



Government of Newfoundland and Labrador
Department of Natural Resources

August 21, 2019

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* (File # NR-133-2019)

On July 24, 2019, the Department of Natural Resources received your request for access to the following records/information:

Any and all records excluding cabinet records, drafts if a final document exists, news releases, media monitoring or publicly available documents in the custody and control of the Department relating to METHYLMERCURY. You can refine the search to the past year

I am pleased to inform you that a decision has been made by the Department of Natural Resources, confirmed by the Deputy Minister, to provide access to the requested records. The records are attached.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (the *Act*). 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.

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
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*.

Please be advised that this letter will be published following a 72 hour period after it 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 letter posted to the Office of Public Engagement's website within one business day following the applicable period of time.

If you have any questions, please feel free to contact me at 709-729-0463 or rhynes@gov.nl.ca.

Sincerely,

A handwritten signature in cursive script that reads "Rod Hynes".

Rod Hynes
ATIPP Coordinator

Comments on the Monitoring and Health Management Oversight Committee (MHMOC) Terms of Reference (TOR)

- NR has reviewed the draft TOR and letter and thanks MAE for drafting the documents and providing NR with an opportunity to review.
- NR's general comment and request is for timelines to be clearly identified. Please consider and factor into the text any potential impacts on LCP first power and commissioning dates. NR understands the MHMOC will not impact these dates.
- The Independent Expert Advisory Committee (IEAC) was created in March 2017 to oversee and provide independent assessment of the adequacy of mitigation, monitoring and management measures for the protection of the health of the Indigenous and local population impacted by the Lower Churchill Project (LCP). One of the IEAC's focus areas was on potential increases of methylmercury in country foods in the Churchill River near Muskrat Falls and downstream, all along the river and including Lake Melville.
- The IEAC provided the Minister of MAE four final recommendations in April 2018 including #2:
 - "The IEAC recommends that an independent body oversee the design and implementation of a monitoring program for the Lower Churchill Project, ensuring that it is community-based, and that it provides information that is relevant to the protection of human health."
- This recommendation is the basis for the MHMOC, which will be tasked with providing recommendations for "adapting, overseeing and developing pre-established benchmarks for interpretation of monitoring results for a community-based methylmercury monitoring program".
- The TOR for the creation of the MHMOC are similar to the TOR that created the IEAC. It was accompanied by a draft letter which states that Government asked Nalcor to "devise a plan to pursue wetland capping in areas where feasible to do so without impacting the project schedule". It also noted that Nalcor will provide the budget for the committee's work.
- After review, and not knowing when the committee will start work, NR notes the following comments:

Draft letter:

- 5th paragraph – what is the purpose of the square brackets? The paragraph raises questions and the intent of the paragraph is not clear.
- 5th paragraph – it states "an update on these activities by Government of NL and Nalcor officials will take place at the upcoming meeting" – what meeting does this refer to?

MHMOC TOR:

- Under "Mission" (p.1) – it states "to provide recommendations for adapting a community-based ..." – should it be "adopting" instead of "adapting"?

- Under “Mission” (p.1) – it states “to develop pre-established benchmarks” – the term “develop pre-established” is confusing - please clarify.
- “Under “Mandate” (p.1) – it states that other provincial and federal departments may use their departmental legislative powers” – will the MHMOC contact these departments to discuss the legislative powers and how they can be used?
- Under “Mandate” (p.1, 3rd bullet – establishment of benchmarks and development of appropriate responses) – there is no timeline associated with this. Please clarify.
- Under “Objectives” (p. 2, #1 - review monitoring plan and all existing EAs related to methylmercury with a goal of ensuring that results respond to Indigenous and local concerns”) – what happens if they cannot reach that goal? There is no time line set.
- Under “Responsibilities” (p.2, 3rd bullet – directing any new research to be completed and recommending to the responsible ministers any monitoring and mitigation measures deemed necessary as a result of that research) – it does not speak to costs. What are impacts on LCP costs?
- Under “Responsibilities” (p.2, 4th bullet – providing recommendation to ministers or regulators”) – could this impact LCP project schedule?
- Under “Oversight Committee” (p.3) - The IEAC had 3 non-voting members (2 governments and Nalcor) but the MHMOC has all members voting. With so many voting members delays could occur in trying to establish a majority/consensus. Please consider potential impacts on LCP project schedule.



Communications Support Plan

Release of Methylmercury Assessment

Consulted With: Gilbert Bennett, Peter Madden	Date Drafted: Aug 10 2018 Drafted By: Renee Paul	Release Dates: Aug 13 to Labrador Indigenous groups August 16 on Muskrat Falls website
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BACKGROUND

For decades, Nalcor Energy has been studying potential effects of methylmercury (MeHg) and collecting extensive baseline data on MeHg. Nalcor is focused on understanding the potential for increases of MeHg in the lower Churchill River system, particularly downstream of Muskrat Falls. Nalcor continues to improve its understanding of the Muskrat Falls reservoir and its potential impact on people living in the area and downstream of the project. The project team has been working closely with independent technical experts and consultants from across the country to better understand this complex topic, and years of research and data have been collected in the local area.

Recent Comprehensive Assessment by Scientific Experts:

In 2016, Dr. Ryan Calder (formerly of Harvard University) developed a detailed predictive model of methylmercury production for the area affected by the Lower Churchill Project (Calder et al. 2016). In response to the research released by Calder et al, Nalcor determined that it needed to update and confirm its research on MeHg which was undertaken for environmental assessment for the Lower Churchill Project generation project. In late 2016, Nalcor engaged industry-leading experts to undertake a comprehensive assessment based on best available science to predict increases in methylmercury concentrations in water, fish and seals in the Muskrat Falls reservoir and downstream in Goose Bay and Lake Melville.

The experts used data from the real world to validate assumptions made in the models used to predict increases in MeHg concentrations.

A number of different approaches were used to confirm the potential changes to MeHg concentrations to the future Muskrat Falls reservoir.

In addition, over 10,000 samples from Nalcor's comprehensive aquatic environmental effects monitoring program were utilized by Wood Environment & Infrastructure Solutions to determine how key fish and seal species would interact in areas where MeHg is predicted. Empirical and life history data were used to determine that only three species (rainbow smelt, brook trout and ringed seal) are at potential risk of changes in MeHg concentrations in Goose Bay and Lake Melville.

This information was used to determine the potential impact of methylmercury on human health from the Muskrat Falls generation project. Azimuth Consulting determined changes to recommended weekly dietary intake for the three species that Wood Group identified. This information was based on Health Canada guidance.

In the next few months, Dillon Consulting will develop a technical memo to update the baseline Human Health Risk Assessment that was previously completed during the Environmental Assessment with the research summarized above.

Ongoing Monitoring Programs:

Monitoring for methylmercury in water is currently taking place in various locations in the lower Churchill River area. In October 2016, Nalcor engaged Amec Foster Wheeler (now Wood) to undertake water and sediment sampling. This program includes baseline, impoundment and post-impoundment sampling of water at 13 locations from upstream of the future Muskrat Falls reservoir downstream to Rigolet.

Through its aquatic environmental effects monitoring program, Nalcor has been collecting information on species distribution within and downstream of the Muskrat Fall reservoir. This program analyzes information collected since 1998 regarding their abundance, trophic position within the foodweb, and baseline MeHg concentrations.

SITUATION ANALYSIS

IEAC Recommendations:

- The purpose of the Independent Expert Advisory Committee (IEAC) was to make recommendations on mitigating potential impacts of methylmercury on human health from the Muskrat Falls Project. The IEAC provided its recommendations to the Provincial Government in April 2018. At this time no decision on the IEAC recommendations has been publically communicated with stakeholders.

Recent Assessment compared to the research conducted by Calder et al.

- Through the research conducted by Calder et al which was promoted by the Nunatsiavut Government, Harvard University (who was a contributor to Calder et al research) has become a credible source among the public and some Indigenous groups on potential impact of MeHg on human health from the Muskrat Falls Project.
- To reaffirm our predictions about the risk of MeHg on human health, we engaged industry-leading experts to undertake a comprehensive assessment based on best available science to predict increases in methylmercury concentrations in water, fish and seals in the Muskrat Falls reservoir and downstream in Goose Bay and Lake Melville.
- The human health assessment, while utilizing different tools, considered the same steps as the Calder et al. research, including modelled methylmercury flux from the reservoir, modelled methylmercury transport into the Goose Bay and Lake Melville environments, predicted increases in harvested fish, and exposure to humans.
- The human health assessment undertaken by expert consultants was based on, and validated by the empirical data available. All empirical evidence and this assessment contradict the predicted risk to human health claimed by Calder et al. The Calder et al. research is not consistent with any empirical data.

Consultation with our Stakeholders:

- As part of our commitment to consult with Indigenous groups near the project site, we plan to share the results of this assessment with representatives of Innu Nation, Nunatsiavut Government, and NunatuKavut Community Council.
- Following engagement with Indigenous groups, Nalcor will post the package of documents that make up this assessment on the Muskrat Falls website.

TARGET AUDIENCES

- Government of NL: Premier's Office, Natural Resources and MA & Env.
- Indigenous groups: Innu Nation, Nunatsiavut Government, & NunatuKavut Community Council
- General Public (via Muskrat Falls website)

COMMUNICATION STRATEGY AND APPROACH

- Inform Government and Indigenous groups about the latest results and information of the assessment undertaken by experts on the potential impact of methylmercury on human health from the Muskrat Falls Project.
- Post the research on our website with text to briefly explain what the results mean to people in the area.
- Respond to questions from stakeholders as required.

KEY MESSAGES

For decades, Nalcor has engaged leading scientific experts to assess the potential impact of methylmercury created by the Muskrat Falls generation project.

The recent assessment by scientific experts strongly indicates that the creation of the Muskrat Falls reservoir will cause no risk to human health, therefore; people will not need to change their current or future harvesting practices.

Nalcor continues to monitor methylmercury in water and fish and land species. This important information will be provided to people living near the Muskrat Falls facility.

Additional speaking points:

The recent assessment by scientific experts strongly indicates that the creation of the Muskrat Falls reservoir will cause no risk to human health, therefore; people will not need to change their current or future harvesting practices.

- This is primarily because baseline methylmercury concentration for fish and marine mammals are very low and it is not predicted to change in a meaningful way.
- In terms of mitigation, the predictions for bioaccumulation in the project area following impoundment suggest intervention is not needed to protect human health.
- Fish and water chemistry collected since impoundment (up to the current reservoir level of 23 metres) support the predictions made by this assessment. This data supports the assessment and suggests that there is no evidence to necessitate a change in current or future harvesting practices.

- Nalcor will continue to share its research and data observed and collected from Goose Bay and Lake Melville with stakeholders.
- We will continue to work with government, Indigenous groups and stakeholders to develop and share important information about methylmercury with members of the public.

COMMUNICATIONS ACTIVITIES

Activity	Date	Person Responsible
Provide comms plan to Gov't	August 10	Renee Paul (RP)
Finalize package of material to share with Indigenous groups	August 13	RP
Share info with three Indigenous groups <ul style="list-style-type: none"> • Environment Contacts • Innu Grand Chief, President of NCC, and President of NG 	August 13	Peter Madden (PM) Maria Moran
Offer a conference call to Indigenous groups with experts to discuss their recent research	August 13	PM
Post information package on Muskrat Falls website	August 16	RP
Reply to questions from the public	As required	Karen O'Neill