

Final Response

September 10, 2019

Dear Applicant:

**Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 - FLR-76-2019**

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On August 12, 2019, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

**“Information regarding aquaculture and fishing farming on Rencontre East, including proposals, executive gov. emails, communications with the town council and proponent, emails from the public. Time period: 2010 to date of this request.”**

**CLARIFICATION RECEIVED:**

**“I would like to limit the time period from 2010 to 2012, I would also like to limit executive emails to Minister, Deputy Minister, ADM, and emails to the town council to the town manager or mayor. I would like to limit documents to business plans.”**

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 39 – Third Party Harm and Section 40 – Personal Privacy of the **Access to Information Protection of Privacy Act, 2015**. 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 709-637-2354 or by email at [Lisaneville@gov.nl.ca](mailto:Lisaneville@gov.nl.ca) .

Sincerely,



Lisa Neville  
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).



Attn: Mr. Brian Meaney  
Petten Building  
30 Strawberry Marsh Road  
P.O. Box 8700  
St. John's, NL  
A1B 4J6

February 16, 2010

Dear Brian,

Northern Harvest Sea Farms (NHSF) strategy is to take advantage of our experienced management, unique synergies and unique marketing approach to continue to successfully differentiate and operate one of the top salmon aquaculture companies in the world. NHSF will grow the business to a magnitude that will allow us to service our target markets 12 months per year and attain the economies of scale to maximize purchasing power and reduce our overall costs of production. This growth will be balanced to ensure we are able to maintain the control, flexibility and hands on management that is critical to the sustained success of our operations. This optimal target size has been historically proven and verified by various independent organizations. The global salmon aquaculture industry is currently experiencing a unique situation that will allow for this growth to be expedited. However, in order to reach this potential in the time frame reflected in this business plan, the financing requirements are significant.

With operations in both New Brunswick and Newfoundland, NHSF has achieved important geographical diversification. However, from a growth potential perspective, NB will continue to average approximately 1 mio new smolt per annum. In NB there are no new sites that will be granted and with the bay management and environmental controls in place the stocking capabilities are restricted. Our growth will all be coming from the Province of Newfoundland and Labrador. The reality of the situation in PNL is that with the sites we have there already, we could enter up to 5 mio smolt per year (while still implementing our own strict bay management practices and following our low stocking density strategy). If we followed the high stock density practices of some other companies it could be twice this

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much. We feel that the risks of that far outweigh the potential benefits. That being said, the balanced growth being targeted as per the critical success factors mentioned above is as follows:

	2010	2011	2012	2013
Smolt Entry Fish #'s	2,500,000	3,000,000	3,500,000	3,500,000

2010 growth is already significant with approximately 1.2 mio smolt being entered in 2009.

Supply/value chain control will also be critical to support this growth. NHSF already operates a processing plant in St. George NB. We are also investigating possible investments to improve our inbound / outbound logistics. However, the most essential element in the supply chain is smolt supply and as such NHSF intends on investing in its own hatchery facility. We have to date focused on building strategic partnerships with 4 hatcheries and have a committed supply for the upcoming years. We also have control over our own broodstock program. That being said, from a biosecurity and value chain control perspective (larger and healthier smolt), we feel having our own hatchery facility will be critical to our long term success. NHSF has already completed initial evaluations and have located a site in PNL with tremendous potential. The investment in the site thus far is approximately \$250K. The primary impediment is the significant financing requirement of this project.

In order to achieve the growth and integration, the projected capital expenditures are as follows:

Capital Requirements	2009	2010	2011	2012	2013
Saltwater Operations					
Hatchery					

Trying to finance this growth is extremely difficult within the current global financing environment. That being said, NHSF has demonstrated the management skills to successfully perform and have fostered partnerships with [REDACTED] and ACOA amongst other lenders to support the operations thus far. We are also in the final stages of moving (and increasing) our operating line to a new bank as well as commencing a new business relationship with [REDACTED]. These all are strategic partners that have played key roles in our success. Now to attain the expedited growth, we need PNL to also financially support the expansion. 39(1)(a)(ii), 39(1)(b), 39(c)(i), 39(c)(iii)

NHSF is asking the PNL consider a capital asset financing commitment to cover 50% of the annual capital requirements for 2009 – 2013 fiscal years with repayment to be based upon 7 year terms. You can find the details in the attached business plan documents.



We have appreciated your cooperation in finalizing the FCC financing (i.e. with the non-disturbance requirements and aquaculture lease / license comfort letters) and we trust you can appreciate the tremendous positive impact this kind of growth will have for the Province and specifically for the south coast region. The capital costs are substantial however the return on this investment will be enormous. NHSF NL already employs more than 60 people representing 13 south coast communities. This was undertaken with no financial support from PNL. Another +20 direct jobs will be required for 2010 with similar annual increases from 2011-2014. The hatchery operation alone will require 8-10 full time positions requiring a wide range of technical expertise. In addition, our aquaculture operations are the primary supplier for the processing facility in St. Alban's and our growth should directly benefit them.

Year	Marine	Hatchery	* Processing
2009	65		40
2010	85	4	55
2011	115	8	60
2012	125	10	70
2013	135	10	70

\* Third Party

When you also consider the ongoing servicing and maintenance requirements, capital project employment (all being provided by local PNL companies), etc., the spin-off employment that will be generated has huge potential.

Northern Harvest will continue to grow our operations as per our strategic plan. With PNL's backing we have an opportunity to expedite the growth and the tremendous positive impact on the PNL economy. Timing to make this commitment (for us and PNL) is critical. We need to make decisions today to allow for this expansion 2-3 years down the road. We hope PNL appreciates the potential and the need for immediate action.



40(1)

Larry Ingalls

President, Northern Harvest Sea Farms

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