May 21, 2018

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/56/2018

On April 18, 2018, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"Looking for all records and emails, including briefing notes to the minister, containing the words "Active Energy" or "pellet plant"."

On May 9, 2018 a timeframe of May 2017 – current was received.

Please be advised a decision has been made by the Deputy Minister of FLR to provide partial access to the requested information. Redactions have been made under section 40 – Personal Privacy. All responsive records are attached.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). 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. Your appeal should identify your concerns with the request and why you are submitting the appeal.

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).

Please be advised that this letter will be published following a 72 hour period after the response 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 responsive records posted to the Office of Public Engagement's website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-3730 or by email at hollyphilpott@gov.nl.ca

Sincerely,

Holly Philpott
ATIPP Coordinator

Right of access

8. (1) A person who makes a request under section 11 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record may be subject to the payment, under section 25 , of the costs of reproduction, shipping and locating a record.

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 appellant 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 for 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).
For trim

-----Original Message-----
From: Byrne, Gerry
Sent: Sunday, December 3, 2017 7:32 PM
To: Hunt, Pam <PamHunt@gov.nl.ca>
Subject: FW: Wood Pellet Plant in Northern Peninsula

For trim

-----Original Message-----
From: [mailto:]
Sent: Friday, December 1, 2017 9:23 PM
To: Byrne, Gerry <GerryByrne@gov.nl.ca>
Subject: Wood Pellet Plant in Northern Peninsula

Honourable Gerry Byrne:
Attached is a letter outlining our concerns with a wood pellet plant on the Northern Peninsula.
I look forward to further discussing this with you.
Thank you.
Email Message

From: O'Keefe, Dorothy [EX:O=PSNL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=DOROTHYokeefe]
To: Hamlyn, Jayne [SMTP:JayneHamlyn@gov.nl.ca]
Cc: 
Sent: 5/29/2017 at 3:23 PM
Received: 5/29/2017 at 3:23 PM
Subject: FW: HP TRIM Records /ICOR2017/2214 - [Redacted]

Attachments: Email_FW: Active energy deal.html
Active Energy Article.pdf

Jayne,

Please TRIM and route.

Thanks,

Dorothy

Dorothy O'Keefe
Administrative Assistant to the Minister (A)
Department of Fisheries and Land Resources
Government of Newfoundland and Labrador
Petten Building, 30 Strawberry Marsh Road
St. John's, NL A1B 4J6
(t) 709 729-2504
(f) 709 729-0360

-----Original Message-----
From: Premier,
Sent: Saturday, May 27, 2017 1:35 PM
To: O'Keefe, Dorothy <dorothyokeefe@gov.nl.ca>
Subject: HP TRIM Records

Hi Dorothy,

Attached is an email from [Redacted] to Premier Ball and Minister Crocker looking for more information on the attached article from James McLeod called "Active Energy gets 20-year Northern Peninsula forestry licence ".

Please have Minister Crocker copy the Premier on his response to [Redacted] and email it to premier@gov.nl.ca account.

Thank you,
Joanne

-----< HP TRIM Record Information >-----

Record Number : ICOR2017/2214
Title : Email from [Redacted] looking for more information on the attached article from James McLeod called "Active Energy gets 20-year Northern Peninsula forestry licence "

file:///C:/Users/HollyPhilpott/AppData/Local/Hewlett-Packard/HP%20TRIM/TEMP/HPT... 5/14/2018
For trim and route.

MATTHEW WORTHMAN, B.Ed. | Executive Assistant to the Minister

Fisheries and Land Resources
Petten Building
30 Strawberry Marsh Road
P.O. Box 8700, St. John's, NL A1B 4J6

t 709-729-7967 | f 709-729-0360 | e matthewworthman@gov.nl.ca
<mailto:matthewworthman@gov.nl.ca>

From: Crocker, Steve
Sent: Sunday, May 14, 2017 8:43 AM
To: Worthman, Matthew <MatthewWorthman@gov.nl.ca>; Companion, Lori Anne
    <LoriAnneCompanion@gov.nl.ca>
Subject: Fw: Our Meeting Last Sunday

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Richard Spinks, Active Energy Group <richard.spinks@active-energy.com>
<mailto:richard.spinks@active-energy.com>

Sent: Saturday, May 13, 2017 12:11 PM
To: Crocker, Steve
Cc: Balsom, Stephen; Adams, Blair; Mitchelmore, Christopher
Subject: Our Meeting Last Sunday
Dear Minister Crocker,

I am writing to thank you for taking so much time on Sunday of last week to speak with me and to update you as to our next steps. Please give my respects and kind wishes to Stephen and Blair also, their support over the past 6 months and ongoing is deeply appreciated.

I would also like to thank you for inviting Minister Mitchelmore to our project, in his capacity as Cabinet Minister with responsibility for Tourism, Industry, and Innovation as well as being the Member for St. Barbe à L'Anse aux Meadows, hailing from the Northern Peninsula, his support is greatly valued and it is a credit to him that he gives up his valuable time to speak to potential investors in the community that he represents and Newfoundland and Labrador as a whole.

Our initial goal as you know is to work with your ministry to bring Social and Economic development to the communities on the Great Northern Peninsula. We are confident that our plan as we present it in the coming weeks will give you, and cabinet, comfort that we will be able to achieve this. My motto in every Economic and Social Development Project in which I put my energy and passion is that it should be better when we are in a Community, than if we were not therea, we appreciate your allowing us the opportunity to present our plan to practice this in your Community.

Your team's continued support as well as that of all stakeholders in St. Anthony, Roddickton, Main Brook, and across the Peninsula will be key to our achieving those mutual goals and everyone we have met to date seems positively charged and welcoming of opportunity. It is most encouraging.

Following our meeting last Sunday, I can report that I travelled to Roddickton and subsequently St. Anthony, before driving the length of the Peninsula from St. Anthony to Deer Lake on our way back to St. John’s.

Upon arrival, I met with my expert White Pellet Mill consultant at the airport of St. Anthony. His report was most positive and we believe that we will be able, with some further investment, be able to quickly bring the plant at Roddickton online and into production. We have incorporated this into our full proposal which we agreed I would deliver to you by June 1st.

In Roddickton we met with all the current forestry permit holders/operators and spent some hours outlining our proposal to reinvigorate the forestry activities on Areas 17 and 18, by re-commissioning and operating the existing plants (both Pellet Mill and Sawmill) in Roddickton, at Holson Forestry Products. We understand that their response to the proposal which we made was received positively and that they are supportive of cooperation with AEG and our Timberlands International Plc company to bring the forestry back online in a sustainable and environmentally responsible manner, at more significant volumes than has been the case for quite some time. They
were also supportive of our proposals for changing methodology and equipment types, with our help of course, in order to achieve acceptable returns whilst delivering lumber at a cost that our financial modelling can bear; a major milestone we feel.

The following day we travelled to St. Anthony to meet with the Mayor and Port Authority. We were warmly received and shown options for investment in storage and logistics locations on the port there. We have identified a location and intend to continue with discussions with the Community and the Port Authority regarding investment in developing âThe American Wharfâ in St. Anthony. We are grateful to the Mayor and his team for their âcan doâ attitude and kindness during our visit.

In closing, I can also confirm that two of the final questions which we as a company needed to answer in order to present as required under our signed agreement, to you for internal discussion and ultimately, I understand, Cabinet approval, the full business plan and financial model, was of course Off-Take.

We can confirm that this is also now clear and that we have, subject to government approval and creditor discussions naturally, off-take for both the Sawmill production and the 50,000 Metric Tonnes of White Pellet which we envisage producing per annum at Roddickton.

I hope that this email finds you well and that this is useful as an update.

Once again I extend our thanks to you, Minister Mitchelmore, Assistant Deputy Minister Balsom and Blair Adams for not only meeting me on a weekend, but for your support to date and the positive feeling that you have all created around this very exciting opportunity for me personally as well as my shareholders at AEG, to whom I provide feedback and who are keen to hear more.

Respectfully Yours,

Richard G. Spinks
Chief Executive Officer
Active Energy Group Plc

Mobile: +380 503 942 702
Skype: richardgspinks
Twitter: @rgsaeg
AEG Group PLC
Mwldan Business Park
Bath House Road
Cardigan
Ceredigion
SA43 1JY
United Kingdom
November 6, 2017

Premier Dwight Ball
MHA Gerry Byrne, Minister of Fisheries and Land Resources
MHA Siobhan Coady, Minister of Natural Resources
MHA Eddie Joyce, Minister of Municipal Affairs and Environment
MHA Christopher Mitchelmore, Minister of Tourism, Culture, Industry, and Innovation

Confederation Building Office
PO Box 8700
St. John's, NL A1B4J6

Re: Environmental Registration and Impact Statement for Active Energy Group forestry license

Dear Premier Dwight Ball
MHA Gerry Byrne, Minister of Fisheries and Land Resources
MHA Siobhan Coady, Minister of Natural Resources
MHA Eddie Joyce, Minister of Municipal Affairs and Environment
MHA Christopher Mitchelmore, Minister of Tourism, Culture, Industry, and Innovation:

I write you today to express my urgent concerns about the forestry license for management districts 17 and 18 issued to Active Energy Group and/or its affiliated companies Timberlands International and Advanced Biomass Solutions (herein referred to as "the Company").

The forest is a vital resource for Newfoundlanders living on the Northern Peninsula in general and particularly in Main Brook, a town with a deep and rich history in the forestry industry. I was fortunate enough to have built a business and made a career in the forests for nearly 60 years, have seen it all, and have an everlasting connection to the forests in the area. I believe that the health and sustainability of our forests and the communities that depend on them are at great risk and am compelled to speak up.

It is questionable whether allowing the Company to exploit our forests for 20 years will provide any net economic benefit to the forests or residents of the Northern Peninsula in the long run. In my opinion, proceeding with this project with the Company without first performing provincially legislated due diligence is short-sighted at best and negligent at worst as it pertains to environmental impact and the financial stability of the Company. A preliminary glance of the Company's 2016 financial statements show an extremely leveraged company has lost nearly $22M since it was incorporated in 1996, had over $10M in short term liabilities due on revenues of only $19M, and paid out over $1.8M in interest alone.

In an article dated September 29th in the Northern Pen, the Company CEO Richard Spinks is quoted as saying, "We think we're now at the stage where we've done everything we need to do," said Spinks. And then it would be up to the government to decide."
November 6, 2017

Page 2

Nothing could be further from the truth! In a review of Environment Assessment Registrations with the province the only registrations pertaining to management areas 17 and 18, #1471, #1745, #1842, and #1905 occurred in 2010, 2014, 2016 and 2017 respectively and were submitted by either the Department of Natural Resources and Forestry and Agrifoods Agency. No registrations from Active Energy, Timberlands or Advanced Biomass Solutions have been submitted. Provincial legislation, "Environmental Assessment Regulations, 2003" clearly articulates that the type of business the Company wishes to conduct requires an environmental registration in Part III sub-section 30 and an up to date 5 year management plan for both districts 17 and 18 (Zone 8) by the Department of Fisheries and Land Resources (DFLR). In my extensive searching I have found no evidence of an environmental registration by the Company. It is absolutely critical that the province fulfill its legislated due diligence before selling off our resources to a foreign company to be exploited for 20 years of financial gain to the benefit of the few.

I am not here to be a barrier to economic development. economic development was critical to the success of our town. However, I cannot stand idly by while unsustainable, short-sighted attempts at economic development are put forth by the province. The negative economic and environmental consequences of clear-cutting would be disastrous. The evidence is abundant; just ask our neighbours in Nova Scotia. Animal habitats on land and water are degraded or destroyed, the soil loses moisture, fire risks go up, heavy metal (mercury) leachate more easily enters the water table, rivers and ponds, residents and outfitters lose access to generational hunting and firewood grounds, tourism suffers from a bleaker landscape, and we are left with a depleted forest in 20 years that takes 80 years to grow back. What benefits remain for our children and grand-children for the 60 years or more it will take to replenish the forest?

In my opinion, and I expect that of the majority of residents on the Northern Peninsula, is that we are not willing to trade 20 years of 45 to 65 jobs and the depletion of our natural resources to the benefit of a private foreign corporation in exchange for all of these negative outcomes. Trading 20 years of economic activity in forestry while risking the degradation and destruction of land and sea that supports ecotourism, wildlife and hunting, fishing and boating, firewood and regional identity and a 60 year recovery period would be a monumental injustice against the people of this region.

I am not here to convince you that awarding this license to Active Energy will lead to a bleak future for our forests and natural environment; that is what we have environmental legislation and scientists for. However, I am confident, that when Company submits an environmental registration for the project and management plan as required by legislation, an environmental impact statement (EIS) will be required and public consultations will occur that will validate that the long term negative consequences I list in this letter. I seek your support in ensuring that the Company is reminded that they have not yet "done everything [they] need to do".

Sincerely,
Confederation Building Office

The Honourable Dwight Ball, Premier of Newfoundland and Labrador
8th Floor, East Block
Confederation Building
P.O. Box 8700
St. John’s, NL
A1B 4J6