January 18, 2018

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/68/2017

On December 19, 2017, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"All 2017 records of any nature, in any medium or format, that relate to the Eastern Migratory Caribou report, prepared by COSEWIC, and formally received by the Minister in October 2017. Information to include, but shall not be limited to, a copy of the EMC report, along with any notes/messages/discussion papers and/or consultation records created or received by the Department, with respect to the George River Caribou Herd."

The requested EMC reports are published online at:
https://www.sararegistry.gc.ca/default.asp?lang=En&n=24F7211B-1

Please be advised that a decision has been made by the Deputy Minister for FLR to provide partial access to the requested information. Please note that access to specific information contained within the records has been refused in accordance with Sections 27(1)(g), 27(1)(i) and Section 27(2)(a). A full list of relevant legislation is attached. As required by 8(2) of the Act, we have severed information that is exempt from disclosure and have provided you with as much information as possible.

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*Page number provided in the above table refer to the consecutive page numbering (ie. Pages 1-10) located on the top right of each page in the attached referenced files.

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
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 709-729-3730 or by email at hollyphilpott@gov.nl.ca

Sincerely,

Holly Philpott
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.

Cabinet confidences

27. (1) In this section, "cabinet record" means

(a) advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet;

(b) draft legislation or regulations submitted or prepared for submission to the Cabinet;

(c) a memorandum, the purpose of which is to present proposals or recommendations to the Cabinet;
(d) a discussion paper, policy analysis, proposal, advice or briefing material prepared for Cabinet, excluding the sections of these records that are factual or background material;

(e) an agenda, minute or other record of Cabinet recording deliberations or decisions of the Cabinet;

(f) a record used for or which reflects communications or discussions among ministers on matters relating to the making of government decisions or the formulation of government policy;

(g) a record created for or by a minister for the purpose of briefing that minister on a matter for the Cabinet;

(h) a record created during the process of developing or preparing a submission for the Cabinet; and

(i) that portion of a record which contains information about the contents of a record within a class of information referred to in paragraphs (a) to (h).

(2) The head of a public body shall refuse to disclose to an applicant

(a) a cabinet record; or

(b) information in a record other than a cabinet record that would reveal the substance of deliberations of Cabinet.

(3) Notwithstanding subsection (2), the Clerk of the Executive Council may disclose a cabinet record or information that would reveal the substance of deliberations of Cabinet where the Clerk is satisfied that the public interest in the disclosure of the information outweighs the reason for the exception.

(4) Subsections (1) and (2) do not apply to

(a) information in a record that has been in existence for 20 years or more; or

(b) information in a record of a decision made by the Cabinet on an appeal under an Act.

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).
Minister and John:

Attached is the report from COSEWIC regarding the George River Caribou Herd, and identification of the herd as a species at risk. This starts our 90 day period for the Minister to make a decision whether to list the species. We have this well in hand, as we had been expecting this report.

Next steps:

1. John/Blair/Steve: we will need key messages prepared and provided to the 10th.

Thanks everyone.

LA
Here are the reports

Shelley Moores
Senior Manager
Fisheries and Land Resources
Phone: 709 637 2018

FYI this was sent to ministers today... it's the annual report. They sent it to Minister Joyce. I'll get that fixed now. This is our official notice for Eastern Migra tory and Torn gat

Shelley Moores
Senior Manager
Fisheries and Land Resources
Phone: 709 637 2018

From: Schnobb, Sonia (EC) On Behalf Of Secrétariat Cosepac / Cosewic Secretariat (EC/EC)
Sent: October 24, 2017 1:55 PM
To: 'Catherine McKenna, Minister Environment & Climate Change'; 'Dominic LeBlanc (MPO-DFO)'; 'Dustin Duncan'; 'Eddie Joyce (NL)'; 'George Heyman'; 'Joe Savikataaq (NU)'; 'Kathryn McGarry (ON)'; 'Luc Blanchette (QC)'; 'Margaret Miller (NS)'; 'Pauline Frost (YK)'; 'Rick Doucet (NB)'; 'Robert C. McLeod (NWT)'; 'Robert J. Mitchell (PE)'; 'Rochelle Squires'; 'Shannon Phillips (AB)'
Cc: Neve, Silke (EC); 'etaylor@zoology.ubc.ca'; Twolan, Lisa (EC); Mclean, Robert (EC)

-- The English version follows. --

À l'attention de : l'honorable Catherine McKenna, ministre de l'Environnement, et les membres du Conseil canadien pour la conservation des espèces en péril (CCCEP)


Je vous demande de transmettre tout commentaire de la part des membres du CCCEP sur le rapport annuel du COSEPAC à la ministre de l’Environnement, à titre de présidente du CCCEP, en mettant le COSEPAC en copie (ec.cosepac-cosewic.ec@canada.ca).

Salutations,

Eric (Rick) Taylor  
Président, Comité sur la situation des espèces en péril au Canada (COSEPAC)

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Department of Zoology  
University of British Columbia  
Vancouver, British Columbia  
Canada, V6T 1Z4  
Tel: 604-822-9152  
Fax: 604-822-2416  

To: The Honourable Catherine McKenna, Minister of the Environment and members of the Canadian Endangered Species Conservation Council (CESCC)

I am providing you the 2016-2017 Annual Report of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) thus fulfilling the obligations of COSEWIC under Sections 25 and 26 of the Species at Risk Act (SARA).

You will find attached a cover letter and the COSEWIC Annual Report (2016-2017). The assessments from the Fall 2016 COSEWIC Wildlife Species Assessment Meeting are posted on the SARA Public Registry at http://www.sararegistry.gc.ca. The assessments from the April 2017 COSEWIC meeting will also be posted once they have been converted (XHTML conversion) to meet Treasury Board Secretariat Common, Look and Feel requirements. The April 2017 COSEWIC meeting documents will follow in 6 subsequent emails.

I would request that any comments from CESCC members on the COSEWIC Annual Report be sent to the Minister of the Environment, as Chair of CESCC, with a c.c. to COSEWIC (ec.cosepac-cosewic.ec@canada.ca).

Regards,

Eric (Rick) Taylor  
Chair, Committee on the Status of Endangered Wildlife in Canada (COSEWIC)

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