October 21, 2016

Dear [redacted],

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: FA/026/2016]

On October 5, 2016, the Department of Fisheries, Forestry and Agrifoods received your request for access to the following records/information:

Any and all records of any nature, in any medium or format, from the office of Tracy B. Barron that relate to the arrest and subsequent incarceration in HVGB, of five Non-Resident individuals on September 1st, 2009. Information to include, but shall not be limited to, any and all background notes, statements and/or rationale, media and/or public inquires and responses.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Fisheries, Forestry and Agrifoods to provide access to some of the requested information. Access to some of the information contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

40 Disclosure harmful to personal privacy

(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.

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

(a) that is subject to solicitor and client privilege or litigation privilege of a public body

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.
Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). 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.

The address and contact information of 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.

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 Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

For further details about how an access to information request is processed, please refer to the Access to Information Policy and Procedures Manual at http://www.atipp.gov.nl.ca/info/index.html.

If you have any further questions, please feel free to contact me by telephone at 709-729-5726 or by e-mail at rodlhillyard@gov.nl.ca.

Sincerely,

Rod Hillyard
ATIPP Coordinator

Petten Building
P.O Box 8700, St. John’s, NL. A1B 4J6
Pendergast, Renee M.

From: Carroll, Colin
Sent: Wednesday, September 02, 2009 9:02 AM
To: Barron, Tracy B.; Williams, Tina
Subject: charges in Labrador

There are two charges:
1. on the hunters (all non-resident) for hunting without being accompanied by a licensed guide.
2. on the one guide for not having a proper license. The other guide was licensed.

Maximum penalty for a 1st offense (this sounds like it is). a fine of not less than 1000$ nor more than 5000$ or to imprisonment for a term of not less than 1 month nor more than 6 months or to both a fine a imprisonment.

More than likely these guys all will get 1000$....from my experience

Outfitter this incident is associated with is Jack Hume Adventures out of Wentworth, QC.

Colin
-----Original Message-----
From: Carroll, Colin
Sent: September 1, 2009 9:18 PM
To: Barron, Tracy B.; Boland, Connie; Moores, Len; Deering, Keith; Smith, Hubert; Leboubon, Derek
Cc: Coady, Craig G.
Subject: Labrador enforcement case Sept 2009

On Sept 1st 2009 three CO's from NWR went to check outfitters in the Crystal Lake area North of HVGB. It was found that there were 2 Guides in the area with 5 hunters. Only one was a licensed guide. The hunters are all non-residents from the United States. At the time of inspection it was noticed that there were caribou killed the day before. The hunters at the time the Officers checked them were hunting alone while the Guides were back at the camp. All persons are being charged accordingly. Charges surround hunting without a guide and a non licensed guide, as apparently one of the guides has no license. 5 hunters and 1 guide were brought to HVGB. This evening at 7pm, and remain here overnight in lockup at the local RCMP detachment. The 2nd guide was left at the camp in Crystal Lake due to the fact that his wife was present as she was the cook there and could not be left alone overnight. All arrested individuals will be in court in the morning.
I will get a copy of the court preparation summaries in the morning to confirm details.
Colin

Sent Via BlackBerry
The following is a summary of what happened Sept 1 2009 in Northern Labrador.

On September 01, 2009 while on patrol in the Border Beacon/Crystal Lake area approximately 300 kilometers Northwest of Goose Bay, NL, three conservation officers carried out several checks on caribou hunters in that area. Caribou hunting season in the George River Zone opens August 10th 2009 and runs until April 30, 2010. From the information obtained from the hunters and guides, it was determined that Jack Hume Adventures was the outfitter operating the hunting camps in the area. Officers observed three (3) hunters, hunting and field dressing caribou without a license guide being present. Officers then proceeded to the hunting camp where two (2) remaining caribou hunters were present, and at that time it was learned through the information gathered that these hunters had indeed taken the caribou without the presence of a guide. It was also determined that one of the guides was not licensed in the province of Newfoundland and Labrador to guide hunters. The caribou hunters and guides were all gathered together at the hunting camp at which the officer explained the charges and informed them that they were under arrest and would be transported to Goose Bay, NL to address the charges.

Various hunting items such as firearms, caribou parts including antlers, meat and head, along with non resident caribou hunting license(s) and remaining tags, hunting bows and hunting knives were seized.

Officer transported the five hunters and one guide via twin otter back to Goose Bay, NL. They arrived approximately 7pm Sept 1st.

Throughout the entire process, each hunter and guide cooperated fully and was very understanding, which in turn speeded the process.

All parties will appear in court this morning at 9am in HVGB.

Colin
Wildlife act and regs.

Sent Via BlackBerry

---

Ok, let me know what happens. What is the Act they are being charged under?

---

Court is postponed till 11am. I am attending.

Colin

Sent Via BlackBerry

---

CBC Radio in Labrador is looking for confirmation of details of the charges that have been made. Apparently he went to the court proceedings and was not able to get any information, for whatever reason. Is it acceptable for us to release the barebones? See below:

- In provincial court at HV-GB September 2, five non-resident individuals were charged for allegedly hunting without a guide in relation to a patrol in the Crystal Lake area, north of HV-GB, on September 1.
- A sixth individual was also charged for not having a proper hunting guide license.
- Maximum penalty for a 1st offense is a fine of not less than $1,000 nor more than $5,000$ or to imprisonment for a term of not less than one month nor more than 6 months or to both a fine a imprisonment.

Colin, can you also indicate under which Acts the individuals are charged?

Ken, can you indicate whether it would be ok from your officials to release the above?

Tracy
Ken,

CBC Radio in Labrador is looking for confirmation of details of the charges that have been made. Apparently he went to the court proceedings and was not able to get any information, for whatever reason. Is it acceptable for us to release the barebones? See below:

- In provincial court at HV-GB September 2, five non-resident individuals were charged for allegedly hunting without a guide in relation to a patrol in the Crystal Lake area, north of HV-GB, on September 1.
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- Maximum penalty for a 1st offense is a fine of not less than $1,000 nor more than $5,000$ or to imprisonment for a term of not less than one month nor more than 6 months or to both a fine a imprisonment.

Colin, can you also indicate under which Acts the individuals are charged? Ken, can you indicate whether it would be ok from your officials to release the above?

Tracy
From: Carroll, Colin
Sent: Thursday, September 03, 2009 10:05 AM
To: Barron, Tracy B.
Subject: RE: hunting case in labrador Sept 2009

Peter Cowan interviewed Tara McLean and she is a CBC reporter. HVGB is the closest town with a court and judge to be dealt with according to law. They were put in the RCMP detachment because all were non residents with no connections to HVGB and also due to the possibility of them leaving the area via plane. This outfitter associated with this hunt is a Quebec outfitter and the guides were from St. Augustine Quebec. We had a case in the past where hunters crossed the Quebec Border with caribou that were illegally shot and we could not do anything in that situation. We did not want that to occur again.

From: Barron, Tracy B.
Sent: Thursday, September 03, 2009 9:21 AM
To: Carroll, Colin
Subject: RE: hunting case in labrador Sept 2009

Who was the interview with?
Also, please provide reasoning as to why the individuals were brought to HV-GB for the night.

From: Carroll, Colin
Sent: September 3, 2009 9:49 AM
To: Barron, Tracy B.
Cc: Deering, Keith
Subject: hunting case in labrador Sept 2009

Arrests were made based on section 14 of the Wildlife act:

Arrest without warrant

14. A wildlife officer may arrest without warrant a person who has committed an offence under this Act or the regulations or who, on reasonable grounds, he or she believes has committed or is about to commit an offence

(a) where the wildlife officer needs to establish the identity of the person;

(b) to secure or preserve evidence of or relating to the offence;

(c) to prevent the continuation or repetition of the offence or the commission of another offence; or

(d) where he or she has reasonable grounds to believe that, if the person is not arrested, the person will fail to attend in court in order to be dealt with according to law.

See link
http://www.assembly.nl.ca/legislation/sr/statutes/w08.htm#14

As well can you send along the transcript of the CBC radio interview this morning with Peter Cowan on this issue?
Thanks

Colin
Pendergast, Renee M.

From: Barron, Tracy B.
Sent: Thursday, September 03, 2009 11:15 AM
To: May, Heather E.; NLIS, NLIS
Cc: O'Neill, Melony
Subject: RE: Transcript please

We have ordered it

From: May, Heather E.
Sent: September 3, 2009 11:13 AM
To: NLIS, NLIS
Cc: Barron, Tracy B.; O'Neill, Melony
Subject: Transcript please

If nobody has ordered this yet, can you get it for me? Thanks.

CBC RADIO LABRADOR MORNING SHOW 6-9AM
Thursday, September 03, 2009

10. HUNTERS & GUIDES SPEND A NIGHT IN JAIL: It's not what tourists hope to experience when they visit Labrador. Four American hunters and their guides set out on a wild adventure, what they got was a night stay in jail. The hunters and two guides are facing charges under the provincial wildlife regulations. ["Tara Maclean", Reporter]
AIRED: 07:41 AM DURATION: 03:30 REPORTER: PETER COWAN
Colin,

Please provide the points you want countered. I will work with Justice on a statement.

Tracy

******************************************************************************

Standing Order: NO
Transcript Rush Fee
HUNTERS & GUIDES SPEND A NIGHT IN JAIL: It's not what tourists hope to experience when they visit Labrador.
Thursday, September 03, 2009 07:41AM Item # 10
CBC Labrador

PETER COWAN: It's not what tourists hope to experience when they visit Labrador. Four American hunters and their guides set out on a wild adventure; what they got was a night's stay in jail. The hunters and two guides are facing charges under the Provincial Wildlife Regulations. They appeared in court in Happy Valley-Goose Bay yesterday and our reporter Tara McLean was there and she joins me with the details. So, Tara, why were these hunters in Labrador in the first place?

TARA McLEAN: Well, the five American tourists came up to the Labrador for a hunting trip and on Tuesday they were out doing some hunting with a guide near Crystal Lake, which is actually near the Quebec border. Wildlife enforcement officers were in the area, they came by and did a check, and it turned out the hunters had all their tags but when they asked to see the licence for the guide who was with them, he wasn't properly licenced. Now, there was a licenced guide on the trip but he wasn't with the hunters, he was actually back at the cabin and that's against the rules. The regulations require that anyone from outside the province has to have a licenced guide while they're hunting. So, officers charged them with a variety of offences and the hunters and the guides all found themselves under arrest and then flown to Happy Valley-Goose Bay.

PETER COWAN: So, what happened once they got back to Happy Valley-Goose Bay?

TARA McLEAN: Well, they spent the night in jail.
PETER COWAN: Well, we've certainly heard of people facing charges for hunting violations before, but we don't hear about them ending up in jail. Why did that happen?

TARA McLEAN: I've been asking the same question and I asked the Crown Attorney and he sent me to the Department of Justice. When I spoke with the Department of Justice, they sent me to Natural Resources. So, we've got calls into Natural Resources since, I mean, they're the ones who, essentially, arrested them. We've also called the Department of Environment and Conservation because they set the rules and, on top of that, we called the Department of Tourism, Culture, and Recreation. They oversee the outfitting industry. And none of these departments were willing to do an interview with us. Now, so far, there's no indication the hunters knew the guide wasn't licenced, so the question still remains why were they charged. And it's a question that we want to put to Natural Resources but they refused to comment on the case.

PETER COWAN: So, after their night in jail, they appeared in court yesterday. What happened there?

TARA McLEAN: Well, when they walked into the room they had chains around their ankles. Some of them were wearing their camouflage suits but, for the most part, they didn't say a whole lot. I mean, basically, it was a bail hearing. Now, the hunters are faced with charges of hunting without a licenced guide. The guide who was with them, and who was in court with them, faced charges of guiding without a valid licence. The second guide who was back at the cabin, he didn't appear in court. He was licenced but he still faces charges because he was back at the cabin and not making sure that the hunters were following the proper regulations.

PETER COWAN: What's happening with the hunters now?

TARA McLEAN: Well, they got out on two hundred dollar bail. They've also had their guns and caribou confiscated. There was some talk of having Wildlife drop them back off the woods where they were picked up but all the men say they just want to get out of there. So, they're due back in court to enter a plea in November.

PETER COWAN: Well, certainly a complicated case. Thank you very much, Tara, for telling us all about it this morning.

TARA McLEAN: You're welcome, Peter.

PETER COWAN: Reporter Tara McLean in our studio in Happy Valley-Goose Bay. As she mentioned, we have asked for interviews from no less than four government departments. As soon as we find out more on this case, you'll hear it right here on Labrador Morning. In the meantime, we'd like to hear what you think about this story.
From: O'Neill, Melony
Sent: September 3, 2009 11:14 AM
To: Barron, Tracy B.; May, Heather E.
Subject: FW: HUNTERS & GUIDES SPEND A NIGHT IN JAIL: It's not what tourists hope to experience when they visit Labrador. 07:41AM Item # 10 CBC Labrador

Hi there,

NLIS just sent it to us...

Melony O'Neill
Director of Communications
Department of Environment and Conservation
4th Floor, West Block
Confederation Building
(709) 729-2575
(709) 729-0112 (fax)

From: NLIS, NLIS
Sent: Thursday, September 03, 2009 11:01 AM
To: Coffey, Tina; O'Neill, Melony
Subject: FW: HUNTERS & GUIDES SPEND A NIGHT IN JAIL: It's not what tourists hope to experience when they visit Labrador. 07:41AM Item # 10 CBC Labrador

From: 709News@BristolGroup.ca
Sent: Thursday, September 03, 2009 11:01 AM
To: NLIS, NLIS
Subject: HUNTERS & GUIDES SPEND A NIGHT IN JAIL: It's not what tourists hope to experience when they visit Labrador. 07:41AM Item # 10 CBC Labrador

709NEWS
*************************************************************
Tel: 709-576-6397 OR 1-888-709-6397
Fax: 709-753-7340

Product Summary:

HUNTERS & GUIDES SPEND A NIGHT IN JAIL: It's not what tourists hope to experience when they visit Labrador.
Standing Order: NO
Transcript Rush Fee

HUNTERS & GUIDES SPEND A NIGHT IN JAIL: It's not what tourists hope to experience when they visit Labrador.
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PETER COWAN: So, after their night in jail, they appeared in court yesterday. What happened there?

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PETER COWAN: Well, certainly a complicated case. Thank you very much, Tara, for telling us all about it this morning.

TARA McLEAN: You're welcome, Peter.

PETER COWAN: Reporter Tara McLean in our studio in Happy Valley-Goose Bay. As she mentioned, we have asked for interviews from no less than four government departments. As soon as we find out more on this case, you'll hear it right here on Labrador Morning. In the meantime, we'd like to hear what you think about this story.
Thanks, this is great. Doing up a statement now for circulation and review

-----Original Message-----
From: O'Neill, Melony
Sent: September 3, 2009 11:40 AM
To: Barron, Tracy B.; Morrissey, Ken
Subject: RE: good morning

Hi there,

I contacted our Director of Wildlife, John Blake, and he sent the following:

Justice and NR will have to advise as to the specific reason why they spent a night in jail...however usually arrests under the Wild Life Act occur in the field situation based on Section 14 of the ACT, which reads;

14. A wild life officer may arrest without warrant a person who has committed an offence under this Act or the regulations or who, on reasonable grounds, he or she believes has committed or is about to commit an offence (a) where the wild life officer needs to establish the identity of the person; (b) to secure or preserve evidence of or relating to the offence; (c) to prevent the continuation or repetition of the offence or the commission of another offence; or (d) where he or she has reasonable grounds to believe that, if the person is not arrested, the person will fail to attend in court in order to be dealt with according to law.

As to the second question, all hunters, resident or non resident, are required to know the regulations of the jurisdiction in which they hunt. Ignorance of the law is not admissible as a defense. Non resident hunters would have been expected to know that regulations require them to be accompanied by a licenced guide. No-where in the regulations does it stipulate that non resident hunters must “verify” proof of licencing from their guide, just that they must be accompanied by a licenced guide. However, I am not entirely sure exactly what the individuals have been charged with and therefore cannot provide specific comment.

I would be happy to comment on any draft statement prepared by NR related to this matter.
John

Melony O'Neill
Director of Communications
Department of Environment and Conservation 4th Floor, West Block Confederation Building
(709) 729-2575
(709) 729-0112 (fax)

-----Original Message-----
From: Barron, Tracy B.
Sent: Thursday, September 03, 2009 11:04 AM
To: Morrissey, Ken; O'Neill, Melony
Subject: FW: good morning

Hello,
Can we coordinate on a statement?
It is my understanding that the hunters were taken into custody as they were ready to board flights out of the country and it was our own guarantee that they would appear in court.
Tracy

-----Original Message-----
From: [REDACTED] 40(1)
Sent: September 3, 2009 11:02 AM
To: Barron, Tracy B.
Subject: good morning

Hi

If I'm right, natural resources is the separtment responsible for enforcement of wildlife regulations. I'm wondering if the Minister could talk with us about the arrest of the american hunters...People are wondering why they had to spend a night in jail for a hunting violation...and we are curious to know if hunters are supposed to verify that their guide has the proper licence..

Thanks

Mike
It is my understanding that section 515 of the Criminal Code outlines bail provisions for individuals outside of 200 kms from the courthouse. Apparently it is not abnormal to hold in custody an individual who resides outside that 200 km range.
I would suggest speaking with Ted Cardwell of the Prosecution Office for further information on this.

-----Original Message-----
From: Barron, Tracy B.
Sent: Thursday, September 03, 2009 11:04 AM
To: Morrissey, Ken; O'Neill, Melony
Subject: FW: good morning

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Sent: September 3, 2009 11:02 AM
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Thanks

Mike
Pendergast, Renee M.

From: Barron, Tracy B.
Sent: Thursday, September 03, 2009 12:35 PM
To: 40(1)
Subject: RE: good morning

Just confirming that I am looking into this and hope to be back to you shortly.

-----Original Message-----
From: 40(1)
Sent: September 3, 2009 11:02 AM
To: Barron, Tracy B.
Subject: good morning

Hi

If I'm right, natural resources is the separtment responsible for enforcemenet of wildlife regulsations. Im wondering if the Minister could talk with us about the arrest of the american hunters...People are wondering why they had to spend a night in jail for a hunting violation...and we are curious to know if hunters are supposed to verify that their guide has the proper licence..

Thanks

Mike
This is accurate from my standpoint.
Colin

Colin Carroll
Regional Ecosystem Director, Labrador Region Department of Natural Resources P.O. Box 3014
Station B, Happy Valley Goose-Bay, NL, A0P 1E0
P: 709-896-9377/3405 ext. 223
F: 709-896-3747
E: colincarroll@gov.nl.ca -----Original Message-----
From: Barron, Tracy B.
Sent: Thursday, September 03, 2009 12:05 PM
To: Deering, Keith; Carroll, Colin; O'Neill, Melony; Morrissey, Ken; May, Heather E.
Subject: FW: good morning

Hello there,

Please review the following statement and ensure the appropriate officials provide feedback and signoff on this in response to a media inquiry, embedded below.

We are interested in providing a statement as soon as possible, given the media attention this has created. It is important we provide this general information as soon as possible. Of course, we cannot get into specifics of a case before the courts:

In provincial court at Happy Valley-Goose Bay September 2, five non-resident individuals were charged for allegedly hunting without a guide in relation to a patrol in the Crystal Lake area, north of HV-GB, on September 1. A sixth individual, also a non-resident, was charged for not having a proper hunting guide license.

The department cannot comment on a case before the courts. The department is responsible for enforcing the Wildlife Act and Regulations, and does so by bringing forward any evidence they collect in regards to alleged violations for prosecution.

In response to your specific questions, the individuals in this case were arrested and detained overnight until they could appear in court. The individuals were non-residents of the province
and they were detained to ensure they would appear in court and not leave the province prior. Information collected by the department's conservation officers indicated arrangements were being made for the individuals to leave the province.

Arrests under the Wildlife Act occur in the field situation based on Section 14 of the Act, which reads:

14. A wild life officer may arrest without warrant a person who has committed an offence under this Act or the regulations or who, on reasonable grounds, he or she believes has committed or is about to commit an offence (a) where the wild life officer needs to establish the identity of the person; (b) to secure or preserve evidence of or relating to the offence; (c) to prevent the continuation or repetition of the offence or the commission of another offence; or (d) where he or she has reasonable grounds to believe that, if the person is not arrested, the person will fail to attend in court in order to be dealt with according to law.

As to whether non-resident hunters are supposed to verify whether their guide is appropriately licenced, all hunters, resident or non-resident, are required to know the regulations of the jurisdiction in which they hunt. Non-resident hunters are expected to know that regulations require them to be accompanied by a licenced guide, and it is their responsibility to ensure they are accompanied by a licenced guide.

Please let me know if you require any further clarification.

Melony/Heather: Can you provide me with any information as to what the hunting guide says or recommends when it comes to the hiring of hunting guides and their qualifications?

Ken: Can you confirm for me the practice of the courts of "shackling" those appearing in court, as that accessory I understand, was not courtesy of the conservation officers.

Tracy

-----Original Message-----
From: [redacted]
Sent: September 3, 2009 11:02 AM
To: Barron, Tracy B.
Subject: good morning

Hi
If I'm right, natural resources is the department responsible for enforcement of wildlife regulations. I'm wondering if the Minister could talk with us about the arrest of the American hunters... People are wondering why they had to spend a night in jail for a hunting violation... and we are curious to know if hunters are supposed to verify that their guide has the proper licence.

Thanks

Mike
The following points may be of interest – not necessarily for public distribution:

1.) This was a Quebec Outfitter with 1 licenced guide and 1 non-licenced guide from Quebec. It is not an offence for them to operate in the Province as they had obtained Caribou tags/licences from a local outfitter, but may be noteworthy that these were not NL outfitters.

2.) The licenced guide was at the cabin while several non-resident hunters were out hunting either completely by themselves or with a non-licenced guide. These are offences under the Wildlife Regulations.

3.) At the time the Conservation Officers checked two non-resident individuals, they were hunting without a guide and they had caribou down and were cleaning the animal. This is an offence under the Wildlife Regulations. We have video/pictures of this.

4.) Under the criminal code of Canada there are four reasons to arrest an individual who has committed an offense (in order to make an arrest you only need 1 of those four reasons). Three of those reason are applicable to this incident, they are:
   a. To prevent the continuation of the offence (it wouldn’t be prudent to leave them alone in a remote area once an offence has been detected)
   b. To secure and protect evidence (evidence such as meat/antlers, bloody knives/clothing, firearms & ammo could all be disposed of or cleaned if left with the individuals)
   c. To ensure the individuals appearance in court (these are non-resident hunters (from the U.S.) and there would be no way of ensuring their appearance in court to address the charges) (this may be the most compelling reason for the arrest in this situation but the others do apply)

5.) Our officers actually suggested that shackles were not necessary for these individuals. That may be the policy of the Dept. of Justice.?

6.) These were trophy hunters and one fellow had only collected about a Plastic –Bag worth of meat from his caribou. The hunters who had their caribou down (without a guide present) had bullets chambered in their guns. These are both additional charges (wastage of meat and improper storage of a firearm) but the boys used their discretion since they were co-operative they only charged them with hunting without a guide present.

Who was the interview with?
Also, please provide reasoning as to why the individuals were brought to HV-GB for the night.

Arrests were made based on section 14 of the Wildlife act:
14. A wild life officer may arrest without warrant a person who has committed an offence under this Act or the regulations or who, on reasonable grounds, he or she believes has committed or is about to commit an offence

(a) where the wild life officer needs to establish the identity of the person;

(b) to secure or preserve evidence of or relating to the offence;

(c) to prevent the continuation or repetition of the offence or the commission of another offence; or

(d) where he or she has reasonable grounds to believe that, if the person is not arrested, the person will fail to attend in court in order to be dealt with according to law.

See link
http://www.assembly.nl.ca/legislation/sr/statutes/w08.htm#14

As well can you send along the transcript of the CBC radio interview this morning with Peter Cowan on this issue?

Thanks

Colin
Hi all - The link provided by John B. is not to the Tourism NL hunting rules and regs page. This one is better http://www.newfoundlandlabrador.com/Hunting/RulesAndRegulations.aspx. It also directs hunters to the ENVC site for compete details.

Mel - I think your hunting and trapping guide also contains info for non residents on big game hunting. TCR has a separate, more "promotional" type brochure for hunting and fishing (more a marketing tool). It summarizes some rules and regulations - i.e., "and you must be accompanied by a guide supplied by the outfitter as part of the package", and then it refers hunters to our NL Tourism website. The tourism website advises you must have a licensed guide, provided by your outfitter - and also notes the requirement for one licensed guide for every 2 hunters. It says:

"Non-resident big game licences for bear, moose, and caribou are available only through outfitters. Interested hunters should contact the outfitter of their choice to determine the availability of licences and obtain the required forms. Non-resident big game hunters must be accompanied by a licenced guide, provided by the outfitter as part of the package. The guide to hunter ratio must be 1:1 or 1:2. m..."

I hope this is helpful.

-----Original Message-----
From: O'Neill, Melony
Sent: Thursday, September 03, 2009 1:51 PM
To: Barron, Tracy B.; May, Heather E.; Morrissey, Ken
Subject: FW: good morning

Please see below from our Director of Wildlife.

Melony

Melony O'Neill
Director of Communications
My suggested edits are embedded. Regarding what the hunting guide says re the hiring of hunting guides, this information would be contained within the Tourism Publication http://www.newfoundlandlabrador.com/Hunting/Default.aspx

I am of the understanding that wastage of game charges may be pending, and that the legalities of the outfitter operation are also under question...which while not being a part of recent media coverage is no doubt further justification for the arrests and detention. While I have provided comment on this statement, I must note that enforcement of WL legislation and the justification for CO actions in the field is a NR response.

JOHN

Charges have been laid in provincial court at Happy Valley-Goose Bay September 2 following a patrol by Provincial Conservation Officers in the Crystal Lake area, north of HV-GB. Five non-resident individuals were charged for allegedly hunting without a guide, while a sixth individual, also a non-resident, was charged for not having a proper hunting guide license. Further charges are pending and investigations regarding the outfitting establishment continue.

The department cannot comment on a case before the courts. The department is responsible for enforcing the Wildlife Act and Regulations, and does so by acting within their authority as Peace Officers and by bringing forward any evidence they collect in regards to alleged violations for prosecution.

In response to your specific questions, the individuals in this case were arrested and detained overnight until they could appear in court. The individuals were non-residents of the province and they were detained to ensure they would not leave the province prior to their appearance in court and to ensure no further caribou were harvested illegally. Information collected by the department's conservation officers indicated the potential for the non residents to leave the province, and as a result arrests were required.
Arrests under the authority of the Wildlife Act occur in a field situation based on Section 14 of the Act, which reads:

14. A wildlife officer may arrest without warrant a person who has committed an offence under this Act or the regulations or who, on reasonable grounds, he or she believes has committed or is about to commit an offence (a) where the wildlife officer needs to establish the identity of the person; (b) to secure or preserve evidence of or relating to the offence; (c) to prevent the continuation or repetition of the offence or the commission of another offence; or (d) where he or she has reasonable grounds to believe that, if the person is not arrested, the person will fail to attend in court in order to be dealt with according to law.

As to whether non-resident hunters are supposed to verify whether their guide is appropriately licenced, all hunters, resident or non-resident, are required to know the regulations of the jurisdiction in which they hunt. Non-resident hunters are expected to know that regulations require them to be accompanied by a licenced guide, and it is their responsibility to ensure they are accompanied by a licenced guide. Likewise licences guides are expected to carry valid licences when being employed as a guide.

Investigations continue regarding other possible breaches of the Wildlife Act and Regulations in relation to this incident.

-----Original Message-----
From: O'Neill, Melony
Sent: Thursday, September 03, 2009 12:37 PM
To: Firth, Ross; Blake, John; Parrott, William
Subject: Fw: good morning

Please review from NR.
Melony O'Neill
Director of Communications
Department of Environment and Conservation 4th Floor, West Block Confederation Building
(709) 729-2575
(709) 729-0112 (fax)

Sent Via BlackBerry

----- Original Message -----  
From: Barron, Tracy B.
To: Deering, Keith; Carroll, Colin; O'Neill, Melony; Morrissey, Ken; May, Heather E.
Sent: Thu Sep 03 12:34:45 2009
Subject: FW: good morning

Hello there,

Please review the following statement and ensure the appropriate officials provide feedback and signoff on this in response to a media inquiry, embedded below.

We are interested in providing a statement as soon as possible, given the media attention this has created. It is important we provide this general information as soon as possible. Of course, we cannot get into specifics of a case before the courts:

In provincial court at Happy Valley-Goose Bay September 2, five non-resident individuals were charged for allegedly hunting without a guide in relation to a patrol in the Crystal Lake area, north of HV-GB, on September 1. A sixth individual, also a non-resident, was charged for not having a proper hunting guide license.

The department cannot comment on a case before the courts. The department is responsible for enforcing the Wildlife Act and Regulations, and does so by bringing forward any evidence they collect in regards to alleged violations for prosecution.

In response to your specific questions, the individuals in this case were arrested and detained overnight until they could appear in court. The individuals were non-residents of the province and they were detained to ensure they would appear in court and not leave the province prior. Information collected by the department’s conservation officers indicated arrangements were being made for the individuals to leave the province.

Arrests under the Wildlife Act occur in the field situation based on Section 14 of the Act, which reads:

14. A wildlife officer may arrest without warrant a person who has committed an offence under this Act or the regulations or who, on reasonable grounds, he or she believes has committed or is about to commit an offence (a) where the wildlife officer needs to establish the identity of the person; (b) to secure or preserve evidence of or relating to the offence; (c) to prevent the continuation or repetition of the offence or the commission of another offence; or (d) where he or she has reasonable grounds to believe that, if the person is not arrested, the person will fail to attend in court in order to be dealt with according to law.

As to whether non-resident hunters are supposed to verify whether their guide is appropriately licenced, all hunters, resident or non-resident, are required to know the
regulations of the jurisdiction in which they hunt. Non-resident hunters are expected to know that regulations require them to be accompanied by a licenced guide, and it is their responsibility to ensure they are accompanied by a licenced guide.

Please let me know if you require any further clarification.

Melony/Heather: Can you provide me with any information as to what the hunting guide says or recommends when it comes to the hiring of hunting guides and their qualifications?

Ken: Can you confirm for me the practice of the courts of "shackling" those appearing in court, as that accessory I understand, was not courtesy of the conservation officers.

Tracy

-----Original Message-----
From: [Redacted]
Sent: September 3, 2009 11:02 AM
To: Barron, Tracy B.
Subject: good morning

Hi

If I'm right, natural resources is the separtment responsible for enforcement of wildlife regulations. Im wondering if the Minister could talk with us about the arrest of the american hunters...People are wondering why they had to spend a night in jail for a hunting violation...and we are curious to know if hunters are supposed to verify that their guide has the proper licence..

Thanks

Mike
I'm OK

Sent Via BlackBerry

----- Original Message ----- 
From: Barron, Tracy B. 
To: Morrissey, Ken; May, Heather E.; Deering, Keith; Moores, Len 
Cc: Carroll, Colin; Mullins, Kimberley 
Sent: Thu Sep 03 14:34:02 2009 
Subject: FW: good morning 

Hello, 
Can you please confirm that this is ok for release to the media? This has been circulated to officials once in TCR, E&C, Justice and NR, and their feedback incorporated. 
Thanks, 
Tracy 

The department cannot comment on a case before the courts. The department is responsible for enforcing the Wildlife Act and Regulations, and does so by bringing forward any evidence they collect in regards to alleged violations for prosecution. 

We can confirm that in provincial court at Happy Valley-Goose Bay September 2, five non-resident individuals were charged for allegedly hunting without a guide following a patrol by provincial conservation officers in the Crystal Lake area, north of HV-GB, on September 1. A sixth individual, also a non-resident, was charged for not having a proper hunting guide license. Further charges are pending and investigations regarding the outfitting establishment continue. 

In response to your specific questions, the individuals in this case were arrested and detained overnight until they could appear in court. The individuals were non-residents of the province and were detained to ensure they would not leave the province prior to their appearance in court. Information collected by the conservation officers indicated the potential existed for the
non-residents to leave the province, and therefore arrests were determined to be necessary in this case.

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The investigation around this incident continues and therefore no further comment can be made at this time.

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Thanks

Mike
I am enroute somewhere. Back in office in 10

Sent Via BlackBerry

----- Original Message -----  
From: May, Heather E.  
To: Barron, Tracy B.  
Sent: Thu Sep 03 14:59:24 2009  
Subject: RE: good morning

I'm trying to call you.

----- Original Message -----  
From: Barron, Tracy B.  
Sent: Thursday, September 03, 2009 2:57 PM  
To: May, Heather E.  
Subject: RE: good morning

This is exactly what this process is about. Thank you for providing the wording preferred by your department. I will make the change.

----- Original Message -----  
From: May, Heather E.  
Sent: September 3, 2009 2:56 PM  
To: Barron, Tracy B.; Morrissey, Ken; Deering, Keith; Moores, Len  
Cc: Carroll, Colin; Mullins, Kimberley; Duke, Cathy; Taylor-Ash, Mary; O'Neill, Melony  
Subject: RE: good morning

Hi Tracy - TCR cannot sign off. The second last paragraph is not correct. Our hunting/fishing brochure is primarily a marketing tool and provides limited info on rules and regs. The link provided is to our website - which provides more. However, it is the ENVC website which provides the most extensive information on rules and regs (hunting and trapping guide; rules and regulations, legislation, etc). I suggest the second last paragraph read:
As to whether non-resident hunters are supposed to verify whether their guide is appropriately licensed, all hunters, resident or non-resident, are required to know the regulations of the jurisdiction in which they hunt. Non-resident hunters are expected to know that regulations require them to be accompanied by a licensed guide, and it is their responsibility to ensure they are, in fact, accompanied by a licensed guide. Likewise, licensed guides are expected to carry valid licences when being employed as a guide. More information regarding the rules and regulations for non-resident hunters is contained in the province's hunting and trapping guide, which can be found at http://www.env.gov.nl.ca/env/wildlife/hnttrapfish/index.htm and at http://www.newfoundlandlabrador.com/Hunting/RulesAndRegulations.aspx.

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From: Barron, Tracy B.
Sent: Thursday, September 03, 2009 2:34 PM
To: Morrissey, Ken; May, Heather E.; Deering, Keith; Moores, Len
Cc: Carroll, Colin; Mullins, Kimberley
Subject: FW: good morning

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Thanks,
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In response to your specific questions, the individuals in this case were arrested and detained overnight until they could appear in court. The individuals were non-residents of the province and were detained to ensure they would not leave the province prior to their appearance in
court. Information collected by the conservation officers indicated the potential existed for the non-residents to leave the province, and therefore arrests were determined to be necessary in this case.

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Thanks

Mike
Ok here.

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To: May, Heather E.; Morrissey, Ken; Deering, Keith; Moores, Len
Cc: Carroll, Colin; Mullins, Kimberley; Duke, Cathy; Taylor-Ash, Mary; O'Neill, Melony
Subject: RE: good morning

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Thanks

Mike
Just waiting on justice now.

Sent Via BlackBerry

----- Original Message -----  
From: O'Neill, Melony  
To: Barron, Tracy B.; May, Heather E.; Morrissey, Ken; Deering, Keith; Moores, Len  
Cc: Carroll, Colin; Mullins, Kimberley; Duke, Cathy; Taylor-Ash, Mary  
Sent: Thu Sep 03 15:06:16 2009  
Subject: RE: good morning

Okay here.

Mel

Melony O'Neill  
Director of Communications  
Department of Environment and Conservation 4th Floor, West Block Confederation Building  
(709) 729-2575  
(709) 729-0112 (fax)

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Cc: Carroll, Colin; Mullins, Kimberley; Duke, Cathy; Taylor-Ash, Mary; O'Neill, Melony  
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Tracy

-----Original Message-----
From: [Redacted]
Sent: September 3, 2009 11:02 AM
To: Barron, Tracy B.
Subject: good morning

Hi

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Thanks

Mike
From: Barron, Tracy B. 
Sent: Thursday, September 03, 2009 3:14 PM 
To: Dunderdale, Kathy 
Subject: Statement in Response to Media on Labrador Hunting Charges

Hello,

Please see statement below, approved by Justice, NR, Tourism and Environment, in response to media inquiries in relation to our approach to detaining the non-resident hunters overnight.

Tracy

The following statement was issued today by the Department of Natural Resources:

The department cannot comment on a case before the courts. The department is responsible for enforcing the Wildlife Act and Regulations, and does so by bringing forward any evidence they collect in regards to alleged violations for prosecution.

The department can confirm that in provincial court at Happy Valley-Goose Bay September 2, five non-resident individuals were charged for allegedly hunting without a guide following a patrol by provincial conservation officers in the Crystal Lake area, north of HV-GB, on September 1. A sixth individual, also a non-resident, was charged for not having a proper hunting guide license. Further charges are pending and investigations regarding the outfitting establishment continue.

In response to your specific questions, the individuals in this case were arrested and detained overnight until they could appear in court. The individuals were non-residents of the province and were detained to ensure they would not leave the province prior to their appearance in court. Information collected by the conservation officers indicated the potential existed for the non-residents to leave the province, and therefore arrests were determined to be necessary in this case.

Arrests under the Wildlife Act occur in the field situation based on Section 14 of the Act, which reads:

14. A wildlife officer may arrest without warrant a person who has committed an offence under this Act or the regulations or who, on reasonable grounds, he or she believes has committed or is about to commit an offence
   a) where the wildlife officer needs to establish the identity of the person;
   b) to secure or preserve evidence of or relating to the offence;
   c) to prevent the continuation or repetition of the offence or the commission of another offence; or
   d) where he or she has reasonable grounds to believe that, if the person is not arrested, the person will fail to attend in court in order to be dealt with according to law.

For more information, see link:
http://www.assembly.nl.ca/legislation/sr/statutes/w08.htm#14

As to whether non-resident hunters are supposed to verify whether their guide is appropriately licensed, all hunters, resident or non-resident, are required to know the regulations of the jurisdiction in which they hunt. Non-resident hunters are expected to know that regulations require them to be accompanied by a licensed guide, and it is their responsibility to ensure they are, in fact, accompanied by a licensed guide. Likewise, licensed guides are expected to carry valid licences when being employed as a guide. More information regarding the rules and regulations for non-resident hunters is contained in
the province's hunting and trapping guide, which can be found at

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made at this time.

Thanks,
Tracy
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I trust this answers your questions.
Thanks,
Tracy

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From: 40(1)
Sent: September 3, 2009 11:02 AM
To: Barron, Tracy B.
Subject: good morning

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Mike
Hi Peter,

The following statement is being issued by the Department of Natural Resources today in response to media inquiries. Please share with your colleague, Tara.

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Thanks,
Tracy
I totally understand the frustration. And it is so difficult when the public and media question motives, especially when our officers work so hard in very unpleasant situations and sometimes volatile situations. It requires a thick skin, no question, to be in enforcement or politics. It is frustrating when our hands are tied, but we have to make sure we do no compromise all that hard work by saying something in public that will hurt our chances of a prosecution.

-----Original Message-----
From: Carroll, Colin
Sent: September 3, 2009 3:54 PM
To: Barron, Tracy B.
Subject: RE: good morning

Thanks Tracy.

If I came across agitated this morning, I apologize. It was not my intention. I understand the processes and the position you are in.
There is no doubt our officers' feel your support; I believe it and I always tell them that. They also recognized the Ministers comments/support in the issues with caribou last winter which they appreciated very much. They even mentioned it this morning when they were looking for a response to this situation.
The problem is explaining to our officers the timelines in responding to such issues correctly and the sensitivities involved from governments perspective. I perhaps started to get a bit caught up in all of it this morning.
I appreciate the work on this getting out today.
Thanks
Colin

-----Original Message-----
From: Barron, Tracy B.
Sent: Thursday, September 03, 2009 3:15 PM
To: Carroll, Colin
Subject: FW: good morning

Fyi ... this has now gone out to CBC radio, including 40(1)

-----Original Message-----
From: Barron, Tracy B.
Sent: September 3, 2009 3:17 PM
To: 40(1)
Subject: RE: good morning

Hi Mike,

In response to your questions below, the following statement is being issued by the Department of Natural Resources today.

The department cannot comment on a case before the courts. The department is responsible for enforcing the Wildlife Act and Regulations, and does so by bringing forward any evidence they collect in regards to alleged violations for prosecution.

The department can confirm that in provincial court at Happy Valley-Goose Bay September 2, five non-resident individuals were charged for allegedly hunting without a guide following a patrol by provincial conservation officers in the Crystal Lake area, north of HV-GB, on September 1. A sixth individual, also a non-resident, was charged for not having a proper hunting guide license. Further charges are pending and investigations regarding the outfitting establishment continue.

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The investigation around this incident continues and therefore no further comment can be made at this time.

I trust this answers your questions.
Thanks,
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Thanks

Mike
Pendergast, Renee M.

From: Barron, Tracy B.
Sent: Thursday, September 03, 2009 4:20 PM
To: [Redacted]
Subject: RE: Questions re: hunting charges

I think you meant to send this to [Redacted].
Nice to see I am not the only one who does this.

-----Original Message-----
From: [Redacted]
Sent: September 3, 2009 4:13 PM
To: Barron, Tracy B.
Subject: Questions re: hunting charges

I just did a script for you to read with the response to the specific questions as to why did they spend the night in jail and are they responsible to ensure the guides have their proper lices....that will be about 2 mins ...we are looking a little thin...so that will help hopefully

we have jigs
we have mining
sewer back up

730 we have taras tree guy, the farm piece and Im trying to get Jim Farrell on combined councils meeting with Nalcor....
so no 8:15 ....nothing on horizon for Newlab....Im trying for a cona person to tell us whats happening at the college in lab city there are new courses i understand ...there is a liner notes but thats usually before 7 n'est-ce pas ? Did we use a bagger about the travelling denture repairer ? It looks quite amusing ...

M

>>> "Barron, Tracy B." <tracybarron@gov.nl.ca> 09/03/09 2:50 PM >>>
Hi Peter,
The following statement is being issued by the Department of Natural Resources today in response to media inquiries.

Please share with your colleague, Tara.

The department cannot comment on a case before the courts. The department is responsible for enforcing the Wildlife Act and Regulations, and does so by bringing forward any evidence they collect in regards to alleged violations for prosecution.

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and at

The investigation around this incident continues and therefore no further comment can be made at this time.

Thanks,

Tracy
"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
Pendergast, Renee M.

From: Barron, Tracy B.
Sent: Friday, September 04, 2009 10:56 AM
To: May, Heather E.; Williams, Tina
Subject: Re: transcript

I have not. Tina, can you order? I am in with the minister.

Sent Via BlackBerry

From: May, Heather E.
To: Barron, Tracy B.
Sent: Fri Sep 04 10:52:19 2009
Subject: transcript

Hi - Have you ordered this?

UPDATE ON STORY: Yesterday Tara Maclean told us about the arrest of five hunters from the US who were charged with allegedly hunting without a licensed guide. We have been asking for an interview with the Minister of Natural Resources; she is refusing interviews because the case is before the courts, but there was a statement issued yesterday. ["Peter reads statement"]
AIRED: 0758 AM DURATION: 01:30 REPORTER: PETER COWAN
709NEWS
****************************************
Tel: 709-576-6397 OR 1-888-709-6397
Fax: 709-753-7340

Product Summary:

UPDATE ON STORY: Yesterday Tara Maclean told us about the arrest of five hunters from the US who were charged with allegedly hunting without a licensed guide.
Friday, September 04, 2009 07:58AM Item # 11
CBC Labrador

****************************************

Standing Order: NO
CBC Transcript - Ordered By Fax
UPDATE ON STORY: Yesterday Tara Maclean told us about the arrest of five hunters from the US who were charged with allegedly hunting without a licensed guide.
Friday, September 04, 2009 07:58AM Item # 11
CBC Labrador

PETER COWAN: An update on a story from yesterday. Tara McLean was by yesterday to tell us about the arrest of five hunters from the United States who were charged with allegedly hunting without a licenced guide. A sixth non-resident was charged for not having a proper guide licence. Well, we've been asking for an interview with the Minister of Natural Resources, Kathy Dunderdale. Her department is responsible for enforcing the regulations and there was some question about why the hunters were jailed then if non-resident hunters are supposed to verify that their guides were appropriately licenced when they hire an outfitter. Well, the Minister's still refusing interviews because the case is before the courts, but there was a statement issued yesterday. Here's what they said about why the hunters spent the night
in jail. Quote - The individuals in this case were arrested and detained overnight until they could appear in court. The individuals were non-residents of the province and were detained to ensure they would not leave the province prior to their appearance in court. Information collected by the conservation officers indicated the potential existed for the non-residents to leave the province and, therefore, arrests were determined to be necessary in this case. We also asked if the resident hunters are expected to verify that their guides are properly licenced and the response was, well, non-resident hunters are expected to know the regulations, that they are required to be accompanied by a guide, and make sure that the guide is licenced.
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accompanied by a guide, and make sure that the guide is licenced.

-30-
Pendergast, Renee M.

From: Barron, Tracy B.
Sent: Friday, September 04, 2009 2:25 PM
To: Carroll, Colin; Deering, Keith; Moores, Len; Williams, Tina; Dunderdale, Kathy
Subject: FW: UPDATE ON STORY: Yesterday Tara Maclean told us about the arrest of five hunters from the US who were charged with allegedly hunting without a licensed guide.

07:58AM Item # 11 CBC Labrador

Attachments: MM4094732112227.doc

709NEWS
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Hello Rachel,

As per our phone conversation, the following statement was released by the Department of Natural Resources in Newfoundland and Labrador on September 3. If you require any other information, please let me know.

Tracy

The department can confirm that in provincial court at Happy Valley-Goose Bay September 2, five non-resident individuals were charged for allegedly hunting without a guide following a patrol by provincial conservation officers in the Crystal Lake area, north of HV-GB, on September 1. A sixth individual, also a non-resident, was charged for not having a proper hunting guide license. Further charges are pending and investigations regarding the outfitting establishment continue.

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