

SIERRA LEGAL DEFENCE FUND

Anastasia Lintner
416.368.7533 Ext. 30
Direct Fax: 416.363.2746
E-Mail: alintner@sierralegal.org

July 20, 2005

Via Fax

Ministry of Natural Resources
300 Water St
P.O. Box 7000
Peterborough, ON
K9J 8M5

Attention: Laura Lee May, Freedom of Information and Privacy Coordinator

Dear Ms. May:

Re: Request pursuant to the *Freedom of Information and Protection of Privacy Act*

Pursuant to the *Freedom of Information and Protection of Privacy Act* (the "Act"), we request the following information:

documents, reports, studies, maps and other relevant materials that sums up the total length of all roads in Algonquin Provincial Park including, but not limited to:

- provincial highways,
- park related highways,
- local roadways,
- all logging roads (primary, secondary, tertiary roads),
- and all other motorized access routes or roads not captured by the abovementioned categories.

In accordance with section 57(4)(c) of the Act, we request that all additional fees associated with the request be waived. Many Information and Privacy Commissioner Orders – including Orders PO-1953-F and PO-1909, have recognized that environmental matters often raise serious public health and safety issues, and that the subject matter of these records are of a public rather than a private interest. These Orders outline a series of factors that should be considering in determining whether the dissemination of

30 St. Patrick Street
Suite 900
Toronto, ON
Canada M5T 3A3

Phone:
416.368.7533

Fax:
416.363.2746

E-mail:
sldfon@sierralegal.org

Website:
www.sierralegal.org

government-held information will benefit public health or safety. We believe that this request meets all these factors.

Sierra Legal is requesting these documents on behalf of CPAWS-Wildlands League, a grassroots, charitable not-for-profit organization that focuses on science-based campaigns to establish and maintain protected areas. The information they seek will be used for the benefit of the public interest. There is strong evidence demonstrating that excessive road networks can have a negative impact on the ecological integrity of the park and all those who rely on it.

CPAWS-Wildlands League works with many stakeholders including other conservation organizations, government, individuals, communities, First Nations and businesses who all have an interest in the ecological health of the park. These groups have a right to know the extent of the current and proposed roads running through the park, in order to assess the potential health and ecological impacts of such development. When roads go through a park, other resource intensive activities tend to follow. These activities in many cases have direct negative effects on human health as a result of chemical processes used in construction and implementation or as a result of the irreversible changes they inflict on the environment. For example, construction, roads, and the industries that use them introduce noise, oil, gas, heavy metals, waste and garbage along the length of the roads. In addition, these pollutants also degrade the water quality through pollutant runoff and sedimentation. Roads also facilitate the introduction of invasive species that can devastate ecosystems and impact those who rely on them. Roads of all classes may fragment a landscape, making it unsuitable for various wildlife species. Increased ease of access also results in heavier pressure from extractive recreation. Anglers, hunters and trappers may take more fish and game. Stakeholders wish to receive this information to fully understand the risks, if any, to their health. These citizens need to know what precautions and remediation steps they need to take in order to preserve their health and the ecological viability of the park.

S I E R R A
L E G A L
D E F E N C E
F U N D

In Order PO-1953-F (September 28, 2001), Adjudicator Irena Pascoe held:

...I have concluded that soil and water conditions are clearly matters that concern public health and safety. I recognize that the circumstances surrounding this appeal are different from those identified in the above-mentioned orders. In my view, however, what is common to all of these cases is that the records at issue concern environmental matters with the potential to affect the health and safety of the public (emphasis added).

In another environmentally-related FOI fee waiver request, Order PO-1909 (May 30, 2001), Adjudicator Donald Hale stated in his order that:

I find that the subject matter of the responsive records is a matter of public, rather than private interest. In addition, I find issues relating to non-compliance with environmental standards with respect to discharges of pollutants into the air and water of the province which are at the root of this request relate directly to a public health or safety concern. Without having reviewed the voluminous records responsive to the request it is difficult for me to determine whether their disclosure would yield a public benefit by disclosing a public health or safety concern. The records may, or may not, contain information about a public health or safety risk. This is precisely the reason for the appellant's request.

I agree with the position taken by the appellant, however, that the dissemination of the record would yield a public benefit by contributing meaningfully to the development of

understanding of an important public health or safety issue. In my view, issues relating to the contamination of Ontario's air and water are, by their very nature, important public health or safety concerns...(emphasis added)

It is clear that when all these factors are considered, the dissemination of information requested from the Ministry of Natural Resources will directly benefit public health and safety, and as a result it would be fair and equitable to waive the estimated fees.

Since we consider that this request is a matter of some urgency, we trust that the 30 day time frame to complete this request will be observed as per section 26 of the Act and hope for your cooperation in providing a timely response.

We further request that the identity of the requesting organization and the below-mentioned individual be kept confidential.

If you have any questions about this request, please do not hesitate to contact us.

S I E R R A
L E G A L
D E F E N C E
F U N D

Yours truly,

Sierra Legal Defence Fund

[Original signed July 20, 2005]

Per: Anastasia Lintner
Staff Lawyer

cc: Evan Ferrari, CPAWS-Wildlands League