



Operational Procedures

COMMITTEE FOR THE REGIONAL ASSESSMENT OF OFFSHORE
WIND DEVELOPMENT IN NEWFOUNDLAND AND LABRADOR

Last Update: June 26, 2023
Rev.00

Table of Contents

1.0	Introduction	1
1.1	Purpose	1
1.2	Revisions to Operational Procedures.....	1
2.0	Bias and Conflict of Interest.....	2
2.1	Committee Selection Process	2
2.2	Duty to Disclose	2
2.3	Participant Objections.....	2
2.4	Disposition of Issues.....	2
3.0	Accessibility of Information	3
3.1	Information Available on the Registry	3
3.2	Information Saved to Project File	4
3.3	Information Not for Public Disclosure	4
3.4	Records of Engagement Activities	4
3.5	Requests to and Responses from Federal and Provincial Authorities	4
3.6	Committee Notes and Meetings.....	4
3.7	Correspondence Directed to the Minister(s).....	5
4.0	Other Confidential Information	5

1.0 Introduction

On March 23, 2023, the Governments of Canada and Newfoundland and Labrador launched the start of the [Regional Assessment of Offshore Wind Development in Newfoundland and Labrador](#) (the Regional Assessment). The Minister of Environment and Climate Change released the [Final Agreement and Terms of Reference between the Governments of Canada and Newfoundland Labrador](#) (the Agreement and TOR) and appointed the Committee responsible for conducting the Regional Assessment. The Committee has developed these operational procedures to be supplemental to and consistent with the Agreement and TOR.

1.1 Purpose

These operational procedures (the ‘Procedures’) elaborate upon the general principles and processes described in the Agreement and TOR, and inform Participants¹ how the Committee intends to function throughout the conduct of the Regional Assessment.

Please note the Committee will post to the Registry² its *Indigenous Participation Plan* and *Public, Fisheries and Stakeholder Participation Plan*, including information on Advisory Groups.

1.2 Revisions to Operational Procedures

The Committee may revise these Procedures from time to time if it is satisfied that the objectives of the Regional Assessment can be better achieved by taking a different approach. Any changes will be noted on the Registry.

Subject to section 2, Participants who wish to raise procedural issues with the Committee may do so at any time using the [public commenting tool on the Registry](#) or the Regional Assessment email (OffshoreWindNL-EolienneExtracotiereTNL@iaac-aeic.gc.ca). The Committee may require the Participant to provide a written submission on any procedural issue. The Committee has the discretion to deal with any issue at the time it arises by providing an oral response and documenting that response in the meeting notes, or to reserve its decision for further consideration in which case a written response of its decision will be provided.

¹ Throughout these procedures, the term “Participant” refers broadly to any Indigenous peoples and organizations, stakeholder groups, federal and provincial authorities, and members of the public participating in the Regional Assessment process.

² Throughout these procedures, the term “Registry” refers to the Canadian Impact Assessment Registry Internet site for this Regional Assessment.

2.0 Bias and Conflict of Interest

2.1 Committee Selection Process

Prior to appointment, the Committee selection process included evaluation of each candidate for bias and real or perceived conflict of interest. Committee members also completed training on the principles of administrative law including procedural fairness and the potential for bias and conflict of interest.

2.2 Duty to Disclose

Throughout the Regional Assessment process, Committee members will self-evaluate for situations that may create an actual or reasonable apprehension of bias and/or real or perceived conflict of interest. The onus is on the individual Committee member to disclose such instances to the Committee as they arise.

2.3 Participant Objections

Any Participants suspecting bias or conflict of interest on the part of a Committee member must raise the concern with the Committee in writing as soon as reasonably possible detailing the reasons for the concern. The Committee may ask the Participant questions to gather sufficient information on which to consider the matter.

2.4 Disposition of Issues

The Committee will consider each situation as it arises and seek any third-party advice as considered necessary to resolve the matter. Where no reasonable apprehension of bias or no real or perceived conflict of interest is considered to exist no further action will be taken.

Where a reasonable apprehension of bias or real or perceived conflict of interest is considered to exist, the Committee member will recuse themselves from the relevant aspect of the Regional Assessment.

In either case the details of the objection and the Committee decision will be recorded in the meeting notes.

3.0 Accessibility of Information

Subject to the provisions of this section, the Committee will ensure that the information it uses in conducting the Regional Assessment is publicly available.³

3.1 Information Available on the Registry

The Committee will post the following information on the Registry:

- Materials the Committee prepared for meetings with Participants (e.g., presentations, backgrounders, etc.)
- Draft Regional Assessment Reports
- Final Regional Assessment Reports (and Plain Language Summaries)
- Any reports produced specifically for and in support of the Committee's work on the Regional Assessment
- Public comments and submissions received in relation to the Regional Assessment, whether via the Registry online commenting tool, email or letter
- Public Notices and News Releases issued by the Committee
- Any amendments to the Agreement or Terms of Reference
- Summary of Committee Meetings
- Indigenous Participation Plan
- Public, Fisheries and Stakeholder Participation Plan
- Committee requests to federal and provincial authorities for information, expertise, advice, and/or comments on documents
- Federal and provincial agency responses to Committee requests for information, expertise, advice and/or comments on documents

The Committee may provide access to the above-described information by way of posting a link to a third-party database.

The Committee will not post the following information on the Registry:

- Outcomes from meetings that were preliminary or logistical in nature
- Routine, working-level correspondence on process or administrative matters (e.g. meeting planning, status updates)
- Questions from Participants that are administrative in nature (e.g. how to apply for funding, how to comment, where to find documents on the Registry)
- Correspondence from Participants directed to the Minister(s) or Agency President regarding the Regional Assessment

³ "Publicly available" means posted to the Registry OR saved to the project file readily available to a Participant upon request.

3.2 Information Saved to Project File

The following information will be saved to the Project File and can be made available upon request (subject to any confidentiality considerations):

- Meeting notes for engagement activities with Indigenous peoples, stakeholder groups and the public (see section 3.4)

3.3 Information Not for Public Disclosure

The following information will not be available publically:

- Information protected by confidentiality agreements
- Internal processes or project management tools (e.g., checklists, tracking tables, project schedules)
- Committee/Secretariat meeting notes

3.4 Records of Engagement Activities

The Committee will be engaging with Indigenous peoples, stakeholder groups and the public throughout the Regional Assessment. The details of the Committee's Indigenous and public and stakeholder participation programs, including Advisory Groups, will be included in the *Indigenous Participation Plan* and the *Public, Fisheries and Stakeholder Participation Plan* (the Plans), provided under separate cover.

The Committee will post the Plans on the Registry, and regularly update them to outline planned activities and to summarize completed activities. The meeting notes for each completed activity will be available upon request.

The Committee encourages Participants to use the Registry's online public commenting tool to submit comments, documents, letters, etc. Should a Participant email the Committee instead, that correspondence will be posted to the Registry (subject to any confidentiality considerations).

3.5 Requests to and Responses from Federal and Provincial Authorities

The Committee will be engaging with federal and provincial authorities in possession of specialist or expert information and knowledge with respect to the Regional Assessment. The Committee may solicit information or advice via written correspondence with the expectation the authority reply in writing with the requested information or advice. The Committee may also request to meet with the authority to receive the requested information or advice. In either case, the Committee will ensure the applicable documentation is made publicly available (subject to confidentiality considerations).

3.6 Committee Notes and Meetings

The Committee and its secretariat are afforded "deliberative privilege," whereby the internal deliberations leading to a decision or recommendation are protected from disclosure from those who are not on the Committee or its secretariat.

Deliberative privilege ensures confidentiality in the decision-making process, which promotes open and frank discussions amongst Committee members and its secretariat. The internal deliberations of a Committee and its secretariat are protected from disclosure through the exemptions / exclusions under the *Access to Information Act* (ATIA).

Notes that have to do with the "thought process" of individual Committee and secretariat members, as well as records of meetings between the Committee and the secretariat, are protected by deliberative privilege. As such, these notes and meeting records will not be made publicly available. However, the Committee and its secretariat will maintain on the Registry a high-level summary of its meetings and update this summary on a regular basis.

3.7 Correspondence Directed to the Minister(s)

The Committee encourages Participants to direct any correspondence regarding the Regional Assessment to the Committee. Should a Participant choose to correspond with the Minister(s), the Committee will act on this correspondence only if requested by the Minister(s) to do so (i.e., the Committee will not post the correspondence to the Registry, will not reply to the Participant, etc., unless directed to do so by the Minister).

4.0 Other Confidential Information

Without limiting the above, the Committee has authority under its Agreement, the *Impact Assessment Act* (IAA) and the *Access to Information Act* to keep information confidential related to the following:

- Indigenous knowledge provided in confidence, which may not be disclosed without written consent or as detailed in section 119 of the IAA
- Any records that would cause specific, direct and substantial harm to a person or Indigenous group without the authorization of the person or Indigenous group
- Any records that would cause specific harm to the environment
- Trade secrets of a third party
- Financial, commercial, scientific or technical information that is confidential information supplied by a third party and is treated consistently in a confidential manner by the third party
- Information that if disclosed could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, a third party
- Information that if disclosed could reasonably be expected to interfere with contractual or other negotiations of a third party

The Committee will endeavour to be as transparent as possible with the information it considers in the conduct of the Regional Assessment. As such, if a Participant holds information relevant to the Regional Assessment that they want to share with the Committee (or, must share with the Committee in the case of federal authorities) but wishes for that information to

remain confidential, the Committee will follow the process outlined in the *Confidentiality Procedure*.