February 5, 2019

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, our file # TCII/1/2019

Dear [Redacted]

On January 9, 2019 the Department of Tourism, Culture, Industry and Innovation received your request for access to the following records:

“All correspondence regarding the decision made involving the issuing of the wood permit to AEG/TL Incorporation, and location of wood pellet plant and operations of a sawmill between the following persons from January 2017 to present. - Christopher Mitchelmore - Gerry Byrne - Richards Spinks AEG/TL Incorporation - Department of Fish & Land Resources to include Ted Lewis, George Gibbons, Colin Carroll, Stephen Balsam and Eric Young. - Premier Dwight Ball”

On January 11, 2019 you confirmed that my search for any correspondence between Minister Mitchelmore and any of the other listed individuals, regarding the decision made involving the issuing of the wood permit to AEG/TL Incorporation, and location of wood pellet plan and operations of a sawmill, since January 2017 to present is correct.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Tourism, Culture, Industry and Innovation to provide access to some of the requested information. Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

s.29(1)(a)

Policy advice or recommendations

29. (1) The head of a public body may refuse to disclose to an applicant information that would reveal

(a) advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister;

P.O. Box 8700, St. John’s, NL, Canada A1B 4J6 t 709.729.7000 f 709.729.4858
s. 40(1)

Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Additional correspondence between Minister Mitchelmore and Mr. Richard Spinks has been previously posted on pages 29-35 of the following request: https://atippsearch.gov.nl.ca/public/atipp/requestdownload?id=8970

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 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.

If you have any further questions, please feel free to contact me phone at (709) 729-3356 or by e-mail at heatherbrown@gov.nl.ca

Sincerely,

Heather Brown
ATIPP Coordinator
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 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).
Halliday, Janice

From: Halliday, Janice  
Sent: Friday, February 01, 2019 8:23 AM  
To: Brown, Heather  
Subject: FW: Timberlands International (Newfoundland and Labrador) Ltd: Incorporation Completed

AEG

Fax Halliday
Administrative Assistant
to the Minister
Dept. of Tourism, Culture, Industry and Innovation
2nd. Floor, West Block
Telephone: (709) 729-4729

From: Mitchelmore, Christopher  
Sent: Thursday, January 31, 2019 10:43 PM  
To: Halliday, Janice <janicehalliday@gov.nl.ca>; George, Bradley <BradleyGeorge@gov.nl.ca>  
Subject: Fwd: Timberlands International (Newfoundland and Labrador) Ltd: Incorporation Completed

Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L'lanse aux Meadows

Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. cmitchelmore@gov.nl.ca

Begin forwarded message:

From: Richard Spinks <richard.spinks@aegplc.com>  
Date: April 19, 2018 at 8:17:21 PM NDT  
To: "Mitchelmore, Christopher" <CMitchelmore@gov.nl.ca>  
Cc: "Day, Michael" <MichaelDay@gov.nl.ca>, "King, John M." <jking@gov.nl.ca>, "Young, Eric M." <emyoung@gov.nl.ca>, "Balsom, Stephen" <StephenBalsom@gov.nl.ca>  
Subject: Re: Timberlands International (Newfoundland and Labrador) Ltd: Incorporation Completed

Thanks Margaret

Best
Richard
On Apr 19, 2018, at 15:18, Mitchelmore, Christopher <CMitchelmore@gov.nl.ca> wrote:

Dear Richard,

Thank you for this update and congratulations on your company incorporation.

Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L'anse aux Meadows
Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. cmitchelmore@gov.nl.ca

On Apr 19, 2018, at 5:34 PM, Richard Spinks <richard_spinks@agplc.com> wrote:

Dear All,

Please find attached our incorporation documents. It occurs to me that you need them in your document set.

Kind Regards
Richard

Sent from my iPhone

Begin forwarded message:

<Certificate of incorporation.pdf>
<Articles of Incorporation.pdf>

"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."
Best Regards,

Christopher Mitchelmore, MHA  
St. Barbe-L'anse aux Meadows  

Minister of Tourism, Culture, Industry and Innovation  
Minister Responsible for Francophone Affairs  

t. 709.454.2633  
e. cmitchelmore@gov.nl.ca

Begin forwarded message:

From: Richard Spinks <richard.spinks@aegplc.com>  
Date: April 23, 2018 at 2:21:17 PM NDT  
To: Stephen Balsom <StephenBalsom@gov.nl.ca>, Eric Young <emyoung@gov.nl.ca>  
Cc: [obfuscated]"MichaelDay@gov.nl.ca", John King <jking@gov.nl.ca>, Michael Rowan <michael.rowan@aegplc.com>  
Subject: Fwd: Attached signed commitment

Dear Steve

Following on from our conversation Friday.

Trust this allows GNL to expedite the FMA & CTL without further delay, removing as this does, the concern discussed.

Kind Regards

Richard

Sent from my iPhone

Begin forwarded message:  

From: EUNICE FILLIER  
Date: April 23, 2018 at 17:44:23 GMT+1  
To: Richard Spinks <richard.spinks@aegplc.com>, Antonio Esposito
Subject: Attached signed commitment

Good Afternoon, I am sending as an attachment a signed letter from all contractors, expressing our commitment to AEG.

Looking forward to the next step!!!
Timberlands International (Newfoundland and Labrador) Inc.
Active Energy Group Plc
27-28 Eastcastle Street
London
W1W 8DH
United Kingdom

Attn Richard Spinks, Antonio Esposito
mailto: richard.spinks@aeagplc.com

Roddickton, 4/21/2018

Subject: Wood supply Timberlands International (Newfoundland and Labrador) Inc.

Dear Antonio,

Following our conversation, as president of the Northern Peninsula Loggers Association, an organization consisting of the following members:
- Coates Lumber Company
- Gibbons Construction
- Fillier's Logging
- Tatchell's Logging
- Weir's Constructions

with cutting permits over 44,000 m³ in Districts 17,18, I immediately discussed the opportunity within the association.

With reference to your proposal/project of a Coalswitch™ pellet mill and sawmill in Roddickton NL, we confirm our commitment to sell, and grant a first option to purchase, to Timberlands International Newfoundland and Labrador Inc. the entire timber volume allocated by the Forestry Department of the Ministry of Fisheries and Land Resources to the members of the association.

The contractors of the Association will in turn, as discussed with Timberlands International (Newfoundland and Labrador) executives, receive surety of first rights to harvest timber allocated to the company.

For this purpose, once Timberlands International (Newfoundland and Labrador) Inc. will receive the Forest Management Agreement and Crown Timber License, the parties agree to formalize the above-mentioned arrangements.

Sincerely,

Northern Peninsula Loggers Association

Trevor Fillier

President
Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L'anse aux Meadows

Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. cmitchelmore@gov.nl.ca

Begin forwarded message:

From: Richard Spinks <RGS@aegplc.com>
Date: September 6, 2018 at 12:18:13 PM NDT
To: "Mitchelmore, Christopher" <CMitchelmore@gov.nl.ca>
Subject: [Potential Junk/Spam] Re: Update Briefings: Newfoundland and Labrador: AEG; 17/9-20/9/18

That's a pity.

Perhaps on the way back through will be possible to update you personally.

Best
Richard

Sent from my iPhone

On Sep 6, 2018, at 17:45, Mitchelmore, Christopher <CMitchelmore@gov.nl.ca> wrote:

I am out of province from 17 until 20th for Government meetings.

Best Regards,
On Sep 6, 2018, at 11:56 AM, Richard Spinks <RGS@eagp.co> wrote:

Dear Christopher,

Thanks for your positive response.

I’m planning on arriving in St. John’s from London on the 17th September and spending several days during which I’m hoping to organise meetings with a number of government departments to brief them on the progress that we have made and intend to bring to bear in Newfoundland and Labrador via our investment initiatives.

I would very much appreciate the opportunity to meet with yourself and Minister Byrne during that week and if possible with Premier Ball.

On the Thursday I expect to head to Labrador for further meetings to discuss options for economic development in the forestry sector there.

Any assistance with organizing this program from your team would be very much appreciated.

Kind Regards
Richard
“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.”
Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L'anse aux Meadows

Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. cmitchelmore@gov.nl.ca

Begin forwarded message:

From: Richard Spinks <RGS@aegplc.com>
Date: November 27, 2018 at 6:11:55 PM NST
To: "Mitchelmore, Christopher" <CMitchelmore@gov.nl.ca>
Cc: Michael Rowan <michael.rowan@aegplc.com>, Stephen Balsom <StephenBalsom@gov.nl.ca>
Subject: Re: Screenshot 2018-11-27 at 22.33.57

Thanks Christopher for feedback.

Yes, I have twice informed her no pellet mill, once in person, but that she should focus on Forestry in 18 and potentially sawmill (hopefully subject to Holson finding a way forward).

St Anthony I met with Mayor in person also and explained, he was fine, containers only.

I continue to follow your lead and will deal with any flak as and when. Frankly I’m surprised that she is not picking up on the positive benefits in her community and the Peninsula as a whole preferring to push the one change that makes no sense to anyone.

You and Steve needed to know, I shared.

I’m staying quiet until after Thursday as much as possible.

Best
Richard
On Nov 27, 2018, at 23:29, Mitchelmore, Christopher <CMitchelmore@gov.nl.ca> wrote:

Dear Richard,

I have been out of cellular coverage all day. My communications team is working with FLR, who is leading this matter for media advisory and news release, tomorrow and Thursday, respectively. I have submitted a quote.

I can not speak for FLR and them providing such details to the Mayor. She may have learned about matters as well through the Town of Hawke’s Bay, given speculation, shares on social media and her Municipal connection. However, you have informed me that you already advised Mayor Fitzgerald that Roddickton would see a sawmill but not the plant. As you also advised St Anthony that shipping of containers would happen in their town.

I look forward to the official announcement on Thursday afternoon.

Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L’anse aux Meadows

Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. cmitchelmore@gov.nl.ca

On Nov 27, 2018, at 5:12 PM, Richard Spinks <RGS@apple.com> wrote:

Hi Chris
For all my, successful, attempts to adhere to no details till GNL PR and keep this under wraps for Thursday it seems FLR have today informed Sheila it’s Pellet Mill in Hawkes Bay not Roddickton already.

I’ll call her tomorrow and speak to sawmill and logging community benefits. Explain logistics issues (costs) and legal issues surrounding Holson.

Well, I kept my word and now I guess I get to pay the price.

This will be in the press tomorrow so we’d best be prepared.

Wish me luck!

Best
Richard

Sent from my iPhone

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Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L’anse aux Meadows
Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. cmitchelmore@gov.nl.ca

Begin forwarded message:

From: Richard Spinks <rgspinks@gmail.com>
Date: November 24, 2018 at 12:30:26 PM NST
To: Christopher Mitchelmore <CMitchelmore@gov.nl.ca>
Subject: St. Anthony understanding

Good Morning Chris

Saw Mayor of St Anthony last evening by chance in my hotel restaurant.

Took opportunity to explain change of plan and thank him and his people for their kindness and support.

He said business must do what is best commercially and that what is good for the people across the Peninsula is good for the people of St Anthony. He promised continued support at any time and wished me well in the Province.

S.40 (1)

He also said only he and Curtis Richards his Town Manager would be inside on this update until everything and ‘everyone’ were informed by Government announcement or facts.

FYI

Best
Richard
Sent from my iPhone
Halliday, Janice

From: Mitchelmore, Christopher
Sent: Thursday, January 31, 2019 10:53 PM
To: Halliday, Janice; George, Bradley
Subject: Fwd: CBC asked me about why HB and whether you put the mill there. I replied as follows

ATIPP

Best Regards,

Christopher Mitchelmore, MHA
St. Barbe-L’anse aux Meadows

Minister of Tourism, Culture, Industry and Innovation
Minister Responsible for Francophone Affairs

t. 709.454.2633
e. cmitchelmore@gov.nl.ca

Begin forwarded message:

From: Richard Spinks <cmichelman@gov.nl.ca>
Date: November 30, 2018 at 12:56:39 PM NST
To: Christopher Mitchelmore <CMitchelmore@gov.nl.ca>
Subject: CBC asked me about why HB and whether you put the mill there. I replied as follows

Hawke’s Bay saves us over $2,000,000/annum in logistics costs when compared with Roddickton as a site for our Pellet mill being ideally located between areas 17 & 18. It also removes more than 6,000 truck trips from the highway and local roads saving money and the environment which matters very much. Hawke’s Bay allows us to load ships locally to production again saving environment and money its that simple. 65% of our forestry permit area is around Hawke’s Bay 35% Roddickton. Christopher Mitchelmore had zero input into the decisions we made as it was exclusively the company who carried out feasibility studies over the past 18 months on every conceivable configuration. We must be economically viable to be able to employ people on the GNP reliably, sustainably for the long term. This structure works best. For everyone involved.

Sent from my iPhone