

Final Response

September 13, 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-77-2019**

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On August 15, 2019, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

**“I'm requesting copies of all reports, e-mails, documents, papers, briefing notes prepared for the Minister of Fisheries and Oceans from 2015 to present regarding unprocessed fish being shipped out of Newfoundland and Labrador. “**

Clarification was provided August 16, 2019:

**“I am requesting copies of all reports, studies, inquiries, e-mails, documents, papers, briefing notes etc. prepared for the Minister of Fisheries and Land Resources relating to the amount of frozen, unprocessed fish landed by Canadian offshore trawlers in Newfoundland and Labrador for transshipment out of province. Timeframe 2015-current.”**

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 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).

COR/2016/1415

**O'Keefe, Dorothy**

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**From:** Roberts, Edna  
**Sent:** Monday, July 18, 2016 10:37 AM  
**To:** 40(1) [REDACTED]@gmail.com'  
**Cc:** O'Keefe, Dorothy  
**Subject:** Letter from Premier Ball 40(1)  
**Attachments:** Response letter to [REDACTED] from Premier Ball.pdf

Good Day [REDACTED] 40(1)

Please see the attached letter from Premier Ball in response to your email dated June 18, 2016.

Thank you and have a nice day.

Edna Roberts  
Personal Administrative Assistant  
to Premier Dwight Ball  
Government of Newfoundland and Labrador

-----< HP TRIM Record Information >-----

Record Number: ICOR2016/3102-02 40(1)  
Title : Response letter to [REDACTED] from Premier Ball

July 18, 2016

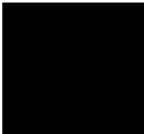
[REDACTED]  
Via email: [REDACTED]@gmail.com

Dear [REDACTED]

Thank you for your email dated June 18, 2016, relating to fish landed by factory freezer trawlers in Bay Roberts and your concern relating to the cod fishery. Both of these concerns are important to the Government of Newfoundland and Labrador.

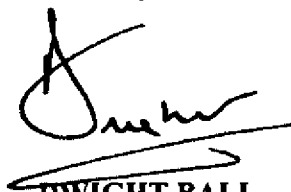
The rebuilding of the northern cod stocks remains a priority for the province. We support additional fishing opportunities for the people of the province in the recreation and stewardship fisheries as the stocks improve, however, only in the context that the stock continues to grow. The latest assessment on the 3Ps cod stock noted that recruitment continues to be strong, but the high mortality rate is a concern. A review of the rebuilding plan for this stock may be required in light of this information.

Officials of the Department of Fisheries and Aquaculture are looking into the matter you have referenced regarding the export of unprocessed fish. Thank you for your continued interest in the province's fishing industry.



*Thanks for reaching out there is a great and important volume of cod related to our fishy industry. Thanks again*

Sincerely,



DWIGHT BALL  
Premier  
MHA, Humber-Gros Morne

cc: Honourable Steve Crocker  
Minister of Fisheries and Aquaculture

**Neville, Lisa**

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**From:** Lewis, David B.  
**Sent:** Thursday, July 7, 2016 2:38 PM  
**To:** Colman-Sadd, Vanessa; Worthman, Matthew 40(1)  
**Subject:** FW: Email to the Premier from [REDACTED] dated June 18, 2016

40(1)  
FYI. Wanda is drafting a general reply to [REDACTED] initial email. He sent a follow up email which mainly dealt with aquaculture, so Brian has been asked to draft a response to that piece.

Dave

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**From:** Wiseman, Wandalee  
**Sent:** Tuesday, July 05, 2016 11:11 AM  
**To:** Lewis, David B. 40(1)  
**Subject:** FW: Email to the Premier from [REDACTED] dated June 18, 2016

fyi

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**From:** Brown, Ron  
**Sent:** Tuesday, July 05, 2016 11:04 AM  
**To:** Wiseman, Wandalee 40(1)  
**Subject:** Email to the Premier from [REDACTED] dated June 18, 2016

Good morning Wanda,

40(1) As per your request, I called [REDACTED] 40(1) yesterday, July 4 to gather more details regarding his email referenced above. [REDACTED] expressed his disappointment about the fact that the Premier or Minister never called him regarding the email and wondered if they realized the magnitude of the issue with unprocessed fish being exported.

40(1) I repeatedly asked [REDACTED] 40(1) if he could provide specifics on the government staff that he indicated he talked to, the quantities and species of unprocessed fish, names of factory freezer trawlers and location of plants on the mainland that were referenced in his email. [REDACTED] did not have any details on the species of fish being exported unprocessed other than it was shrimp and groundfish and did not provide the names of the factory freezer trawlers. [REDACTED] 40(1) did note that he was aware of unprocessed shrimp being shipped to Matane, QC and he believed that processing facility is partially owned by Royal Greenland.

As you know, factory freezer shrimp trawlers land three product types, raw frozen in 1 kg boxes for the Japanese market, cooked frozen in 5 kg boxes for various markets and raw frozen in approximately 20 kg bags, commonly referred to as Industrial shrimp. Industrial shrimp is purchased by cooked and peeled shrimp operations in this province and elsewhere to be cooked and peeled.

According to the Canadian Food Inspection Agency website listing of Canadian Establishments Approved List for Export, there are two establishments in Matane, QC, LES FRUITS DE MER DE L'EST DU QUÉBEC (1998) LTÉE/EASTERN QUEBEC SEAFOODS (1998) LTD. 0542 1600, MATANE-SUR-MER MATANE QC and OCEAN NUTRSCIENCES INC. 5779 72, RUE DU PORT MATANE QC.

If you have any questions, please let me know.

Thanks.

Ron Brown  
Director, (A) Eastern Region  
Department of Fisheries & Aquaculture  
Petten Building  
30 Strawberry Marsh Road  
P.O. Box 8700  
St. John's, NL A1B 4J6  
Telephone: (709) 729-1143  
Fax: (709)729-1881

**Neville, Lisa**

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**From:** Lewis, David B.  
**Sent:** Monday, July 4, 2016 9:50 AM  
**To:** O'Keefe, Dorothy  
**Subject:** RE: Message from [REDACTED] 40(1)

Dot,

Can you send me the original email from [REDACTED] 40(1)

Dave

-----Original Message-----

**From:** O'Keefe, Dorothy  
**Sent:** Monday, July 04, 2016 9:43 AM  
**To:** Lewis, David B.  
**Cc:** Lefevre, Gloria D.; Wiseman, Wandalee  
**Subject:** RE: Message from [REDACTED] 40(1)

Dave,

40(1)

I checked TRIM and there's a document there, COR/2016/1175, which I believe is the email [REDACTED] is referring to. Wanda saw this on your behalf while you were away last week. Here are the notes from TRIM, which indicate that it's now with Joelle for response.

I'll TRIM the new email as well and forward it on.

Dot

**TRIM NOTES:**

to Joelle, "please prepare response, talk to Tom - stock status, opening of areas, Ian - any exemptions?, Derrick - any idea who?, any compliance issues?"

"Tuesday, June 28, 2016 at 1:47:24 PM (GMT-02:30) Watson, Brenda:"

To Paul Paddle please work with Tom Dooley, Ian Burford and Derrick Lockyer on a draft response - Wanda Wiseman

"Tuesday, June 28, 2016 at 1:07:56 PM (GMT-02:30) Lefevre, Gloria:"

Seen by Wanda on behalf of Dave; sent to Wanda Wiseman for draft reply

"Tuesday, June 28, 2016 at 1:07:22 PM (GMT-02:30) Lefevre, Gloria:"

to Dave Lewis

"Tuesday, June 28, 2016 at 11:29:24 AM (GMT-02:30) Lefevre, Gloria:"

Sent to Dave

"Tuesday, June 28, 2016 at 11:26:02 AM (GMT-02:30) O'Keefe, Dorothy:"

-----Original Message-----

**From:** Lewis, David B.  
**Sent:** Monday, July 04, 2016 9:29 AM  
**To:** O'Keefe, Dorothy  
**Subject:** FW: Message from [REDACTED] 40(1)

FNA

-----Original Message-----

**From:** Crocker, Steve  
**Sent:** Tuesday, June 28, 2016 2:30 PM



To: Wiseman, Wandalee; Lewis, David B.  
Subject: Fw: Message from [REDACTED] 40(1)

Sent from my BlackBerry 10 smartphone on the Bell network.

Original Message 40(1)  
From [REDACTED]@gmail.com>  
Sent: Tuesday, June 28, 2016 2:25 PM  
To: Crocker, Steve  
Subject:

Minister, over a week has passed and we have not any response to our email regarding the uncontrolled shipments of unprocessed fish leaving the province. These large shipments out of the province represent many badly needed jobs and obviously having a negative impact on the N&L economy. We will continue to monitor these shipments and unless some action is taken to stop the flow of unprocessed fish to other Canadian provinces and other countries we will publicize documented information.

With respect to the continuing destruction of wild fish and the expanding production of diseased salmon in the aquaculture industry in our province we suggest you read the June 11-17 edition of the The Economist of recent actions being taken by advanced fishing nations to reduce the use of local marine waters for aquaculture.

In a article called "Catch of the day" there is an description of the advances being made to avoid disease, sea lice , use of drugs, etc and largely reduce the use of other fishery resources now necessary to supply feed for salmon in marine sites. Not to mention that fact in N&L the taxpayers of Canada are held responsible for financial losses due to production of spoiled aquaculture products unfit for human consumption.

Everyone recognizes the growing need for better management of ocean fishery resources and expansion of properly developed aquaculture on land sites. That is everyone in the world except Canada which is now documented as one of the worst fishery managers in the civilized world.

We still feel very strongly there is a growing need for a judicial inquiry into the fact we are losing our identity in the international seafood market and what actions are needed to restore our presence before it's far too late [REDACTED] 40(1)

Sent from my iPad

**O'Keefe, Dorothy**

---

**From:** Lewis, David B.  
**Sent:** Monday, July 04, 2016 9:29 AM  
**To:** O'Keefe, Dorothy  
**Subject:** FW: Message from [REDACTED] 40(1)

FNA

-----Original Message-----

**From:** Crocker, Steve  
**Sent:** Tuesday, June 28, 2016 2:30 PM  
**To:** Wiseman, Wandalee; Lewis, David B.  
**Subject:** Fw: Message from [REDACTED] 40(1)

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**To:** Crocker, Steve  
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We still feel very strongly there is a growing need for a judicial inquiry into the fact we are losing our identity in the international seafood market and what actions are needed to restore our presence before it's far too late [REDACTED] 40(1)

Sent from my iPad

**From:** Premier,  
**Sent:** Friday, June 24, 2016 4:10 PM  
**To:** O'Keefe, Dorothy  
**Subject:** HP TRIM Incoming Correspondence : ICOR2016/3102 : Email from [REDACTED] regarding freezer trawler unprocessed production and the consequent loss of employment in our Province  
**Attachments:** Email\_RE:.html

40(1)

Hi Dorothy,

40(1)

Attached, for the attention of your Minister and Deputy Minister, is an email from [REDACTED] regarding freezer trawler unprocessed production and the consequent loss of employment in our Province.

We are requesting a draft response for the Premier's signature. Please email the draft to [premier@gov.nl.ca](mailto:premier@gov.nl.ca) account.

Thank you,  
Joanne

-----< HP TRIM Record Information >-----

Record Number: ICOR2016/3102  
Title : Email from [REDACTED] regarding freezer trawler unprocessed production and the consequent loss of employment in our Province

40(1)

COR/2016/1175

**E-mail Message**

**From:** Premier, [EX:/o=PSNL/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=Premier\_e8e]  
**To:** [REDACTED]@gmail.com [SMTP: [REDACTED]@gmail.com]  
**Cc:**  
**Sent:** 6/20/2016 at 2:05 PM [REDACTED]  
**Received:** 6/20/2016 at 2:05 PM  
**Subject:** RE:

Dear Mr. [REDACTED] [REDACTED]

Thank you for your email of June 18th to Premier Ball regarding freezer trawler unprocessed production and the consequent loss of employment in our Province. I wish to advise you that your correspondence will be brought to the Premier's attention at the earliest opportunity.

Thank you,

JOANNE YOUNG | Information Management Specialist

Office of the Premier  
 Executive Council  
 Government of Newfoundland & Labrador  
 8th Floor East Block, Confederation Complex P.O. Box 8700, St. John's NL A1B 4J6

(T) 709-729-3570 | joanneyoung@nl.gov.ca  
 (F) 709-729-5875

-----Original Message----- [REDACTED]

**From:** [REDACTED] [mailto:[REDACTED]@gmail.com]  
**Sent:** Saturday, June 18, 2016 12:08 PM  
**To:** Ball, Dwight  
**Cc:** Crocker, Steve  
**Subject:**

Premier, We have already passed this information along to your staff regarding the substantial quantities of unprocessed fish being trucked out of Bay Roberts to the Mainland.

For your information it is from stored, unprocessed frozen product which had been landed by Factory Freezer trawlers in Bay Roberts.

This unprocessed product is sent to Mainland plants where it is processed for the market. We are aware of the location of some of the plants.

Because of the cloak of secrecy it's unknown, at this stage, whether this is product from Canadian fish quotas from inside 200 Miles or harvested from quotas outside that limit.

This growing activity represents thousand of jobs for Mainland processing employees that are badly needed in our Province and it's also a very clear indication of what to expect in future if MPRs are removed in the CETA process. Also Premier, it's common knowledge that political pressure is being applied to have the Northern cod fishery reopened on the basis of the limited scientifically based knowledge of any real recovery of that cod resource. There are real concerns that if this fishery is reopened, even for a small quota, the same will happen to the 2J3KL cod that has occurred in the case of the St. Pierre Bank cod. That stock was reopened for commercial far too early and is now close to being placed on the list of endangered species by some very knowledgeable fishery scientists. It's a serious situation and politics and not fisheries science is playing a major role in discussions taking place.

There is an increasing need for an inquiry into the potential impact of the growth in Freezer Trawler unprocessed production, the bypassing of N&L processing facilities and the consequent loss of employment in our Province. This a matter which should be of immediate concern and its impact on the economy of the Province.



Sent from my iPad