

FLR/102/2018

November 20, 2018

Dear Applicant:

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* FLR/102/2018

On October 22, 2018, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

“Any messaging prepared for the fall sitting of the house of assembly during the month of October 2018.”

Please be advised that a decision has been made by the Deputy Minister for FLR to provide full access to the requested information. You will find a copy of responsive material attached.

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
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act* (a copy of this section of the *Act* has been enclosed for your reference).

Please be advised that this letter 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 HollyWarford@gov.nl.ca.

Sincerely,


Holly Warford
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).

KEY MESSAGES

**Fisheries and Land Resources
Aquaculture Safety
October 17, 2018**

Summary:

Since October 2017, there have been nine detections of Infectious Salmon Anaemia virus (ISAv) reported. Three detections were considered non-pathogenic (not known to cause disease). The remaining six detections were pathogenic. These sites were depopulated by harvesting, ensiling or rendering using approved biosecure Standard Operating Procedures (SOPs). One site is currently undergoing depopulation by harvesting.

In July 2018, some 3,000 fish escaped from a Hermitage Bay farm. Approximately 400 were recaptured.

Improvements are being made with regard to recapture methods and procedures, and will be incorporated in the NL Code of Containment for Aquaculture.

Anticipated Questions:

- How does the Province Monitor ISAv?
- What impacts do escaped farmed fish have on wild stocks?

Key Messages:

- The safety and protection of our salmon is the highest priority. Newfoundland and Labrador's aquaculture industry adheres to sustainable best practices and biosecurity.
- Our province provides top-quality seafood raised in accordance with the highest global standards. We are better positioning ourselves as the most environmentally responsible province for aquaculture, and we must have good policies and procedures.
- Aquaculture is one of the most highly-regulated food production industries in the world, so it is critical that we also modernize policies and regulations that guide it. The Department of Fisheries and Land Resources is undertaking a review of the province's aquaculture policies and regulations. We currently have good policy and procedures, but we are going to be even better, and firmly establish ourselves as the most environmentally responsible province for aquaculture.

**Prepared by: FLR Communications
Approved by: FLR Executive**

KEY MESSAGES

Fisheries and Land Resources

George River Caribou

October 17, 2018

Summary:

2018 census results for the George River caribou herd (GRCH) show further dramatic decline; the size of the herd is 5,500 caribou – a 38 per cent decline since 2016 and a 99 per cent decline since 2001. Biologists from Newfoundland and Labrador and Quebec completed the census of the herd in July 2018. The 2018 census indicates that animal predation, disease and habitat are not restricting the herd's recovery.

Minister Byrne met with Indigenous leaders in Labrador in September 2018 to share the 2018 census results and discuss further steps, and again in October 2018 to discuss a co-management agreement to help support the herd's recovery. FLR officials will attend federal consultations on the Species at Risk Act listing for Eastern Migratory, GRCH and Torngat herds in Happy Valley-Goose Bay in late October as observers.

FLR is working with the federal government and Labrador Indigenous governments and communities to consider a very limited and monitored Indigenous harvest to address the desire to maintain Indigenous cultural continuity to the hunt, while limiting and greatly reducing overall human-induced mortality through unsanctioned hunting.

Anticipated Questions:

- What has the Provincial Government done to engage Indigenous groups in GRCH management?
- Why didn't the Provincial Government act on the COSEWIC recommendation to list the GRCH as endangered?
- Why hasn't enforcement been able to curtail unsanctioned hunting?

Key Messages:

- Minister Byrne and FLR officials continue to meet with Indigenous Government representatives to discuss the necessity of cooperation among Indigenous groups to reach an agreement that would help support recovery of the herd.
- FLR continues to conduct intensive monitoring of the GRCH in support of science-based management and decision making, and recognizes that Indigenous cooperation is key to recovery of the herd.
- Labrador is a vast and remote landscape and caribou can be spread over tens of thousands of square kilometers, making enforcement very difficult without community support.

Secondary Messages:

- In 2017 the Committee on the Status of Endangered Wildlife in Canada recommended listing the George River caribou herd as Endangered. The Provincial Government considered the recommendation and at the request of Indigenous governments and communities in Labrador, withheld a final decision on an Endangered listing to allow further consultation and to develop a co-management approach between Indigenous governments and communities and the Government of Newfoundland and Labrador.

Prepared by: FLR Communications

Approved by: FLR Executive

KEY MESSAGES

**Fisheries and Land Resources
Grieg Aquaculture Announcement
October 18, 2018**

Summary:

The Provincial Government is supporting the development of a large-scale aquaculture project by Grieg NL in Placentia Bay. As the company meets its performance and financial viability targets, the Provincial Government will provide repayable financial assistance under the Aquaculture Capital Equity Program (ACEP) of up to \$30 million over seven years in the form of an equity investment through purchase of preference shares. This project positions Newfoundland and Labrador as the second largest aquaculture industry in Canada – second behind British Columbia.

Anticipated Questions:

- What will the development of this project mean for the Burin Peninsula and the province in terms of job creation?
- How can the Provincial Government afford to invest \$30 million into the Grieg NL aquaculture project?
- Are you concerned about the effect on wild salmon?

Key Messages:

- The Grieg project is a game-changer. It will position this province as a leader in Canada's aquaculture industry.
- Our government is pleased to partner with companies like Grieg to create new jobs and business opportunities for the region and province.
- This is a great investment – our REPAYABLE LOAN has helped lever another \$220 million and will create 830 jobs through construction and into operations, as well as another 380 in related sectors.
- This project has undergone a rigorous environment review and the industry regulator will ensure that the project continues to meet the terms and conditions of its approval.
- The Grieg project includes safeguards for wild salmon stock protection that set a world-class standard in aquaculture security. These include:
 - use of sterile, all-female triploid stock supported by comprehensive quality control and assurance, and certifications;
 - robust containment systems that exceed current regulatory standards, which Grieg maintains are escape-proof;
 - commitment to frequent inspections of containment and stock-handling systems;
 - advanced equipment and management strategies that reduce handling and transfer of stock and nets;

- farm fish are to be marked for easy identification in recapture; and
- mandatory public disclosure of disease and escapes within 24 hours.

Secondary Messages:

- In The Way Forward we committed to supporting industry by doubling salmonid aquaculture production, and the Grieg project will make certain we achieve that ambitious goal. Attention and investment from international seafood companies and markets is exactly what we have been working to achieve.
- This agreement directly aligns with the mandate of the Cabinet Committee on Jobs. Each job within the provincial aquaculture industry supports the creation of jobs elsewhere in processing, transportation, service and supply.
- Aquaculture will help to meet the growing global demand for seafood that the wild fishery cannot provide by itself. We are aiming to be the best of the best – a world leader in aquaculture safety, security and production.

Background

The Atlantic Canada Opportunities Agency (ACOA) is also contributing a repayable investment of \$10 million. The company is investing approximately \$210 million. The project is expected to generate approximately 830 new jobs once full production is reached.

Prepared by: FLR Communications

Approved by: FLR Executive