July 21, 2017

Dear [Name],

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: PRE/33/2017]

On June 22, 2017, the Premier’s Office received your request for access to the following records/information:

“All communication between the Premier’s Office and Nalcor Energy related to the water levels in the Muskrat Falls reservoir (between May 1, 2017 and June 21, 2017).”

I am pleased to inform you that a decision has been made by the Chief of Staff of the Premier’s Office to provide access to the requested information.

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 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).

This letter will be published following a 72 hour period after it is sent electronically to you. It is the goal to have the responsive records posted to the completed Access to Information Requests Website within one business day following the applicable period of time.
If you have any further questions, please feel free to contact me by telephone at (709)729-3570 or by e-mail at joybuckle@gov.nl.ca.

Sincerely,

[Signature]

Joy Buckle
ATIPP Coordinator
Enclosure
Buckle, Joy

From: DeanneFisher@nalcorenergy.com
Sent: Tuesday, May 16, 2017 3:55 PM
To: Cannizzaro, Michelle
Subject: Fwd: Tweets re: water levels and MF

Sent from my iPhone

Begin forwarded message:

From: "Karen O'Neill" <karenoneill@nalcorenergy.com>
To: DianaQuinton@gov.nl.ca, "Deanne Fisher" <DeanneFisher@nalcorenergy.com>
Cc: "Renee Paul" <ReneePaul@lowerchurchillproject.ca>
Subject: Tweets re: water levels and MF

We've sent info to stakeholders in Mud Lake in response to their questions on rising water levels in their community.

Here are the tweets I'm about to publish:

Spring thaw in Lab. means water levels upstream & downstream of Muskrat Falls have increased. We haven't released water from MF 1/4

We haven't released water from the Muskrat Falls reservoir & we've been keeping water levels at ~21.5m since spring thaw began 2/4

Pic shows water data from Env Canada. Level upstream & downstream have increased while levels at MF remained the same. 3/4

(See attached file: Collage High Res.jpg)

Current water levels upstream & downstream on Churchill River are typical of this time of yr. View water data from Env Canada at: 4/4

Karen

Karen O'Neill
Communications Manager
Lower Churchill Management Corporation
Nalcor Energy - Lower Churchill Project
t. 709.737.1427 c. 709.690.2012
e. koneill@nalcorenergy.com
1.888.576.5454

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?

----- Forwarded by Karen O'Neill/Nl Hydro on 05/16/2017 03:51 PM -----
Spring thaw in Lab. means water levels upstream & downstream of Muskrat Falls have increased. We haven't released water from MF 1/4

We haven't released water from the Muskrat Falls reservoir & we've been keeping water levels at ~21.5m since spring thaw began 2/4

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FYI. We aren't posting these publicly yet but they're good for your briefings.

Sent from my iPhone

Begin forwarded message:

From: "Karen O'Neill" <karenoneill@nalcorenergy.com>
Date: May 21, 2017 at 8:11:19 PM NDT
To: "Deanne Fisher" <DeanneFisher@nalcorenergy.com>
Subject: Draft of questions and answers

Deanne, here's the first draft of our questions and answers following flooding in Mud Lake.

Once these are signed off on by our technical team they will be circulated publicly and posted on our website.

I will forward the final version of these once completed later this weekend.

Thanks
Karen

(See attached file: Q&A_Water Management_May 21 2017_draft 6.docx)
Questions and Answers following Flooding in Mud Lake

DRAFT AS OF May 21, 2017

1. Nalcor recently released water from the reservoir. Did Nalcor cause the flood in Mud Lake?
   Prior to the start of spring thaw and before May 11, Nalcor reduced water levels in the reservoir from 22.5 m to 21.5 m. This reduction in water elevation level was done in a gradual manner and was made prior to the start of spring thaw. While this water eventually flowed into Goose Bay and Lake Melville (approximately 30 km downstream of Muskrat Falls) it did not cause the flooding of Mud Lake.

2. Some of the spillway gates are open – doesn’t that mean Nalcor is releasing water from the reservoir into the river downstream?
   The spillway gates are regularly adjusted (moved up and down) to allow the water that enters the river through spring melt upstream of Muskrat Falls to pass through the spillway. As noted in the answer to question #3 below, this water cannot be stored in the reservoir and must pass through the spillway. The same amount of water that enters the reservoir is released through the spillway to downstream. The gates are adjusted to maintain the current reservoir level at approximately 21.5 m and no water is being released from storage in the reservoir.

3. Why didn’t Nalcor keep the gates closed and store the water upstream so there wouldn’t be flooding downstream?
   The Muskrat Falls reservoir has limited storage capacity. There is no ability to store water upstream of the facility to help reduce downstream levels.

4. Why is Nalcor moving the gates up and down? Isn’t this releasing more water?
   During spring melt, water levels are being maintained at a constant level of 21.5 m. The water being released through the spillway is from natural spring melt and regular river flows. The spillway gates are regularly adjusted (moved up and down) to allow the amount of water flowing into the reservoir to pass through the spillway and flow downstream. Given there is limited storage capacity in the reservoir, the additional water that enters the river through spring melt must flow through the spillway as it cannot be held back or stored in the reservoir. Through regular stakeholder updates over the winter and spring, Nalcor has been showing pictures of the adjustments of the spillway gates.

5. Why didn’t you do something at Churchill Falls earlier to reduce water levels in the river?
   Nalcor decreased production from the Churchill Falls plant to help reduce water flows into the Churchill River when it was operationally able to do so. It takes about 2-3 days for a reduction in water flows from the Churchill Falls plant to be felt at Muskrat Falls, and longer downstream.
6. How do the river conditions this winter and spring compare with previous years?
   The flowing conditions in the river are consistent with those previously recorded for this time of year. The increase in the water level is part of the yearly spring thaw process.

7. With the building of the temporary cofferdam and spillway has Nalcor changed the flow of the river or increased water levels downstream at Mud Lake?
   The construction of the temporary cofferdam and spillway does not change the flow of the river. Instead of the river flowing over the falls as it previously did, it now flows through the spillway gates. With the cofferdam and spillway in place, this has been no change to water flows or water levels in the river downstream at Mud Lake.

8. Did the construction of the cofferdam and spillway change the creation of ice on the river above and below the spillway? What about downstream at Mud Lake?
   The construction and operation of the cofferdam and spillway did not change the creation of ice downstream of Muskrat Falls.

   In late winter, Nalcor raised the water levels in the reservoir to allow an ice cover to form upstream of the Muskrat Falls site.

9. Nalcor released a lot of water from the reservoir in November. Did that impact water levels and ice formation downstream?
   On November 18, Nalcor lowered the water in the reservoir from 21.5 m down to natural levels. Following this water release, there was no significant impact on the recorded water levels in the Mud Lake area. Water levels and flow rates in the river returned to normal conditions shortly after the water was released from the reservoir. This release of water from storage had minimal impact on water levels downstream and this can be seen from the hydrometric station readings downstream of Muskrat Falls. This release took place before an ice cover formed on the lower Churchill River during the winter of 2016-17. Note: this answer is still draft.

10. Where can I find information about water levels in the river?
    Water levels and flows near and around the Muskrat Falls facilities are currently available from Government of Canada measuring stations located at various points along the Churchill River. This information is accessible to the public on Environment Canada’s website at the following link:
    https://wateroffice.ec.gc.ca/search/real_time_results_e.html?search_type=coordinate&north_degrees=54&north_minutes=0&north_seconds=0&south_degrees=52&south_minutes=30&sout h_seconds=0&east_degrees=60&east_minutes=0&east_seconds=0&west_degrees=61&west_minutes=30&west_seconds=0&gross_drainage_operator=%3E&gross_drainage_area=&effective_drainage_operator=%3E&effective_drainage_area=
11. Has flooding like this ever happened before in Mud Lake?
There are previous documented times of flooding on the lower Churchill River and in Mud Lake. Here are links to some noted flooding events:
April 2000: https://www.youtube.com/watch?v=cLIEDeq1zw

12. Did Nalcor study how the project would affect ice conditions on the river and potential flooding downstream?
The ice impact studies completed over numerous years prior to the construction of the Muskrat Falls facilities. In addition to using historical ice data, Nalcor has been observing ice on the lower Churchill River in relation to the Muskrat Falls Project since 2006 to improve our understanding of current river ice processes. This data informed the design and construction of the Muskrat Falls facilities.

Several reports are available on the Muskrat Falls Project website on the following page under “Ice Studies & Modeling Reports” https://muskratfalls.nalcorenergy.com/newsroom/reports/

13. Is Nalcor currently doing any ice monitoring on the river?
Nalcor has been studying ice conditions on the river since 2006. As a part of the ice formation environmental effects monitoring program, Nalcor is conducting ice monitoring on the lower Churchill River as committed during the environmental assessment. The purpose of the program is to study the freeze-up and break-up of ice at the Mud Lake crossing (an ice road/ice bridge across the Churchill River to Happy Valley-Goose Bay). The program studies ice cover, ice classification and change detection. This program has been ongoing since 2013. Annual reports from the program are available on the Muskrat Falls Project website under “Ice Formation Environmental Effects Monitoring Plan” on the following page:
https://muskratfalls.nalcorenergy.com/environment/generation/.

Here are the links the Ice Observation Survey, Mud Lake Crossing, Lower Churchill River reports:
14. Could Nalcor have predicted there would be an ice jam downstream of Mud Lake?

Ice jamming is a normal and naturally occurring process on northern rivers and has occurred historically at this location. The potential exists for sudden increases in river levels both upstream and downstream of the ice jam. Changes in water levels can occur upstream of the jam as water collects behind the jam. If the jam releases suddenly, a surge of water could be sent downstream.

An ice jam occurred on the Goose River during the 2017 spring break up and flooded the road between Happy Valley Goose Bay and Northwest River/Sheshatshiu.

Note: this answer is draft.

15. Where does the ice that breaks off during spring thaw from above Muskrat Falls go?

The ice that breaks off upstream of the Muskrat Falls facility and that did not melt during spring thaw moves down the river and through the spillway. Some of this ice would have broken up as it flowed through the spillway and anything remaining would join the ice cover below the spillway. This is similar to what happened in previous years when the ice would have ran over the rocks at Muskrat Falls.

16. Has Nalcor shared any information with the public about the water and ice levels on the river?

In an effort to keep our stakeholders informed about the operation of the spillway gates, Nalcor has regularly sent out updates to our stakeholders via email and posted updates on social media (Facebook - @NalcorEnergy and Twitter - #Nalcor) and to our website.

17. What assistance has Nalcor provided to help Mud Lake residents who are affected by the flood?

Our thoughts are with the residents of Mud Lake during this very challenging time. Nalcor has provided financial assistance to the Canadian Red Cross, Salvation Army and local Ground Search and Rescue to help these organizations as they assist those impacted by the flood. We’ll continue to work with the Red Cross and Salvation Army as they identify the needs of the residents of Mud Lake.
Buckle, Joy

From: DeanneFisher@nalcorenergy.com
Sent: Thursday, May 25, 2017 12:43 PM
To: Cannizzaro, Michelle
Subject: Letter
Attachments: Nalcor letter to Govt re installation boom_May 23 2017 v8.docx

Deanne Fisher
General Manager, Corporate Affairs and Corporate Planning
Nalcor Energy
t. 709 733-5299  c. 709 697 3418
e. DeanneFisher@nalcorenergy.com
w. nalcorenergy.com

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?
Dear XXX, (Addressed to the three Indigenous Leaders in Labrador)

Further to discussions held on May 16, 2017, at the Independent Expert Advisory Committee (IEAC) meeting, I have been asked to provide an update and some additional information regarding the installation of the boom above Muskrat Falls.

While the boom is sometimes referred to as an 'ice boom', it actually serves three purposes:

1. It provides a barrier that ensures the safety of recreational users on the Churchill River above Muskrat Falls by preventing them from approaching the spillway. It will also have signage attached to provide a visual warning to river users as they approach the Muskrat Falls facilities.
2. It captures debris in the river upstream of the Muskrat Falls facility and enables it to be removed safely and prevent problems in operating the spillway.
3. It facilitates the formation of a stable ice cover on the Churchill River during freeze-up.

This past December, we were focused on the installation of the boom to help protect the powerhouse and spillway structures from ice conditions during the winter months; however, we were unable to install the boom at that time.

The installation of the boom is essential to ensuring the safety of recreational users on the Churchill River during the summer season. It can be installed as soon as the spring peak water flows pass at Muskrat Falls. We expect conditions to be suitable for in-water work by mid-June and the installation of the boom to be complete by mid-July. Once the boom has been successfully installed and tested, water levels will be reduced below the 21.5 metres to allow for mitigation measures to be undertaken.

To facilitate installation of the boom and protect the safety of workers, water levels upstream of the Muskrat Falls facility are required to remain at an elevation of approximately 21.5 metres until installation is complete. This is consistent with spring thaw and flood conditions and the inundated land has been flooded many times in the past by annual spring run-off.

The boom will be installed approximately one kilometre upstream of the spillway and powerhouse structures and will be created by connecting pontoons to a series of chains, cables and anchors spanning across the river.

I recognize people’s concerns relating to water levels and the potential for methylmercury production. During this winter, water elevations did not reach the planned 25 metres and at no time did it exceed 22.5 metres, again consistent with natural flows.

While we were unable to install the boom as planned last fall, with the summer recreational season approaching, it is essential that this work be completed as safely and quickly as possible.

Regards,

Stan Marshall

Cc: Premier Ball, Minister of Natural Resources
Hi Michelle,

Today, the Muskrat Falls operations team have actioned lowering water levels at the Muskrat Falls reservoir.

The operations team are putting a procedure in place to begin to adjust the spillway gates to lower the water levels in the river above the Muskrat Falls generation facility in a controlled and gradual manner.

The lowering of the water levels in the river above the spillway will be done in a controlled and gradual manner to ensure the safety of the workers in the nearby area and the integrity of the facilities.

It will take several days to gradually and safely lower the water levels from the current elevation of 21.5m to levels that would typically been seen at this time of year.

In recognizing the dangers associated with dams and hydroelectric facilities, Nalcor wants to ensure people are safe when taking part in recreational activities on the lower Churchill River. Users should be aware of the dangers and follow safety signage along the river near the generation facilities.

Thanks
Karen

Karen O’Neill
Communications Manager
Lower Churchill Management Corporation
Nalcor Energy - Lower Churchill Project
t. 709.737.1427 c. 709.690.2012
e. koneill@nalcorenergy.com
1.888.576.5454

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?
Thanks - all good.

Has this been issued?

Thanks
Karen

Karen O'Neill
Communications Manager
Lower Churchill Management Corporation
Nalcor Energy - Lower Churchill Project
t. 709.737.1427  c. 709.690.2012
e. koneill@nalcorenergy.com
1.888.576.5454

You owe it to yourself, and your family, to make it home safely every day. What have you done today so that nobody gets hurt?

Today, under the direction of the Provincial Government, Nalcor’s Muskrat Falls operations team have actioned the lowering of water levels at the Muskrat Falls reservoir to its natural flow.

This action is responsive to commitments agreed upon on October 26, 2016 by the Government of Newfoundland and Labrador, Innu Nation, Nunatsiavut Government, and the NunatuKavut Community Council regarding the health and well-being of the people of Labrador as it relates to the Muskrat Falls project.

Nalcor has indicated that the operations team are putting a procedure in place to begin to adjust the spillway gates to lower the water levels in the river above the Muskrat Falls generation facility. Nalcor has indicated that this release will be completed in a controlled and gradual manner to ensure the safety of the workers in the nearby area and the integrity of the facilities.
Nalcor has also informed that it will take several days to gradually and safely lower the water levels from the current elevation of 21.5m to levels that would typically been seen at this time of year.

In recognizing the dangers associated with dams and hydroelectric facilities, Nalcor wants to ensure people are safe when taking part in recreational activities on the lower Churchill River. Users should be aware of the dangers and follow safety signage along the river near the generation facilities.

From: karenoneill@nalcorenergy.com
Sent: Wednesday, June 21, 2017 5:43 PM
To: Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca>
Subject: Fwd: Lowering reservoir?

FYI

Karen O'Neill
Communications Manager
Lower Churchill Project
o. 709.737.1427
c. 709.690.2012
e. koneill@nalcorenergy.com

Begin forwarded message:
From: "Katie Breen" <kathryn.breen@cbc.ca>
Date: June 21, 2017 at 5:41:12 PM NDT
To: karenoneill@nalcorenergy.com, deannefisher@nalcorenergy.com
Subject: Lowering reservoir?

Hi!

Just saw a Facebook post about the MF reservoir being emptied out. Is that true? I know the latest timeline given was next month but the status says Nalcor's Indigenous liaison indicated otherwise.

- When will Nalcor begin the process of emptying the reservoir?
- How long will the process take?
- How much of the reservoir will be emptied? What will the water level be inside the reservoir once its let out?
- If the process has begun or will imminently begin, could we speak with somebody with Nalcor tomorrow on the morning show?

Thank you!
Katie

This is the post:
I just received a call from Kevin Burt, Indigenous Liaison for Nalcor. He wanted to inform us that they are going to start lowering the water in the Muskrat Falls reservoir. This is in compliance with the meetings that took place with Government and Aboriginal Leaders last November. They are lowering the waters there in a controlled manner.
Again, any information/questions, don’t hesitate to contact me.
“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
The premier's office just confirmed that levels are being lowered.

Can the morning show speak with somebody tomorrow? I think it's important for the people here to hear what exactly the process entails. What to expect, that sort of thing. The original latest timeline given was July and the rational was safety. I'm sure people will want to know how safety will be impacted.

We could do 7:50 Labrador time, 8:20 on the island if that works

Thanks again,
Katie

On Wed, Jun 21, 2017 at 5:11 PM, Katie Breen <kathryn.breen@cbc.ca> wrote:
Hi!

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They are lowering the waters there in a controlled manner.
Again, any information/questions, don't hesitate to contact me.
Can you send me the final? Looks like there might have been a few tweaks to this based on what Katie has posted.

Thanks

Karen O'Neill  
Communications Manager  
Lower Churchill Management Corporation  
Nalcor Energy - Lower Churchill Project  
t. 709.737.1427  
c. 709.690.2012  
e. koneill@nalcorenergy.com  
1.888.576.5454

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Today, under the direction of the Provincial Government, Nalcor's Muskrat Falls operations team have actioned the lowering of water levels at the Muskrat Falls reservoir to its natural flow.

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Nalcor has indicated that the operations team are putting a procedure in place to begin to adjust the spillway gates to lower the water levels in the river above the Muskrat Falls generation facility. Nalcor has indicated that this release will be completed in a controlled and gradual manner to ensure the safety of the workers in the nearby area and the integrity of the facilities.

Nalcor has also informed that it will take several days to gradually and safely lower the water levels from the current elevation of 21.5m to levels that would typically been seen at this time of
year.

In recognizing the dangers associated with dams and hydroelectric facilities, Nalcor wants to ensure people are safe when taking part in recreational activities on the lower Churchill River. Users should be aware of the dangers and follow safety signage along the river near the generation facilities.

From: karenoneill@nalcorenergy.com [mailto:karenoneill@nalcorenergy.com]
Sent: Wednesday, June 21, 2017 5:43 PM
To: Cannizzaro, Michelle <MichelleCannizzaro@gov.nl.ca>
Subject: Fwd: Lowering reservoir?

FYI

Karen O'Neill
Communications Manager
Lower Churchill Project
o. 709.737.1427
c. 709.690.2012
e. koncill@nalcorenergy.com

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Date: June 21, 2017 at 5:41:12 PM NDT
To: karenoneill@nalcorenergy.com, dcanncfishcr@nalcorenergy.com
Subject: Lowering reservoir?

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information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.”
From: Cannizzaro, Michelle  
Sent: Wednesday, June 21, 2017 6:33 PM  
To: 'karenoneill@nalcorenergy.com'  
Subject: FW: Statement from the Premier

Please see the below statement from the Premier:

“Nalcor’s Muskrat Falls operations team have actioned the lowering of water levels at the Muskrat Falls reservoir.

This action is responsive to commitments agreed upon on October 26, 2016 by the Government of Newfoundland and Labrador, Innu Nation, Nunatsiavut Government, and the NunatuKavut Community Council regarding the health and well-being of the people of Labrador as it relates to the Muskrat Falls project.

Nalcor has indicated that the operations team are putting a procedure in place to begin to adjust the spillway gates to lower the water levels in the river above the Muskrat Falls generation facility. Nalcor has indicated that this release will be completed in a controlled and gradual manner to ensure safety.

Nalcor has also informed that it will take several days to gradually and safely lower the water levels from the current elevation of 21.5m to levels that would typically been seen at this time of year.

In recognizing the dangers associated with dams and hydroelectric facilities, Nalcor wants to ensure people are safe when taking part in recreational activities on the lower Churchill River. Users should be aware of the dangers and follow safety signage along the river near the generation facilities.”
Kind regards,

Michelle Cannizzaro  
Director of Communications  
Office of the Premier  
Executive Council  
Government of Newfoundland & Labrador  
8th Floor East Block, Confederation Complex  
P.O. Box 8700, St. John's NL A1B 4J6  

709-729 3960  
michellecannizzaro@gov.nl.ca