November 21, 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-109-2019

On October 21, 2019 the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

“Correspondence between Mowi and/or Northern Harvest Sea Farms and the department (ADM level and up). Request is for records in any and all formats, including paper and electronic. Date range Sept. 1, 2019 to the present.”

Please be advised that a decision has been made by the Deputy Minister for FLR to provide full access to the requested information. Please note on page 15 there is a typo in the sentence “I understand you are working Mamka on this matter. The word “with” was left out. The sentence should read, “I understand you are working with Mamka on this matter.

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.

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).
Good afternoon,

Please see attached letter forwarded on behalf of the Honourable Gerry Byrne, Minister, Department of Fisheries and Land Resources, Government of Newfoundland and Labrador, concerning the recent events on the South Coast of the province that have resulted in mass Atlantic salmon mortality.

Regards,
Pam

Pam Hunt
Secretary to Minister
Department of Fisheries and Land Resources
Petten Building, 30 Strawberry Marsh Road
Telephone: (709) 729-3705
Fax: (709) 729-0360
e-mail: pamhunt@gov.nl.ca
Dear Mr. Aarskog:

Due to recent events on the South Coast of the province that have resulted in mass Atlantic salmon mortality at the respective sites, I am asking for a meeting to discuss fish mortality, cleanup process, and next steps.

This event has caused a profound negative impact on public trust and I am seeking information on how the company plans to regain that trust.

I look forward to hearing from you on this very important matter. Please contact me via email at GerryByrne@gov.nl.ca or by telephone at (709) 729-3705.

Sincerely,

HONOURABLE GERRY BYRNE, MHA
District of Conner Brook
Minister

c. Honourable Dwight Ball, Premier

Jamie Gaskill, Managing Director
Jamie.Gaskill@marineharvest.com
Neville, Lisa

From: Barlow, Elizabeth <Elizabeth.Barlow@mowi.com>
Sent: Friday, October 11, 2019 7:27 PM
To: Whelan, Dr. Daryl S
Cc: Borchardt, Amanda; O’Brien, Nicole; Walsh, Rosalind; Synard, Stephanie
Subject: Re: Best practice

Thank you. We will ensure that we follow the advice given.

---

From: Whelan, Dr. Daryl S <DarylSWhelan@gov.nl.ca>
Sent: Friday, October 11, 2019 7:19:21 PM
To: Barlow, Elizabeth <Elizabeth.Barlow@mowi.com>
Cc: Borchardt, Amanda <Amanda.Borchardt@mowi.com>; O’Brien, Nicole <nicoleobrien@gov.nl.ca>; Walsh, Rosalind <RosalindWalsh@gov.nl.ca>; Synard, Stephanie <StephanieSynard@gov.nl.ca>
Subject: Re: Best practice

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FLR requires that the farmed fish on the suspended sites are maintained to ensure optimal care is provided.

This entails feeding of fish and the continued provision of veterinary care and treatments as required by the Northern Harvest Sea Farms Mowi Canada East aquaculture veterinarian. Continue health surveillance of the suspended sites.

Continue mortality removal on affected sites. Ensure that all applicable agencies with authority are aware of the mortality removal practices and have issued no concern.

Maintain the site infrastructure and equipment to ensure containment of the fish and mortalities and to prevent escapes.

Continue harvest of the sites and ensure biosecure practices are followed during the harvest.

Maintain and follow the SOPs on the quarantined site and during the harvest and fish removal.

Ensure that you follow the Policy and Procedures Manual as posted online September 2019 outlining biosecurity and fish health requirements.

Dr. Daryl Whelan
Chief Aquaculture Veterinarian
Director - Aquatic Animal Health Division
Fisheries and Land Resources
T: 709 729-6872
E: darylswhelan@gov.nl.ca

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From: Barlow, Elizabeth
Sent: Friday, October 11, 2019 6:14 PM
To: Whelan, Dr. Daryl S
Cc: Borchardt, Amanda
Subject: Best practice

Hi Daryl,
What practices would you like to see outlined to ensure best practice? Does this mainly refer to mortality removal at this point? Please advise. Thank you.
Thank you Lori Anne, will do.

Good evening Elizabeth;

Yes. You must continue to utilize good farm practices, maintain the quarantined site, and continue harvest and mortality removal at the marine sites. Please contact the Chief Aquaculture Veterinarian to outline the measures that will be taken to ensure best practice for the farmed fish.

Lori Anne

On Oct 11, 2019, at 4:53 PM, Barlow, Elizabeth <Elizabeth.Barlow@mowi.com> wrote:

Hi Lori Anne, I understand that we are under suspension but we do not yet know what the terms of suspension are. Can we continue to do well boat treatments and harvests as those activities are currently underway?
Good evening,

Please see the attached letter forwarded on behalf of the Honourable Gerry Byrne, Minister, Department of Fisheries and Land Resources, concerning Licence Suspension.

Thank you

Pam

Pam Hunt
Secretary to Minister
Department of Fisheries and Land Resources
Petten Building, 30 Strawberry Marsh Road
Telephone: (709) 729-3705
Fax: (709) 729-0360
e-mail: pamhunt@gov.nl.ca
October 12, 2019

Mr. Jamie Gaskill
Marine Harvest Atlantic Canada Inc.
P.O. Box 460
St. Alban’s, NL A0H 2E0
Jamie.Gaskill@marineharvest.com

Dear Mr. Gaskill:

Re: Licence Suspension

On September 3, 2019, Northern Harvest Sea Farms (Mowi Canada East) informed officials of the Department of Fisheries and Land Resources of a mass mortality event affecting six marine cage sites containing farmed Atlantic salmon in the Fortune Bay region on the south coast of Newfoundland and Labrador. The six sites named were AQ 885 McGrath Cove South, AQ 1080 Deep Water Point, AQ 1082 Old Woman’s Cove, AQ 1083 Little Burdock Cove, AQ 1085 Foshie’s Cove and AQ 1086 The Hobby.

On October 11, 2019, Northern Harvest Sea Farms (Mowi Canada East) met with the Department of Fisheries and Land Resources and informed the Department that they were aware of the mass mortality event since September 1, 2019. Mowi Canada East further stated that they were aware of additional abnormal mortality events at four additional sites since the third week of September 2019 but failed to notify the Department until October 11, 2019.

Northern Harvest Sea Farms’ (Mowi Canada East) failure to disclose all information to the Department concerning the mass mortality event for all ten sites constitutes a breach of licence conditions for these sites.

Under the authority of subsection 4(10) of the Aquaculture Act, please be advised that based on the above information, the Department is suspending the following licences effective immediately: AQ 991 Harvey Hill East, AQ 993 Harvey Hill North, AQ 1045 Broad Cove, and AQ 1081 Rencontre East Island, AQ 885 McGrath Cove South, AQ 1080 Deep Water Point, AQ 1082 Old Woman’s Cove, AQ 1083 Little Burdock Cove, AQ 1085 Foshie’s Cove and AQ 1086 The Hobby.
Please be aware that subsection 4(11) of the **Aquaculture Act** states “where the Minister suspends an aquaculture licence under subsection 4(11), the licensee shall not harvest or remove aquatic plants or animals to or from the aquaculture site for which the aquaculture licence was suspended, except in accordance with a directive of the minister”.

Under the authority of subsection 4(11) Northern Harvest Sea Farms (Mowi Canada East) is directed to:

- continue harvest of fish from AQ 991 Harvey Hill East, AQ 993 Harvey Hill North and AQ 1045 Broad Cove;

- remove mortalities, fish and weak or dying fish from AQ 1081 Rencontre East Island, AQ 885 McGrath Cove South, AQ 1080 Deep Water Point, AQ 1082 Old Woman’s Cove, AQ 1083 Little Burdock Cove, AQ 1085 Foshie’s Cove and AQ 1086 The Hobby;

- continue feeding and care of the fish on AQ 991 Harvey Hill East, AQ 993 Harvey Hill North, AQ 1045 Broad Cove and AQ 1081 Rencontre East Island; AQ 885 McGrath Cove South, AQ 1080 Deep Water Point, AQ 1082 Old Woman’s Cove, AQ 1083 Little Burdock Cove, AQ 1085 Foshie’s Cove and AQ 1086 The Hobby;

- continue biosecurity practices as stipulated in the Aquaculture Policy and Procedures Manual for AQ 991 Harvey Hill East, AQ 993 Harvey Hill North, AQ 1045 Broad Cove and AQ 1081 Rencontre East Island; AQ 885 McGrath Cove South, AQ 1080 Deep Water Point, AQ 1082 Old Woman’s Cove, AQ 1083 Little Burdock Cove, AQ 1085 Foshie’s Cove and AQ 1086 The Hobby;

- operate under approved Standard Operating Procedures for sites currently under a provincial Quarantine Order;

- restocking of fish into these sites will not occur during license suspension; and,

- adhere to all policies and procedures as outlined in the Aquaculture Policy and Procedures Manual.
This above directive applies to the ten suspended Northern Harvest Sea Farms (Mowi Canada East) marine cage sites in Newfoundland and Labrador.

The suspension of licences is in effect until further notice by the Department.

Sincerely,

HONOURABLE GERRY BYRNE, MHA
District of Corner Brook

c. Honourable Dwight Ball, Premier of Newfoundland and Labrador
   Ms. Lori Anne Companion, Deputy Minister, Fisheries and Land Resources
   Ms. Rosalind Walsh, Assistant Deputy Minister, Fisheries and Land Resources
   Dr. Daryl Whelan, Chief Aquaculture Veterinarian, Fisheries and Land Resources
   Ms. Stephanie Synard-McInnis, Director, Aquaculture Development, Fisheries and Land Resources
Dear Minister Byrne,

In response to your letter of October 12, 2019, please see attached.

Sincerely,

Jamie Gaskill

Best regards

James Gaskill
Managing Director

Mowi Canada East

Mobile: (506)608-2581
Mail: jamie.gaskill@mowi.com
October 14, 2019

Honourable Gerry Byrne
Minister of Fisheries and Land Resources
Department of Fisheries and Land Resources
P.O. Box 8700
St. John’s, NL A1B 4J6
gerrybyrne@gov.nl.ca

Dear Minister:

Re: License Suspensions

I acknowledge receipt of your letter of October 12, 2019.

Northern Harvest Sea Farms (Mowi Canada East) (“NHSF”) deeply regrets the recent extraordinary mortality events at the ten marine cage sites identified in your letter. The scale of these events is unprecedented in NHSF’s experience. We now have a full understanding of the circumstances that gave rise to these very unfortunate events and we are working hard to clean-up the sites as quickly as possible, and are taking steps to ensure that a similar event does not happen in the future.

We recognize the legitimate concern expressed by you and your department about the significance of these events and your need for timely information in order to properly carry out your regulatory duties. We also acknowledge our regulatory obligation to immediately notify you of mass mortality events pursuant to Section 6 of our licenses. That being said, we wish to respectfully correct certain inaccurate statements of fact set out in your letter.

Your letter correctly stated that on September 3, 2019, NHSF informed officials of the Department of Fisheries and Land Resources (the “Department”) of a mass mortality event affecting six marine cage sites, namely AQ 885 McGrath Cove South, AQ 1085 Deep Water Point, AQ 1082 Old Woman’s Cove, AQ 1083 Little Burdock Cove, AQ 1085 Foshie’s Cove and AQ 1086 The Hobby (collectively, the “Six Sites”). However, your letter states that “[o]n October 11, 2019, [NHSF] met with the [Department] and informed the Department that they were aware of the mass mortality event since September 1, 2019.” This is incorrect. In fact, NHSF made observations of mortality on Sunday, September 1, 2019 that led it to suspect that a mass mortality event requiring notification pursuant to Section 6 of the relevant licenses (a “Notifiable Mortality Event”) might have occurred at the Six Sites, but NHSF was unable to confirm that suspicion until diving personnel were able to investigate the issue late in the day on Monday, September 2, 2019. NHSF then immediately reported the Notifiable Mortality Events to the Department’s Aquatic Animal Health Division (the “AAHD”) urgently on Tuesday, September 3, 2019.
NHSF thus respectfully disagrees with the assertion that it failed to properly disclose information to the Department concerning the Notifiable Mortality Events at the Six Sites. The relevant condition, which is identical in each of the six licenses, requires NHSF to immediately report Notifiable Mortality Events to AAHD. NHSF complied with this condition by reporting the discovered Notifiable Mortality Events at the Six Sites to the AAHD on September 3, 2019, immediately after it had determined that there had been Notifiable Mortality Events. There was no breach of the reporting conditions of the licenses respecting the Six Sites. This being the case, there is no basis for a suspension of the licenses respecting the Six Sites under subsection 4(10)(a) of the Aquaculture Act (the “Act”).

With respect to the Notifiable Mortality Events at the four additional marine cage sites identified in your letter, namely AQ 991 Harvey Hill East, AQ 993 Harvey Hill North, AQ 1045 Broad Cove and AQ 1081 Rencontre East Island (collectively, the “Four Sites”), the nature of those events was significantly different than the events experienced at the Six Sites in that at the Six Sites, the mortalities occurred all at once, and it was immediately clear that there had been Notifiable Mortality Events, whereas at the Four Sites, the mortalities happened over a much longer period of time. At the time that the Notifiable Mortality Events were reported in respect of the Six Sites, there was no indication that Notifiable Mortality Events had occurred at the Four Sites. It was not until the following weeks that we started to observe elevated levels of mortality at the Four Sites. In retrospect it is now clear that there were Notifiable Mortality Events at the Four Sites a number of weeks before they were reported to AAHD on October 11, 2019; however, because of the gradual nature of the mortality events over several weeks, and because we were focused on addressing and cleaning-up the most significant areas of mortality, we did not realize that there had been Notifiable Mortality Events at the Four Sites until a significant period of time after they had occurred. When we did come to this realization, we promptly reported the Notifiable Mortality Events to AAHD.

NHSF recognizes that it should have monitored the levels of mortality at the Four Sites more closely against the notification criteria set out in section 6 of the licenses such that it would have been in a position to notify AAHD of the Notifiable Mortality Events as required under the license for the Four Sites. As stated publicly on October 11, 2019, NHSF takes responsibility for its delay in notifying the AAHD. NHSF has now fully reported the Notifiable Mortality Events at the Four Sites, and is continuing to carry out all the activities described in the directives.

With respect to the statement in your letter that the suspension of the license is to remain “in effect until further notice by the Department”, NHSF respectfully points out subsection 4(14) of the Act, which states that a suspension “continues until the minister is satisfied that the breach causing the suspension is no longer continuing.” The Act does not give you discretion to declare that a suspension shall continue “until further notice”, or otherwise shall continue for a period other than as specified in subsection 4(14). As NHSF has now fully reported all Notifiable Mortality Events, there is no reasonable basis for the position that the breach giving rise to the suspension of the licenses respecting the Four Sites – NHSF’s failure to immediately report the Notifiable
Mortality Events at the Four Sites to AAHD – is “continuing”. As such, by operation of subsection 4(14), the suspensions in respect of the Four Sites should now be lifted.

NHSF respectfully requests a response at your earliest opportunity regarding these matters, and the lifting of the suspensions.

Sincerely,

Jamie Gaskill
Managing Director
Northern Harvest Sea Farms Newfoundland

Cc. Honourable Dwight Ball, Premier of Newfoundland and Labrador, dwightball@gov.nl.ca
Ms. Lori Anne Companion, Deputy Minister, Fisheries and Land Resources, loriannecompanion@gov.nl.ca
Ms. Rosalind Walsh, Assistant Deputy Minister, Fisheries and Land Resources, rosalindwalsh@gov.nl.ca
Dr. Daryl Whelan, Chief Aquaculture Veterinarian, Fisheries and Land Resources, darylswhelan@gov.nl.ca
Ms. Stephanie Synard-McInnis, Director, Aquaculture Development, Fisheries and Land Resources, stephaniesynard@gov.nl.ca
Alf-Helge Aarskog, Mowi ASA
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Dear Mr. Card,
Further to your email of October 15th wherein you set out terms for the President’s participation in a previously agreed to meeting with my office, I would like to note that I had previously received an email from your President indicating no terms for any such meeting and that he would be anxious to arrange it immediately. I think it’s reasonable to assume he was well aware of the importance and if the agenda. With your expectation that the Premier also attend, naturally that changes scheduling opportunities considerably. You copied the Premier’s office on this expectation and I am confident that they will get back to you at their earliest opportunity with a date and time. I am readily available at any time.

With regard to the agenda, there are only two item for consideration from me at this time and that is the non-compliance of MOWI Canada East / Northern Harvest of its license conditions on ten of its formerly active, licensed sites and additional provincial license conditions that are pending on all Northern Harvest / MOWI Canada East sites. I will await word when this meeting can be arranged. Again, I am available at anytime. I would like to repeat, your recent additional demands appear to me to run contrary to the earlier openness expressed by your President. I will await information on scheduling but reiterate, action is pending on license conditions which will soon be acted upon.

Sincerely

Gerry Byrne
Minister of Fisheries and Land Resources

Sent from my iPhone
our company so we can properly advance matters of mutual concern. We would also appreciate having an agenda of discussion items sent to our company prior to finalizing arrangements for a meeting. Can you please advise if there are any issues with these expectations, and please provide a list of participants and discussion items?

With respect to setting a date for a meeting as soon as possible, the CEO, as well as the Managing Director for Mowi Canada East Jamie Gaskill, could be available to you face to face via Skype meeting on Thursday October 17; or Friday October 18; or we would welcome suggestion of an agreeable date for next week. Should we proceed on Thursday or Friday of this week, given the time difference between Norway and Newfoundland and Labrador, we propose that the meeting be held at 1:00 p.m. Newfoundland time.

Could you please advise if either date this week is preferable, or if another date would be better? We look forward to your feedback, and to arranging engagement between your government and our company.

Best Regards,

Jason Card
Can you call me at [contact information].

Best regards

Elizabeth Barlow
Sustainability Director
Mowi Canada East
Mobile: [contact information]

From: Walsh, Rosalind <RosalindWalsh@gov.nl.ca>
Sent: October 29, 2019 8:09 AM
To: Barlow, Elizabeth <Elizabeth.Barlow@mowi.com>
Subject: Mass Mortality clean up
Importance: High

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Good morning Liz,
There remains a fair bit of media coverage regarding this incident. I understand all the dead fish have been removed from the 10 sites, however the media are now focused on beach clean up.
Would you provide me with an update as soon as possible this morning. I understand you are working Mamka on this matter. The Minister is anxious to get an up-date on this matter.
I am going into a briefing at 8:45 so it would be helpful if you could provide details prior to meeting.
Thanks
Ros