Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/218/2019]

On October 29, 2019, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Any and all messaging prepared for the fall sitting of the house of assembly. This includes key messages for the Minister and binders."

I am pleased to inform you that a decision has been made by the Deputy Minister to provide access to the requested information. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

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 (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records 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 Completed Access to Information Requests 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 feel free to contact me by telephone at 709-729-7183 or by e-mail at atippmae@gov.nl.ca.

Sincerely,

Desirée Newman

DESIREE NEWMAN
ATIPP Coordinator
Municipal Affairs and Environment

Enclosures
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 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).
ISSUE: Marystown Shipyard

Marbase purchased the Marystown Shipyard earlier this month to construct an aquaculture hub. The department has committed to remediate the former shipyard site so as to facilitate economic development. The registered site professional (independent consultant) has quantified the cost of the liability at approximately $1.5 million. Media has questioned why government would be responsible for site remediation before sale.

ANTICIPATED QUESTIONS:
Why is government taking on this cost? How much will it cost to remediate? Where are you getting this number?

KEY MESSAGES:
We have always wanted to see the shipyard become a hub of economic activity and job creation. That is why the Province was proactive in ensuring a scientific process was used to quantify the liability at the site.

The Province already possesses liability for environmental conditions at the site up to 1997 based on an agreement signed with the owners at that time.

As interest had been expressed in sale of the shipyard, our Government was proactive in seeking to quantify its exposure under that agreement as well as what the total remaining liability on the site would be.

SECONDARY MESSAGES:

- $1.5 million is less than the previous estimate of liability at the site, as the Province spent more than $7.5 million on remediation between 2000 and 2011.

- Based on the consultant’s findings, there is low risk the Province has taken on any liability that it’s not responsible for already under the original agreement.
QP Issue Note
Municipal Affairs and Environment
November 4, 2019

ISSUE: Boil Water Advisories and Drinking Water Action Plan
Drinking water quality continue to be an issue for residents of communities who do not have access to clear, clean, drinking water from the tap.

ANTICIPATED QUESTIONS:
What are you doing to try to fix long-term BWAs?

KEY MESSAGES:
We are committed to protecting the safety of public drinking water supplies.

Reducing the number of long-term boil water advisories is a priority. We helped communities reduce BWAs in 2018 to an historic low of 190.

We work with regional service boards, towns and Local Service Districts to resolve BWAs through maintenance, training, and investments in infrastructure.

Work has been ongoing on the development of a Drinking Water Safety Action Plan to further protection of drinking water systems.

Drinking water projects remain the most affordable under our cost-shared ratios. Over 3 years, we approved 300 water projects at $100 million provincial funding.

Secondary Messages (BWA reduction initiatives):

- To reduce BWAs, we:
  - Train and assist operators in maintaining water systems.
  - Offer a Full Cost Accounting Assessment Tool to public water system owners
  - Fund a regional water operators pilot program with the regional service boards
  - Offer optimal cost-shared ratios for communities to improve water systems
  - Provide funding for water treatment plants and potable water dispensing units
ISSUE: Penney Crescent Wetlands

Some residents of St. John’s are concerned about the potential for a development off Penney Crescent involving infilling of a wetland area. The department denied a water resources permit request from the developer. The proposed development of the land for a residential purpose is also contrary to the City’s current land use zoning of open space reserve.

ANTICIPATED QUESTIONS:
Will government support the development of this wetland area?
Why hasn’t government re-issued the permit it gave in 2013?

KEY MESSAGES:
Government’s wetland policy protects the key role of wetlands.

We denied the permit because the proposal included residential development within a wetland.

We will work with the City and the developer and are willing to review a revised proposal that doesn’t encroach on the wetland.

SECONDARY MESSAGES (MUNICIPAL ZONING):

• We will only issue a permit when we’re satisfied the proposed development will not adversely impact the wetland and meets municipal zoning regulations.

• We have indicated that the City should clarify its position regarding rezoning of the area before any decision on the application.

BACKGROUND INFORMATION:
Wetlands support healthy water systems, provide natural drainage to guard against flooding and provide recharge systems for wells and watersheds. A water resources management permit to develop was issued in August 2013 and expired in August 2015, and the developer applied for another permit. Beyond the issue of a water resources permit, the proposed development for residential purpose is contrary to the current land use zoning of open space reserve of the area. The City of St. John’s will still have to consider rezoning the land before the developer would be able to proceed. We have advised the City of the current status of this proposal given their responsibility for land use planning and the fact that any residential development proceeding would require a rezoning of the area in question.
Issue Note
Municipal Affairs and Environment
November 4, 2019

ISSUE: Provincial Environmental Assessment Review

Government committed through The Way Forward to review the Environmental Assessment processes and regulations. Consultations concluded over the summer and NEIA, a member of the working group on this issue, has asked where government is with the process.

ANTICIPATED QUESTIONS:
Where are you with the process?
Why are you reviewing the environmental assessment process?

KEY MESSAGES:
We are committed to ensuring that, if projects proceed, they do so in an environmentally acceptable manner.

Care must be taken to preserve the integrity of the environmental assessment process. We are optimizing decision-making before a project commences and significant investments made.

By modernizing the process and regulations, we will enhance public transparency, environmental protection and effective regulation of industry.

Department officials are drafting a “What We Heard” document and will use consultations data to inform future decisions about the legislation and process.

SECONDARY MESSAGES:
• The Federal Government completed a review of the federal environmental assessment process and enacted new Impact Assessment Act this past summer. We are taking any federal changes into account as we modernize the provincial process.

• Strengthening the legislation will make the EA system more effective and more efficient for those applying for projects and those impacted by projects.
Key Messages
Municipal Affairs and Environment
November 4, 2019

ISSUE: Indian Head Hatchery Court Case

The Atlantic Salmon Federation has called on the Minister of Municipal Affairs and Environment to restart the environmental assessment process for Northern Harvest’s Indian Head Hatchery expansion project. EcoJustice has contested the minister’s decision to release the project to the Supreme Court, and the case will be heard November 6-7.

ANTICIPATED QUESTIONS:
What is your reaction to the call to restart environmental assessment?
Are you letting Northern Harvest/Mowi off the hook?

KEY MESSAGES:
As this involves a matter that is before the court, no comment will be made at this time.

SECONDARY MESSAGES (if necessary):
- Through the environmental assessment process, we are committed to ensuring that, if projects proceed, they do so in an environmentally acceptable manner.
QP Issue Note
Municipal Affairs and Environment
November 4, 2019

ISSUE: Health Science Centre Berm

A project to build two berms to protect Eastern Health buildings from flooding was recently released with conditions from environmental assessment. The City of St. John's has been critical of the proposed location for the replacement of the Waterford Hospital, believing it should be built away from any floodplain area.

ANTICIPATED QUESTIONS:
Why are you allowing this project to be built on a flood plain?

KEY MESSAGES:
We have been working with Eastern Health on this environmental assessment since April 2017. The project has just been released with conditions.

We take our responsibility to uphold the environmental assessment process seriously. We are committed to ensuring that, if projects proceed, they do so in an environmentally acceptable manner.

Concerns expressed by the City of St. John’s have been considered in the review.

SECONDARY MESSAGES:

- The revised EPR guidelines included the additional requirements caused by the proposal of the new mental health facility in the same area.

- We provide updated project information on our website at each stage in the environmental assessment process.

- The environmental assessment process ensures that proposed projects are examined to consider the possible significant effects on the natural, social or economic environment.

BACKGROUND INFORMATION: The proponent has submitted a proposal to construct an approximately 480-metre long earthen berm along the southeastern edge of the Health Sciences Centre buildings, between the buildings and Leary's Brook. The purpose of the berm is to protect the Health Sciences Centre buildings and infrastructure from flooding during significant precipitation events. A revised Environmental Preview Report (EPR) was required in June 2017; guidelines for the EPR include the additional requirements since the announcement of the new mental health and addictions facility.
ISSUE: Climate Change Action

Recently, there have been rallies around the world to call on governments at all levels to address climate change. The Provincial Government has released its 5-year action plan and continues to leverage federal funding to carry out the actions under the plan to reduce GHG emissions and mitigate and adapt to the effects of climate change in NL.

ANTICIPATED QUESTIONS:
What are you doing to meet NL’s greenhouse gas targets and tackle climate change?

KEY MESSAGES:

We have committed to addressing climate change. We have released a new 5-year Climate Change Action Plan to reduce greenhouse gas emissions; stimulate clean innovation and growth; and build resilience to climate change impacts.

We are working with the Federal Government to create jobs in a green economy and reduce the impacts of climate change and carbon emissions.

The Climate Change Action Plan is guiding our investments in the $89.4 million federal Low Carbon Economy Leadership Fund and the $300 million for green infrastructure through the federal Investing in Canada Plan.

This year, we announced 5 programs for energy efficiency and fuel switching. By 2030, these programs are anticipated to deliver 882,000 tonnes of cumulative GHG reductions and 239 direct person years of employment.

SECONDARY MESSAGES (Greenhouse Gas Targets):

- The actions to reduce greenhouse gas (GHG) emissions in the Plan will help the Province advance progress towards 2030 targets. Actions to reduce emissions include: the carbon program, increasing use of electric vehicles, investing in electrifying public and private sector buildings and reducing waste.

- In total, the 33 action items in the Plan will assist in reducing GHG emissions. This includes funding programs, regulatory and policy development, and support services for industries.

- To move toward our 2030 GHG reduction targets, we will continue to support technological innovation and build a clean economy.

BACKGROUND INFORMATION: See attached information on GHG targets.
**GHG Targets Q&A**

1. Isn’t the government concerned with the environmental impact of burning fuel? What are you doing to change this or assist?

Government recognizes that reducing fossil fuel consumption in all sectors of the economy, including the built environment, is a necessary step in advancing progress towards provincial environmental goals and objectives. Consistent with this, our Government has released a climate change action plan that sets out the provincial approach to reducing greenhouse gas emissions for all sectors of the economy.

2. Why is the province not on track to meet the 2020 GHG reduction target?

- GHG reduction targets are intended to be challenging - to motivate action and raise levels of ambition. Given the urgency and severity of the issue, these targets align with what science indicates is necessary to avoid the most serious climate change impacts by the end of this century.
- The scale of long-term reduction in GHG emissions needed will require both the development and application of new technologies, and sustained effort by governments and all sectors of the economy.
- The 2020 target was to reduce GHG emissions by 10 per cent below 1990 levels (from 9.4 to 8.5 million tonnes). Emissions are currently projected to be in the range of 10.5 million tonnes (this is dependent on future industrial and electricity output).
- While the Province is not on track to achieve its 2020 target, significant effort has been undertaken, and will continue, to reduce GHG emissions.
- There are two main reasons the Province is not on track to meet the 2020 target. First, growth in the industrial sector is stronger than had been expected. For example, capacity at the refinery has increased by 15% and the Holyrood Generating Station will continue to operate into 2020, whereas it was expected to come off-line by 2018.
- Through this Plan, the Province is putting in place additional measures to close the gap to the 2020 target and achieve deeper, long-term GHG reductions to 2030. Of note, the 2030 target is the same as the federal target, that is, a 30 percent reduction in GHGs below 2005 levels.

3. How does government plan to meet the 2020 and 2030 targets?

- The actions to reduce greenhouse gas emissions in the Climate Change Action Plan will help the Province advance progress towards the 2020 and 2030 targets. This includes the implementation of a provincial approach to carbon pricing, as well as a series of complementary measures to reduce emissions, such as the development of a strategy to increase penetration of electric vehicles, investments to electrify public and private sector buildings, enhancing carbon sinks such as forests, reducing waste, and more.
- Further measures will be required through the 2020s, if the Province is to achieve its 2030 reduction target, including technological innovation and deployment.
QP Issue Note
Municipal Affairs and Environment
November 4, 2019

ISSUE: Electric Vehicles

The availability and accessibility of charging stations for electric vehicles and the cost/feasibility of average residents accessing electric vehicles have been raised in the media recently. Budget 2019 provided $2 million for electric vehicle charging stations. NL Hydro is anticipating signing an agreement to leverage federal funding through Natural Resources Canada for a network of 14 stations. NL Hydro has issued a tender call for station locations and the public is aware that the initiative is underway.

ANTICIPATED QUESTIONS:

What are you going to do about the need for charging stations across the province? Why are you taking so long to announce the program?

KEY MESSAGES:

Our new Climate Change Action Plan commits to developing a comprehensive long-term strategy to increase use of EVs in the province to help reduce greenhouse gas emissions.

Budget 2019 includes $2 million to support the installation of EV charging stations. We are working with NL Hydro to avail of federal funding in support of this commitment.

NL Hydro is currently working on securing locations for the fast charging EV network to bring the province more in line with EV accessibility levels seen across the country.

For a number of years, government has had an EV working group comprised of municipalities, electrical utilities, and industry to advance this work.
ISSUE: Heat Pump Rebate Pilot Program

The NDP is calling on government to expand the Heat Pump Rebate Pilot Program. Under the program, up to 1,000 homeowners may apply to NL Hydro to receive a grant of $1,000 towards the purchase and installation of an eligible heat pump on a first-come first-serve basis. Those residents that purchased/installed a heat pump between the budget announcement and the launch of the program are not eligible for a rebate.

ANTICIPATED QUESTIONS:
Why was there a delay in announcing the criteria for the program?
Is there any assistance for those who have already purchased and/or installed heat pumps prior to the program announcement?

KEY MESSAGES:

We are working to move our province into a more environmentally and economically sustainable future through initiatives like this pilot program.

There has been anticipation for the launch of this program since the release of Budget 2019, and we are pleased applications are now being accepted.

We allocated $1 million through Budget 2019 for this program on a first-come, first-served basis.

Through heat pump installations that reduce reliance on fossil fuel use, this program can help reduce greenhouse gas emissions and lower electricity bills.

SECONDARY MESSAGES:

• We have also initiated several other programs that assist residents in accessing funding for energy efficiency and fuel efficiency upgrades.

• The applicant must be a homeowner and applicants must have an annual family income of $150,000 or less.

• The applicant must also have installed/purchased their heat pump on or before the date the program was launched (Oct 15).

• This program is fully funded by the Provincial Government and is delivered in partnership with Newfoundland and Labrador Hydro.
Key Messages  
Department of Municipal Affairs and Environment  
November 4, 2019

ISSUE: Municipal Infrastructure Investments

Budget 2019 committed $129 million for municipal infrastructure. In July, Premier Ball announced 140 community infrastructure projects for all regions through the federal Investing in Canada Plan. The next call for applications closed and the department is currently analyzing the applications.

ANTICIPATED QUESTIONS:

What will this money be used for?

KEY MESSAGES:

- We are supporting communities in offering high quality services and infrastructure and building safe, sustainable communities.

- With this funding, we will work with communities and cost-share projects that improve water and wastewater, roads, and community-oriented infrastructure.

- Investing in Canada project applications are being reviewed. We are working with the federal government and anticipate announcing these new projects this winter.

SECONDARY MESSAGES (Investing in Canada Plan):

- Through The Way Forward, we are leveraging all available federal funding to support communities in initiating infrastructure projects that are important to them.

- Under the Investing in Canada Plan, a joint $1.3 billion will go into green infrastructure, public transit, culture and recreation, and rural and northern communities over the next 10 years. Over 4,000 person years of employment.
ISSUE: Regional Government

The sustainability of providing services to rural areas has been debated in the public and social media. Municipalities NL has also promoted regionalization as a priority. Government committed to pilot(s) of regional government and/or sharing of services through The Way Forward and no pilots have been announced.

ANTICIPATED QUESTIONS:

- What has been done to move towards a regional government system?
- How are you encouraging sharing of services and regionalization?

KEY MESSAGES:

- Government, organizations and individual citizens are looking at how communities can work together and how they can collaborate to provide services more efficiently.

- Using the results of an extensive public engagement process, we are developing pilot project options to encourage communities to pursue infrastructure improvements and deliver services collaboratively in a way that still ensures a local voice for all residents.

- We know there are plenty of areas where shared services are in place or under consideration by communities, and we want to make sure that existing regionalization is incorporated and highlighted when implementing the pilot(s).

- No decisions have been made on a pilot of regional government and/or sharing of services.

BACKGROUND INFORMATION:

The Way Forward: Building for Our Future outlined Government’s commitment to develop pilot project options by 2018-19 to encourage communities to pursue infrastructure improvements and deliver services collaboratively in a manner that still ensures a local voice for all residents. Government led an extensive public engagement process in 2017 to inform future decisions regarding regional government and service-sharing models for municipalities, local service districts and unincorporated areas.