Dear [Name]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/76/2018]

On August 9, 2018, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Any information pertaining to the sealers memorial statue located on porters point in elliston. These protected birds have now abandoned the area. I would like a copy of [redacted] and a copy of the assessment."

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, some of the information contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act, 2015 (the Act):

"40(1): The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy."

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed. In the spirit of duty to assist, Fisheries and Land Resources may have records regarding this request.

The Access to Information and Protection of Privacy Act requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

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.

P.O. Box 8700, St. John’s, NL, Canada  A1B 4J6  709 729 5877  709 729 0943  www.gov.nl.ca
The address and contact information of the Information and Privacy Commissioner is 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.

Please be advised that responsive records 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 Completed Access to Information Requests 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 feel free to contact me by telephone at 709-729-7183 or by e-mail at lisas@gov.nl.ca.

Sincerely,

LISA SULLIVAN
ATIPP Coordinator
Enclosures
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).
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<tr>
<th>TO:</th>
<th>Bar Cleary</th>
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<tr>
<td>FROM:</td>
<td>Paul Carter</td>
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<tr>
<td>□ PLEASE NOTE AND FILE</td>
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<td>□ FOR OBSERVATION AND RETURN</td>
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<td>□ PLEASE NOTE AND RETURN TO ME</td>
<td>□ AS PER YOUR REQUEST</td>
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<td>□ PLEASE SEE ME ABOUT THIS</td>
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<td>□ FOR YOUR INSTRUCTIONS</td>
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**COMMENTS**

Registration is not required for establishment of a nuclear memorial on a 0.133 ha site including a bronze statue in the Town of Elliston.

Project permit a registrable undertaking made 20 Mar 2003

Can you have a look at this any EA issues. Thanks

Bas

Bas,

Following up from my phone message yesterday, you are probably aware of the Sealers Memorial that is proposed for the Town of Elliston. I have included a link to the website and attached a brochure that can be downloaded from the site - all for your information. John Crosbie is the Patron of the Memorial and the provincial government is donating a large sum of money in support of the Memorial.

http://homefromthesea.ca/

The intent is to erect a bronze statue and construct some trails on the site at Porter's Point (survey attached). The property belongs to the Town of Elliston and the Town intend to permit the Memorial. The interpretive building is not on the Porter's Point site.

We have been asked if erecting the bronze statue and building the trails will require a provincial environmental assessment. There will be a meeting on the Town's permitting later this month and the committee would like to be able to report on this question. I don't see an obvious requirement for registration. Of course, there will be permits required by Water Resources and maybe others.

Can we discuss this at your earliest convenience?

Cheers,
Potential copyright material

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

All that piece of parcel of land situate and being at Elliston, in the Electoral District of Bonavista South, in the Province of Newfoundland and Labrador, Canada, bounded and bounded as follows:

BEGINNING at a point in the southeastern limit of a Right of Way the said point having NAD Co-ordinates of N3,888,294.814 meters and E302,249.845 meters of the Modified 3° Transverse Mercator Grid Projection for the Province of Newfoundland

THENCE running along the said southeastern limit of a Right of Way northerly twenty two degrees thirty three minutes thirty seconds east seventeen decimal nine zero seven meters.

AND THENCE north nine degrees two minutes forty two seconds east ten decimal one six seven meters.

THENCE running along the northeastern limit of a Right of Way northerly thirty eight degrees eight minutes thirty nine seconds west twelve decimal five nine one meters, to a point having Co-ordinates of N3,888,334.304 meters and E302,250.535 meters.

THENCE running along the shoreline of Trinity Bay to a point having Co-ordinates of N3,788,284 251 meters and E302,293 259 meters.

THENCE running by land of [redacted] northerly thirteen degrees twenty five minutes thirty nine seconds west seven decimal five two three meters.

THENCE north twenty seven degrees five minutes thirty nine seconds west four decimal six six three meters.

THENCE north sixty one degrees forty three minutes thirty nine seconds west fifteen decimal eight eight five meters.

THENCE south thirty seven degrees twenty one minutes twenty one seconds west nine decimal seven four four meters.

THENCE northerly eight degrees three minutes thirty nine seconds west nine decimal three five seven meters.

THENCE south thirty seven degrees thirty five minutes twenty one seconds west eight decimal one eight eight meters.

THENCE south eighteen degrees fifteen minutes twenty one seconds west two decimal four zero eight meters.

AND THENCE north sixty two degrees three minutes thirty nine seconds west six decimal seven nine seven meters, more or less to the point of beginning.

CONTAINING an area of 0.133 hectares, more or less, and being more particularly shown on the diagram annexed hereto.

All bearings being referred to Grid North of the above mentioned Projection.
Potential copyright material

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