

Final Response

February 4, 2020

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 - FLR-4-2020

On January 7, 2020, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

“In 2019, a sea cucumber processing licence application by Wood-Pick Enterprises Limited was not approved. Please provide all information and analysis provided to the Minister by the Fish Processing Licencing Board to support its recommendation to not approve the sea cucumber processing licence for Wood-Pick Enterprises Limited.”

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 35 - **Disclosure harmful to the financial or economic interests of a public body** 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

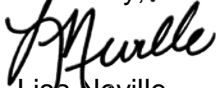
You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act* (a copy of this section of the Act has been enclosed for your reference).

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. 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).

Fish Processing Licensing Board Meeting
April 2-5, 2019
Board Recommendations

Dear Minister Byrne,

The Fish Processing Licensing Board (Board), met in St. John's from April 2-5, 2019. The Board considered 16 applications from fish processors that were comprised of the following; 4 Change of Operators; 9 for the addition of a new species (7 for sea cucumber only, and 2 for sea cucumber and other species), to an existing processing licence; and 3 licence transfers.

Of the 9 applications that were received for the addition of sea cucumber, 3 of them were heard by the previous Board in 2017, but were deferred pending further information and decisions from Fisheries and Oceans Canada (DFO). Due to the significant increase in the number of sea cucumber applications, the Board felt it was necessary to bring in a scientist from DFO to give a presentation on the biology, life cycle, current stock status, and outlook on the future of the stock, as well as a resource manager to talk about the current management processes in place.

The Board heard a presentation from Julia Penton, biologist at DFO, and after reviewing all the material presented, the Board has come to the conclusion that at this time there is sufficient processing capacity for sea cucumbers; however, there are exploratory fisheries underway in other parts of the province that will require local processing capacity in order to develop those areas.

The Board heard two presentations from groups in opposition of additional sea cucumber licences being granted. Derek Butler, with the Association of Seafood Producers, noted that there is currently overcapacity in the province and that we do not need extra licences issued. The Board also heard a joint presentation from Ocean Choice International, Green Seafoods Limited, Fogo Island Co-op Society Ltd., Quin-Sea Fisheries Ltd., and the Mayor of St. Lawrence, in opposition to any new sea cucumber licences being issued.

The Board is making the following recommendations:

1. Barry Group Inc., Witless Bay, requested the addition of the species capelin, scallop, and sea cucumber to a primary processing licence. As outlined in section 2.1 of the Fish Processing Licensing Policy Manual, pelagics are governed by resource thresholds which dictates that approvals would be subject to the thresholds for the targeted species being achieved. The resource threshold has not been achieved for pelagics. With respect to scallops and sea cucumbers, the Board determined that there was sufficient processing capacity to accommodate current landings. The Board recommends not approving a pelagic, scallop, or sea cucumber licence for Barry Group Inc., Witless Bay.

- 2. Quinlan Brothers Ltd., Old Perlican, requested a transfer of species (scallop and mussels) from Woodman’s Sea Products Ltd., New Harbour, to Old Perlican. Woodman’s Sea Products Ltd. [redacted] Government of Newfoundland and Labrador. [redacted]

35(1)(b),
39(1)(a)(ii),
39(1)(c)(i),
39(1)(c)(iii)

The Board recommends not approving the transfer from Woodman’s Sea Products Ltd., New Harbour, to Quinlan Brothers Limited, Old Perlican.

- 3. Gulf Shrimp Ltd., Baie Verte, requested a transfer of species (groundfish and whelk) from Woodman’s Sea Products Ltd., New Harbour, to Baie Verte. Woodman’s Sea Products Ltd. [redacted] Government of Newfoundland and Labrador. [redacted]

35(1)(b),
39(1)(a)(ii),
39(1)(c)(i),
39(1)(c)(iii)

The Board recommends not approving the transfer from Woodman’s Sea Products Ltd., New Harbour, to Gulf Shrimp Ltd., Baie Verte.

- 4. Waterside Fish Market, Twillingate, requested a transfer of an in-province retail fish establishment processing licence (Unchartered Seafood’s) from St. Mary’s, to Twillingate. There were no letters of objection to the transfer. The Board recommends approving the transfer of the in-province retail fish establishment processing licence from St. Mary’s, to Twillingate.

39(1)(a)(ii),
39(1)(c),
39(1)(c)(iii)

- 5. Quin-Sea Fisheries Ltd. requested a Change of Operator for Woodman’s Sea Products Ltd., New Harbour. [redacted]

The company proceeded with the application anyway. Woodman’s Sea Products Ltd. [redacted]

35(1)(b),
39(1)(a)(ii),
39(1)(c),
39(1)(c)(iii)

The Board recommends not approving the Change

of Operator from Woodman's Sea Products Ltd., New Harbour, to Quin-Sea Fisheries Limited.

6. Barry Group Inc. requested a Change of Operator for Allen's Fisheries Ltd., Benoit's Cove. There were no letters of objection received. The Board recommends approving the Change of Operator application.
7. Mike Philpott Enterprises Ltd. requested a Change of Operator for Avalon Ocean Products Ltd., Fairhaven. There were no letters of objection received. The Board recommends approving the Change of Operator application.
8. Rhonda Verge requested a Change of Operator for Terra Vista Ltd., Glovertown. There were no letters of objection received. The Board recommends approving the Change of Operator application.
9. Wood-Pick Enterprises Ltd., Wareham, requested the addition of sea cucumber to a primary processing licence. The previous Board heard the original application that was filed by the company in 2017; however, the Board elected to defer the application pending further information from DFO. The Board has determined that there is sufficient processing capacity to accommodate current landings. The Board recommends not approving a sea cucumber licence for Wood-Pick Enterprises Ltd., Wareham.
10. Hodder's Shellfish Inc., Stoneville, requested the addition of sea cucumber to a primary processing licence. The previous Board heard the original application that was filed by the company in 2017; however, the Board elected to defer the application pending further information from DFO. The Board has determined that there is sufficient processing capacity to accommodate current landings. The Board recommends not approving a sea cucumber licence for Hodder's Shellfish Inc., Stoneville.
11. Golden Shell Fisheries Ltd., Hickman's Harbour, requested the addition of sea cucumber to a primary processing licence. The previous Board heard the original application that was filed by the company in 2017; however, the Board elected to defer the application pending further information from DFO. The Board has determined that there is sufficient processing capacity to accommodate current landings. The Board recommends not approving a sea cucumber licence for Golden Shell Fisheries Ltd., Hickman's Harbour.

12. Labrador Gem Seafoods Inc., Ramea, requested the addition of the species lobster, whelk, sea cucumber, lumpfish, and sea urchin to a primary processing licence. Danny Dumaresque, owner of Labrador Gem Seafoods Inc.

[Redacted]

39(1)(a)(ii),
39(1)(c),
39(1)(c)(ii)

[Redacted] Section 2.1 of the Fish Processing Licensing Manual notes that applications for new licences, licence transfers, or Changes of Operators, must clearly demonstrate that they have access to the fish resources they plan to process. This access should not negatively impact other processing operations or regions within the province.

39(1)(a)(ii),
39(1)(c),
39(1)(c)(ii)

[Redacted]

The Board recommends not approving lobster, as there are other buyers in the Burgeo area, but to approve a licence for whelk, sea cucumber, lumpfish, and sea urchin for Labrador Gem Seafoods Inc., Ramea.

13. Northern Lights Seafoods Inc., Main Brook, requested the addition of sea cucumber to a primary processing licence. The company would like to develop the sea cucumber fishery on the Northern Peninsula. Exploratory fishing permits have been issued in the area,

[Redacted]

39(1)(a)(i),
39(1)(a)(ii),
39(1)(c)(i),
39(1)(c)(iii)

[Redacted] Section 2.1 of the Fish Processing Licensing Manual notes that applications for new licences, licence transfers, or Changes of Operators, must clearly demonstrate that they have access to the fish resources they plan to process. This access should not negatively impact other processing operations or regions within the province. In order for the sea cucumber fishery to develop on the Northern Peninsula, there has to be a licensed processor in the area. The nearest sea cucumber processors are on Change Islands and Fogo Island. The Board recommends approving a sea cucumber licence for Northern Lights Seafood Inc., Main Brook.

14. Notre Dame Seafoods Inc., Comfort Cove-Newstead, requested the addition of sea cucumber to a primary processing licence. The Board has determined that there is sufficient processing capacity to accommodate current landings. The Board recommends not approving a sea cucumber licence for Notre Dame Seafoods Inc., Comfort Cove-Newstead.

15. HSF Ocean Products Ltd., O'Donnells, requested the addition of sea cucumber to a primary processing licence. The Board has determined that there is sufficient processing capacity to accommodate current landings. The Board recommends not approving a sea cucumber licence for HSF Ocean Products Ltd., O'Donnells.

16. Bay Roberts Seafoods Ltd., Bay Roberts, requested the addition of sea cucumber to a primary processing licence. The Board has determined that there is sufficient processing capacity to accommodate current landings. The Board recommends not approving a sea cucumber licence for Bay Roberts Seafoods Ltd., Bay Roberts.

40(1)



Reg Ainsley
Chair, Fish Processing Licensing Board

May 24 / 19
Date