[redacted]

31(1)(l)

Decision/Direction Note
Department of Fisheries, Forestry, and Agriculture

Title: Upper Island Cove Government Wharf and Adjacent Buildings

Decision/Direction Required:

- Whether to enforce Section 25 of the **Lands Act** to obtain ownership of the Upper Island Cove Government Wharf and install restrictive fencing/barriers around wharf and adjacent buildings.
- [redacted]

29(1)(a)

Background and Current Status:

- The site referenced is comprised of a wharf, community staging building, and adjacent storage buildings (Annex 1). As noted in the annex, FFA owns the fisher shed on the left at the beginning of the wharf.
- There are two sections of wharf adjacent to each other. The ownership of the inner portion of the wharf is undetermined and the outside portion and launch way is owned by DFO – Small Craft Harbours.
- Since 2021 FFA has received numerous inquiries from the town Mayor, residents, and the local MHA concerning the poor condition of the wharf (Annex 2).
- On January 3, 2024, the Mayor of Upper Island Cove contacted FFA requesting updates on the Upper Island Cove Government Wharf ([redacted]). 31(1)(l)
- On May 22, 2024, FFA staff were directed to thoroughly investigate the status of the Upper Island Cove Government wharf to assist in developing a recommendation and/or course of action.
- Section 25 of the **Lands Act** relating to the Minister claiming land states:
    - **25.** (1) Where the minister is made aware of an adverse claim with respect to lands that the minister believes are Crown lands, the minister may serve a notice on the adverse claimant personally or by certified mail or, where the adverse claimant cannot be found or is avoiding service, the minister may publish a notice in a newspaper having general circulation in the area in which the lands are located informing the adverse claimant that the minister claims the lands in question as Crown lands.
    - (2) Unless an adverse claimant, who has been served with a notice or with respect to whom a notice has been published under subsection (1), makes an application under *The Quieting of Titles Act* to have the adverse claimant's title judicially investigated within 60 days of the service, receipt or advertisement of the notice a claim that the adverse claimant may have is barred and the claimant has no right to make an application under *The Quieting of Titles Act,* or this or another Act or law in respect to the lands that are the subject of the notice.

Analysis:

- In October and November 2023, the Mayor of Upper Island Cove and the Deputy Minister of FFA exchanged correspondence regarding ownership, divestiture of property, and special assistance funding for site remediation ([redacted]. 31(1)(l)

- On May 27, 2024, TI inspected the Upper Island Cove Government Wharf and adjacent buildings ([redacted]). TI observed severely decayed and collapsing infrastructure and recommended the following: 31(1)(l)
  - [redacted] 29(1)(a)
  - [redacted]
  - [redacted]

- The ownership of the Upper Island Cove Government Wharf has been difficult to determine. Until ownership is confirmed, safety concerns cannot be fully addressed. [redacted] 29(1)(a) [redacted] Ownership would allow the Government of Newfoundland and Labrador (GNL) to secure the property.

- On July 24, 2024, Crown Lands indicated that [redacted] 30(1)(a), 30(1)(b) See Annex 3, blue outlined area, for the section up for transfer through Section 25 of the Lands Act. Section 25 transfer will not impact current DFO ownership.

- Given the poor condition of the wharf and its liability, a path forward for safety mitigation and/or demolition of the structure is necessary.

- [redacted] 29(1)(a)

Alternatives:

[redacted] 29(1)(a)

all redactions on this page are in accordance with S29(1)(a)

[redacted]

Prepared/Approved by: S.Coombs/R. Rice/A. Burridge/B. Hanlon/J. Chippett
Ministerial Approval: Received from Hon. Gerry Byrne

August 15, 2024

[redacted]

Annex 1: Map of Upper Island Cove Government Wharf

Annex 2: Current Condition of the Upper Island Cove Government Wharf

Annex 3: Blue area to be transferred by Section 25 of the Lands Act

Government of Newfoundland and Labrador
Department of Fisheries, Forestry and Agriculture
Crown Lands Administration Division

Newfoundland Labrador

Meters
0 20 40 80 120 160

N
W E
S

Scale
1:2,000
Date: 8/16/2024

NOTE TO USERS

The information on this map was compiled from land surveys registered in the Crown Lands Registry.

Since the Registry does not contain information on all land ownership within the Province, the information depicted cannot be considered complete.

The boundary lines shown are intended to be used as an index to land titles issued by the Crown. The accuracy of the plot is not sufficient for measurement purposes and does not guarantee title.

Users finding any errors or omissions on this map sheet are asked to contact the Crown Lands Inquiries Line by telephone at 1-833-891-3249 or by email at CrownLandsInfo@gov.nl.ca.

Some titles may not be plotted due to Crown Lands volumes missing from the Crown Lands registry or not plotted due to insufficient survey information.

The User hereby indemnifies and saves harmless the Minister, his officers, employees and agents from and against all claims, demands, liabilities, actions or cause of actions alleging any loss, injury, damages and matter (including claims or demands for any violation of copyright or intellectual property) arising out of any missing or incomplete Crown Land titles, and the Minister, his or her officers, employees and agents shall not be liable for any loss of profits or contracts or any other loss of any kind as a result.

For general inquiries please contact the Crown Lands Inquiries Line by telephone at 1-833-891-3249 or by email at: CrownLandsInfo@gov.nl.ca.

Or book an appointment to speak with a regional Crown Lands representative at: https://www.gov.nl.ca/ffa/lands/appointments/

Transportation and Works
Government of Newfoundland and Labrador - Canada

Newfoundland Labrador

SITE VISIT / INSPECTION FORM

Project: Upper Island Cove – Wharf & Building Assessment	**Date:** May 27, 2024
Weather Conditions: ☀ ☁ ☂ ❄ 7° C	**Photos Taken:** yes / ~~no~~
General Contractor: N/A	**Supervisor on site:** ~~yes~~ / no
Site Superintendent: N/A	
C.S.O.	
Sub-Contractors: N/A	
Scope of work being performed: Site Assessment	

- See General Notes Below

General Notes:

** *The following referenced details were confirmed at the time of inspection only* **

** *Additional photos of inspection on shared drive* **

INTRODUCTION

Inspection and initial assessment of wharf and (5) five wooden buildings was performed by Blair Boland and Austin Saunders on May 27, 2024. Exterior visual inspections only as all doors to the buildings were secured with padlocks.

OBSERVATIONS – WHARF

- Large sections of concrete decking are completely undermined and collapsing.
- Retaining wall adjacent to slipway is collapsing.
- Concrete deck pads of the slipway have disengaged and are dropping.

OBSERVATIONS – BUILDINGS

- Electrical has been disconnected from all structures.
- Unable to determine if water supply has been disconnected.
- With the exception of Building 'B', the roof of all structures is severely decayed and in some stage of collapse.
- Signage is in place on Building 'E' warning of hazards on site.
- Wheel guard in place to restrict vehicular traffic to the wharf.

PRIORITIES

29(1)(a)

- [redacted]

CONCLUSION

29(1)(a)

SITE PHOTOS

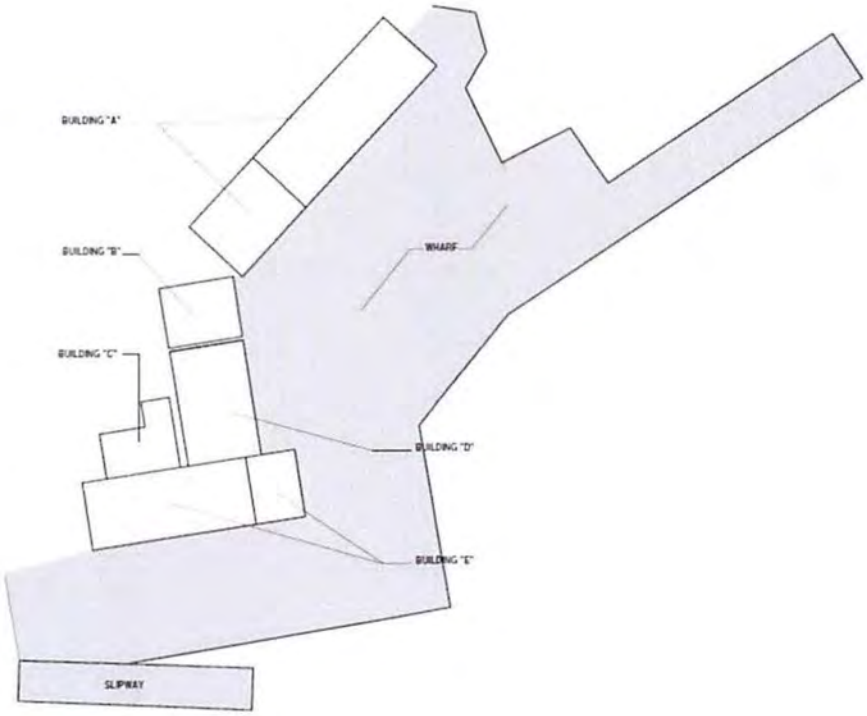


Photo 1: Site Layout

Photo 2

Photo 3

Photo 4

Photo 5

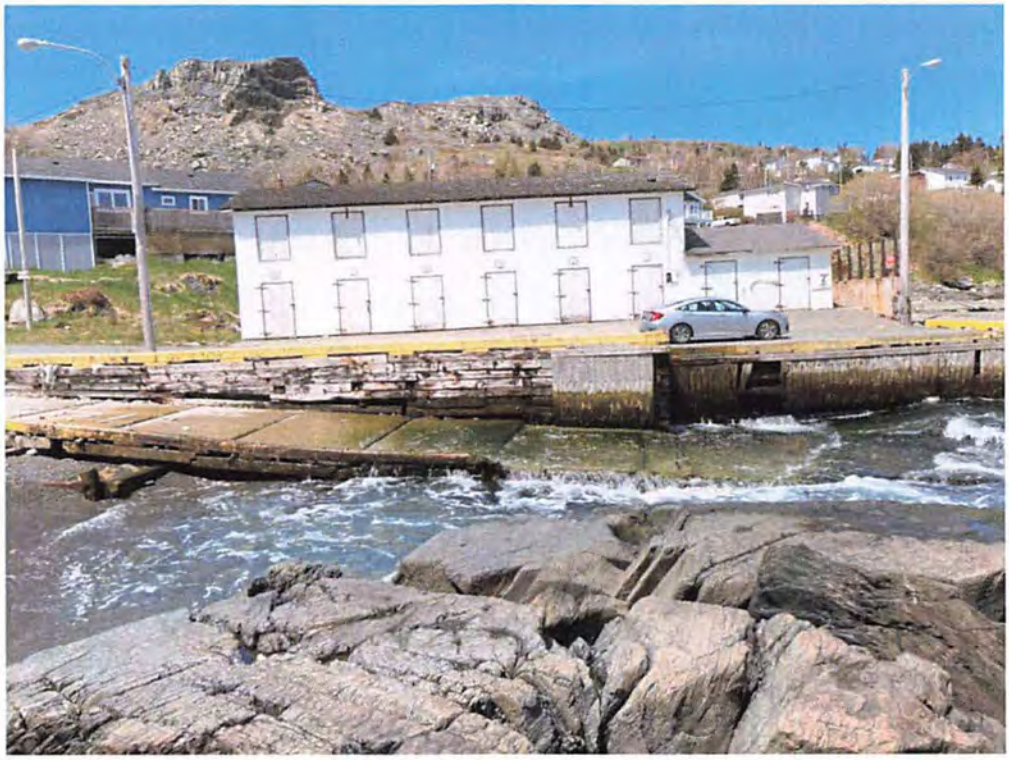


Photo 6

Photo 7

Photo 8

Photo 9

Photo 10

Photo 11

Photo 12

Photo 13

Photo 14

[redacted] 31(1)(l)

Information Note
Department of Fisheries, Forestry and Agriculture

Title: European Union (EU) Fitness Check on Seal Products Trade Regulations

Issue: The EU Commission has initiated a public consultation process to review its trade ban on seal products and the Government of Newfoundland and Labrador (GNL) has an opportunity to submit a position paper.

Background and Current Status:

- In 1983, in response to widespread concerns about the annual killing of certain seal pups, the EU prohibited the import of products from two seal pup species, Harp seal ('whitecoat') and Hooded seal ('blue-back'), into the EU. Since 2009, the EU has prohibited the placing of any seal products on the EU market.

- In 2010, Canada and Norway launched a World Trade Organization (WTO) dispute over the 2009 ban, but it was upheld by the WTO on the grounds of a "legitimate exercise of public morality." However, the WTO found that the EU's Indigenous Communities (IC) exemption allowing seal products from Greenland into the EU was discriminatory against Canada.

- In 2014, Canada and Norway appealed the WTO Panel ruling but the WTO Appellate Body upheld the trade ban. The EU subsequently worked with Canada to permit Canada's Indigenous Communities to avail of the IC exemption, coming into effect in 2015. Since then, the Governments of Nunavut (NU) and Northwest Territories (NT) have been recognized bodies under the EU's IC exemption.

- The trade ban applies to seal products produced in the EU and to imported seal products, with two exceptions:
    - The placing on the EU market is allowed for seal products that qualify under the "Inuit and other indigenous communities" exception, provided several conditions are fulfilled and these products are accompanied by an official document attesting their origin. This is because seal hunts traditionally conducted by the Inuit and other indigenous communities contribute to the subsistence of these communities and as such do not raise the same public moral concerns as seal hunts conducted primarily for commercial reasons.
    - The second exemption allows the import of seal products where it is of an occasional nature and consists exclusively of goods for the personal use of travelers or their families.

- Under the EU Regulation regarding trade in seal products, the EU Member States are required to submit to the EU Commission by December 31, 2018, and every four years thereafter a report outlining the actions taken to implement the regulation. In 2023, the EU Commission released a report concluding that the regulation seems to work well in preventing the placing of seal products on the EU market outside the IC exemption.

- The EU Commission recently launched a full evaluation of the Regulation in Seal Product and of the Seal Pup Directive. The consultation will be open until August 7, 2024. The Call for Evidence document is posted on the EU Commission website at https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14031-Trade-in-seal-products-fitness-check-of-EU-rules_en.

Analysis:

- DFO has been coordinating meetings with government and industry stakeholders on this issue and is in the process of developing its position paper to submit to the EU Commission. The Fur Institute of Canada through the Seals and Sealing Network is also working with all Canadian seal industry stakeholders to develop a concerted response to the EU's Call for Evidence.

- Regarding the EU's indigenous exception, the recognized bodies in Canada (i.e., NU and NT) consider that the Regulation is perceived in the EU as a total ban on trade in seal products, that the "Inuit or other indigenous communities" exception is not sufficiently well known in the EU, and that this has an impact on the economic development of their Inuit/Inuvialuit communities. The exports of seal products from Canada to the EU are insignificant. Greenland continues exporting seal products to the EU, mainly to Denmark. A small number of imports from Greenland and Canada were not reported by the relevant EU competent authorities.

- Some EU countries around the Baltic Sea reported increasing seal populations causing damage to fish stocks and fishing gear. These countries feel the regulation has a negative impact on their countries since the exception was removed allowing the sale of seal products resulting from the culls conducted for the sole purpose of sustainably managing marine resources.

- For Newfoundland and Labrador, the EU ban on seal products is economically detrimental to indigenous and rural communities. Exploding seal populations threaten the stability of critical fish stocks, thus jeopardizing the broader marine ecosystem. Lifting the EU ban would reopen key markets and help create a balanced and sustainable marine environment. It will restore the economic health of coastal communities and enhance the livelihoods of thousands of families dependent on this traditional industry.

Action Being Taken:

- FFA will continue to collaborate with government and industry stakeholders to share respective responses to the EU's Call for Evidence.

- FFA has prepared a position paper ([redacted] 31(1)(l)) and will coordinate with Intergovernmental Affairs Secretariat to submit the position paper on behalf of GNL to the EU's Call for Evidence by August 7, 2024.

Prepared/Approved by: S. Barry/ A. Burridge/ B. Hanlon/ J. Chippett
Ministerial Approval: Received from Hon. Gerry Byrne

July 17, 2024

[redacted] 31(1)(l)

Decision/Direction Note
Department of Fisheries, Forestry and Agriculture

Title: Funding request for Labrador Lobster Habitat: Fishery Opportunities in a Changing Marine Environment

Decision/Direction Required:

- Whether to approve $20,143.84 in funding from the Fisheries, Forestry and Agriculture (FFA) Fisheries Research Grant Program (FRGP) for the Fish Food and Allied Workers Union (FFAW) to conduct an initial survey of lobster habitat in southern Labrador.

29(1)(a)

- [redacted]

Background and Current Status:

- The objective of the FRGP is to provide funding for research initiatives that enhance understanding of key adjacent fish stocks as well as the province's role in contributing to sustainable fisheries management. The program was introduced in 2006 as a research grant program for cod recovery initiatives, known as the Cod Recovery Program. In 2011, the program expanded to include research on other commercially harvested species and was renamed the Fisheries Research Grant Program. The FRGP budget is $100,000.

- American Lobster (Homarus americanus) is typically distributed nearshore around the island of Newfoundland and the Strait of Belle Isle portion of the Labrador coast. The fishery takes place in 16 Lobster Fishing Areas (LFAs) (Annex 1) during an eight-to-ten-week season in the spring. In Newfoundland and Labrador (NL), the lobster fishery is an effort-controlled fishery with no assigned quota or Total Allowable Catch (TAC) but abides by restrictive licensing and daily trap limits.

- American Lobster thrive in water temperatures from 5 to 20 degrees Celsius. Researchers have predicted that as ocean temperatures rise due to climate change that lobster will migrate more northernly, creating new fishing opportunity.

- The most recent stock assessment conducted in 2022 stated that all key indicators including biomass indices and recruitment levels are displaying sustained signs of growth throughout all assessment regions in the province, and the foreseeable future appears to be favorable.

29(1)(a), 35(1)(d)

- [redacted]

Analysis:

- This project aims to support ongoing discussions and decision-making for the expanding and lucrative lobster fishery in the province. The project could also help harvesters understand adapting to changing marine environments and species distributions, an important concept as ocean trends continue to change.

- Valuable fish stocks such as gulf and northern shrimp have seen extreme decline, and snow crab is projected to decline in the near future, causing economic impacts for the province and its fishing industry. This project may discover a viable fishing opportunity for American lobster in new areas, creating opportunity for economic growth.

- The FRGP states in its proposal criteria that projects must enhance our understanding of the province's fish stocks and key adjacent fish stocks that support NL's role in contributing to sustainable fisheries management. The proposal submitted by FFAW is a research initiative that meets the criteria for the FRGP as it will improve understanding of key adjacent fish stocks and contribute to improved sustainable fisheries management.

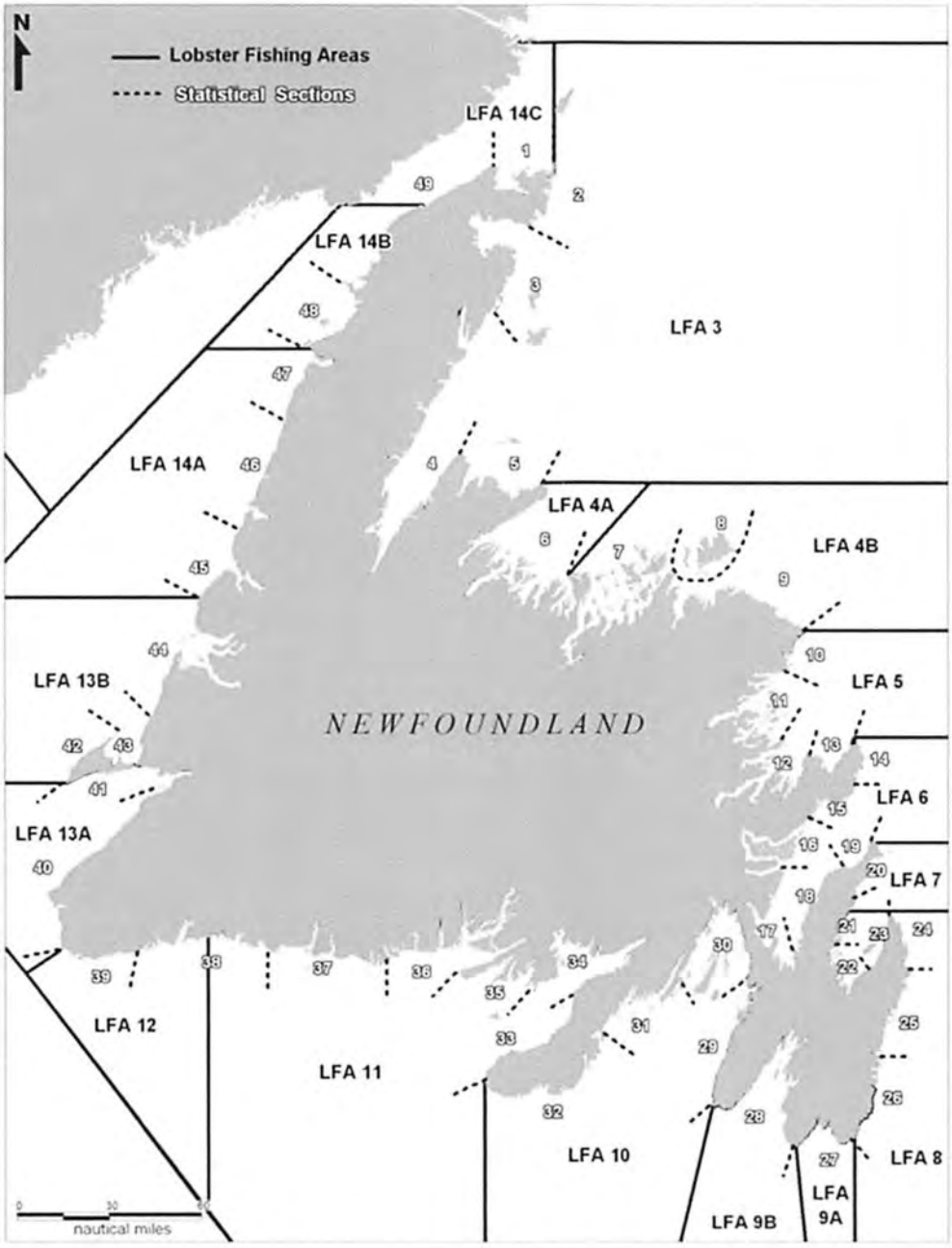
- This project proposal requests $20,143.84 for a one-year project duration. There is sufficient remaining budget for the FRGP for 2024-25 for this project. A report and presentation of data summaries is anticipated to be completed prior to Spring 2025. Project findings will be reported to FFA and DFO directly.

Alternatives:

29(1)(a)

Prepared/Approved by: S.Coombs /R. Rice /A. Burridge/ B. Hanlon/ J. Chippett
Ministerial Approval: Received from Hon. Gerry Byrne
July 31, 2024

Annex I


N
Lobster Fishing Areas
Statistical Sections
LFA 14C
LFA 14B
LFA 3
LFA 14A
LFA 4A
LFA 4B
LFA 13B
LFA 5
NEWFOUNDLAND
LFA 6
LFA 13A
LFA 7
LFA 12
LFA 11
LFA 10
LFA 8
LFA 9A
LFA 9B
nautical miles

[redacted] 31(1)(l)

Decision/Direction Note
Department of Fisheries, Forestry and Agriculture

Title: Ocean Trout Canada Inc./Nova Fish Farms Inc. request for Department of Fisheries, Forestry and Agriculture to enter into a Non-Disturbance Agreement

Decision/Direction Required:

- Whether to enter into a Non-Disturbance Agreement with Ocean Trout Canada Inc./Nova Fish Farms Inc. to facilitate securing expansion funding.
- 29(1)(a) [redacted]

Background and Current Status:

- Ocean Trout Canada (OTC) began operations in 1988 and has operations in Prince Edward Island, Nova Scotia and Newfoundland and Labrador (NL).
- Nova Fish Farms (NFF) is the Newfoundland and Labrador subsidiary of OTC and currently holds seven Steelhead trout licenses for the following locations: Roti Bay (AQ317), Muddy Hole (AQ 500), Roti Bay Site #5 (AQ 751), Hardy Cove (AQ 752), Arran Cove (AQ 823), Roti Bay Site#7 (AQ 1062), and St. Alban's Wharf Site 2 (AQ 1159)
- 29(1)(a), 35(1)(d) [redacted]
- The company has met with the Minister to outline the request for ministerial approval of a Non-Disturbance Agreement with FCC.
- A Non-Disturbance Agreement is a contractual agreement by the lender not to disturb tenant's possession of the property rented/leased in the event of a foreclosure.
- Aquatic Animal Health staff are satisfied with FCC documentation that, as a crown corporation, animal health standards and welfare will be maintained in the event of default.

Analysis:

- OTC/NFF is requesting assurance from the Government of Newfoundland and Labrador that it's leases will remain in place, to secure the long-term debt from the lender.

- Licenses are approved for a six-year term, requiring annual validation, with various terms and conditions that must be met.

29(1)(a), 35(1)(d)

- [redacted]

- OTC/NFF and FCC acknowledge that the Government of Newfoundland and Labrador will continue to exercise regulatory authority, as required, unfettered by this agreement. A letter of comfort has been supplied by FCC.

30(1)(a)

- [redacted]

- The Non-Disturbance Agreement will in no way supersede the legislated regulatory powers of the Government of Newfoundland and Labrador.

- The Agreement will not result in an inequity of regulatory response compared to other companies in the aquaculture sector.

- The Agreement will not interfere with FFA's ability to fulfil the mandate for aquaculture management, apply regulatory remedy, and manage the company equitably in-line with other companies in the sector.

- To date, the department has not endorsed company expansion.

Alternatives:

29(1)(a)

[redacted]

Prepared/Approved by: Dr. D. Whelan/ B. Hanlon/ J. Chippett
Ministerial Approval: Received from Hon. Gerry Byrne
July 31, 2024

[redacted] 31(1)(l)

[redacted] 31(1)(l)

Information Note
Department of Environment and Climate Change

Title: Scientific Research Permit Approval

Issue: To provide an overview of the scientific research permit for Mineral Exploration within the Glover Island Public Reserve (GIPR) requiring Ministerial signature.

Background and Current Status:

- Mineral exploration to be conducted within Public Reserves requires approval from the Minister of Fisheries, Forestry and Agriculture. The Minister receives advice on permit provision from the managing agency, the Policy, Planning and Natural Areas (PPNA) Division of Environment and Climate Change.
- PPNA received a mineral exploration permit application within the GIPR and has conducted an internal review of the permit request.
- The draft permit has been prepared, including recommended conditions, and is attached for Ministerial review and approval.
- Summary of the scientific research permit request:

1. Bryan Sparrow, Galloper Gold Corp. Mineral exploration in Glover Island Public Reserve. During this project, the proponent will conduct mapping, sampling, and diamond drilling for gold, silver, and other base metals.

Action Being Taken:

- Permits and recommended conditions have been drafted and are attached for review and approval by the Minister of Fisheries, Forestry and Agriculture.
- Pending Ministerial approval, Policy, Planning and Natural Areas staff will provide signed permits to the respective applicants.

Prepared/Approved by: A. Coward/ J. Graham/ E. Thompson/ J. Chippett
Ministerial Approval: Received from Hon. Gerry Byrne

July 29, 2024

[redacted] 31(1)(l)

Decision/Direction Note
Department of Fisheries, Forestry and Agriculture

Title: Funding request for Understanding Halibut Distribution and Behavior in 2J3KL

Decision/Direction Required:

- Whether to approve $42,869.33 in funding from the Fisheries, Forestry and Agriculture (FFA) Fisheries Research Grant Program (FRGP) for the Fish Food and Allied Workers Union (FFAW) to conduct satellite tagging of Atlantic halibut in Northwest Atlantic Fisheries Organization (NAFO) division 2J3KL.

- [redacted] 29(1)(a)

Background and Current Status:

- The objective of the FRGP is to provide funding for research initiatives that enhance understanding of key adjacent fish stocks, as well as the province's role in contributing to sustainable fisheries management. The program was introduced in 2006 as a research grant program for cod recovery initiatives, known as the Cod Recovery Program. In 2011, the program expanded to include research on other commercially harvested species and was renamed the Fisheries Research Grant Program. The FRGP budget is $100,000.

- Atlantic halibut (Hippoglossus hippoglossus) is the largest of the flatfishes and ranges widely over Canada's East Coast. Atlantic halibut are a seasonally migratory species that move extensively throughout the North Atlantic Ocean.

- There are currently no estimates of exploitable biomass of Atlantic halibut in 2J3KL. FFAW has stated that Newfoundland and Labrador (NL) harvesters are reporting increased catches of Atlantic halibut from both inshore and offshore areas of NAFO Divisions 2J, 3K and 3L. Atlantic halibut supports high-value and sustainable fisheries in areas such as the Gulf, southern Grand Banks, Scotian Shelf and NAFO area 3Pn. Understanding the distribution and behavior of Atlantic halibut is important for improved management of the species and for developing sustainable fisheries.

- [redacted] 29(1)(a), 35(1)(d)

[redacted] 31(1)(l)

Analysis:

- The goal of this project is to address gaps in scientific data and research. Currently, there is no available estimate of exploitable biomass of Atlantic halibut in 2J3KL. Exploitable biomass estimates rely heavily on data from surveys and tagging programs such as this project. This research has the potential to determine if there is an exploitable biomass of Atlantic halibut in 2J3KL, which could lead to opportunity for economic growth.

- The FRGP states in its proposal criteria that projects must enhance understanding of the province's fish stocks and key adjacent fish stocks that support NL's role in contributing to sustainable fisheries management. The proposal submitted by FFAW is a research initiative that meets the criteria for the FRGP as it will improve understanding of key adjacent fish stocks and contribute to improved sustainable fisheries management.

- The proposal requests $42,869.33 for a one-year project duration. There is sufficient remaining budget for the FRGP for 2024-25 for this project. A report and presentation of data summaries is anticipated to be completed prior to Fall 2025. Project findings will be reported to FFA.

Alternatives:

29(1)(a) [redacted]

Prepared/Approved by: S.Coombs/ R. Rice/ A. Burridge/B. Hanlon/ J. Chippett
Ministerial Approval: Received from Hon. Gerry Byrne

August 6, 2024

[redacted] 31(1)(l)

Decision/Direction Note
Department of Fisheries Forestry and Agriculture

Decision/Direction Required:

- Whether to add sea cucumber as an exclusion to Section 22 of the **Fish Inspection Operations Regulations**.

- [redacted] 29(1)(a)

Background and Current Status:

- Section 22 of the **Fish Inspection Operations Regulations** (regulations) states:
  - A person shall not process fish that is tainted, decomposed or unwholesome and shall not process dead shellfish, except shrimp and squid.

- As per the interpretation section of the regulations:
  - (o) "shellfish" means mollusks, crustaceans or echinoderms or products from any of them intended for human consumption.

- Both Sea Cucumber and Sea Urchins are echinoderms and therefore subject to section 22 of the regulations. [redacted] 29(1)(a)

- The sea cucumber fishing season is June 1 to December 31, or until all quota has been harvested. The season dates attempt to avoid the spawning period for Sea cucumber which is late March to early May.

- In 2023, 5,964 t of sea cucumber was landed in NL which corresponded to a landed value of $9,729,422. Average price was $0.74 per pound.

- In 2023 there were five active sea cucumber processors totaling approximately 3,760 t of sea cucumber processed in NL, including
  - Quin-Sea in Cape Broyle [redacted]
  - Fogo Island Co-Op Society [redacted]
  - Ocean Choice International in St. Lawrence [redacted] Sec 4 - Fisheries Act
  - Golden Shell Fisheries in Hickman's Harbour [redacted]
  - Green's Seafoods in Winterton [redacted]

- [redacted] 29(1)(a), 31(1)(a)

all redactions on this page are in accordance with S29(1)(a) & S35(1)(d) unless otherwise noted

29(1)(a), 31(1)(a)

- [redacted]
- [redacted]

Analysis

- The Fish Inspection Act and associated regulations are designed to work in tandem with the Quality Assurance Program to ensure that seafood from Newfoundland and Labrador is of the utmost quality and safe for human consumption. FFA takes enforcement action whenever required to ensure the highest quality standards are being met for Newfoundland and Labrador seafood products.

- Some processors claim that industry should self-regulate, but the decision taken by the provincial government is that food quality and safety standards must be enforced by regulation to ensure that the best market value is achieved. Because the province's fishing industry exports products to over 40 countries, it is important that the province's reputation for premium quality is safeguarded to protect the market value of its seafood products.

- [redacted]
- [redacted]

- The most common sea cucumber products produced in the province are butterfly cut (skin with/without meat, dry or frozen) and cocoon cut (skin with meat, dry or frozen). The butterfly cut process consists of cutting the cucumber along its body wall to remove internal organs (gutting), the resultant sea cucumber is "unrolled", which provides a butterfly-like shape. [redacted], the cocoon cut process [redacted] consists of cutting the flower to create an opening for gutting. Gutting is done through a uniquely designed cleaning tool or vacuum.

- The cocoon cut provides a higher value in the world market over the butterfly cut because the end product maintains the animals original shape and is more eye-appealing and versatile. [redacted]

- [redacted]
- The closest process comparison is shrimp which are processed in a similar manner where they are kept in a controlled environment to mitigate health risks and prepare them for processing. Shrimp already has an exemption from section 22 of the regulations allowing them to be processed dead.
- [redacted]
- [redacted]
- Unlike crab where death can quickly result in a loss of meat quality, the sea cucumber process [redacted] results in a highly desired end product for consumers and takes planned precautions to mitigate health concerns.
- [redacted]
- [redacted] 29(1)(a)
- [redacted]
- [redacted]
- [redacted] 29(1)(a), 31(1)(a)
- [redacted] 29(1)(a)
- [redacted] 30(1)(a), 30(1)(b)

Alternatives:

[redacted] 29(1)(a)

29(1)(a)

[redacted]

Prepared/Approved by: C. Howell / B. Hanlon / J. Chippett
Ministerial Approval: Received from Hon. Gerry Byrne

August 16, 2024

[redacted] 31(1)(l)

Decision/Direction Note
Department of Fisheries, Forestry and Agriculture

Title: Whether to appoint Brian Delaney to do an independent review of Newfoundland and Labrador Snow Crab inspection ecosystem.

Decision/Direction Required:

- Whether to appoint Brian Delaney to review the Newfoundland and Labrador Snow Crab inspection ecosystem including:
  (1) The current methodology used by FAA inspectors;
  (2) The methodology used by Independent Dockside Graders (IDG);
  (3) The methodology used by Canadian Food Inspection Agency (CFIA) inspectors; and,
  (4) Canadian/Global cross jurisdictional information.
- [redacted] 29(1)(a)

Background and Current Status:

- Snow crab is the most valuable seafood product in the province, with exports of over 35 thousand tonnes (primarily sections or clusters) valued at approximately $615 million in 2023, accounting for 56% per cent of total seafood exports by value.
- The province's fish harvesting and processing sectors are highly dependent on snow crab for most of its generated revenue and employment. In 2023, there were 23 active snow crab facilities throughout the province generating an average of 11.3 weeks of employment.
- More than 6,500 fish plant workers were employed in the processing sector in 2023. This included over 600 temporary foreign workers who have become more prevalent in recent years due to the province's aging workforce.
- In 2024, inspectors have performed approximately 35(1)(d) 1,300 inspections and patrols, issued 20 formal warnings, 20 summary offence tickets, and ordered disposal of approximately 200,000 lbs. of snow crab and approximately [redacted] of lobster. Of the 20 formal warnings, four have been given to fish processors for processing dead snow crab (i.e. cutting legs off decomposed/black shoulders on what is commonly referred to as the "buffet line"). Facilities include:
  - [redacted] 31(1)(a)
- The majority of the formal warnings and Summary Offense Tickets issued are for height violations (fish stacked exceeding 90 cm in height). [redacted] 31(1)(a)
- On August 1, 2024 in a news conference held by the Association of Seafood Producers and some of its member processing companies, statements were made regarding inconsistencies between IDG methodology and technology and that used by FFA Inspectors. Jeff Loder, Executive Director and Chief Negotiator with the Association of Seafood Producers (ASP), has recently been quoted in a news article as saying that the

all redactions on this page are in accordance with S29(1)(a)

protocols being used by provincial inspectors to determine dead or critically weak crab are outdated and need to be changed.

Analysis:

- Given the recent public debate regarding the methodology used by FAA inspectors and IDG combined with the differing approach currently used by the CFIA the Department is requesting an independent review of the following:
  - (1) The current methodology used by FAA inspectors;
  - (2) The methodology used by IDG graders;
  - (3) The methodology used by CFIA inspectors; and,
  - (4) Canadian/Global cross jurisdictional information.

- The goal of the review is to ensure the FAA regulatory regime regarding snow crab food quality and safety are up to date and not unintentionally impacting the snow crab industry.

- [redacted]
- [redacted]

Alternatives:

[redacted]

Prepared/Approved by: B. Hanlon/ J. Chippett
Ministerial Approval: Hon. Gerry Byrne

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[redacted]