Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Act) [Our file #ENV/004/2015]

On February 2, 2015 the Department of Environment and Conservation received your request for access to the following records/information:

"Any and all information and correspondences of any nature, with regards to the 2013 and 2014 "Freezer Program" which allows the harvesting of moose from the Gros Morne National Park for the Aboriginal residents of Labrador. Information to include, but shall not be limited to, the exact number of moose licenses issued for the program/confirmation of whom, and how the hunters involved were selected, and a complete accounting for any and all funding, or services, provided by Dept of E&C, including hunter remuneration."

On February 26, 2015 the Department advised you that the 30 day time limit for responding to your request had been extended, in accordance with paragraph 16(1)(d) of the Act, for an additional 30 days and that we expected to respond to your request by April 6, 2015. On April 2, 2015 you spoke to the Departmental ATIPP coordinator to clarify the specific records of interest to you and you modified your request as follows:

"What was the Department of Environment and Conservation’s role with regards to the 2013 and 2014 "Freezer Program" which allowed for the harvesting of moose from the Gros Morne National Park for the Aboriginal residents of Labrador?"

Moose Management in Gros Morne National Park (GMNP) is a program administered by Parks Canada to reduce unnaturally high moose populations. The Department of Environment and Conservation’s primary involvement has been limited to facilitating the distribution of resident licenses through the annual big game provincial draw system. In 2013 the Nunatsiavut Government (NG) received approval from Parks Canada to harvest 24 moose from GMNP as a replacement for caribou meat for the community freezer program. In relation to the Parks Canada Targeted Moose Removal Program, and pursuant to s. 86 of the Wild Life Regulations, the Department of Environment and Conservation issued a scientific research permit to Parks Canada to allow for this harvest. For the 2014-2015 hunting season, Parks Canada made 50 not-for-profit moose licenses available for GMNP. Allocation and administration of the 24 harvest permits in 2013 as well as the 50 not-for-profit licenses in 2014 was the sole responsibility of Parks Canada. Further to your request, I have included a document concerning moose harvest in
GMNP which I hope will be of assistance to you. Portions of the attached document have been severed in accordance with the following exceptions to disclosure:

1. Section 18(1): In this section

   (a) "cabinet record" means

   (ix) that portion of a record which contains information about the contents of a record within a class of information referred to in subparagraphs (i) to (viii);

2. Section 18(2)(a): The head of a public body shall refuse to disclose to an applicant a Cabinet record, including an official Cabinet record.

3. Section 20(1): The head of a public body may refuse to disclose to an applicant information that would reveal

   (c) consultations or deliberations involving officers or employees of a public body, a minister or the staff of a minister;

4. Section 21: The head of a public body may refuse to disclose to an applicant information

   (a) that is subject to solicitor and client privilege;

5. Section 23(1): The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to

   (b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies.

As required by subsection 7(2) of the Act, we have severed information that is exempted from disclosure and have provided you with as much information as possible. In accordance with your request, the appropriate copies of records have been enclosed.

Section 43 of the Access to Information and Protection of Privacy Act (Act) provides that you may ask the Information and Privacy Commissioner to review the processing of your access request or you may appeal to the Supreme Court Trial Division. A request to the Commissioner shall be made in writing within 60 days of the date of this letter or within a longer period that may be allowed by the Information and Privacy 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
Facsimile: (709) 729-6500
In the event that you choose to appeal to the Trial Division, you must do so within 30 days of the date of this letter. Section 60 of the Act sets out the process to be followed when filing such an appeal.

Please be advised that this response will be published following a 72 hour period after the response is sent electronically to you or five days in the case where the response is mailed to you. It is the goal to have the response 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 feel free to contact the Departmental ATIPP Coordinator at (709) 729-7183.

Sincerely,

JAMIE CHIPPETT
Deputy Minister
Decision / Direction Note
Department of Environment and Conservation

Title: Moose harvest in Gros Morne National Park

Decision/Direction required: Whether to provide the necessary provincial permissions to support the proposal by the Nunatsiavut Government for access to moose from Gros Morne National Park

Background and Current Status:

- Parks Canada Agency (PC) has identified hyper abundant moose populations within Gros Morne and Terra Nova National Parks. The presence of hyper-abundant moose results in habitat degradation through over-browsing, particularly on deciduous and balsam fir stands, and may contribute to negative human-wildlife encounters such as moose-vehicle collisions.

- Parks Canada and the Department of Environment and Conservation (ENVC) share common goals and objectives of managing hyper abundant moose populations. This includes maintaining an appropriate balance for the ecological sustainability of forest habitats and wildlife.

- Beginning in 2008, Parks Canada engaged in stakeholder consultations to determine a possible solution to the issue of hyper-abundant moose within these two national parks.

- In 2009, Parks Canada initiated discussions with the provincial Wildlife Division concerning moose management. In 2010, PC formally approached the Wildlife Division to gain input into a management strategy for moose within the Parks that could meet their objectives and complement existing provincial moose management programs. The goal was to develop a moose harvest plan that engaged hunters to help manage populations and to allow forest habitats to recover naturally.

- ENVC were supportive of Parks Canada’s intent to allow hunting in the National Parks and to integrate its moose management program within the provincial moose management model.

- A MOU was signed between ENVC and Parks Canada in 2011 that established a collaborative working relationship to initiate programs and projects to manage moose populations in Gros Morne National Park and Terra Nova National Park.

- To date, ENVC’s primary involvement in moose management within GMNP has been to provide a mechanism to issue licences to residents of the Province through the provincial big game licence draw program and to provide advice on PC’s proposed harvest management plans.

- In 2011, a total of 530 either sex licences were made available to hunters in Gros Morne through the big game draw. In 2012, 900 either sex licences were available, and, in 2013, 1000 licenses were made available. In each of these three years, licenses were left unallocated in the draw. In 2013, 58 licenses were left unallocated.

- Additionally, over the three years since hunting has started in Gros Morne, there has been an expansion of the area made available to hunting and seasons have been expanded later into the winter. Currently, the moose season ends February 2, 2014.

- A limiting factor in utilizing hunters to manage hyper abundant moose populations is the issue of access. If there is no reasonable means for hunters to access remote
areas, then the effectiveness of hunters as controlling agents of moose density diminishes.

- Parks Canada has taken a progressive approach to seasons, boundaries and quotas within Gros Morne in an attempt to meet its targets of a significantly reduced moose population.

- In February, 2013 the Deputy Minister of Lands and Natural Resources for the Nunatsiavut Government (NG) wrote the Deputy Minister of ENVC regarding the possible use of Island moose as a replacement for caribou meat for those beneficiaries residing in Nunatsiavut communities.

- NG stated that the request was to help alleviate the hardship from lack of caribou (NL closed all hunting of George River caribou for conservation reasons for a period of five years).

- There are many interests in Island moose licences. Nearly 70,000 residents annually seek one of approximately 30,000 available licences. In addition, over 80 outfitters manage camps throughout the island and offer hunts to non-residents. Not for Profit Charities also access 250 licences province wide to provide meat for fundraising activities. Given these many interests in moose harvest on provincial lands within the province, it was difficult to identify specific opportunities for additional access to moose meat for Nunatsiavut beneficiaries.

- In May 2013, informal discussion occurred between the WD officials and Parks Canada about the potential allocation of unsubscribed licenses in Gros Morne NP to NG for the community freezer program.

- The discussions centered on the potential to establish a pilot study that maximizes collected biological information with an opportunity to evaluate results, test the efficacy of a directed and focused removal effort, and to assist with the socio-political issue of food security.

- In August 2013, informal discussion occurred between officials of NG and PC to discuss the scope and scale of the proposed program. Parks Canada indicated that they would likely be supportive of such an initiative.

- In October 2013, officials from NG, ENVC and PC held a teleconference to further discuss the potential for the project. It was agreed that NG would write formal request to PC for access to 24 moose.

- On October 21, 2013 PC received a formal request from NG for 24 moose from Gros Morne National Park.

- On October 28, 2013 PC responded to the NG request indicating that PC would make available 24 permits to harvest moose in GMNP, recognizing the need for coordination with provincial authorities for issues such as possession and transport of meat.

- On November 06, 2013 a teleconference occurred between NG and Parks Canada to discuss possible options and associated logistics for harvest.
• A proposed project start date of November 27, 2013 was suggested by NG. PC has indicated that they will solicit volunteers to act as harvesters and will provide help with on-the-ground logistics.
• Consideration should be afforded to the selection and qualifications of any “volunteer” to ensure compliance with provincial hunter education standards, that a degree of competency exists to ensure both humane and efficient harvest and also the collection of any required biological samples that is undertaken is done appropriately.
• On November 08, 2013 a teleconference between officials from the Wildlife Division, Aboriginal Affairs and Parks Canada was held to discuss the status of proposal and consider legal / logistical / communication issues.
• ENVC has acted as a broker between NG and PC in bringing the parties together for discussion.

| s.23(1)(b) |
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On November 08, 2013 PC contacted the Wildlife Division to request the province’s support in developing appropriate study design and methodology, logistics and harvest.

• PC has proposed the use of rotary aircraft to transport hunters to remote sites and to subsequently remove harvested animals to a processing site within the Park.
• Moose harvested and possessed on federal lands are not subject to the provincial *Wildlife Act* and Regulations. However, once the meat leaves the park then all provincial statutes would apply.
• The wildlife regulations are specific and prescriptive in its language requiring only licence holders to be in possession of moose meat that must be tagged. Given the proposal by NG for the harvest of 24 moose is being conducted by a few individuals on behalf of NG, the issuance of individual licences and the regulations pertaining to individual possession would not apply. One possible option is to issue to NG/PC a Scientific Research Permit under Section 86 of the Wild Life Regulations http://assembly.nl.ca/Legislation/sr/regulations/rc961156.htm#86. Twenty four sets of tags could also be issued to ensure extra moose are not included in the harvest.

| s.21(a) |
• S. 114 (c) of the Wild Life Regulations provides that: “Notwithstanding anything contained in these regulations, the minister may, by order, exempt native persons living in the Labrador portion of the province from any or all of the provisions of these regulations”. This section does not permit the minister to exempt native persons from the application of Wild Life Act.
• S. 114 (c) predates the Labrador Inuit Land Claims Agreement (LILCA) which prevails over the Wild Life Act whenever there is a conflict.

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On November 13, PC prepared a summary note on the proposal for approval by their VP of Protected Area Establishment and Conservation in Parks Canada.

• PC has indicated that the proposal to allow Aboriginal harvest has occurred in other national parks in Canada. This includes the harvest of hyper-abundant deer in both Thousand Islands National Park and Gulf Islands National Park. It is not known whether the Aboriginal harvest in these parks was undertaken within the traditional territory of the Aboriginal group.

• PC has indicated that they will not commit to approving moose harvest within Gros Morne by NG in succeeding years. The issuance of permits for harvest in 2013 is a one-time initiative with no guarantee of ongoing permission.

• This proposal provides increased food security for NG, it falls within the 58 unallocated moose licenses remaining from the big game draw, it sends a positive message of collaboration between three governments, it supports PC’s objective of decreasing moose density in GMNP, it presents an opportunity to evaluate targeted removal as a moose management tool for possible application in others areas of limited or no hunter accessibility and, finally, it presents an opportunity to collect and measure moose health data and supplement long term ongoing vegetative studies.

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• NG is proposing to initiate the moose harvest on or about November 27. The harvest is expected to take 2 to 4 days to complete. Discussions have been held between NG and GMNP on possible mechanisms to implement a limited harvest of moose.
• Discussions are occurring on maximizing the ecological, logistical and social benefits this project can afford all three participating governments.
• PC and ENVC are preparing information summaries to seek final approval of the draft operational plan.
• A communications plan may need to be developed in collaboration with NG and PC in anticipation of media interest.

Prepared / Approved by: J. Blake / R. Firth, ADM. With input from Laura Brown-Laengle, Department of Justice.

Approved by: November 19, 2013