February 12, 2018

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/5/2018

On January 12, 2018, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"I wish to receive all records pertaining to the application by Grieg to establish an aquaculture operation in Newfoundland for the period of September 1, 2017 to the present. This includes but is not limited to scientific reports, briefing notes, meeting minutes, emails, direct messages, letters, audits, notes from meetings and phone calls, and multimedia records, such as photographs, videos and any records not mentioned in the above list."

I am pleased to inform you a decision has been made by the Deputy Minister of FLR to provide you with partial access to the requested record as attached, redactions have been made under Section 40(1) (Personal Privacy) of the Access to Information Protection of Privacy Act (ATIPPA) 2015.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive.
P.O. Box 13004, Stn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
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.

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).

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.
Date: 12/12/2017 11:35:53 AM  
From: [redacted]@bellaliant.net  
To: "Premier of NL"  
Subject: Grieg Aquaculture application - Placentia Bay

Dear Premier Ball

I am very disturbed and disappointed that you continue to support the application by Grieg Aquaculture to farm Atlantic Salmon in Placentia Bay. I have been a long time supporter of the Liberal Party, but this decision has totally turned me against you and your party.

I totally support efforts to improve employment in NL, but not at the cost of making irreversible damage to our natural resources. The Atlantic Salmon stocks along the South coast of Newfoundland are declining and as been this way since aquaculture was initiated in Bay d’espoir. These salmon stocks have decreased more than any were else in NL. COSEWIC has listed the salmon along the south coast as threatened. Therefore every effort should be made to protect, conserve and rebuild this valuable resource. The proponents of aquaculture will say "there is no scientific proof that aquaculture has caused the decline." This maybe correct in the strict sense of absolute scientific proof; however, there is an overwhelming evidence that aquaculture is the cause of the decline: 1) The salmon population in Conne River declined as aquaculture increased in Bay d’espoir (population was about 6,000 in 1986 and by 2001 it had declined to less than 1000 salmon); 2) There has been and continues to be large escapes of farmed salmon which have dispersed and have been angled in rivers from Grey River to Trepassey, and DNA analysis of salmon in 19 rivers concluded that farmed salmon have interbred with wild salmon in 18 of these rivers. Research in Norway and Scotland have shown that interbreeding of wild and farmed salmon decreases the productivity of wild salmon populations; 3) There has been major outbreaks of sea-lice and diseases in farmed salmon resulting in massive mortality. Research in other countries has also shown that disease and sea lice have caused serious damage to wild stocks.

Proponents of aquaculture will say "the fish proposed for Grieg Aquaculture in Placentia Bay will be triploid salmon therefore they will be reproductively sterile." This statement is not true. At less 2% of the fish will be reproductively viable. Grieg also professes that the cages will be stronger than previous cages use and will prevent fish from escaping. Again this is not correct. Everywhere in the world where there is cage rearing of salmon there has been large escapements of salmon. Grieg has a poor record of good husbandry.

Mr. Primer, the other issue that you should be aware of is that triploid salmon has a history of poor growth and survival and has shown repeatedly not to be economically viable. If the use of triploid salmon was economically viable, and more environmentally friendly it would be the norm in the aquaculture industry, but it is not. Grieg Aquaculture is deceiving you and your government. They want government money and when the industry fails, they will want more money and bail out. Newfoundlanders will again be pouring good money after bad.

Proponents of aquaculture will say the "farmed salmon contracts the sea lice and disease from the wild fish". This is an absurd statement. New diseases have been introduced by farmed salmon. Although farmed salmon may have contracted the sea lice from wild fish; the wild fish do not cause the epidemics. One does see an epidemic of sea lice or disease in the wild. Sea lice and disease infestations cause millions of dollars in treatments and in compensations. When there are epidemics in sea cages these are passed on to wild salmon. One cannot quarantine or treat wild salmon; they just die. Your government regulations will not prevent sea lice and disease outbreaks nor protect wild Atlantic Salmon. The sea lice and disease are major issues which have and will continue to cost industry and governments millions of dollars.

Mr. Primer it is really disheartening that you do not acknowledge these risk to wild salmon populations. It is not acceptable that our elected government will allow the destruction our natural environment. This is not the legacy you should leave for future generations.

Mr. Primer[redacted] and I request, in the strongest way possible that you not support the expansion of cage rearing of Atlantic Salmon into Placentia Bay. This is another "Sprung Green House" which you will regret.

Sincerely

[redacted]
Thank you for your email of December 12, 2017, to Premier Ball. As Minister responsible for Fisheries and Land Resources, I will respond to your concerns.

Your email touches on many points, and I will try to address your concerns on farmed-wild interactions, triploid salmon, and diseases in farmed fish.

Negative impacts on wild Atlantic salmon are certainly a concern. Decisions on development consider input from all stakeholders and relevant government departments and agencies before granting approvals. Negative impacts should be mitigated by the company, which is done by utilizing industry best practices and innovative solutions. Grieg’s proposed plans, which include using triploid salmon and innovative cage systems specifically engineered for each site, are designed to lessen potential impacts. The specifics of the Midgard cage system have been assessed, and they meet or exceed the strength requirements set out in the Code of Containment (the Code), which contains stringent gear, inspection, and audit requirements for reducing the potential for escapes. The Code has been internationally-recognized for its efficacy in reducing escapes.

I can understand your hesitations surrounding triploid salmon. Historically, performance has been inferior, particularly with triploid trout in this province in the 1980s. However, there have been many advances and innovations since this time. Farmers and research institutions in Europe have recently performed multiple large-scale research projects on commercial sites, which have seen some promising results. There have been advances in triploid feed and husbandry, such as larger smolt sizes and the inclusion of higher phosphorus and histidine levels to combat the skeletal deformities and cataracts commonly seen in early trials. Specialized triploid feeds are now readily available from large feed companies such as BioMar. These innovations have advanced triploid performance considerably over that seen in the early years.
All fish stocked in aquaculture sites in this province are tested against known pathogens at the hatchery stage, and must be certified disease-free before they are permitted to be transferred. Once at sea, fish are monitored by an attending veterinarian for signs of disease and treatment is initiated if necessary.

Thank you for your interest in the aquaculture industry of Newfoundland and Labrador. The Provincial Government is committed to achieving its goals as outlined in The Way Forward, including supporting the sustainable growth of the salmonid sector to reach 50,000 tonnes by 2022.

Sincerely,

HONOURABLE GERRY BYRNE, MHA
District of Corner Brook
Minister
Department of Fisheries and Land Resources  
Grieg Newfoundland AS  
October 17, 2017

Summary:  
The Government continues to work with Grieg Newfoundland AS towards the development of its salmon farming operation in Placentia Bay. On October 6, 2017, Grieg NL Sea Farms Ltd. made an application to the Supreme Court for a partial stay of the enforcement order made by Justice Butler. The company claims that it has entered into numerous contracts, including funding contracts with the Government of Newfoundland and Labrador, of which the Applicants will be forced to breach if a partial stay is not granted. To date, no final contracts related to the project have been completed. JPS is currently reviewing the application made by Grieg to provide an overall Government position, including any issues relevant to the claims regarding breach of contracts with Government. Questions expected include “What contracts does Grieg refer to in the recent request to stay the court order to conduct an Environmental Impacts Statement on the project? and “How will this project benefit the Province?”

Key messages:
• Government has reviewed financing and business plan submissions related to the Grieg proposal and have issued a Letter of Offer that is in keeping with the intent of the original MOU signed in October of 2015. No contracts have been finalized or signed.

• Government negotiations regarding potential investment in the project are on hold pending the outcome of the appeal of the court order requiring that an EIS be performed on the project.

• The MOU proposed a Government investment in the $250 million Grieg project of $45 million

• The Grieg Newfoundland AS project proposes to create approximately 138 direct jobs in mainly rural regions of the province around Placentia Bay and is estimated to generate $82.5 million in annual total Gross Domestic Product (GDP) once full production is achieved.

• Aquaculture is a sustainable industry that has proven economic gains for the provincial economy.