

From: Shaw, Kerra
Sent: Friday, March 25, 2022 12:32 PM
To: McCorquodale, Brenda
Subject: RE: Non-compliance letter for your review

It is not that unusual that something unexpected occurred where we chose not to come down heavy from a non-compliance perspective – a boat broke down so the benthic monitoring happened 4 days after peak, the sat phone was out, so an event was reported a bit more than 24 hours later, etc.

This type of “low risk” letter goes out quite regularly, with different elements of detail. In the past, even if there is a “good reason” not to be in compliance, we still usually insert that standard language written by C&P about possible further action. I actually already shortened that paragraph, which usually says something about us being able to charge them for every day of non-compliance, etc. But I can fully remove if you’d rather.

Up to you about letting Neil know – did we already brief through ROCs that there were 8 farms out of compliance – 4 for this plankton reason, and 4 for other reasons? Maybe we can update again and say the plankton farms received a non-compliance letter AND we are improving COL for 2022 to address this, [REDACTED] [REDACTED] Let me know if you want me to draft any new bullets or anything.

If you’re interested – the way we are proposing to deal with this in 2022 is below (and currently being discussed by the COL internal working group):

Current COL 6.6:

The Licence Holder must ensure that sea lice numbers are below threshold 6.2 at the time of the first Counting Event of the Out-migration Window.

Future COL 6.6:

6.6 The Licence Holder must ensure that sea lice numbers are below threshold 6.2 at the time of the first Counting Event of the Out-migration Window, unless the Department confirms they are unable to count or treat fish due to conditions outlined in Section 6.9.

And 6.9 clarifies which environmental and other situations exclude handling, along with a requirement for the submission of supporting documentation.

From: McCorquodale, Brenda <Brenda.McCorquodale@dfo-mpo.gc.ca>
Sent: Friday, March 25, 2022 7:33 AM
To: Shaw, Kerra <Kerra.Shaw@dfo-mpo.gc.ca>
Subject: RE: Non-compliance letter for your review

Thanks Kerra – I agree that if we are acknowledging the extenuating circumstances I don’t think that paragraph about being out of compliance and us potentially taking further legal action is required.
Is this a type of letter we normally would issue or would you say it is out of the ordinary? I am good with it but if it isn’t a part of our normal process I might want to just alert my boss.
Brenda

Brenda McCorquodale (she/ her/ elle)

s.21(1)(a)

s.21(1)(b)

Acting Regional Director, Fisheries Management (March 21 – 25, 2022)

Director / Directrice