polite and don't smell too bad. Some people consider us good company.

Speak soon,

Nick.

--

Nick Lyon
Assistant Producer
Wild Planet – North America
Wild Horizons
59 Gotham Hill
Bristol BS6 6JR
United Kingdom

Skype: cockroach_ofpp

Tel:  +44 (0) 117 906 4319
Mob:  Sec 40(1)

On Wed, Apr 6, 2011 at 12:19 PM, Crowley, Shannon <ShannonCrowley@gov.nl.ca>
wrote:

Hi Nick,
There has been a bit of a schedule change for the Hebron cabin. The crew that was going up to do repairs on the cabin now needs to go earlier than expected due to other staff scheduling conflicts. The crew will be at the cabin from July 4-14. The cabin is still available from June 22 to July 3. I apologize for this scheduling change but hope the cabin will still be useful to you during this time period.

Shannon

From: Nick Lyon [mailto:************@gmail.com]
Sent: Tuesday, March 29, 2011 8:57 AM
To: Crowley, Shannon
Subject: Re: Black Bears & Caribou Second Filming Trip 2011

PS - forgot to mention - the contact details below would be good for the permit.

Thanks, N.

--
Nick Lyon
Assistant Producer
Wild Planet – North America
Wild Horizons
59 Coatham Hill
Bristol BS6 6JR
United Kingdom

Skype: cockroach_ofpp

Tel: +44 (0) 117 906 4319
Mob: 

On Tue, Mar 29, 2011 at 12:32 PM, Nick Lyon wrote:

Hi Shannon,

Apologies in the delay of reply - I have been in the Arctic filming
> the aurora. It was stunning.
>
> Dates for the trip, there are two aspects - ground and aerials:
>
> Ground Crew: [redacted] and [redacted] - 8th June - 19th July,
> Camping and Hiking
>
> Aerial Crew: T180 Nick Lyon and [redacted] - Universal

> Both of these time periods are the maximum stays with every intention
> of leaving earlier if footage is acquired earlier.

> Let me know if there is anything else you need from me. I hope the
> caribou are well and behaving 'normally'.

> Best wishes,

> N.

> Nick Lyon
> Assistant Producer
> Wild Planet – North America
> Wild Horizons
> 59 Cotham Hill
> Bristol BS6 6JR
> United Kingdom

> Skype: cockroach_ofpp

> Tel: +44 (0) 117 906 4319
> Mob: [redacted]

> On Mon, Feb 28, 2011 at 1:12 PM, Crowley, Shannon
> <ShannonCrowley@gov.nl.ca>
> wrote:
>
> Hi Nick,
Hi Shannon,

Hope all is well in the new year. I just wanted to check in to see if you needed anything more from us regarding permissions from the Wildlife Department? Did you get any feedback on the cabin usage? Our predicted window of use for the cabin would be from the 23rd June to around the 11th of July.

Thanks and best wishes,

Nick.
Frank Phillips let me know you have taken over as the senior biologist for Labrador. I wondered if we might be able to catch up for a chat about our plans for filming next summer. I'm a UK-based wildlife filmmaker working on the new landmark natural history series for the Discovery Channel which focuses on the wildlife of the North American continent. We worked with the Labrador Wildlife department last year, and Tony Chubbs and David Elliot kindly let us use the Wildlife cabin up in Hebron Bay. I think you may have arrived there for the census just after we left.

We are planning the second stage of our filming. I'm not sure if you've been told what we were working on - but we are looking to film black bear hunting caribou. Whilst we got some great stuff of two black bears on different carcasses last year we haven't filmed the hunt yet, because our trip was cut short by poor weather and conditions weren't conducive to flying.

We'll be working with Universal Helicopters again, and are planning to start our ground shoot (2 person team camping) in the second week of June for 6 weeks, and like last year the aerial shoot on the 4th week of June for 17 days.

The ground crew will compose of a cameraman and bear monitor. The helicopter crew will be the Universal pilot, director and cineflex operator. I'm not sure if you are aware of the cineflex system - but it is the same aerial gyro-stabilised mount that we used for Planet Earth and Life, allowing us to get intimate shots of wildlife from a great distance, therefore managing to observe wild behaviour without disturbing our subjects. Our wildlife filming always heavily relies on long lens whether aerial or ground to prioritise the needs of the animals to go about their business undisturbed, whilst allowing us to film rarely seen behaviours.

Last year Tony Chubbs gave us a scientific research permit to cover our work (Permit No. 003LAB2010), are you able to issue us a new one to cover June & July? There was quite a lot of demand on the Wildlife Cabin last summer with the census, but my understanding is that this year things are quieter. Would it be possible for us to use it again for roughly 2 weeks between 20th June and 20th of July? We'll be able to give you more accurate dates closer to the time. For the helicopter element of the shoot we will want to be responsive to the data we get from radio collars on the caribou movement, and also to what our ground team can feed back via satellite phone - in essence trying to remain responsive to when caribou are close to Hebron Wildlife Cabin to save on ferry time in the helicopter.
I will also be writing to the Lands Division of the Nunatsiavut Government to request their consent to film on the native lands, and hope like last year this will be well received.

Looking forward to catching up with you on the phone, let me know when would be good for you. Best wishes,

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--

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Good Morning,

Something else to be aware of is that there two film crews trying to get footage of caribou in the general area we will be working.

One crew, headed by Nick Lyon (BBC I think) is at Hebron now. They are flying with UHNL. I’m not sure of their plans for the next few days, UHNL will know. Obviously if we go to Hebron and they are there, they will have to leave.

The other crew, headed by [Name], is heading north this weekend flying with Canadian. They will be staying at Ikarut, north of Hebron (old DFO cabin). [Name] is interested in filming us doing some of our work. I know he has been in contact with Vincent about this as well. I initially told him I did not think this would be feasible, especially since the first I heard about it was Wednesday. I did tell him I would run it by everyone though, so we should briefly discuss this during the conference call.

Also, it will be important to remember that there may be other helicopters operating in the vicinity, and to take appropriate precautions.

David Elliott
Wildlife Project Biologist
Wildlife Division, Labrador Office
Box 3014, Station B, 298 Centralia Road
Happy Valley-Goose Bay, NL, A0P 1E0
(709) 896-5107
Hi Nick,

I have got your permit roughly made up. I may have a couple of minor questions for you but will need to get back to you next week as I am in Winnipeg for a polar bear committee meeting and do not have this with me. I am still waiting for confirmation about the cabin. The dates you mentioned are much more favorable then an earlier time period as we will most likely have field crews based out of there the first part of June. I will get back to you next week when I am in the office.

Shannon

-----Original Message-----
From: Nick Lyon [mailto:___________________________________]
Sent: Tue 2/1/2011 8:17 AM
To: Crowley, Shannon
Subject: Re: Black Bears & Caribou Second Filming Trip 2011

Hi Shannon,

Hope all is well in the new year. I just wanted to check in to see if you needed anything more from us regarding permissions from the Wildlife Department? Did you get any feedback on the cabin useage? Our predicted window of use for the cabin would be from the 23rd June to around the 11th of July.

Thanks and best wishes,

Nick.

On Tue, Dec 14, 2010 at 5:32 PM, Nick Lyon <___________________________________> wrote:

> Dear Shannon,
> 
> Frank Phillips let me know you have taken over as the senior biologist
> for Labrador. I wondered if we might be able to catch up for a chat
> about our plans for filming next summer. I'm a UK-based wildlife
> filmmaker working on the new landmark natural history series for the
> Discovery Channel which focuses on the wildlife of the North American
> continent. We worked with the Labrador Wildlife department last year,
> and Tony Chubbs and David Elliot kindly let us use the Wildlife cabin
> up in Hebron Bay. I think you may have arrived there for the census just after we left?
> 
> We are planning the second stage of our filming. I'm not sure if
> you've been told what we were working on - but we are looking to film
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hunt yet, because our trip was cut short by poor weather and
conditions weren't conducive to flying.

We'll be working with Universal Helicopters again, and are planning to
start our ground shoot (2 person team camping) in the second week of
June for 6 weeks, and like last year the aerial shoot on the 4th week
of June for
17 days.

The ground crew will compose of a cameraman and bear monitor. The
helicopter crew will be the Universal pilot, director and cineflex operator.
I'm not sure if you are aware of the cineflex system - but it is the
same aerial gyro-stabilised mount that we used for Planet Earth and
Life, allowing us to get intimate shots of wildlife from a great
distance, therefore managing to observe wild behaviour without
disturbing our subjects. Our wildlife filming always heavily relies on
long lens whether aerial or ground to prioritise the needs of the
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I will also be writing to the Lands Division of the Nunatsiavut
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hope like last year this will be well received.

Looking forward to catching up with you on the phone, let me know when
would be good for you. Best wishes,

Nick.

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Nick Lyon
Assistant Producer
Wild Planet - North America
Wild Horizons
59 Cotham Hill
Bristol BS6 6JR
United Kingdom
Skype: cockroach_ofpp

Tel: +44 (0) 117 906 4319
Mob: [redacted]

Sec 40(1)
Not that I am aware of.

John

-----Original Message-----
From: Crowley, Shannon
Sent: Tuesday, February 01, 2011 7:53 PM
To: Blake, John; Barney, Wayne; Mehl, Katherine
Subject: Hebron cabin

Are there any reasons (i.e. conflicting schedules) that we should not let Nick Lyon (BBC film crew) use the Hebron cabin sometime between 23rd June to 11th of July? We may be up there earlier in the month but not that late.

Shannon
Hi Nick,

Everything looks good for using the cabin for the dates you specify below. The permit is no problem either but will get back to you in the near future before I send to you.

Shannon

Hi Shannon,

Hope all is well in the new year. I just wanted to check in to see if you needed anything more from us regarding permissions from the Wildlife Department? Did you get any feedback on the cabin usage? Our predicted window of use for the cabin would be from the 23rd June to around the 11th of July.

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Nick.

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Nick.

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Bristol BS6 6JR
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Skype: cockroach_ofpp

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