March 18, 2016

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FA/04/2016

On February 19, 2016, The Department of Fisheries and Aquaculture (DFA) received your request for access to the following records:

“All minutes, decisions, and records of recommendations resulting from the Fish Processing Licensing Board's meeting on February 1st 2016.”

I am pleased to inform you that a decision has been made by the Deputy Minister for DFA to provide access to the requested information. Please note that access to specific information contained within the records has been refused in accordance with Sections 39(1)(a)(ii), 39(1)(b), 39(1)(c)(i) and Section 39(1)(c)(ii) and Section 40(1). A copy of this section of the Access to Information and Protection of Privacy Act (the Act) has been enclosed for your reference. As required by Section 8(2) of the Act, we have severed information that is exempt from disclosure and have provided you with as much information as possible.

You can find a list of applications received by the Fish Process Licensing Board including current status at the link provided below:
http://www.fishaq.gov.nl.ca/licensing/board/currentapps.html

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 is 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 responsive records 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 709-729-4797 or by email at
rhondahickey@gov.nl.ca

Sincerely,

Rhonda Hickey
ATIPP Coordinator

Enclosures

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.

Disclosure harmful to business interests of a third party

39. (1) The head of a public body shall refuse to disclose to an applicant information

(a) that would reveal (ii)commercial, financial, labour relations, scientific or technical
information of a third party;

39. (1) The head of a public body shall refuse to disclose to an applicant information
(b) that is supplied, implicitly or explicitly, in confidence;

39. (1) The head of a public body shall refuse to disclose to an applicant information
(c) the disclosure of which could reasonably be expected to
(i) harm significantly the competitive position or interfere significantly with the negotiating
position of the third party,

39. (1) The head of a public body shall refuse to disclose to an applicant information
(c) the disclosure of which could reasonably be expected to
(ii) result in similar information no longer being supplied to the public body when it is in the public
interest that similar information continue to be supplied,

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where
the disclosure would be an unreasonable invasion of a third party's personal privacy.

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.
In Attendance:  
Ted Lewis, Chairperson  
Clar Brown, Vice-Chairperson  
Sam Winsor, Member  
Violet Parsons, Member  
Taylor Colbourne, Member

New Business:

001-2016

Company:  
Skipper's Quality Seafoods Limited  
Location:  
St. John's  
Request:  
Change of Operator of In-Province Retail Fish Establishment Processing Licence

Background:  
ATIPPA Sec 40(1)

• M and A Fisheries Limited, has a long-standing history as a fish buyer in the province  
• Retail processing operation has been active since 1992

Recommendation:  
Board recommended to approve this application.

002-2016

Company:  
Wood-Pick Enterprises Limited  
Location:  
Wareham  
Request:  
Appeal to reinstate sea cucumber processing licence

Background:  
ATIPPA Sec 40(1)  
ATIPPA Sec 40(1)

• and appeared before the Board on behalf of the company  
• All production/purchase information presented to the Board covered the period 2001-2005  
• Company initially submitted an appeal to reinstate this species licence which was not recommended for approval by the Board (minute 004-2009)  
• Company applied to add this species authorization on May 2, 2012, but withdrew the application on January 31, 2013
Recommendation: Given that the appeal to reinstate this licence was initially considered on June 24, 2009, and a decision was finalized by then Minister Tom Hedderson on July 15, 2009, Licensing Policy 1.4 states: "the Minister’s decision, regarding a recommendation made to him by the Fish Processing Licensing Board, will not be subject to appeal, other than through the Courts." As a result, the Board indicated it was not in a position to consider what constituted an appeal of a previous decision. The Board recommended that the company can apply to add this species to the processing licence at Warcham.

003-2016

Company: 54417 Newfoundland and Labrador Inc.
Location: Harbour Breton
Request: Change of Operator for an Aquaculture Processing Licence

Background:
• Company initially submitted a Change of Operator application for this facility which was considered by the Board (minute 029-2006)
• The facility was leased to another operator which has since terminated, which has prompted this request

Recommendation: The company can apply to add this species to the processing licence at Warcham.

004-2016 to 008-2016

Company: Royal Greenland A/S
Locations: 004-2016 Old Perlican (Quin-Sea Fisheries Limited)
005-2016 Cupids (Quin-Sea Fisheries Limited)
006-2016 Conche (Conche Seafoods Inc.)
007-2016 Cape Broyle (Cape Broyle Sea Products Limited)
008-2016 Long Cove (Dorset Fisheries Limited)
Request: Change of Operator of primary processing licences for above-noted facilities

Background:
Quin-Sea Presentation
ATIPPA Sec 39(1)(a)(ii), ATIPPA Sec 39(1)(b), ATIPPA Sec 39(1)(c)(i), ATIPPA Sec 40(1)
• Looking for a buyer who will ensure the operations remain active and profitable.
• Potential candidates within province:
Outside buyers would not likely consolidate operations—close plants
Royal Greenland has been in NL before, same species interests, competitive on raw material sourcing from inshore fishers, well financed and a similar vision to sustain rural communities

Royal Greenland A/S Presentation

and delivered a presentation to the Board
Royal Greenland A/S is a limited liability company, incorporated in Greenland and wholly owned by the Greenland Self-government
Operates 37 inshore plants in Greenland
There are 1658 fish harvesters who sell to the company and 1/3 of raw material comes from company owned vessels and 2/3 from inshore boats
Main species interests are cold water shrimp and Greenland halibut (turbot)
Company also owns and operates a shrimp plant in Matane, Quebec
Quin-Sea acquisition will expand business in Atlantic Canada and provide increased access to shrimp and help diversify production into other species sold under the Royal Greenland brand
Current plant management team will operate facilities during a 5 year transition period
Long-term plan is to expand operating period and increase employment at each facility

The letters received in response to the public advertisements did not specifically object to any of the Change of Operator applications but raised several issues which needed to be considered and were outside the purview of the Board

Recommendations: The Board felt the company had a very comprehensive and well developed business plan. The Board recommended to approve the Change of Operator applications for the following facilities, including species authorizations, at:

1. Old Perlican—snow crab, lumpfish, scallop, whelk, shrimp and pelagics (all species)
2. Cupids—groundfish (all species) and pelagics (all species)
3. Conche—snow crab, lumpfish, whelk, pelagics (all species) and groundfish (all species)
4. Cape Broyle—snow crab, groundfish (all species), pelagics (all species), sea cucumber and scallops
5. Long Cove—groundfish (all species), lumpfish, pelagics (all species) and lobster

However, the Board indicated that this recommendation is subject to examining, in greater detail, certain concerns/issues raised by those who made written submissions to the applications. Specifically, these include:
i) The number and scope of any and all trust/supply agreements involved in the acquisition

ii) Whether Royal Greenland can access or control harvesting licences and/or fishing quotas in Canada

iii) The company (Royal Greenland A/S) must provide reasonable assurances that the commitment in their proposal is genuine and that there will not be any closures or consolidations of the five plants included in this Change of Operator application unless precipitated by an event or effect of such magnitude that cannot be predicted or controlled and impacts the entire fishing industry in the province

009-2016

Company: North Atlantic Aquaponics Limited
Location: Stephenville
Request: New Secondary Processing Licence for Eels.

Background:
- Company currently operates a licensed Aquaculture facility in Robinson’s to grow out eels
- Company was issued a Fish Buyer’s Licence to acquire glass eels (elvers) to supply grow out operation

Recommendation: Department’s licensing policy encourages new secondary processing operations. Given that company has access to a supply of raw material through its grow out facility, the Board recommended to approve the secondary processing application.

Meeting adjourned at 2:00 pm., Tuesday, February 2, 2016.

[Signatures]

Secretary
Chairperson