Dear [Redacted]

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/113/2017]

On November 27, 2017, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

“Briefing notes for the Minister of Municipal Affairs for the following months: July, 2017 August, 2017 Oct, 2017 November, 2017.”

On December 20, 2017 you received notification that with approval from the Information and Privacy Commissioner under section 23 of the Access to Information and Protection of Privacy Act (the Act), the 20 business day time limit for responding to your request had been extended for an additional 10 business days and that we expected to respond to your request by January 10, 2018.

I am pleased to inform you that a decision has been made by the Deputy Minister for the Department of Municipal Affairs and Environment to provide access to some of the requested information.

However, some of the 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, 2015 (the Act):

27(1): In this section, “cabinet record” means
(a) advice, recommendations or policy considerations submitted or prepared for submission to the Cabinet;
(l) that portion of a record which contains information about the contents of a record within a class of information referred to in paragraphs (a) to (h).

27(2): The head of a public body shall refuse to disclose to an applicant
(a) a cabinet record; or
(b) information in a record other than a cabinet record that would reveal the substance of deliberation of Cabinet.
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;

30(1): The head of a public body may refuse to disclose to an applicant information
(a) that is subject to solicitor client privilege or litigation privilege of a public body.

34(1): The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to
(a) harm the conduct by the government of the province of relations between that government and the following or their agencies:
   (i) the government of Canada or a province;
   (ii) the council of a local government body;
(b) reveal information received in confidence from a government, council or organization listed in paragraph (a) or their agencies.

35(1): The head of a public body may refuse to disclose to an applicant information which could reasonably be expected to disclose
(b) financial, commercial, scientific or technical information that belongs to a public body or to the government of the province and that has, or is reasonably likely to have, monetary value.

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.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible.

In accordance with your request for a copy of the records, the appropriate copies have been enclosed. Please note that the following pages have been removed as they were fully redacted in accordance with the Act as listed below:
- July Notes - pages 9 and 13 [section 29(1)(a)], pages 29 – 30 [section 34(1)(b)];
- August Notes – page 3 [section 29(1)(a) / section 30(1)(a)]; and

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 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.

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 lisas@gov.nl.ca.

Sincerely,

LISA SULLIVAN
ATIPP Coordinator
Policy and Strategic Planning

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).
Decision Note
Department of Municipal Affairs & Environment

Title: Additional Funding for Notley’s Drive Water and Wastewater System Project (17-CWWF-17-00030)

Decision/Direction Required:
- Whether to approve additional funding to address unknown site conditions for the project in the amount of $83,930 (HST included)

- It is recommended that:
  o The Department of Municipal Affairs and Environment approve additional funding in the amount $68,500 to allow work to proceed on the project and complete the planned scope of work.

Background and Current Status:
- The Town of Port Hope Simpson was approved for $959,776 under the Clean Water and Wastewater Fund to install 13 services on Notley’s Drive. The Town had applied for this project for several years and was the Town’s first priority.

- A consultant contract was awarded to Harris & Associates for $133,934.

- The tender was awarded to Budgell’s Equipment & Rentals Ltd. for $834,004.15 ($8,162.15 over the project budget). A change or was issued following the contract award to reduce the construction cost to bring the project within the available budget.

- While excavating for the trench for the water and sewer services, the contractor encountered significant quantities of unsuitable material (USM) and material that is not suitable for re-use in the trench. The total cost to address these issues is $83,930. The provincial share of this additional funding would be $68,500.

- The Town is requesting additional funding to address this issue.

Analysis:
- The contractor requires a direction regarding how to proceed on the project. The contractor has indicated that delay will be charged based on the standard pay rates in the TW rental rate table.

- The unit price in the tender for the USM and common rock was $90/m$^3$. The contractor quoted a unit price of $50/ m^3$ for the USM removal and $30 m^3$ for imported common rock. This represents good value for this work.

- The condition of the CWWF program requires completion of the proposed scope of work. Government of Canada may reduce the federal funding in proportion to the scope of work.
that is not completed. Approximately 10% of the contract would have to be eliminated in order to reduce the construction cost within the current budget. This would represent a financial risk of approximately $43,500 in federal funding.

- Completing the remaining work in the future would not be cost effective given the significant mobilization/demobilization costs associated with construction work in the region.

- If funding were approved, it would be provided from the 2017/18 Municipal Capital Works program shared at 90/10. No contingency funding was included in the CWWF program.

**Alternatives:**

- To approve additional funding of $68,500 through the 2017/18 MCW program to complete the project scope as intended. **(Recommended)**
  
  **Pros**
  
  o Price to address the unknown site conditions is better than the values quoted in the unit price tender and represents good value for the work.
  o Contractor is already mobilized and is ready to complete the work.
  o The proposed scope of work under the CWWF program would be complete and the terms of the federal agreement would be met.
  o The funding would show continued commitment to expanding water and sewer services in Southern Labrador.

  **Cons**
  
  o $68,500 would not be available for potential emergencies and overruns.

- To reduce the scope of work to reduce the construction cost to within the approved budget. **(Not Recommended)**
  
  **Pros**
  
  o No additional funding required.

  **Cons**
  
  o The scope of work proposed under the CWWF submission would not be completed and Canada may reduce the federal allocation proportional to the incomplete scope of work.
  o The Town would react negatively to this option.
  o Several homes would remain unserviced on Noyes’ Drive.

**Prepared/approved by:** I.Duffett/J. Chippett  
**Ministerial Approval:** Received from Hon. Eddie Joyce

July 6, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment (MAE)

Title: Limit of Service Amendment for the Town of Lark Harbour

Decision/Direction Required:

- Whether to amend the Town of Lark Harbour’s Limit of Service (LOS) Agreement to include Birchy Hill Road and Harbour View Road, as requested by the Town.

- It is recommended that the Minister:
  - Approve an amendment to the Town’s LOS to include Birchy Hill Road for gravel upgrading and basic water infrastructure only; and
  - Not include Harbour View Road in this amendment, and advise the Town that this road must first be serviced to an acceptable standard, as outlined in the LOS Amendment Guidelines (attached as Annex A).

Background and Current Status:

- The Town’s LOS Agreement was signed on January 17, 1992. At that time, neither Birchy Hill Road nor Harbour View Road existed.

- Both roads were developed by the Town around 2006 and were part of a subdivision development that included ten building lots. Until municipal water and sewer services are installed, residents are required to provide their own onsite services. To date, all lots have been sold, but only one lot, located on Harbour View Road, has been developed.

- In August, 2009, the Town was awarded funding under the Building Canada Fund – Communities Component Program for a Water and Sewer System Project, Phase 1. Phase 1A consisted of a water transmission main and access road to the water source and Phase 1B consisted of the water supply reservoir development.

- Phase 1A was completed in 2012 and Phase 1B was completed in 2013. Access to the construction sites was gained through Birchy Hill Road. The new access road started at the end of Birchy Hill Road and followed along an existing old trail to the reservoir site.

- In March, 2013, the Town wrote to the Western Regional Office (WRO) requesting to add Birchy Hill Road and Harbour View Road to their LOS plan (COR/2013/02133 refers).

- In April, 2013, MAE conducted a site review of both roads to assess their adherence to the LOS Amendment Guidelines. This review determined that neither road met the density requirement (attached as Annex B) and that neither road was constructed to the community’s highest current standard of road (i.e. ditching, asphalt). As such, these roads were not recommended to be added to the LOS for water and sewer servicing or asphalt.

- In July, 2016, the Town was approved funding under the Clean Water and Wastewater Fund (CWWF) for Water and Sewer System, Phase 2 – Water and Sanitary Sewer System Upgrades. This project includes the continuation of the water transmission main and installing water and sewer servicing. The water transmission line is being installed along Birchy Hill Road to Route 450 and will continue along 450 to begin servicing the community.
- Phase 3 of this water and sewer development was approved under CWWF in November, 2016.

- The Town re-iterated its request to have Birchy Hill Road and Harbour View Road included in their LOS plan in August 2016 and again in January 2017.

Analysis:
- A Town must have an LOS Agreement in place that includes the location of a proposed water/sewer/road project before that project will be eligible for MAE Capital Works funding.

- Harbour View Road still has not been brought up to acceptable standards for inclusion on the Town’s LOS. However, Birchy Hill Road is now eligible for inclusion (for gravel upgrading and water main only), as the LOS Amendment Guidelines allow access roads for basic infrastructure, such as transmission mains, to be added to a Town’s LOS plan.

- Installation of service laterals and asphalt would be at the Town’s cost and could be incorporated into the tender for CWWF Phase 2 as a separate cost item.

- The Town could use its Federal and/or Provincial Gas Tax funding to install basic infrastructure (e.g. water and sewer and asphalt). MAE advises that proposed developments should be included in the price per lot, including the cost of water and sewer servicing. In addition, once water and/or sewer services are installed in the new subdivisions, the Town could recover installation and operating costs through appropriate taxation rates.

- MAE notes that any development along Birchy Hill Road will have to be analyzed for “minimum contact time” for water treatment as required by Service NL and Water Resources Management. This will be communicated to the Town, along with all other regulatory, environmental and industry standards requirements upon approval.

- The recommendation adheres to the LOS Amendment Guidelines, and will allow the Town to apply for some new Capital Works funding while meeting the intent of LOS Agreements (i.e. prioritizing provincial funding for existing infrastructure over new developments).

Alternatives:
- Approve an amendment to the Town’s LOS to include Birchy Hill Road for gravel upgrading and basic water infrastructure only, and advise the Town of the requirements that must be met before Harbour View Road will be eligible for inclusion. (Recommended)

- Approve an amendment to the Town’s LOS to include Birchy Hill Road and Harbour View Road for water, sewer, and paving. (Not Recommended)

- Do not approve any amendments to the Town’s LOS. (Not Recommended)

Prepared/Approved by: C. Power/J. Collins/ I. Duffett/H. Tizzard
Ministerial Approval: Received from Hon. Eddie Joyce

July 14, 2017
ANNEX A

Guidelines for Granting Approval of Amendments to Limit of Servicing
Agreements with Municipalities

The Minister of Municipal Affairs (MA) entered into Limit of Servicing Agreements (LSA) with municipalities that detailed the specific areas within the boundaries of municipalities eligible to be serviced with water and/or sewer and road work through the provision of provincial government funding. The cost of any development taking place outside these limits is the responsibility of the developer, the homeowner, or the municipality. The subsequent inclusion of areas developed outside the existing limits according to the existing LSA, but within the boundaries of the municipality, is permitted once the outside areas have been developed and serviced to an acceptable standard, as defined by MA. LSAs provide government and municipalities with an understanding of the eligible areas for provincial government funding.

Notwithstanding the above, the Minister has the authority to amend LSAs to address anomalies, to deal with exceptional circumstances, or to address provincial priorities or policy direction. Requests from municipalities for amendments to LSAs will be evaluated by staff in the Engineering and Land Use Planning Division of MA, in accordance with these guidelines. Specifically, the Minister will consider requests for amendments to such LSAs under the following circumstances:

- To correct LSAs where it is determined that streets were omitted in error;
- The addition of new streets where they are serviced to the highest standard of servicing in the community;
- For the inclusion of basic infrastructure such as sewage outfalls, trunk sewers, transmission mains, and collector or arterial roads;
- For the inclusion of infrastructure that is required for installation outside the service area defined in the LSA for practical and functional design issues;
- For developments that serve a provincial benefit such as provincial buildings, federal buildings, services to tourist facilities and other economic developments, as determined by the province;
- Where subdivisions are required and developed in a community as a result of a natural disaster adversely impacting the sustainability of existing subdivisions.

Areas that have been developed by parties other than the municipality will not eligible for provincial government funding for a minimum of ten years after the date of amendment.

Requests for amendments to LSAs must:

1. Be submitted to the Minister of Municipal Affairs with a copy of a minute of the municipal council supporting the request;
2. Be supported with as-built drawings and stamped by a Professional Engineer;
3. Conform to all regulatory requirements, the municipal plan and municipal development regulations;
4. Be designed with good engineering practice, constructed to industry standards and have professional inspection during installation;
5. Have an asphaltic surface as a minimum standard for road construction.

Amendments that are outside these guidelines will be referred to Cabinet for decision.
ANNEX B
Limit of Service Density Requirements

MEMO TO: Regional Manager & Stan Clinton

Re: Limit of Servicing Agreements

To recap our discussion of the Limit of Servicing Agreement Plans review, the following is my understanding of the procedure that we agreed to:

1. Development at a density of less than 150 m/house is included.

2. If there is a gap with no development and then a developed area and if the average density from the beginning of the gap to the last house in the remote developed area is less than 150 m the whole area is to be included.

3. If the remote development is 3 or more houses and the average density, including the "gap", is greater than 150 m/house but not including the "gap" is less than 150 m/house the remote development may be included but the gap must be omitted.

I trust that this is now clearly understood by all who will be involved in the review process.

A new draft agreement will be circulated in the near future incorporating your comments.

R. C. NEWHOOK, P. ENG.,
Manager, Municipal Planning & Design Engineering.

1991 07 02

cc: Mr. Art Colbourne, A.D.M.
cc: Mr. W. Churchill, P. Eng.

RCN/ms
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Amendment to the Regional Service Board Act, 2012 Appointment Process

Decision/Direction Required:

Background and Current Status:

- In May 2007, Government announced the implementation of a multi-year Provincial Solid Waste Management Strategy (the Strategy) to ensure effective and efficient solid waste management in Newfoundland and Labrador. For the island portion of the Province, the Strategy is to be implemented through the creation of eight RSBs.

- To date, seven of the eight RSBs have been established by regulation under the Act: Northern Peninsula RSB, Eastern RSB, Central RSB, Western RSB, Burin Peninsula RSB, Discovery RSB, and the Coast of Bays RSB.

- While most RSBs are primarily focused on waste management, they may also be empowered to deliver other municipal services within a region (e.g. water supply systems, recreational facilities, and fire protection services) as provided under section 19 of the Act.

- Board members are nominated or elected by their respective municipal authorities as per Section 6 of the Act, in accordance with each region's approved governance structure. These members then elect a Chairperson from amongst themselves or from outside the board.

- Prior to 2015, Chairpersons were appointed by the Lieutenant-Governor in Council (LGIC). Amendments were made to the Act in April, 2015, to change the appointment process to what is now the current process **Changes were made at that time to reflect the progress under the Provincial Waste Management Strategy and operational independence of the Boards.**

- The change in the appointment process also removed the ability for the Minister and/or LGIC to remove Chairpersons from the position in the event they were not fulfilling the mandate of the board.

- Municipal elections take place every four years and the next elections are scheduled for September 26, 2017. In accordance with Section 8 of the Act, the board members will be required to elect new chairperson following these elections.
Alternatives:

Prepared/Approved by: S. Field/ J.Collins/ I. Duffett/ H.Tizzard
Ministerial approval: Received from Hon. Eddie Joyce
July 25, 2017

Eddie Joyce
Title: Status and Financial Concerns with the Local Service District (LSD) of Burnt Point-Gull Island-Northern Bay

Decision/Direction Required:

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Background and Current Status:

- The LSD of Burnt Point-Gull Island-Northern Bay was incorporated in 2003. Based on 2016 Census information, the community has a population of 546. The town is located on the North East Avalon peninsula in the district of Carbonear-Trinity-Bay de Verde.

- Many of the residents of the LSD of Burnt Point-Gull Island-Northern Bay are employed in the neighbouring towns of Bay de Verde and Old Perlican. Because of this, these two towns are exercising their authority under section 126(b) of the Municipalities Act, 1999 to impose a poll tax on these residents.

- The LSD of Burnt Point-Gull Island-Northern Bay had been collecting waste management fees from a group of residents. Residents who work in the municipalities of Bay de Verde and Old Perlican, in turn, have then provided Bay de Verde and Old Perlican with receipts for the fees paid to the LSD in order to meet the exemption qualifications under section 127(b)(iii) of the Municipalities Act, 1999 (if a resident pays a fee in the LSD in which they reside, they are exempt from paying poll tax in the community in which they work).

- In 2015, inquiries were made to the Department of Municipal Affairs and Environment (MAE), by the towns of Bay de Verde and Old Perlican regarding the status of the LSD. The Towns were concerned that the LSD was no longer operating and therefore the exemptions for poll tax would no longer apply.

Analysis:

- Eastern Waste Management, the regional service board (RSB) responsible for waste collection in the Eastern region of the province, collects the waste management fees in that region. On May 20, 2015, the RSB provided a letter to the LSD which stated that the LSD has not been given the authority to collect fees from residents on their behalf. The LSD has been delegated the task of collecting on behalf of AES clients in the LSD and remitting payment to the RSB.

- The LSD of Burnt Point-Gull Island-Northern Bay submitted a budget to MAE in 2015, 2016 and 2017 indicating that fire protection fees are the only fees collected. Fire protection
service is being provided by the town of Small Point-Adam’s Cove-Blackhead-Broad Cove. The LSD is the conduit for the fees. Prior to 2015, the last budget submitted by the LSD was in 2005 which indicated the only fees were for garbage collection. Legislation requires LSD committees to prepare, adopt, and submit budgets to the minister each year.

- In April 2016, a resident wrote the Department inquiring about the status of the LSD, as the resident had recently received an invoice from the LSD for fire protection fees.

- There are no documents or records available at the department regarding annual meetings, elections, or vacancies. When asked, the LSD was not able to provide that information to the department due to lack of records. During the visit in June 2016, two committee members confirmed that the committee has no records prior to 2013. The individual who kept the records had passed away and the information was misplaced or destroyed.

- A review of the records and documents of the LSD was conducted in August, 2015, and a follow-up was completed in June, 2016.

- On March 31, 2016, the LSD held an Annual General Meeting (AGM) in Burnt Point. At that time, an election was held and five persons were elected to the committee. Signatures were not taken from those in attendance, so the number of householders could not be confirmed. The minutes reflect at least 11 in attendance.

- Based on the 2011 Census information available at that time, the community had 281 households. A quorum of ten per cent of the householders is required under section 37 of the Local Service District Regulations. Therefore, based on Census information, 11 would not meet the criteria for a quorum for the AGM.

- On March 31, 2017 the LSD held an AGM. Attendance was taken and 47 individuals participated in the meeting. Based on 2016 Census information, the LSD has 392 total private dwellings and 255 private dwellings occupied by usual residents. Therefore, based on the number of households, it appears that the criteria were met for a quorum. However, an election of committee members did not take place at this meeting.

- Copies of the receipts for garbage fee payments previously collected by the LSD have been provided to MAE for reference and review.

- Discussions with the Eastern RSB confirmed that the RSB has also been billing and collecting for waste. A sample cross-check between the receipts provided by the LSD and the accounts with the RSB indicate some, albeit inconsistent, duplication.

- The LSD does not have a signed agreement between itself and the town of Small Point-Adam’s Cove-Blackhead-Broad Cove to provide fire protection services. While an agreement has been given to the LSD, it has not yet been signed.
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Proposed Amendment to St. John’s Urban Region Regional Plan for the Town of Holyrood

Decision/Direction Required:
- Whether to proceed with initial public and stakeholder consultation for a proposed amendment to the St. John’s Urban Region Regional Plan (SJURRP), as requested by the Town of Holyrood.
- It is recommended that:
  o The Minister allow Council to proceed with public, stakeholder, and other consultations for an amendment to the SJURRP, in accordance with Section 14 of the Urban and Rural Planning Act, 2000 (the Act).
  o The Council arrange and pay costs associated with the proposed amendment to the SJURRP.

Background and Current Status:
- The SJURRP is a statement of provincial policy approved by Cabinet in 1976.
- The Minister of Municipal Affairs and Environment is the authority for the SJURRP.
- Municipal plans prepared by municipalities under their authority from the Act and within the St. John’s Urban Region must conform to the SJURRP.
- Amendments to the SJURRP must be prepared and follow the process outlined by the Act and, in general, includes the following steps:
  o Initial public and stakeholder consultation, undertaken by council on behalf of the Minister.
  o Adoption of the amendment by the Minister.
  o Appointment of a Commissioner, by the Minister, to hold a public hearing.
  o The public hearing, if necessary (the public hearing may be cancelled if no submissions are made to the Minister or council up to two days prior to the scheduled public hearing).
  o The minister must decide to whether to approve, modify or reject the amendment on consideration of a report and recommendations from the Commissioner.
  o The Minister is not bound by a recommendation of the Commissioner.
  o If the amendment is approved by the Minister, the amendment must be registered and comes into legal effect on publication of a notice in the NL Gazette.
- The Town of Holyrood has requested an amendment to the SJURRP to change the land use designation for a number of areas so as to bring SJURRP into conformity with the draft Holyrood Municipal Plan and Development Regulations Amendment 1, 2017.
- The proposed amendment would re-designate 2 areas of the SJURRP. These areas appear as Schedule A and B on the attached maps.
Schedule A - From Rural to Urban Development east of Conception Bay Highway;
Schedule B - From Restricted Development to Urban Development south of North Shore Road;

Analysis:
- The proposed amendment to the SJURRP would only change land use designations within the Town of Holyrood. There are no proposed changes to written policies within the SJURRP.
- The proposed amendment relates only to the local area and does not have broad policy implications affecting the St. John’s Urban Region.
- Agreement to proceed through initial public consultation does not bind the Minister to adopting or approving the amendment should a provincial interest or public opinion warrant further consideration.
- If the Minister agrees to initial public and stakeholder consultations, the Minister will have up to three further decision points related to this amendment in the legislated planning process.
- The SJURRP has been amended more than 40 times in the past including similar requests from most of the 15 municipalities that are subject to the SJURRP.
- There are no explicit external costs to government or the department to initiate and complete the SJURRP amendment process. Past practice has required that the town requesting the amendment arrange and pay for legislated advertising and costs associated with retention of a Commissioner to hold a public hearing.
- The department, in cooperation with the 15 municipalities of the region agreed to undertake a comprehensive review of the SJURRP that would result in a new plan to be called the North East Avalon Regional Plan (NEAR Plan).
  - The NEAR Plan process could accommodate requests such as the current request from the Town of Holyrood.
  - The NEAR Plan is not expected to be finalized until 2018, at the earliest.
  - The department has processed other amendments to the SJURRP since the NEAR Plan process was initiated.
- Should the Minister accept the department’s recommendation, correspondence is attached for his consideration that would notify the Town of his agreement to initiate the SJURRP amendment process contingent on the Town being responsible for arrangements and costs related to the amendment.

Alternatives:
1. Allow the Council to proceed with public, stakeholder, and other consultations for an Amendment to SJURRP, in accordance with Section 14 of the Urban and Rural Planning Act, 2000. (Recommended).
Pros:
• Council would be able to proceed with the planning process related to their municipal plan.

Cons:
• The amendment would be unnecessary if the request were accommodated within the NEAR Plan process.

2. Do not allow the Council to proceed with consultation necessary to accommodate an amendment to the SJURRP. (Not Recommended).

Pros:
• No further work would be required of the department related to amending the SJURRP.

Cons:
• The Council and area MHA may object to the Minister’s refusal to consider an amendment to the SJURRP.
• Refusal to initiate the process would be inconsistent with past practice.
• The Town’s proposed amendment would not be eligible for registration as it conflicts with a policy of government and would therefore be contrary to section 24 of the Act.

Prepared/approved by: L. Church/T. Kelly/J. Chippett
Ministerial Approval: Received from Minister Eddie Joyce

July 27, 2017
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
Title: Proposal by the Town of Trinity Bay North to purchase six of the seven Ocean Choice International (OCI) fish plant buildings.

Issue: Whether the Minister of Municipal Affairs and Environment (MAE) should approve the real property purchase of a major portion of the OCI fish plant by the Town of Trinity Bay North as per section 201 of the Municipalities Act, 1999.

Background and Current Status:
- The Municipality of Trinity Bay North (TBN) represents the amalgamated communities of Melrose, Port Union, Catalina and Little Catalina and is situated on the northeastern shore of the Bonavista Peninsula.
- The Town of TBN has a population of 1,819 (2016) with a total 2017 revenue and expenditure of approximately $1.5M respectively. The Town’s debt servicing ratio (Local revenue/Debt) is approximately 5%.
- In 2010, Hurricane Igor led to the permanent closure of the OCI fish plant as well as the discontinuation of seal processing by NuTan (Barry Group). In 2012, the Town established an adhoc Economic Development Committee with representation from Council, local businesses, non-profit organizations and members-at-large to identify and support business development in the former OCI plant.
- In June of 2016, the Minister of MAE received a request from the Town seeking permission to purchase six of the seven OCI plant buildings for economic development purposes. Section 201 of the Municipalities Act, 1999 (the Act) requires a council to obtain prior written approval from the Minister when acquiring and holding real and personal property which is not necessary for the operations of the council.
- In August 2016, the Town announced that an agreement was reached between the Town and OCI regarding the purchase of the fish plant by the Town. At this announcement, OCI stated that they had already completed more than $2 million in work to the fish plant, which is estimated to be 30 per cent of the cost to restore the plant.
- On August 26, 2016, following review and analysis of the proposed OCI plant purchase, the Minister requested additional information regarding the acquisition related to building use and size, purchase price, financing, confirmed funding sources, any formalized business lease agreements, a business plan and the environmental site assessment.
- The Town responded to the department’s request for further information on October 13, 2016; however, the information provided by the Town did not fully address the concerns put forward by MAE. On November 2, 2016, MAE sent another request to the Town asking for information related to these outstanding concerns.
- A Memorandum of Understanding was signed between the Town of TBN and Ár n-oileàin Resources on April 10, 2017. (See Annex C)

- Ár n-oileàin Resources is proposing to occupy five of the buildings to produce pharmaceutical grade seal oil, establish a full seal utilization plant (fat, meat, organs, bones and skins), research and development, seal skin tanning, and office space.

- Ár n-oileàin Resources Ltd. has not filed a return with the Companies and Deeds Online registry (CADO) since the company registered in 2015 and, as such, is listed as ‘Not in good standing’ on CADO. Service NL informs that, since the company has not filed a return, they are in arrears with fee payment and any change in company structure or address would not be reflected in registry documentation.

Analysis:

- MAE staff held a teleconference with the Deputy Mayor, Shelly Blackmore, in December of 2016. Ms. Blackmore was informed that in order for the Town to secure potential funding from the Department of Tourism, Culture, Industry and Innovation (TCII) and the Atlantic Canada Opportunities Agency (ACOA) a formalized business plan was required. It was understood that development of a business plan was to be given high priority by the Town. To date, a business plan has not been received.

- In more recent discussions with Ms. Blackmore, the Town considers owning the property as an asset which can also be sold should the current plan not be workable.

- The Town’s debt servicing ratio is approximately 5%; this is considered to be a strong ratio and places the town in good standing with respect to using 5% of its revenue to service its debt. The town has advised that they do not anticipate the need to increase taxes to support the purchase and maintenance of the OCI buildings.

- The department has identified a number of remaining elements to be considered by the town as it proceeds. These largely focus on environmental considerations related to a recommended Phase II/III environmental site assessment; and potential requirement for subsequent approvals and permits under the Environmental Protection Act and Water Resources Act. The Department has also provided general comments related to up front and ongoing maintenance costs; funding requirements and overall feasibility of the proposed Eco-Industrial Park. The Department has determined through dialogue with TCII that requirements from funding agencies will address the provision of the noted information. A draft letter which communicates the above points to the municipality is attached (see Annex B).

- The Town’s response to the department’s November 2nd request for additional information was received on March 20, 2017.

- A summary and analysis of the department’s concerns, corresponding responses from the Town and suggestions for clarification by the Town of TBN are attached as Annex A.

- It is anticipated that the areas for clarification would be addressed through any funding applications to TCII and ACOA.
- TCII is concerned about potential environmental remediation and other costs. TCII advises that expectations that TCII and ACOA will fund the restoration of this facility are not accurate and, without more details, it is impossible to predict costing and the ability of government to provide funding.

- TCII is also concerned about the lack of a solid business plan from the Town of TBN. It would be unfortunate for the Town to have an unrealistic expectation that once they acquire the building, TCII or ACOA will make a significant contribution to the restoration of these buildings. The Town should understand the risk, which ultimately rests with municipal taxpayers, in the absence of a business plan and uncertainty regarding the commercial client involved. According to the MOU (Annex C) there are a number of conditions that the Town has to meet and, in the absence of information about Ar n-oileân Resources’ current investors, it is unclear if the Town can finance the development themselves. If subsequent support is received from government departments, then the project’s viability will only be enhanced.

Legislative Considerations
- Section 201 of the Municipalities Act requires a council to obtain prior written approval from the Minister when acquiring and holding real and personal property, which is not necessary for the operations of the council.

- The operations of the council are typically considered to be associated with core service delivery such as water, wastewater, roads and recreation. However, section 203 of the Act does authorize a council to encourage economic development and allows a council to enter into an agreement with another municipality, local service district, agency, person or the provincial government to achieve this. Economic development means the continuation, expansion or establishment of a business or industry.

- Section 221, presents a further legislative consideration, which restricts a municipality to be in competition with a non-council entity that is located in the municipality providing the same commercial equipment, staff or goods. If the acquisition is approved, then the town could be non-compliant with this provision if a private company, now or anytime in the future, provided business space for lease, as the two entities would be in competition.

Environmental Considerations
- Departmental staff have reviewed the Phase I Environmental Site Assessment (ESA) prepared by Sikumiut Environmental Management Ltd. in 2016 on behalf of the Town of Trinity Bay North for the former fish processing plant. The site contained numerous aboveground storage tanks (ASTs) over the course of its operations, including:
  - two 26,000 L fuel ASTs (and associated pipelines to wharf);
  - a diesel AST on the north side of the site;
  - a waste oil AST on the southeast side of the site;
  - four Bunker C storage tanks (and associated pipeline to main building) on the northwest corner of the main plant;
  - two other fuel oil storage tanks near the meal plant;
  - a gasoline storage tank and associated pump island;
  - a lube oil storage tank (and associated pipeline from the maintenance building); and
an oil-stained area was observed adjacent to the dyke containing the two larger ASTs.

- It is recommended that a Phase II ESA, and likely a Phase III, be completed at the site to determine whether petroleum hydrocarbon impacts are present and before a liability estimate can be determined. Should impacts be found above applicable guidelines, further assessment and or remediation/risk management may be required. MAE supports Sikumiut’s recommendation to remove the stained surface soil observed at the site.

- The Town of TBN will be informed of potential unforeseen costs and timelines associated with some of the proposed activities, such as seal skin tanning, refining of pharmaceutical seal oil product, and dehydrating seal organs as proposed by Ar n-illeän Resources. These types of processes will likely require registration under the Environmental Protection Act, water use permits under the Water Resources Act and certificates of approval under the Environmental Protection Act.

- A draft letter of approval, which outlines MAE perspectives and matters for the town’s consideration is attached (Annex B). Contact information for the relevant Environment Branch directors is provided in the letter.

Alternatives:

1. The Minister of MAE provide authority to the Town to proceed with the purchase of six of the OCI fish plant buildings. Correspondence to reflect recommendations from MAE and TCII and communicate clearly that, given the lack of specific details about the potential development opportunities (i.e. business plan and financial details), an approval for purchasing the buildings is not a commitment of financing in any form from the Government of Newfoundland and Labrador. *(Recommended)*

Advantages:

- The purchase of the property can proceed along with any necessary MOUs.
- The Town can enter into negotiations with public and private funding agencies to procure funding for the project.
- The Department has exercised due diligence and advised the town council of additional legislative, financial and environmental requirements and approvals / permits that may be required.
- An additional level of detail in terms of the funding model and project cost will occur through the town’s economic development funding application process.

Disadvantages:

- The Town may require financial assistance from GNL in future if private investment does not materialize due to poor planning.
- At a future point the Town may be noncompliant with section 221 of the Act where the municipality may find itself to be in competition with a non-council entity.

2. Communicate to the Town of TBN that the department has outstanding concerns with the proposal to purchase the OCI fish plant and that a business plan and further analysis is required to approve the purchase. *(Not Recommended)*
Advantages:
- The Town will be in a better position to procure funding from other government agencies with a comprehensive business plan.
- The Town will have received more information and a comprehensive analysis of (legislative/financial/environmental) considerations which will be advantageous in the long term.

Disadvantages:
- A delay in a decision will delay the project further and may put any confirmed or potential funding for the project at risk. The buildings proposed for purchase continue to degrade, increasing repair costs. It is acknowledged that this information can be obtained and considered during the funding application process.

Prepared/Approved by: N. Rowsell in consultation with T. Lomond TCII / M. Thomas / D. Spurrell / J. Chippett

Ministerial Approval: Received from Hon. Eddie Joyce!

July 28, 2017

Annex A: Summary of MAE’s Concerns, TBN’s Responses and Suggested Clarifications
Annex B: Draft Approval Letter
Annex C: Memorandum of Understanding between Ár n-oileán Resources Ltd and the Municipality of Trinity Bay North
The total cost of the work has not been established.

Upfront Costs and Funding

Legislative and Regulatory

Environmental

Analyses and Recommendations

Response

MAE Considerations

Annex A - Summary and Analyses of MAE Considerations and Responses Received
<table>
<thead>
<tr>
<th>Timeline of all upgrade and renovation work required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nor the timeline outlined.</td>
</tr>
<tr>
<td>- Two engineering firms have been consulted</td>
</tr>
<tr>
<td>regarding general recommendations.</td>
</tr>
<tr>
<td>- Cost estimate for Class D schedule: $45K-50K</td>
</tr>
<tr>
<td>plus tax; up to three months to complete; actual</td>
</tr>
<tr>
<td>cost may come in 30% higher or 30% lower.</td>
</tr>
<tr>
<td>- Cost estimate for Class A schedule: $100K-150K</td>
</tr>
<tr>
<td>plus tax; up to four months to complete; actual</td>
</tr>
<tr>
<td>cost may come in 10% higher or 5% lower.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total cost and financing of potential specialized work/equipment needed to support potential incoming tenants</th>
</tr>
</thead>
<tbody>
<tr>
<td>- TBN is applying for civil, structural, mechanical and electrical upgrades. Without the benefit of a recent professional assessment of the buildings, TBN estimates a cost of $3M.</td>
</tr>
<tr>
<td>- Specialized equipment requirements would be the responsibility of the business.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Total cost and funding of insurance</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The 2017 Budget for TBN includes $12K to cover the expected insurance cost. This was done without raising taxes.</td>
</tr>
<tr>
<td>- Once business(es) are established in the Eco-Industrial Park revenues from the Park will cover the insurance costs.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Analysis of municipal tax increases required to support required financing</th>
</tr>
</thead>
<tbody>
<tr>
<td>- TBN is seeking support from a variety of programs. Based on the assumption of $3M with a 90/10 split in funding, TBN would assume a $300K long-term loan.</td>
</tr>
</tbody>
</table>

**Revenue**

- Business Tax: 25 mil on $3M value (low estimate)

**Lease:** $75K
continue with ACCA and TOLL through various funding agencies. Discussions economic development funding opportunities.

- The Town has indicated they are seeking increased incentives.
- The Town has indicated there will be no tax

Mortgage Insurance Cost

$341,416

July Notes
Annex B – Draft Approval Letter

Mayor Thomas Cooper
Municipality of Trinity Bay North
P.O. Box 91
Port Union, NL
A0C 2J0

Dear Mr. Cooper:

RE: Letter of Approval

Thank you for your correspondence requesting my approval, as per section 201 of the Municipalities Act, 1999, to acquire and hold real property which is not necessary for the operations of the council. Specifically, your request was for approval to acquire six of the seven Ocean Choice International (OCI) fish plant buildings for a proposed Eco-Industrial Park.

In accordance with section 201 of the Municipalities Act, 1999, I hereby provide my approval for the above noted purchase of real property by the Town of Trinity Bay North (TBN) from OCI.

I would also like to note that according to the Phase I environmental site assessment (ESA), the OCI fish plant site contained an estimated 12 aboveground storage tanks (ASTs) over the course of its operations. It is recommended that a Phase II ESA, and likely a Phase III, be completed at the site to determine whether petroleum hydrocarbon impacts are present and before a liability estimate can be determined. Further assessment and or remediation/risk management may be required if impacts are found to be above applicable guidelines. The Department of Municipal Affairs and Environment supports Sikumiut Environmental Management Ltd in its recommendation to remediate stained surface soil observed at the south side of the concrete dyke as well as at the north side of the site. For additional information or questions please contact Dan Michielsen, Director of Pollution Prevention at 729-6782.

MAE would like to remind you of the need to ensure all other regulatory processes be completed as required for proposed activities. Seal skin tanning, refining of pharmaceutical seal oil product, and dehydrating seal organs as proposed by Ar n-oilean Resources may require: registration under the Environmental Protection Act, water use permits under the Water Resources Act and certificates of approval under the Environmental Protection Act. For further questions related to Environmental Assessment, please contact or Susan Squires, Director of Environmental Assessment at 729-0673. For matters related to water resource permits or approvals please contact Haseen Khan, Director Water Resources Management at 729-2535.

Also consider that section 221 of the Municipalities Act, 1999 restricts a municipality to be in competition with a non-council entity that is located in the municipality providing the same commercial equipment, staff or goods. The Town could be non-compliant with this provision if a private company, now or anytime in the future, provided business space for lease, as the two entities would be in competition.

If you have any questions following this approval, please contact Tara Kelly, ADM, Fire and Emergency and Corporate Services at 729-2787.

Sincerely,
EDDIE JOYCE, MHA
District of Humber-Bay of Islands
Minister

cc Nancy Robbins; Atlantic Canada Opportunities Agency
    Ted Lomond; Department of Tourism, Culture, Industry and Innovation
Mayor Thomas Cooper  
Municipality of Trinity Bay North  
P.O. Box 91  
Port Union, NL  
A0G 2J0

Dear Mr. Cooper:

RE: Letter of Approval

Thank you for your correspondence requesting my approval, as per section 201 of the Municipalities Act, 1999, to acquire and hold real property which is not necessary for the operations of the council. Specifically, your request was for approval to acquire six of the seven Ocean Choice International (OCI) fish plant buildings for a proposed Eco-Industrial Park.

In accordance with section 201 of the Municipalities Act, 1999, I hereby provide my approval for the above noted purchase of real property by the Town of Trinity Bay North (TBN) from OCI.

I understand that any requests for funding to the Department of Tourism, Culture, Industry and Innovation (TCII) regarding economic development and/or repairs and upgrades to the property will require the Town of TBN to submit business information, engineering assessments and supporting documentation. As part of that process I understand the Town will prepare and submit a business plan, cost estimates and detailed engineering designs and assessments.

I would also like to note that according to the Phase I environmental site assessment (ESA), the OCI fish plant site contained an estimated 12 aboveground storage tanks (ASTs) over the course of its operations. It is recommended that a Phase II ESA, and likely a Phase III, be completed at the site to determine whether petroleum hydrocarbon impacts are present and before a liability estimate can be determined. Further assessment and/or remediation and/or risk management may be required if impacts are found to be above applicable guidelines. The Department of Municipal Affairs and Environment (MAE) supports Sikumiut Environmental Management Ltd in its recommendation to remediate stained surface soil observed at the south side of the concrete dyke as well as at the north side of the site. For additional information or questions please contact Dan Michielsen, Director of the Pollution Prevention Division, at 729-5782.
MAE would like to remind you of the need to ensure all other regulatory processes be completed as required for the proposed activities. Seal skin tanning, refining of pharmaceutical seal oil product, and dehydrating seal organs as proposed by Ár n-oileán Resources may require: registration under the Environmental Protection Act, water use permits under the Water Resources Act and certificates of approval under the Environmental Protection Act. For further questions related to environmental assessment please contact Susan Squires, Director of the Environmental Assessment Division, at 729-0673. For matters related to water resource permits or approvals please contact Haseen Khan, Director of the Water Resources Management Division, at 729-2535.

Also consider that section 221 of the Municipalities Act, 1999 restricts a municipality to be in competition with a non-council entity that is located in the municipality providing the same commercial equipment, staff or goods. The Town could be non-compliant with this provision if a private company, now or anytime in the future, provided business space for lease, as the two entities would be in competition.

Please be aware that, given the lack of specific details about the potential development opportunities (i.e. business plan and financial details), an approval for purchasing a portion of the Ocean Choice International property is not a commitment of financing in any form from the Government of Newfoundland and Labrador. If you have any questions following this approval, please contact Tara Kelly, ADM, Fire, Emergency and Corporate Services at 729-2787.

Sincerely,

EDDIE JOYCE, MHA
District of Humber-Bay of Islands
Minister

cc Nancy Robbins; Atlantic Canada Opportunities Agency
Ted Lomond; Department of Tourism, Culture, Industry and Innovation
Title: Makkovik - New Concrete Spillway Tender Overage

Decision/Direction Required: Whether to cost-share at 90/10, a tender overage of $111,087, with the Makkovik Inuit Community Government (ICG) through the Municipal Capital Works (MCW) 2017 program to pay for a New Concrete Spillway.

Background and Current Status:
- In July 2016, Makkovik was awarded a Clean Water and Wastewater Fund project (#17-CWWF-17-00123) to construct a New Concrete Spillway. Approved project funding was $599,698. The project was tendered and closed June 19, 2017 with the following bids:
  
  o Bera Ltd  
  o B&R Enterprises Ltd  
  o Bird heavy Civil Ltd  

  o Bera Ltd $656,592.50
  o B&R Enterprises Ltd $733,211.25
  o Bird heavy Civil Ltd $1,274,102.25

- Using the lowest bid, the total of construction ($656,592.50) and engineering ($54,193.00) engineering is $710,785.50, which is $111,087 over the approved funding.

- The present spillway, a 25 year old severely dilapidated wooden structure, is essentially a low dam which raises the water level of the natural pond to allow more storage and sufficient depth over the intake pipe in winter. The replacement proposed is a concrete structure. Due to the nature of the concrete structure, the scope cannot be reduced.

Analysis:
- If the department does not fund the overage, the town may cancel the project.

- Possible outcomes of not replacing the wooden spillway are: breaching of the structure or lowering of the water level from leakage such that the intake freezes and the Town experiences a complete loss of water in winter.

- The provincial share to cover the overage would be $90,664 to be sourced from the 2017-18 MCW program. There is currently $210,503 in commitment authority remaining for 2017/18.

- If approved, the balance of MCW funding would be $119,839 for 2017/18.

Alternatives:
- Approve the $111,087 to allow award of contract to the low bidder. (Recommended)

- Deny the ICG's request for additional funds. (Not Recommended)

Prepared/Approved by: M. Kearney/C. Power/I. Duffett/H Tizzard
Ministerial Approval: Received from Hon. Eddie Joyce [pending]

August 1, 2017
Decision Note
Department of Municipal Affairs and Environment

BN/2017/0105

Title: Supplementary Municipal Election Forms (MEFs)

Decision Required: Seeking decision whether to release two additional MEFs. It is recommended that the Minister approve two supplementary MEFs for use during the upcoming 2017 municipal general elections.

Background and Current Status:

- Section 98 of the Municipal Elections Act allows the Minister to establish forms for the purpose and administration of municipal elections.
- MEFs for the 2017 election were approved by the Minister in March 2017. Since that time it has been recognized that two additional supplementary forms should be added for Returning Officers to submit following nomination and election periods.
- The municipal election nomination period begins August 29th. It is recommended that the supplementary forms be distributed to towns by August 15th to allow sufficient time for Returning Officers to review.

Analysis

- The following outlines the rationale for creating two supplementary election forms:

1. Collection of Candidate Demographic Information

- Traditionally, MAE has collected information pertaining to the age, gender and incumbency of municipal candidates during the nomination period of each election.
- As a result of updated Access to Information and Protection of Privacy Legislation, MAE was informed during the drafting of the 2017 MEFs that the department could not collect this type of information if there was not a program in place that required related data collection.
- Following approval of the 2017 MEFs, separate approval was provided to transfer the intellectual property rights of the Make York Mark campaign to Municipalities Newfoundland and Labrador (MNL) and provide $37,500 to MNL to fund associated campaign costs. The Make Your Mark campaign aims at encouraging residents, in particular females and/or youth to run for municipal council. The intellectual property was transferred to MNL for 4 years to run the 2017 and 2021 campaigns and associated programs in between.
- MAE is therefore now supporting the delivery of a program that requires the collection of demographic data relating to municipal candidates. The data will serve as a benchmark to measure MNL’s success in delivering the Make Your Mark campaign and will support future decisions whether to extend funding to MNL.
- MAE has worked with departmental regional staff, ATIPP office and JPS to develop an additional form for candidates to complete upon submitting their nomination forms. The form, attached as Appendix A seeks anonymous candidate information on age, gender and incumbency.
2. Collection of Elected Official Age Information

- As MAE now proposes to collect information on the age of municipal candidates, it is also proposed that this information also be collected for municipal elected officials.

- MEF-17 is the Municipal Election Report, which Returning Officers must submit to MAE within 7 days after the election. The report seeks the full names of elected candidates, number of votes, number of male/female councillors, number of new councillors and the number of councillors elected by acclamations.

- It is proposed that a supplementary form be added to the Municipal Election Report seeking the total number of elected officials that fall within the age ranges of 18-25, 26-35, 36-45, 46-54 and above 55.

- Collecting this information will allow MAE to compare data collected from nominees and ultimately elected officials.

- The ATIPP office and JPS have reviewed and approved this supplementary form, attached as Appendix B.

- If the two supplementary forms are approved, the Local Governance and Planning Division will post the MEFs on the department's website and distribute the MEFs to each municipality, accompanied with a letter to Returning Officers explaining the rationale and directions for submitting the additional forms.

- MAE may need to follow up with any municipal Returning Officers who do not submit the supplementary forms.

Alternatives:

1. Approve the distribution of the two supplementary MEFs to collect demographic and incumbency information on municipal candidates and election officials (RECOMMENDED)
   - Advantages:
     - Will allow MAE to benchmark the success of the Make York Mark campaign.
     - Will continue MAE's trend of collecting information relating to candidate and elected official age, gender and incumbency.
   - Disadvantages:
     - Returning Officers will have two additional forms to administer.
     - MAE may need to follow up with Returning Officers to ensure data is collected and submitted.

2. Do not use the two supplementary 2017 MEFs to collect demographic and incumbency information on municipal candidates and elected officials.
   - Advantages:
     - None identified.
   - Disadvantages:
MAE will not have information to benchmark the success of the Make Your Mark campaign.

MAE may be criticized by members of the public for not collecting this information, which has traditionally been collected.


Ministerial Approval: Received from the Honourable Eddie Joyce

August 7, 2017

Appendix A: MEF-04.1 Candidate Supplementary Information Form

Appendix B: MEF-17.1 Municipal Election Supplementary Report
Candidate Supplementary Information Form

The Department of Municipal Affairs and Environment is seeking to compile anonymous information relating to nominated candidates in the 2017 municipal election. The Department is interested in collecting candidates' demographic and incumbency information. The data collected will be used to evaluate and report on the success of the Make Your Mark NL campaign which is designed to generate interest in running for municipal council with a particular focus on encouraging candidates who are female and/or youth.

Direction to Candidates: Please complete this form and submit to the Returning Officer on nomination day. Do not write your name, signature or initials on this form as the data must be anonymous.

Municipality of

Please select one (1) option in each section:

<table>
<thead>
<tr>
<th>Candidate for:</th>
<th>□ Councillor</th>
<th>□ Mayor</th>
<th>□ Ward Councillor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender:</td>
<td>□ Male</td>
<td>□ Female</td>
<td></td>
</tr>
<tr>
<td>Age Bracket:</td>
<td>□ 18 - 25</td>
<td>□ 26 - 35</td>
<td>□ 36 - 45</td>
</tr>
<tr>
<td>New/Incumbent:</td>
<td>□ New</td>
<td>□ Incumbent</td>
<td></td>
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</tbody>
</table>

Direction to Returning Officers: Send completed forms to the appropriate Regional Office of the Department immediately after the close of nominations, along with MEF-04. If the candidate is not present on nomination day, the Returning Officer will endeavour to collect this information from the candidate at the earliest possible time following the candidate's nomination.

Privacy Notice:
The personal information on this form is collected under the authority of s.61(c) of the Access to Information and Protection of Privacy Act, 2015 for the purpose of evaluating and reporting on the progress and impact of the Make Your Mark NL campaign which aims to generate interest in running for municipal council with particular focus on female and/or youth candidates. Any questions or comments can be directed to Debi Keith, ATIPP Coordinator, Department of Municipal Affairs and Environment, Government of Newfoundland and Labrador, 709-729-3631.
Municipal Election Supplementary Report

Send to the Department of Municipal Affairs and Environment within 7 days after election along with MEF-17.

Municipality of ________________________________

RE: Section 61 – Municipal Elections Act

Supplementary report on the Municipal Election held on ____________________, 20____

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Number</th>
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<tbody>
<tr>
<td>18 - 25 years of age</td>
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</tr>
<tr>
<td>26 - 35 years of age</td>
<td></td>
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<tr>
<td>36 - 45 years of age</td>
<td></td>
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<tr>
<td>46 - 54 years of age</td>
<td></td>
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<tr>
<td>55 years of age and over</td>
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</table>

Signature of Returning Officer

Form prescribed under Section 98 of the Municipal Elections Act.
Decision Note
Department of Municipal Affairs and Environment

Title: Provincial Water and Wastewater Initiative Fund – Approval of Guidelines

Decision/Direction Required:

- Whether to approve the Guidelines for the Provincial Water and Wastewater (WWW) Initiative Fund as provided in Annex A.

- It is recommended that the Department of Municipal Affairs and Environment approve the Guidelines as provided in Annex A.

Background and Current Status:

- The Administrative Agreement on the Federal Gas Tax Fund (Annex B, Terms and Conditions, Section 1.1.3) states that NL will allocate 1.43 per cent of any Gas Tax funding that it may receive from Canada over the lifetime of this Administrative Agreement to Local Governments on an application basis to carry out projects in the Eligible Project Categories of drinking water and wastewater. This amounts to $2.2M for NL.

- Based on the definition of Local Governments in the Administrative Agreement, the WWW funding is accessible to all municipalities, Inuit Community Governments, and Regional Service Boards.

\[s.27(1)(i), s.27(2)(a)\]

- WWW funding was designated for projects that will improve the availability or treatment of water and wastewater. designates the WWW funding for regional projects.

- In accordance with the Allocation Formula in the Administrative Agreement, the $2.2M in WWW funding would be paid out in the last three years of the 2014-2019 Allocation as follows: 2016-2017 - $737,925; 2017-2018 - $737,925; and 2018-2019 - $738,372.

- The recipient must spend the funding by the termination date of the Administrative Agreement - March 31, 2024.

- WWW funding can be used with other gas tax funds (municipal allocations) and provincial funding (MCW and MYCW) but has to adhere to stacking rules if other federal programs are used that set such conditions.

- MAE notes the Administrative Agreement is silent on how funding should be distributed between eligible projects, what constitutes regional project, how the funds should be divided among the regions, and the maximum amounts that an individual municipality or Inuit Community Government can receive.

- The Administrative Agreement does not require that projects be cost-shared with the ultimate recipient.

- Schedule A of the Administrative Agreement requires that recipients seeking WWW funding be required to submit a Capital Investment Plan Application.
Analysis:
- There is no definition of a regional project for WWW contained in the agreement. MAE did not provide a definition of a regional project. The Department of Municipal Affairs and Environment (MAE) recommends that in order to qualify as a regional project, WWW projects must benefit more than one community, with at least one of the communities being an Ultimate Recipient.
- MAE further recommends that, in addition to the Capital Investment Plan, Ultimate Recipients must also submit a resolution of council(s) and detailed cost estimate.
- The criteria for approving a WWW projects must be consistent with the review of all gas tax projects – the project has to fit into an eligible category (drinking water or wastewater) and the costs have to be eligible.
- Recipients will be required to enter into funding agreements (Ultimate Recipient Gas Tax Agreements) with the Province.

Alternatives:

Option 1: Approve the attached Provincial Water and Wastewater Initiative Fund Guidelines per Annex A. (Recommended)

Advantages:
- Will ensure equitable access to WWW funds for all that apply.
- Will ensure that all recipients are treated equitably no matter the size of their population.
- Will allow more projects to be funded through other infrastructure programs as gas tax will free up provincial funding to be used on other projects.
- Will support the Department's priorities of improving drinking water quality and waste water treatment.

Disadvantages:
- Unlike municipal allocations, funding would not be distributed to all municipalities and Inuit Community Governments.

Option 2: Do not approve the attached guidelines. (Not Recommended)

Advantages:
- There are no advantages to not establishing Provincial Water and Wastewater Initiative Fund Guidelines.

Disadvantages:
- Will not ensure equitable treatment of applications.

Prepared/Approved by: S. Appleby / H. Tizzard / J. Chilliwack
Ministerial Approval: Hon. Eddie Joyce
August 10, 2017
Annex A: Gas Tax - Provincial Water and Wastewater Initiative Fund Guidelines

1. Available to all Municipalities and Inuit Community Governments with a signed Ultimate Recipient Gas Tax Agreement.

2. This is an application based program. Approved projects will be selected from applicants that applied through a public call for applications.

3. Projects must:
   - Fit into one of the following two gas tax categories:
     - Drinking water – infrastructure that supports drinking water conservation, collection, treatment and distribution systems.
     - Wastewater – infrastructure that supports wastewater and storm water collection, treatment and management systems.
   - Have eligible costs as defined by Schedule C of the Administrative Agreement on the Federal Gas Tax Fund.
   - Support two or more communities that will directly benefit from the improved availability or treatment of water and waste water.

4. Applicants will be required to submit a capital investment plan application, resolution of council(s) supporting the project, and a detailed cost estimate.

5. Applications will be reviewed by the Gas Tax Secretariat for completeness and brought to the Gas Tax Committee for decision.

6. The Gas Tax Committee will decide how the funds are to be distributed among the approved projects.

7. Provincial Water and Wastewater Initiative Fund may be used in conjunction with a municipal allocation or any provincial funding.

8. Applications that are funded through other federal funding programs are subject to federal stacking rules that may be associated with those other programs.

9. Ultimate Recipients will sign an amendment to their Ultimate Recipient Gas Tax Agreement or enter into a new funding agreement for the funding approved under the Provincial Water and Wastewater Initiative Fund.

10. Ultimate Recipients will report on the Provincial Water and Wastewater Initiative Fund projects using the existing Audited Annual Expenditure Report.
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: 2017 Municipal Election Deferral Request for the Town of Labrador City

Decision/Direction Required:
- Whether to issue a Ministerial Order to defer the upcoming Municipal Election for the Town of Labrador City (LC).
- It is recommended that:
  o The Minister rejects the request to defer the upcoming Municipal General Election in LC.

Background and Current Status:
- On June 16, 2017, LC requested the deferral of their Municipal Election for a period not exceeding five months or until February 26, 2018.
- The municipal general elections are scheduled for Tuesday, September 26, 2017. Section 5(3) of the Municipal Elections Act states that the Minister may, by order, defer a general election with respect to one or more municipalities for a period not exceeding one year.
- According to their request, the purpose of the deferral is to allow LC and its residents to thoroughly explore amalgamation with the Town of Wabush (Wabush) which is currently being considered.
- The Department of Municipal Affairs and Environment (MAE) funded the towns $25k towards the preparation of a feasibility study, which is being led by Stantec Consulting.

Analysis:
- As per the Municipalities Act, 1999, this decision is at the discretion of the Minister.
- In 2013, Municipal Elections were deferred for the following communities considering amalgamation:
  o Lark Harbour and York Harbour;
  o King’s Cove, Duntara and Keels; and
  o Lord’s Cove, Lamaline and Point au Gaul: Of this group, Point au Gaul did not request the election deferral in time, so based on a “technicality” they did not have a deferred election. Rather, a Special Election was ordered for a later date.
- Wabush has not requested an election deferral and MAE staff is unaware of a precedent, whereby just one of two or more communities considering amalgamation, requested, and was subsequently granted an election deferral.
- Ideally, communities should be striving to be consistent in their approach to the amalgamation process. With a divergent approach to the Municipal Elections, Labrador West residents could perceive that there is a lack of cohesion between the towns.
- However, while it may be ideal that both towns are consistent in their approach during this process whether they defer or not, Stantec’s consultant (John Heseltine) advised that he does not believe a divergent approach will be detrimental to the process as there will be elected councils in place considering the merits of amalgamation.
- There are differing opinions. On June 23, 2017, Minister Joyce received a letter from the Labrador West District Labour Council on behalf of the unionized workers in the Labrador West area. President Fabian Benoit noted that in Council’s view, LC’s election should not be
postponed in light of Wabush’s moving forward. He wrote, “showing consistency within the
two municipalities is crucial to the well-being of the citizenship of these communities”.

- Government does not force amalgamations and LC and Wabush councils can withdraw from
  the process at any time.
- The feasibility study final report is near completion. A draft final report is expected in the
  next few days, and it is anticipated that the recommendation will be to amalgamate LC and
  Wabush. The final report will be submitted to Minister when the towns and MAE have had
  an opportunity to review it and provide feedback.
- Amalgamation can be a lengthy process. As an example, the feasibility report looking into
  the amalgamation of Fogo Island was finalized by Whey Consulting in November 2009,
  whereas the Order to amalgamate the communities was dated January 2011. On March 2,
  2011, councilors were officially sworn in. Community meetings, Memorandum of
  Understanding negotiations, applicable approval processes and transition planning, would
  have taken up a bulk of the time between the final report being tabled and the January 2011
  Order. These steps and potentially others, if recommended by Stantec, i.e. plebiscite, are
  steps that will need to occur should LC and Wabush agree to amalgamate.
- Therefore, with many crucial and potentially lengthy steps remaining,

Alternatives:

1. The Minister rejects the request to defer the upcoming Municipal General Election in the
   Town of Labrador City. (Recommended)

   Advantages
   - Councils of Labrador City and Wabush will be aligned in their approach to Municipal
     Elections while exploring amalgamation;
   - Improved optics of consistency and cohesion during the amalgamation process;
   - No known precedent supporting a divergent approach; and
   - Addresses concerns raised by Labrador West District Labour Council’s request.

   Disadvantages
   - Rejects LC’s request; and
   - Government may be criticized for rejecting the request and forcing
     cohesion/amalgamation.

2. The Minister approves and signs the attached Ministerial Order to defer the upcoming
   Municipal General Elections in the Town of Labrador City. (Not Recommended)

   Advantages
   - Responds to LC’s request.

   Disadvantages
   - Councils in Labrador City and Wabush are not aligned in their approach to Municipal
     Elections while exploring amalgamation;
   - No known precedent supporting a divergent approach; and
- Does not address concerns raised by Labrador West District Labour Council's request.

Prepared/Approved by: B. Ellis/A. Wright / T. Kelly / J. Chippett
Ministerial Approval: Received from the Hon. Eddie Joyce
August 15, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Town Council of Witless Bay – Quorum for Meetings

Decision/Direction Required:
- Whether to authorize the councillors who are available to attend the meeting scheduled to set the nomination date for the Town of Witless Bay for the upcoming municipal election to perform that function.

- It is recommended that the Minister of Municipal Affairs and Environment (MAE), in accordance with section 211(2) of the Municipalities Act, 1999 authorize the councillors who are available to attend the meeting to set the nomination date for the Town of Witless Bay for the upcoming municipal election to perform that function.

Background and Current Status:
- The Town Council of Witless Bay has a complement of seven councillors. Due to recent resignations, the Council now has four councillors. This number is sufficient for quorum if all councillors attend the meetings; however, in recent months, Council meetings have been cancelled due to lack of quorum.

- The last full public Council meeting was May 9, 2017. Council attempted to schedule meetings in June and July; however, these were cancelled due to lack of quorum as one or more councillors could not attend.

- A recent meeting was scheduled for August 8, 2017, but was quickly adjourned following the adoption of the agenda. All other agenda items were not dealt with.

- One of the agenda items was the setting of nomination day for the Town for the upcoming General Municipal Election to be held on September 26, 2017.

- In an effort to deal with this agenda item, the Mayor called a Special Meeting for August 15, 2017. Several hours prior to the meet however; the Mayor wrote to the Minister of Municipal Affairs and Environment stating that the meeting will be cancelled due to lack of quorum. The Mayor asked the Minister to set the nomination date for August 29, 2017.

Analysis:

- Under the authority of the Municipalities Act, 1999, the Minister is able to authorize the councillors who are available to attend a meeting to perform functions of Council. Specifically, section 211(2) states that “where the number of councillors available to attend meetings is less than a quorum, the minister may authorize the councillors who are available to attend meetings to perform the functions of the council that he or she may prescribe.”

- MAE recommends that the Minister authorize the councillors who are able to attend the meeting scheduled for the purposes of setting the nomination day to perform that function (i.e. the setting of the nomination day).
Alternatives:

Option 1: In accordance with section 211(2) of the Municipalities Act, 1999, authorize the councillors who are able to attend the meeting scheduled for the purposes of setting the nomination day to perform that function. (Recommended)

Pros:
- Allows the Town to set its nomination day.

Cons:
- The Minister may be criticized for allowing less than quorum to make decisions of Council.

Option 2: Do not allow the councillors who are available to attend the meeting to set the nomination day. (Not recommended).

Pros:
- The Minister will not be criticized for allowing less than quorum to make decisions of Council.

Cons:
- The Minister may be criticized for not supporting the Town in moving forward with Town business.

Prepared/Approved by: H. Tizzard
Ministerial Approval: Received from Hon. Eddie Joyce

August 15, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title 2017 Municipal Election Deferral Request for the Town of Little Bay Islands

Decision/Direction Required:
- Whether to issue a Ministerial Order to defer the upcoming Municipal Election for the Town of Little Bay Islands (LBI).
- It is recommended that:
  - The Minister approves and signs the attached Ministerial Order to defer the upcoming Municipal Election in LBI.

Background and Current Status:
- The municipal general elections are scheduled for Tuesday, September 26, 2017. Section 5(3) of the Municipal Elections Act states that the Minister may, by order, defer a general election with respect to one or more municipalities for a period not exceeding one year.
- LBI is currently being considered for relocation assistance as per the Community Relocation Policy. Specifically, they are very early in the residency determination stage of the process.
- On July 13th, 2017, LBI requested the deferral of their Municipal Election for a period not exceeding one year or September 25th, 2018. The purpose of the deferral is to allow LBI and its residents to thoroughly explore the possibility of relocation.

Analysis:
- As per the Municipalities Act, 1999, these decisions are at the discretion of the Minister. s.29(1)(a)
- While LBI indicates that the deferral will allow LBI and its residents to thoroughly explore the possibility of relocation.
- The 2013 Municipal Election in LBI was also deferred due to their exploring relocation at that time.
- It is anticipated that the residency determination stage, including appeals, will be completed by late winter or early spring 2018. Following the residency determination stage and based on the residency and property owner status, the preliminary Cost Benefit Analysis can be updated quickly. Should it indicate the potential for savings to Government, the community will proceed to a relocation vote.

Alternatives:
1. The Minister approves and signs the attached Ministerial Order to defer the upcoming Municipal Election in LBI. (Recommended)

Advantages:
- Allows more time for the current council and residents to thoroughly explore the potential relocation;
- The current council will provide continuity throughout the review process;
- Consistent with past practice; and
- Responds to LBI's request.
Disadvantages
• No disadvantages for Little Bay Islands.

2. The Minister rejects the request to defer the upcoming Municipal Election in LBI. (Not Recommended)

Advantages
• No advantages.

Disadvantages
• Reduces the time the current Council and residents have to thoroughly explore the options of relocation;
• There may be a lack of continuity throughout the review process;
• Inconsistent with past practice; and
• Rejects LBI’s request.

Prepared/Approved by: B. Ellis/A. Wright / T. Kelly / J. Chippett
Ministerial Approval: Received from the Hon. Eddie Joyce [pending]
August 15, 2017
NEWFOUNDLAND AND LABRADOR
REGULATION /17

General Election Deferral Order for the Town of Little Bay Islands
under the
Municipal Elections Act

(Filed , 2017)

Under the authority of subsection 5(3) of the Municipal Elections
Act, I make the following Order.

Dated at St. John's, Sept 27 , 2017.

Eddie Joyce
Minister of Municipal Affairs and Environment

ORDER

Analysis

1. Short title 2. General Election Deferred

1. This Order may be cited as the General Election Deferral Order
   for the Town of Little Bay Islands.

2. The 2017 municipal general election for the Town of Little Bay
   Islands is deferred to no later than September 25, 2018.

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Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Town Council of Cupids

Decision/Direction Required:
- Whether to authorize the councillors remaining in office of the Town Council of Cupids to perform the functions of Council for the remaining term of office.

- It is recommended that the Minister of Municipal Affairs and Environment (MAE), in accordance with section 211(4) of the Municipalities Act, 1999 authorize the councillors remaining in office of the Town Council of Cupids to perform the functions of Council until the next General Municipal Election.

Background and Current Status:
- Cupids was incorporated in 1965. Statistic Canada 2016 data reports the community to have a population of 743 residing in 364 dwellings.

- The Town has a complement of seven councillors. During the General Election in 2013, seven councillors were acclaimed to Council.

- In the following three years, three councillors resigned and were replaced in by-elections.

- Following that, in October, 2016, Mayor Akerman and Councillor Darrin Ackerman resigned from Council leaving five members. On March 17, 2017, Councillor Frances Walsh resigned and on March 22, 2017, Mayor Christine Burry resigned from Council. These resignations left three members on Council, not enough for a quorum.

- On March 30, 2017, Joanne Wells and Rod Delaney were appointed to Council. This provided Council with five members.

- Following an investigation undertaken by Department officials, on August 9, 2017, Councillor Michael Power was dismissed from Council. This left Council with four members, a sufficient number for quorum.

- On August 16, 2017, MAE was advised that Councilor Kevin Connelly had resigned from Council. This leaves Council with three members. An insufficient number for quorum.

- The next General Municipal Election will take place on September 26, 2017.

Analysis:
- The Town of Cupids requires four out of seven councillors to constitute a quorum for the purpose of a meeting.

- Under the authority of the Municipalities Act, 1999, the Minister has two options when there are insufficient members for quorum: (1) he may appoint a sufficient number of councillors to make a quorum, or (2) he may authorize the councillors remaining in office to perform those functions of the council.
MAE recommends, given the timeline (six weeks) until the next General Municipal Election, that the Minister authorize the councillors remaining in office to perform those functions of the council.

As noted, the Minister may also appoint additional members to Council, but MAE notes it will take additional time to solicit and vet names and given the timeline to the election, it would be more efficient and practical to allow the remaining councillors to perform the functions of Council.

Section 211(4) of the Municipalities Act, 1999 states that, "where the number of councillors holding office is less than a quorum, the minister may authorize the councillors remaining in office to perform those functions of the council that he or she may prescribe."

Alternatives:

Option 1: In accordance with section 211(4) of the Municipalities Act, 1999, authorize the councillors remaining in office to perform routine functions of the council. (Recommended)

Pros:
- Allows the Town to continue with routine decisions such as bill payments.
- Is the more efficient approach given the close timeframe to the municipal elections.

Cons:
- The Minister may be criticized for allowing only three people, two of which were not elected, to carry on the functions of the Town.

Option 2: In accordance with section 211(3) of the Municipalities Act, 1999, appoint a sufficient number of councillors to make a quorum. (Not recommended).

Pros:
- May allay potential criticism from those who would rather see additional people appointed.

Cons:
- May not be a practical approach given the municipal elections will be held in six weeks.

Prepared/Approved by: L.Evoy/ H. Tizzard
Ministerial Approval: Received from Hon. Eddie Joyce

August 16, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Funding a replacement for Freshwater Bridge in the Town of Ferryland

Decision/Direction Required:
- Whether to approve funding to replace a bridge that connects to an isolated part of the Town of Ferryland (the Town), which has been closed to vehicular traffic due to safety concerns.
- It is recommended that the Department of Municipal Affairs and Environment (MAE) approve a new Municipal Capital Works (MCW) project, at a 50/50 cost-share ratio, using the remaining balance from an existing 2015 project to fully cover the replacement bridge's cost.

Background and Current Status:
- In early August 2017, MAE received complaints about the safety of a small bridge in the Town from concerned residents. This bridge is located on Freshwater Road – a partially-paved road that becomes gravel just before the bridge, and is the only road that services several residences on the other side of the bridge.
- Eastern Regional Office’s (ERO’s) Regional Engineer conducted a preliminary assessment of the bridge and determined that it was unsafe for use by the public. ERO subsequently advised the Town to erect permanent barricades with proper safety signs, and to arrange for a structural assessment by a qualified structural engineer as soon as possible.
- On August 14, 2017, the Town sent a funding request to the Minister seeking $155,421 in 100 percent Government-funded emergency funding for a replacement bridge, based on cost estimates provided by an engineering consultant.
- As a road project, the proposed work would have a provincial-municipal cost-share ratio of 50/50 under MAE’s current MCW program. The bridge and any associated paving would be eligible for such funding under the Town’s Limit of Service Agreement.

The Town currently has a balance of $116,360 in provincial funding for an existing 2015 MCW project – Road Upgrading Quarry Road (17-MCW-16-00013) – cost-shared at 90/10.

In April 2017, the Town applied for MCW funding for upgrades to its water treatment plant. MAE assessed that application, and submitted it to Infrastructure Canada (INFC) for consideration under the New Building Canada Fund – Small Communities Fund (SCF).

Analysis:
- The Town has requested 100 percent emergency funding for the replacement bridge. Although this request could be considered for a Special Assistance Grant (SAG) due to the impediments to emergency vehicles, SAG projects are also cost-shared and that program’s budget is significantly lower than MCW’s.
- The Minister could consider the project as disaster mitigation, in which case it would be eligible for a 90/10 cost-share ratio; however, MAE advises that disaster mitigation projects have generally been defined as those projects that protect municipal infrastructure from potential disaster.

Alternatives:
1. Approve a new MCW project, cost-shared at 50/50, using the balance from 17-MCW-16-00013 to leverage up to $256,629 to fully fund the replacement bridge. (Recommended)
   Advantages
   - Provides a reasonable provincial investment towards the replacement bridge.
   - Consistent with MAE’s new cost-share ratios for Capital Works projects.
   - No additional INFC submission, review or approval processes required.

Prepared/Approved by: J. Collins/ I. Rehman/ I. Duffett/ H. Tizzard
Ministerial Approval: Received from Hon. Eddie Joyce [pending]

August 18, 2017
Decision Note
Department of Municipal Affairs and Environment

Title: The Local Service District of George’s Brook-Milton’s Request to Become a Town

Decision Required:
- Whether to LSD of George’s Brook-Milton as a town.

Background and Current Status:
- On June 7, 2016, the Department of Municipal Affairs and Environment (MAE) received a petition from the residents of the Local Service District (LSD) of George’s Brook-Milton (GBM) to establish a town. The percentage of total householders in favour of establishing a town was 74.1 per cent.
- In order to establish a town, a feasibility report must be prepared as per sections 3 and 9 of the Municipalities Act, 1999.
- On December 15, 2016 LW Consulting (LWC) was appointed to prepare the feasibility report, and on April 13, 2017 they submitted their final report, which is attached as Annex A.
- During the feasibility study process, LWC considered the following local governance options with respect to GBM:
  - Regional Government;
  - Annexation to Clarenville;
  - Sharing of Services;
  - Status Quo; and
  - A Stand-alone Municipality.
- Throughout the analytical process, LWC held meetings with pertinent stakeholders to review the options, which are highlighted below. Substantially more detail and rationale is found within the report.

Analysis:
advises that government has maintained the position of no forced amalgamations or annexations.

- **Status Quo – LWC** indicates that the status quo of remaining a LSD is not an option if the community is to improve its water system and provide the necessary services the residents are requesting. The LSD is restricted to fees for services and cannot impose property tax and other forms of revenue generation afforded to municipalities. A municipality is able to access sources of funding not available to a LSD. It is estimated that an additional $152,626 would be available to the “Town of GBM” from Business Tax, Utilities Tax, Municipal Operating Grants, and Federal and Provincial Gas Tax.

- **Other Sharing of Services** - This option was deemed not to be appropriate given the circumstances. The climate and public support is not present to achieve any form of regional governance system, nor is there a willingness to co-operate in the sharing of basic core services.

- **Stand-alone Municipality** - LWC recommends this option. A detailed assessment of the taxation levels and the required expenditures was completed and there is no difficulty in the stand-alone municipality being able to establish and provide for an effective administration, and operational structure. The results indicate that GBM could be a viable stand-alone municipality. As a town, GBM will have the political and administrative structure to manage its affairs in an efficient and effective manner to service the needs of a growing community.

- LWC indicates that based on all of the feedback received during the feasibility process, there appears to be overwhelming support for a stand-alone municipality, provided there is no increase in levels of taxation and that the residents are given an opportunity to vote.

- **Throughout the feasibility process** there has been regular and vocal opposition from a GBM resident. On April 18, 2017, submitted a petition to the Minister signed by 160 residents asking for an independent public vote on the matter. LWC recommended that a public vote be undertaken and the vote, overseen by LWC, was subsequently held on May 23. The result was 66.1% in favour of incorporation.

- LWC made 12 recommendations in their final report to the Minister. The recommendations are attached as Annex B. Their primary recommendation is to disestablish GBM and incorporate a new town in accordance with Section 3 and Section 12 of the Municipalities Act, 1999. As per the Municipalities Act, 1999, The Lieutenant-Governor in Council may, by order, on the recommendation of the Minister and subject to a feasibility study being prepared under section 9, incorporate a Town.

**Departmental analysis**

- There are numerous factors to consider in developing the Department's position on whether the incorporation of GBM as a town should proceed.

- During the fall 2016 Premier's Forum on Local Government, there was strong support for Government to lead a regional approach to local government. At the time, the Premier was clear in his position that regional governance and sharing of services needed to be supported by communities – Government would not force such an initiative upon communities in the province.

- There are currently 271 municipalities, five Inuit Community Governments, 174 LSDs, and approximately 180 unincorporated areas in the province.

- Public consultations on the principles and main components of a potential regional government are planned for fall 2017. However, it is not expected that a final decision on Government's preferred approach will be made until 2018 with pilots in 2019 as per The
significant media coverage in recent years over the reluctance of Clarenville to provide water to GBM and the charges Clarenville has levied to the LSD to receive this service. However, recent media reports suggest that Clarenville is providing water to the LSD at this time.

Financial analysis
- The incorporation as a municipality would expose Government to covering the cost of the first municipal election (estimated at $4000) as per the Municipal Elections Act.

As identified by LWC in their final report, the cheapest solution to GBM's water problems is a connection to Clarenville's Water system at an estimated cost of $12,334,414. The next least costly option is the George's Brook Intake Upgrade Project with Storage in South Milton, which will cost an estimated $14,650,261. This option would be a significant cost to Government and GBM. A Municipal Capital Works application from Clarenville to connect to the GBM water system would qualify for the 10 percent cost share reduction given the regional benefits of the project. GBM was funded for a $1.6M project from the Clean Water and Wastewater fund for Phase 1 of a water project in summer 2016 to connect Milton to the George's brook water supply. The project is 70% complete.
- In their final report, LWC has recommended that GBM apply to MAE for the following items which could increase Government's financial commitment: a multi-year phased approach to complete the entire water and sewer system estimated at $14,650,261 and $6,588,430, respectively; preparation of the first town plan and development regulations estimated at $40,000; renovations to the Cultural House to accommodate the town office and Council chambers estimated at $105,000; and a $10,000 transitional grant. These requests, if submitted, would be reviewed and ranked per the normal municipal funding programs and consideration would still be given to pursuing a solution involving Clarenville. The Department would not be seeking any increased funds for these requests.
- MAE has financial allocations for MOGs, currently $22M annually, and for provincial gas tax sharing, $7.1M annually.
Public environment

- GBM has been vocal about the amount of time this decision is taking. Minister Joyce has publicly noted that there are numerous considerations involved in such a request and that the Department is doing its due diligence. The head of the LSD has advised that it is supportive of a regional solution with Clareville particularly from a service-sharing perspective (i.e. drinking water), but notes that this would not be an option in the shorter term.

Prepared/Approved by: A. Wright / D. Spurrell/ T. Kelly/H. Tizzard/J. Chippett
Ministerial Approval:
August 21, 2017
Annex B

LW Consulting's Recommendations

1. The status of LSD of GB-M be disestablished and a new town be incorporated and constituted in accordance with Section 3 and Section 12 of the Municipalities Act, 1999.
2. The name of the new town be the Town of George's Brook-Milton subject to agreement by the existing LSD.
3. A town clerk/manager be hired to head the administration branch of Council.
4. The town boundary is recommended to follow the boundaries of Clarenville on the western side of Route 231 to the shore line, thence to follow the double pole line north to the Bonavista highway, thence to follow the Bonavista Highway for 100 metres east of Route 230A, thence back to the RC Brett Bridge, Route 232, thence to the coast line.

It should be noted that there is an apparent conflict in the boundary between Clarenville and Milton. The house west of the double pole line is numbered as 291, indicating its location in Clarenville, whereas the house on the east side of the double pole line is numbered 3, indicating its location in Milton. The current boundary for Clarenville takes in some of the houses in this area of Milton as well as their water supply of Lilly Pond. This will need to be addressed in delineating the boundary for the new Town of GBM.

5. The Town of GBM should apply under the Provincial Municipal cost shared funding program:
   a. A multi-year phased approach to complete the entire water and sewer system, with the sewer system being installed at the same time as the water system, to avoid duplication of cost in the future;
   b. The preparation of the first town plan and development regulations at an estimated cost of $40,000; and
   c. Renovations to the Cultural House to accommodate the town office and Council chambers at an estimated cost of $105,000.00.

Such applications will be considered by MAE in accordance with terms, conditions, and other priority ranking of such funding programs with those of other municipalities.

6. The Provincial Government covers the cost of the first municipal election as outlined in Section 66 of the Municipal Elections Act. The estimated cost is $4,000.
7. The Town of GBM should apply to the Department of Municipal Affairs and Environment for a transitional grant in the amount of $10,000, to ensure that the newly created town will commence on the right approach and ensure its viability.
8. The council to consist of seven members. The members to be elected at large and the Mayor to be elected by the Council at its first meeting following the election.
9. Council to establish, as a minimum, the following committees at its first meeting and develop terms of reference for them: Finance and Administration Committee; Public Works Committee.
10. The Cultural House to be transferred to the Town of GBM in accordance with an agreement with the GBM Community Legacy Foundation at first opportunity.
11. The George’s Brook Recreation Centre be transferred to the Town of GBM at the first opportunity.

12. Residents of the LSD of GBM be given the opportunity to vote on becoming a town at the upcoming public Annual General Meeting of the LSD.
Title: Town Council of Witless Bay – Nomination Date for General Municipal Election

Decision/Direction Required:
- Whether to direct the municipal officer to set a nomination date for the Town of Witless Bay for the upcoming municipal election.

- It is recommended that the Minister of Municipal Affairs and Environment (MAE), in accordance with section 6(1) of the Municipal Affairs Act, direct the Town Clerk/Manager to set a nomination date for the Town of Witless Bay for the upcoming municipal election.

Background and Current Status:
- The Town Council of Witless Bay has a complement of seven councillors. Due to recent resignations, the Council now has four councillors. This number is sufficient for quorum if all councillors attend the meetings.

- Council is required to set a nomination date as outlined in section 14 of the Municipal Elections Act. The nomination day must take place between August 29, 2017 and September 5, 2017. Council is required to post the time and place for the nomination day 10 days before the nomination day. Therefore, if the nomination day of September 5, 2017 is determined, then the last possible day to post the nomination date is August 26, 2017.

- Council has recently had four attempts at holding Council meetings, but has failed to set a nomination date.

- August 8, 2017 meeting was quickly adjourned following the adoption of the agenda due to disruption and arguing amongst councillors. All other agenda items, including setting a nomination date, were not dealt with.

- August 15, 2017 a special public meeting was called to set a nomination date, but was cancelled due to lack of quorum.

- August 16, 2017, authorization was given by the Minister of MAE, pursuant to section 211(2) of the Municipalities Act, 1999 to allow the remaining councillors who are available to attend a meeting of council to make a decision regarding nomination day for the town.

- August 17, 2017 a special public meeting was called to set a nomination date for August 29, 2017. A motion to set a nomination date was made, but resulted in a tied vote. Therefore no nomination date was set.

- August 20, 2017 a special public meeting was called to set a nomination date for September 5, 2017. The motion was called, but was not seconded. Therefore the motion was not tabled, discussed or voted on.

- Councillors are required to take an oath of office (election form MEF-019) which includes the following statement, “I will faithfully, to the best of my ability, perform the duties and responsibilities of my office and will not allow any direct or indirect monetary or other
personal or private interest to influence my conduct or affect my public duties in public matters."

Analysis:

- If a nomination date is not set, in accordance with the timeframes outlined in the legislation, the Town would not be able to hold the Municipal General Election on September 26, 2017. Per the timeframes in the legislation, the last day to post about the time and place of the election and still hold an election on September 26, 2017 would be August 26, 2017.

- If the Town does not hold a Municipal General Election, then the Minister, may order a Special Election in accordance with section 7 of the Municipal Elections Act. However, a Special Election would take place at a later date than the General Municipal Election and the current Council would continue to hold office until that time.

- Since the last general election, the Witless Bay town council has dealt with numerous internal conflicts. The Town has not been able to hold a full council meeting since May 9, 2017 and numerous agenda items remain outstanding.

- Given the difficulty the council has had in achieving quorum, the Minister had given authority to those who were able to attend to set the nomination date for the upcoming general election. Despite this, due to lack of cooperation on the part of some councillors, the mayor’s attempt to set a nomination date has failed.

- Under the authority of the Municipal Affairs Act, the Minister is able to direct the municipal officer to set a nomination date. Specifically, section 6(1)(a) states that “Where the minister is satisfied, upon the report of an inspector appointed under section 4 or in another manner, that the affairs of a municipal authority are managed in an irregular, improper or improvident manner, the minister may by order in writing (a) direct the municipal authority or an officer of the municipal authority to take action that the minister considers necessary or advisable in the circumstances.”

- Geraldine Caul is the Town Clerk/Manager and Returning Officer for the Town of Witless Bay.
• MAE recommends that the Minister grant an order to authorize the municipal officer, Geraldine Caul, to set the nomination date of September 5, 2017 for the General Municipal Election.

• If approved, MAE will work with Legislative Council to draft the necessary order for the Minister’s signature. The Order would then be published in the Gazette and would come into force on the date of publishing.

Alternatives:

Option 1: In accordance with paragraph 6(1)(a) of the Municipal Affairs Act, the Minister grant an order to direct the municipal officer, Geraldine Caul, to set a nomination date of September 5, 2017 for the Town of Witless Bay for the upcoming municipal election. (Recommended)

Pros:
• The nomination date will be set for Witless Bay in order to participate in the upcoming General Municipal Election.

Cons:
• The Minister may be criticized for directing a town to take specific action.
• May set a precedent for municipal councils to seek Ministerial involvement in council matters.

Prepared/Approved by: L.Evoy/S. Hounsell/
Ministerial Approval: Received from Hon. Eddie Joyce [pending]

August 22, 2017
Information Note
Department of Justice and Public Safety
Department of Municipal Affairs and Environment
Solicitor and Client Privileged

Title: Atlantic Salmon Federation and Owen Myers v. HMQ and Grieg NL (Nurseries and Seafarms) 2017 NLTD 137

Background and Current Status:

- On July 20th, 2017, the Supreme Court of NL quashed the decision to release the Placentia Bay Atlantic Salmon Aquaculture Project and ordered the Minister to conduct an Environmental Impact Statement (EIS).

- An appeal of this decision may be made to the Court of Appeal and the appeal must be filed within 30 days of the decision. The decision was settled and filed on July 28th, 2017, therefore the appeal has to be filed by August 27th, 2017.

- The Project was registered on February 19th, 2017 and contained a description of the hatchery and the sea cages but not the processing aspect of the Project.

- On July 22nd, 2016, the Minister released the undertaking without requiring a further level of environmental assessment through an EIS. The letter to the proponent contained several conditions including:
  i) Only Triploid Atlantic salmon are permitted to be used
  ii) The Department acknowledges and supports the recommendation in the Canadian Science Advisory Secretariat Report (Science Response 2016/034) regarding the use of all-female triploid Atlantic Salmon, which we have been advised is your intent. The Department requires an annual progress report regarding the phased approach from using mixed sex triploids to the use of all female triploids.

- The Minister noted in the letter that the Federal Department of Fisheries and Oceans and the Provincial Department of Fisheries and Aquaculture were the main government regulators regarding protection of fish and fish habitat; fish science and aquaculture management; disease, parasite, fungus and virus management; escapes and recapture; environmental monitoring; mitigation measures; and sources of information regarding these subject areas. The letter instructed the proponent that: “You are required to contact these agencies for further permits, licenses and approvals.”

- On August 31st, 2016, the Atlantic Salmon Federation (ASF) filed an appeal to the Minister pursuant to s. 107 of the Environmental Protection Act SNL 2002 c. E-14.2 (Hereinafter “the Act”). The appeal sought to have the Minister’s decision to release the undertaking reversed. This appeal was dismissed by the Minister.
Subsequently, two separate applications were filed in the Supreme Court challenging the Minister’s decisions. Owen Myers and the ASF sought judicial review of (i) the Minister’s decision to accept the registration of the undertaking without a description of the processing plans (ii) and the Minister’s decision to release the undertaking without requiring an environmental impact statement. The applications were joined and heard together.

In a decision dated July 20th, 2017, Madame Justice G. Butler, quashed the Minister’s decision to release the undertaking without an EIS. However, the Court dismissed ASF and Owen Myers’ request that Court quash the Minister’s decision to accept the undertaking without a description of the processing plan.

In a letter dated the August 1st, 2017, the Minister or Municipal Affairs and Environment advised Grieg NL to stop activity on all aspects of the Placentia Bay Salmon Aquaculture Project. The company has complied with the stop work order.

**Analysis:**

- The stop work order was necessary as the project has not been released from the environmental assessment process given the court decision.

- The impact of the decision from the Supreme Court is that the Proponent will be required to conduct an EIS. Completion of an EIS typically takes between 1 to 2 years. This is based on legislated timeframes for conducting an EIS, including 120 days for MAE to issue guidelines to the proponent, 40 day public review period of those guidelines, a 50 day public review of EIS documents produced by the proponent by the public, as well as the length of time for the proponent to complete the EIS document preparation including any baseline research required. s.29(1)(a), s.30(1)(a)

- The Court concluded that the Minister can consider mitigation of the environmental effects only if the effects are of the lower level of environmental concern. In the decision, Madame Justice Butler stated.

> I acknowledge that the Minister’s letter to McInnes Cooper referenced the roles of various agencies and the mitigation that they would provide by means of oversight to the Project that had been released. However, mitigation of environmental effects is a consideration only under section 23 of the Regulations for an undertaking at the lowest level of environmental concern. This section uses the language “environmental effects” as opposed to “significant negative environmental effects” or “significant public concern” (the terms used in section 25) both of which terms I have concluded not only applied to the Project but which the Minister acknowledged, applied to the Project.
Action Being Taken:

- JPS will file an appeal of the decision on August 24, 2017.
- MAE will meet with Grieg on its project plans and explore views on further work from an environmental perspective given the decision of the court. It is expected that an initial meeting will occur the week of September 4, 2017.

Prepared/Approved by: Peter Ralph (JPS) / Todd Stanley QC (JPS)
Susan Squires (MAE)/ Dana Spurrell (MAE)/ Jamie Chippett (MAE)

Ministerial Approval: Minister Andrew Parsons, QC
Minister Eddie Joyce

24 August 2017
Title: Independent Assessment of May 17th, 2017 Churchill River Flood

Issue: Release of "Independent Review of the 17 May 2017 Churchill River (Labrador) Flood
- Event" Report by Karl-Erich Lindenschmidt. The report was received by MAE on September 29. This note was prepared upon the initiative of the Department.

Background and Current Status:
- In the early morning of May 17th, 2017, an ice jam flood occurred on the lower Churchill River at the river’s outlet into Goose Bay. The event required evacuation of the Mud Lake community.
- On June 14th, 2017, the Government of Newfoundland and Labrador engaged Dr. Karl-Erich Lindenschmidt, a renowned river ice specialist, as an Independent Expert Technical Advisor (IETA) to determine the reasons for the flooding event, taking into consideration local knowledge from residents of the impacted area, and to provide guidance on what actions can be taken to avoid or mitigate impacts of potential future flooding.
- On July 14th, 2017, through a limited call for proposals, KGS Group was selected as an independent consultant to assist Dr. Lindenschmidt in his assessment.
- As part of their work, on July 26th and 27th, Dr. Lindenschmidt and a KGS Group representative carried out a reconnaissance survey of the Churchill River and the areas impacted by the May 17th flood.
- In order to benefit from the traditional knowledge of the residents of the impacted areas, the IETA held two public meetings in the area. The first meeting was held on July 26th in Mud Lake and the second on July 27th in Happy Valley-Goose Bay.
- The IETA and KGS Group representative also had a follow up phone meeting with the Town of Happy Valley – Goose Bay on August 10, 2017.
- The IETA and KGS Group representative held a second round of consultations on September 7th in Mud Lake and the Town of Happy Valley – Goose Bay to provide the local residents an overview of the preliminary findings of the study and to further seek comments and information from the local residents.
- The flood event was reviewed based on available historical documentation, site reconnaissance observations, modelling, data analysis and the traditional knowledge information provided by impacted residents during public meetings.
- Dr. Lindenschmidt provided a timeline of the events and conditions in the months prior to the flooding event that he concludes are significant contributing factors to the flooding. He also discussed data challenges and options for future mitigation.
- Based on the analysis of available historical documentation, site reconnaissance observations, modelling, data analysis and the traditional knowledge information provided by impacted residents during first round of public meetings, Dr. Lindenschmidt’s preliminary
results indicate that the May 17th flood was a natural event though quite pronounced in magnitude due to a number of natural weather related factors.

- Dr. Lindenschmidt also observed that the Lower Churchill River experienced unusually high flows prior to winter freeze-up of the river and spring ice break-up. This could be attributed to a combination of factors such as a very wet fall, a very wet spring and other weather related factors. Water released by hydro operations on the Churchill River during fall and spring seasons might have also contributed to high flows but its impact was not significant based on the available data.

- It was also noted that low snow packs in the early part of the winter led to the formation of a very thick ice cover at the outlet of the river. Cold spring temperatures followed by a warming spell and precipitation in early May resulted in a high runoff and increased flow in the river.

- According to Dr. Lindenschmidt, the May 17th flood event was the outcome of the cumulative impact of a number of factors which resulted in unusually high river flow conditions.

- In his discussion of data challenges, Dr. Lindenschmidt pointed out a number of areas of concerns including inadequate water and weather monitoring network along the river, absence of ice monitoring data, and a lack of bathymetric data to analyze sediment erosion and deposition, which posed difficulties in monitoring the river flow and predicting future ice jams.

- Dr. Lindenschmidt outlined various preliminary options for future flood prediction, warning to residents, and mitigation including: water and weather monitoring network expansion along the river, flood risk mapping, river ice monitoring, flood forecasting, community alert system, water release coordination considering flow regimes in the lower Churchill River, river dredging to minimize sediment deposits, the use of geotechnical curtains and berms to reduce groundwater seepage, use of pads to raise the elevation of homes prone to flooding, raising the elevation of roads and other infrastructures and, offering a buy out and relocation to those residents most at risk of future flooding. The key elements of these plans are shown in figure 1.

- In the Mud Lake public meeting all 22 participants appeared dissatisfied with key findings of the assessment and highly upset about the buy-out suggestion as one of the mitigation options. They also stated that traditional knowledge had not been appropriately considered in the findings.

- In the Happy Valley-Goose Bay meeting, out of 35 participants nearly all appeared to be critical of key assessment findings while the remaining seven appeared to reconcile with the findings and were focused on discussing future plans.

- The final assessment report consists of a cover report by Dr. Lindenschmidt with the KGS report attached as Appendix A.

- Dr. Lindenschmidt’s final findings in the final assessment report are the same as his preliminary findings.

- Dr. Lindenschmidt recommends implementing:
  - A community based monitoring program
October Notes

- A Flood Management Plan
- A Ice Management Plan

- The KGS report however additionally notes that the Muskrat Falls reservoir will result in increased risk of flooding due to three factors;
  - Elimination of the hanging ice dam below Muskrat Falls
  - Reduced live storage in the Muskrat Falls reservoir
  - Delayed onset of river ice breakup

Analysis:
- The assessment findings related to the natural cause of the flood are consistent with the findings of Hatch report commissioned by Nalcor.

- Considering the preliminary assessment findings and future flood prediction, warning to residents, and mitigation related recommendations, MAE had already initiated work in a number of areas as outlined in "Action Being Taken" section in order to ensure public safety and well-being during spring 2018 and subsequent years.
October Notes

Action Being Taken:

- The final assessment report was received on Friday, September 29 and will be released on Monday, October 2nd. A news release is planned.

- MAE has initiated work on a Flood Management Plan. The water and weather monitoring network along the river is being expanded.

- MAE will continue to review public reaction to the report and advise the Minister on appropriate response.

- MAE will prepare Q and As on the report for the media.

- MAE will share report with Natural Resources, Nalcor and interested stakeholders

Prepared/Approved by: H. Khan/D. Spurrell/J. Chippett
Ministerial Approval: 
October 2, 2017
Information Note  
Department of Municipal Affairs and Environment

Title: Muskrat Falls Independent Dam Safety Program Audit

Issue: To provide an overview of the Hatch Dam Safety Audit #2 report findings. This note is prepared for information purposes only.

Background and Current Status:
- Nalcor hired the engineering consulting firm Hatch to undertake an independent audit of the Muskrat Falls Dam Safety Program as a proactive safety approach and to determine the level of compliance with best practice as per the Canadian Dam Association (CDA), Canadian Dam Safety Guidelines. The Muskrat Falls Dam Safety Program relates to the operational practices in place to manage the dam structures including the North Spur. It does not constitute an engineering design review of the various structures.

- The audit of the Dam Safety Program at the Muskrat Falls construction site was performed between April 16 and April 20, 2017. The report was based on observations made during the site visit and information received from Nalcor. The Audit 2 report (Annex A), received by Government on October 3, 2017.

- Hatch completed an earlier review and prepared a report (Audit 1) in February 2017. The report at the time concluded:
  - the dam safety management program at the site meets and exceeds industry best practices;
  - the dam safety organization is appropriate and staff are experienced;
  - emergency preparedness planning and operations and maintenance procedures are in accordance with industry best practice;
  - the dam safety management program is in compliance with the CDA guiding principles;
  - the practices as witnessed are appropriate to reduce dam safety risks such that the probability of a significant dam safety incident are very low; and that
  - there were areas of improvement suggested in the report that may further enhance the existing program including:
    - documentation of the rational for not undertaking data readings (water level and flow) at the Kettle Lake Outlet Weir during the winter;
    - written roles and responsibilities for dam safety personnel; and
    - documentation of training in Emergency Preparedness and dam safety inspections.

Analysis:
- The Audit 2 report also examined the project cofferdam and north spur behavioral characteristic under partial impoundment and documents improvements in the areas identified in the Audit 1 report. In general it concludes:
  - the dam safety management program at the site meets and exceeds good industry practice (e.g., having a meteorological station on-site);
  - the dam safety organization is appropriate and staff are experienced;
  - emergency preparedness planning and operations and maintenance procedures are in accordance with good industry practice;
  - the dam safety management program is in compliance with the CDA guiding principles;
the practices as witnessed relating to the overall operation and maintenance are appropriate to reduce dam safety risks such that the probability of a significant dam safety incident are very low;
- the upstream cofferdam remedial works program was effective; and
- there were further areas of improvement suggested that may enhance the existing program including:
  - Providing a mechanism for obtaining continuous seepage flow measurements at the Kettle Lake Outlet Weir year round (right now it only monitored during non-freezing period);
  - Verify readiness of all third party stakeholders (HVGB, Mud Lake, RCMP, Municipal Affairs and Environment’s (MAE) Emergency Services Division) with an emergency response exercise; and
  - Consider undertaking a formal dam safety failure mode analysis of the dam structures as per CDA guidelines to better define potential hazardous conditions and failure modes for monitoring and remedial solutions.

- MAE received the final report of the Independent Review of the Mud Lake flooding incident on September 29th, 2017. In line with the recommendations of the report, [redacted]
- MAE has already initiated work in a number of areas as outlined in the “Action Being Taken” section in order to ensure future public safety.
- The audit did not identify any gaps in the dam safety program that would constitute a dam safety problem.

Action Being Taken:
- Nalcor will be posting the report during the week of Oct 9, 2017 to the Lower Churchill Project website.
- MAE has initiated work on a Flood Management Plan. The water and weather monitoring network along the river is being expanded.
- MAE has been and will continue to be engaged with Nalcor on emergency preparedness documents and will facilitate any required linkages between Nalcor and emergency management partners.
- It would be useful to clarify if Nalcor will issue a news release concerning the audit or just post the audit to the Lower Churchill Project website.

Prepared/Approved by: P.Dawe/H.Khan/D. Spurrell
Ministerial Approval: [Signature]

October 6, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Town of Southern Harbour — Request to Utilize Funds to Remove Concrete Foundation

Decision/Direction Required:
- Whether to approve Town of Southern Harbour's request to utilize $19,500 of funding under Project No. 17-MCW-17-00013 for the removal of an old concrete foundation.

- It is recommended that the Department of Municipal Affairs and Environment (MAE) be directed to approve the request.

Background and Current Status:
- The Town of Southern Harbor has requested that the MAE reconsider the Town's request to utilize $20,000 from funding approved for the Town's Engineering Design Initiative (EDI) Project to remove an existing concrete foundation from the proposed site for the new building.

- In June, 2016, the Community Centre project (# 17-MCW-17-00013) was approved for engineering design only. The purpose was to provide MAE and the Town of Southern Harbour with an opportunity to evaluate various design aspects and issues, and prepare an accurate cost estimate before final approval is given. The total approved funding for the engineering design initiative (EDI) is $250,000.

- Fougere Menchenton architecture Inc. has been issued a contract for $55,994 to complete design development. The consultants recommended construction of the new building to be located on a site that was previously a school. The school was demolished; however, the concrete foundation remains.

- In March, the Town submitted a request to use the funds to demolish the concrete foundation. This request was not approved and a letter notifying the Town of the decision was issued in May 2017 (COR/2017/00923-02).

- Two additional contracts have been awarded to further the planning and design of a new facility. An additional $60,000 has been approved for Fougere Menchenton to continue the facility design and a new contract with CAP Management has been approved for just under $25,000 to manage and oversee the project.

Analysis:
- Site clearance/preparation is typically part of the construction phase. The Town submitted an application under the 2017/18 MCW program for the construction of the facility estimated to cost $5.7M. However, the Town has been working with their consultants to reduce the project cost by reducing the size of the facility and using Town's forces for some of the work. The Town has indicated that the entire facility would cost between $1.5 million to $2.0 million.
- The Town has expressed concern over the new cost-share ratio for municipal buildings (60/40).

- The total value committed to Fougere Menchenton and CAP Management $140,465. There is more than sufficient funding in the project budget to complete this work and the facility design.

- As an effort to move the project forward and prepare the final site design, the demolition could be considered as part of the site investigation and design.

Alternatives:
- Approve Town's request to allow the demolition of the concrete foundation within the project budget for 17-MCW-17-00013 up to a total cost of $20,000 (Recommended).

- Do not approve Town's request to use EDI funding to remove the concrete pad (Not Recommended).

Prepared/Approved by:  I. Duffett/H. Tizzard  
Ministerial Approval:  Received from Hon. Eddie Joyce  
October 11, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Town of Humber Arm South – Municipal Building/ Community Centre Renovations

Decision/Direction Required:

- Whether to approve the Town’s request to use the funding it received to complete renovations on its municipal building/community center to do road work instead.

- It is recommended that the Department of Municipal Affairs and Environment (MAE) not approve this request.

Background and Current Status:

- The Town of Humber Arm South was approved for funding of $155,250 from the Municipal Capital Works (MCW) program on July 21, 2017, for renovations to the municipal building/community center.

- On August 14, 2017, the mayor of Humber Arm South contacted MAE to request a change in project scope from doing renovations to completing road work on Graveyard Road.

Analysis:

- The original project is in the preliminary stage. The funding agreement has been executed but no contract has been completed for design or construction.

- If the change in scope is approved, the municipal cost share would increase from 40 to 50 per cent as the proposed new project involves improvements to local roads. The provincial share would decrease by a corresponding 10 per cent.

- The proposed road work is considered a major change in scope compared to the original project. Further, MAE notes that the town did not submit an application for the road work during the original call for applications. As such, no project evaluation has been completed as part of the original application review process.

- Regional office staff could assess the project at this time, but as the road work cannot be undertaken until the Spring, MAE recommends that the town apply for the road work during the next call for applications.

Alternatives:

- Advise the Town if they no longer wish to proceed with the Municipal Building/Community Centre Project, that they cancel the project and re-apply for the road work project under the next call for applications. (Recommended)

- Reject the request to change the project scope and inform the town they must continue with the currently approved project. (Not Recommended)

- Approve the town’s request and reallocate their funds to pave and widen Graveyard Road. (Not Recommended)

Prepared/Approved by: S. Brake/C. Power/I. Duffett/H. Tizzard
Ministerial Approval: Received from Hon. Eddie Joyce
October 11, 2017
Samie,
Can we chat about
this? Thanks
Eddie.

Heather to draft
OK letter per
discussion.
Title: Feasibility Report to Explore the Potential Amalgamation of the Town of Lourdes with the Local Service Districts of West Bay and Piccadilly Head

Decision/Direction Required:

- Whether to (1) part-fund the cost of preparing a feasibility report to explore the potential amalgamation of the Town of Lourdes with the Local Service Districts of West Bay and Piccadilly Head; and (2) approve the publishing of a Notice of Intent in accordance with section 10 of the Municipalities Act, 1999 to order the preparation of a feasibility report to explore the requested amalgamation.

- It is recommended that:
  - The Department of Municipal Affairs and Environment (MAE) provide a $20,000 grant to the Town of Lourdes to part-fund the cost of preparing a feasibility report to explore the potential amalgamation of the Town of Lourdes with the Local Service Districts of West Bay and Piccadilly Head; and
  - In accordance with section 10 of Municipalities Act, 1999, the Minister approve the publishing of a Notice of Intent to order the preparation of a feasibility report to explore the requested amalgamation.

Background and Current Status:

- As indicated by resolutions submitted to MAE, the Town of Lourdes (Lourdes) and the Local Service Districts of West Bay and Piccadilly Head (LSDs) have agreed to explore amalgamation with each other. These communities are located in the Stephenville-Port au Port District.

- Feasibility reports are required when considering: (1) incorporating a community as a town; (2) amalgamation of towns; (3) town annexation; (4) town boundary changes; and (5) disincorporation of a town.

- Subsection 9(7) of the Municipalities Act, 1999 states that where a feasibility report is prepared as a result of a municipal request, the cost of preparing the feasibility report shall be borne by the requesting municipality/ies.

- However, MAE has adopted the practice of part-funding regional co-operation feasibility reports. This year, MAE funded the Towns of Botwood and Northern Arm ($20,000) and the Towns of Labrador City and Wabush ($25,000) to explore amalgamation. The proposals submitted by the contracted consultants were for the amounts $19,250 +HST and $23,950 plus HST, respectively.

Analysis:

- These communities have previously considered amalgamation. In 2015, MAE agreed to cost share a feasibility study at a 90/10 cost-share ratio to explore the amalgamation of Lourdes and the LSD of West Bay. The funding was contingent on Lourdes' agreement to pay their
ten per cent share. However, Lourdes did not agree and the process was stopped. Government does not force regional co-operation; it must be community-driven.

- In February 2017, MHA John Finn met with MAE staff to discuss the file and the amalgamation process. Mr. Finn described the water issues in the region, indicating that both LSDs have terrible water systems and want to connect to the Lourdes water system. MAE had provided, in July 2016, $16,000 in Special Assistance to determine the feasibility of the LSDs connecting to Lourdes. The 2016 Feasibility Report prepared by SNC Lavalin indicated a $4.5M cost to connect both of the LSDs to Lourdes.

- Under previous regional co-operation initiatives, such as the amalgamation of Fogo Island, Government has provided millions in incentive funding in the range of $1,500 to $2,500 per capita. This funding has historically been provided for infrastructure, debt write-off, and transitional costs.

- In light of Government's financial situation, and to encourage community ownership of regional co-operation initiatives, Government has been advising communities that even though incentive funding was provided in the past, this type of funding is unlikely to continue and is not guaranteed.

- Lourdes Mayor Henry Gaudon resigned last week. It is unknown how this may impact Lourdes interest to amalgamate. However, there were no councilors opposed to council's motion to explore amalgamation.

- Amalgamation has been recommended for the Towns of Botwood and Northern Arm and for the Towns of Labrador City and Wabush. It is anticipated that most, if not all of these towns will put the question of amalgamation to the residents via plebiscite in the near future.

- While in the Botwood/Northern Arm and Wabush instances, it was MAE's intention to part-fund the feasibility report, the final cost for the reports were approximately the same amount as MAE's funding. As mentioned earlier, the Botwood and Northern Arm study cost $19,250+ HST, for a total of $22,138.

- MAE notes that LSDs do not have the necessary legislative authority to recover feasibility report costs from its residents. As a result, the cost of a feasibility report must be borne by MAE. MAE recently paid for the full cost ($33,000 + HST) for the feasibility report considering the Local Governance Options for George's Brook-Milton. MAE was also the contracting agency.
The Local Governance Division has funds available in its 2017-2018 Grants and Subsidies budget to cover the grant.

Creating more sustainable and viable communities aligns with MAE’s vision. Additionally, the Provincial Government’s Way Forward document details a commitment to advance regional collaboration through the sharing of infrastructure and services.

Alternatives:
1. (a) The Department of Municipal Affairs and Environment (MAE) provide a $20,000 grant to the Town of Lourdes to part-fund the cost of preparing a feasibility report to explore the potential amalgamation of the Town of Lourdes with the Local Service Districts of West Bay and Piccadilly Head; and
   (b) In accordance with section 10 of Municipalities Act, 1999, Minister approve the publishing of a Notice of Intent to order the preparation of a feasibility report to explore the requested amalgamation (Recommended).

Advantages:
- Aligns with MAE’s Vision and adopted practice of part-funding regional co-operation feasibility reports.
- Responds to a community-driven request.
- The Local Governance Division has available funds in its 2017-2018 Grants and Subsidies Budget.
- Adheres to the legislative requirements of the Municipalities Act, 1999.

Disadvantages:
- Government may be criticized by those opposing amalgamation.

2. Reject the community-driven request to explore amalgamation (Not Recommended).

Advantages:
- No cost to Government.

Disadvantages:
- Does not align with MAE’s Vision and adopted practice of part-funding regional co-operation initiatives.
- Government may be criticized by those supporting amalgamation.

Prepared/Approved by: A. Wright/ A. Skinner/C. Power/T. Kelly/J. Chippett
Ministerial Approval: Received from Hon. Eddie Joyce [pending]
October 15, 2017

[Signature]
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Funding Request from Small Point-Broad Cove-Blackhead-Adam’s Cove.

Decision/Direction Required:
- Whether to approve a funding request from the municipality for $30,000.

- It is recommended that the Department of Municipal Affairs and Environment (MAE) be directed to approve $30,000 on a 60/40 cost-share basis under the Municipal Capital Works (MCW) program conditional upon the Town obtaining all appropriate building permits and having an assessment of the facility for building code compliance completed by a professional engineer.

Background and Current Status:
- The Town of Small Point-Broad Cove-Blackhead-Adam’s Cove is requesting $30,000 to purchase materials for its new fire hall to allow for its completion.

- To date the Town has partially completed the new building using its own funds and approximately $105,000 from Job Creation Program (JCP).

- The attached summary of materials includes drywall, insulation, overhead doors (including installation), concrete for the garage floors and concrete finishing. The quotes total $35,255.

Analysis:
- The facility operates as a regional service for the area from Kingston to Burnt Point. In addition to Small Point-Broad Cove-Blackhead-Adam’s Cove, this includes Kingston (unincorporated), Western Bay (unincorporated), Ochre Pit Cove (unincorporated), and Burnt Point-Gull Island-Northern Bay (LSD).

- Approving the funding will allow the Town to continue progress on its fire hall and hopefully relocate its trucks before winter.

- MAE engineering staff have met with the Town and identified several potential issues with the work completed to date. The work on the new building has been managed by the Town with limited involvement of professional services. Some of the key issues identified in a brief assessment of the partially constructed building are:
  - Structural assessment needed as building framing appears to be insufficient;
  - Structural assessment needed for framing for garage doors;
  - Fire separation required between the garage and the fire hall;
  - Insufficient attic ventilation;
  - Structural assessment needed for building foundation;
  - Rough-in for plumbing and drainage systems needed in the garage prior to pouring concrete floors;
  - Appropriate insulation needed under the garage floor and around the foundation prior to pouring concrete floors;
  - Prior to occupancy, ventilation and gas detection equipment needed in the building; and
  - Prior to occupancy, exit lighting and emergency lighting in the garage are required.
Failure to approve the request will result in delays for the Town moving this project forward.

MAE engineering officials recommend involvement of professional services to advise the Town on any structural, building code or occupational health and safety requirements as well as obtaining all appropriate Service NL building permits. MAE notes that the engagement of a professional engineer will result in an additional cost for the Town.

Alternatives:

- Approve $30,000 on a 60/40 cost-share basis conditional upon the Town obtaining all appropriate Service NL building permits and having an assessment of the facility for building code compliance completed by a professional engineer. (Recommended)

- Defer the decision and request that the Town obtain the appropriate Service NL building permits. The request can be re-assessed once the Town has obtained the appropriate permits. (Not recommended)

- Deny the Town of Small Point-Broad Cove-Blackhead-Adam's Cove's request for funding. (Not recommended)

Prepared/Approved by: R. Woodford / I. Rehman / I. Duffett/ H. Tizzard
Ministerial Approval: Received from Hon. Eddie Joyce

October 16, 2017
Sept 1, 2017
Minister Eddie Joyce
Department of Municipal Affairs

Dear Minister Joyce:

The Town of Small Point-Broad Cove-Blackhead-Adams Cove is requesting emergency funding to complete the new Fire Hall currently under construction in Adams Cove, replacing the current building. The Fire Department currently services the towns from Kingston to Burnt Point in the district of Carbonar-Trinity-Bay de Verde.

The current building which housed the Fire Department, Town Offices & Ambulance has been condemned by Occupational Health & Safety due to mold. The Town offices as well as the Ambulance have moved to different locations. The roof on the building is leaking, the heating is inadequate and the electrical needs upgrading. It is not habitable for anyone. At present it is just a shell and used only to store fire equipment. The fire equipment gets wet every time it rains and the pump in the fire truck freezes in the winter.

In the past year the Town has received funding under the JCP program to erect the new Fire Hall. However the funding received was very limited as the majority of the funding went to wages and not materials. The Town is requesting immediate emergency funding so that the Fire Department and its volunteer firefighters have a safe and healthy building.

Attached are quotes for materials to complete the new Fire Hall.

Thank you for your attention to this matter.

Sincerely,

Bev Reynolds, Town Clerk
For Mayor Les Gover and Councilors
Town of Small Point-Adams Cove

Cc: Steve Crocker
    Rex Woodford
K. G. Roberts Cement Finishing  
12 Eady's Road, PO Box 445  
Spaniard's Bay, NL  
A0A 3X0  

(709) 786-2288 or (709) 683-7837  
HST # 847623923

Quote prepared for: Town of Small Point-Broad Cove-Blackhead-Adam's Cove

Date: September 01, 2017

Labour to place & power trowel finish concrete garage floor 40 x 50 $2500.00
HST 375.00
Total $ 2875.00

Thank you for your patronage.

Keith Roberts  
Owner/Operator  
K. G. Roberts Cement Finishing
We would like to thank you for this opportunity to quote and take pleasure in offering the following for your consideration:

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Description</th>
<th>Unit Price</th>
<th>Extension</th>
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</thead>
<tbody>
<tr>
<td>3 EACH</td>
<td>12'W X 12'H TD134 THERMODOR, STEEL INSULATED OVERHEAD DOOR. 1-3/4&quot; THICK WITH 16.04 R-VALUE C/W:</td>
<td>1957.00</td>
<td>5871.00</td>
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<tr>
<td>3 EACH</td>
<td>SAME DOOR WITH 3&quot; HARDWARE &amp; NO CHAIN HOIST</td>
<td>1957.00</td>
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<tr>
<td>3 EACH</td>
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<td>2156.00</td>
<td>6498.00</td>
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<tr>
<td>3 EACH</td>
<td>JACKSHAFT ELECTRIC OPERATOR</td>
<td>690.00</td>
<td>2070.00</td>
</tr>
<tr>
<td>3 EACH</td>
<td>PHOTO EYE KIT</td>
<td>160.00</td>
<td>540.00</td>
</tr>
<tr>
<td></td>
<td>DOOR INSTALL OPERATOR INSTALL</td>
<td>875.00</td>
<td>2625.00</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>300.00</td>
<td>900.00</td>
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</table>

Sub-Total: $12,006.00
HST: $1,800.90
Total: $13,806.90

Acceptance of Quotation

Signed: ____________________________
Name: ____________________________
Date: ____________________________

* Price valid for 30 days.
* Aims Ltd. Will not accept returns or cancellations without prior approval.
* Off-loading and safe storage on site by others.

Respectfully yours,

Dave Downey
O/H Door Sales & Service

SPECIALISTS FOR: MATERIAL HANDLING & WAREHOUSE EQUIPMENT
OVERHEAD DOORS - FORKLIFTS AND ACCESSORIES
MurrinCo Ready Mix / Ray Murrin Limited

P.O. Box 130, Tilton Barrens
Spaniard's Bay
Newfoundland A0A 3X0
Tel: (709) 785-9899
Fax: (709) 785-2499

Sold To:
Town of Small Point & Adams Cove
P.O. Box 180
Broad Cove, NL A0A 1L0

Ship To:
Town of Small Point & Adams Cove
Newfoundland
Canada

<table>
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<th>Item No.</th>
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<th>Unit</th>
<th>Description</th>
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<td>R/M Concrete 22 MPA Floor Mix</td>
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Subtotal:
HST - HST 15%
HST

573.50

Total Amount: 4,443.31

Shipped by

Comments: Please note this is a quotation only.
Customer liable to forming contractor for all form related expenses.

Sold By
To the Town of Small Point - Adams Cove

This is a Quote for

140 sheets of 5/8 x 4 x 12 drywall @ $29.24

= $4093.60

HST 614.04

Total 4707.64

O'Flaherty's Hardware & Building Supplies
Northern Bay, NL
709-584-3300
## Town of Small Point - Adams Cove

**From:** O'FLAHERTY HARDWARE <OFLAHERTYSHDW@EastLink.ca>  
**Sent:** Thursday, August 31, 2017 12:43 PM  
**To:** Town of Small Point - Adams Cove  
**Subject:** RE: insulation quote

<table>
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<tr>
<th>Material</th>
<th>Quantity</th>
<th>Price per Unit</th>
<th>Total</th>
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<tr>
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<td></td>
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<tr>
<td>Walls</td>
<td>40</td>
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<td>$1,798.00</td>
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**Subtotal:** $8,193.60  
**HST:** $1,229.04  
**Total:** $9,422.64
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Proposed Amendment to the St. John’s Urban Region Regional Plan for the Town of Torbay

Decision/Direction Required:

- Whether to proceed with initial public and stakeholder consultation for a proposed amendment to the St. John’s Urban Region Regional Plan (SJURRP), as requested by the Town of Torbay.
- It is recommended that:
  - the Minister allow Council to proceed with public, stakeholder, and other consultations for an amendment to the SJURRP, in accordance with section 14 of the Urban and Rural Planning Act, 2000 (the Act).
  - The Council arrange and pay costs associated with the proposed amendment to the SJURRP.

Background and Current Status:

- The SJURRP is a statement of provincial policy approved by Cabinet in 1976.
- The Minister of Municipal Affairs and Environment is the authority for the SJURRP.
- Municipal plans prepared by municipalities under their authority from the Act and within the St. John’s Urban Region must conform to the SJURRP.
- Amendments to the SJURRP must be prepared and follow the process outlined by the Act and, in general, includes the following steps:
  - Initial public and stakeholder consultation, undertaken by council on behalf of the Minister.
  - Adoption of the amendment by the Minister.
  - Appointment of a Commissioner, by the Minister, to hold a public hearing.
  - The public hearing, if necessary (the public hearing may be cancelled if no submissions are made to the Minister or council up to two days prior to the scheduled public hearing).
  - The minister must decide to whether to approve, modify or reject the amendment on consideration of a report and recommendations from the Commissioner.
  - The Minister is not bound by a recommendation of the Commissioner.
  - If the amendment is approved by the Minister, the amendment must be registered and comes into legal effect on publication of a notice in the NL Gazette.

- The Town of Torbay has requested an amendment to the SJURRP to change the land use designation for a number of areas so as to bring SJURRP into conformity with the draft Torbay Municipal Plan Amendment 2, 2017 and Development Regulations Amendment 3, 2017.
- The proposed amendment would re-designate one area of the SJURRP from Rural to Urban Development as illustrated on the attached map.
• The SJURRP applies to all lands within the *St. John's Urban Region, Regional Planning Area* (CNLR 927/96) which includes all of the Town of Torbay.

**Analysis:**

• The proposed amendment to the SJURRP would only change land use designations within the Town of Torbay. There are no proposed changes to written policies within the SJURRP.

• The proposed amendment relates only to the local area and does not have broad policy implications affecting the St. John's Urban Region.

• Agreement to proceed through initial public consultation does not bind the Minister to adopting or approving the amendment should a provincial interest or public opinion warrant further consideration.

• If the Minister agrees to initial public and stakeholder consultations, the Minister will have up to three further decision points related to this amendment in the legislated planning process.

• The SJURRP has been amended more than 40 times in the past including similar requests from most of the 15 municipalities that are subject to the SJURRP.

• There are no explicit external costs to government or the department to initiate and complete the SJURRP amendment process. Past practice has required that the town requesting the amendment arrange and pay for legislated advertising and costs associated with retention of a Commissioner to hold a public hearing.

• The department, in cooperation with the 15 municipalities of the region agreed to undertake a comprehensive review of the SJURRP that would result in a new plan to be called the North East Avalon Regional Plan (NEAR Plan).
  - The NEAR Plan process could accommodate requests such as the current request from the Town of Torbay.
  - The NEAR Plan is not expected to be finalized until 2018, at the earliest.
  - The department has processed other amendments to the SJURRP since the NEAR Plan process was initiated.

• Should the Minister accept the department's recommendation, correspondence is attached for his consideration that would notify the Town of his agreement to initiate the SJURRP amendment process contingent on the Town being responsible for arrangements and costs related to the amendment.

**Alternatives:**

1. Allow council to proceed with public, stakeholder, and other consultations for an amendment to SJURRP, in accordance with Section 14 of the *Urban and Rural Planning Act, 2000* (Recommended).

   **Pros:**
   - Council would be able to proceed with the planning process related to their municipal plan and development regulations amendment.

   **Cons:**
   - The amendment would be unnecessary if the request were accommodated within the NEAR Plan process.

2. Do not allow the Council to proceed with consultation necessary to accommodate an amendment to the SJURRP (Not Recommended).
Pros:
  - No further work would be required of the department related to amending the SJURRP.

Cons:
  - The Council and area MHA may object to the Minister’s refusal to consider an amendment to the SJURRP.
  - Refusal to initiate the process would be inconsistent with past practice.
  - The Town’s proposed amendment would not be eligible for registration as it conflicts with a policy of government and would therefore be contrary to section 24 of the Act.

Prepared/Approved by: L. Church / M. Oley / T. Kelly / J. Chippett
Ministerial Approval: Received from Minister Eddie Joyce
October 19, 2017

[Signature]
October Notes

OCT 2-7 2017

Government of Newfoundland and Labrador
Department of Municipal Affairs and Environment
Office of the Minister

COR/2017/03607

Mayor Craig Scott
Town of Torbay
P.O. Box 1160
Torbay, NL A1K 1K4

Dear Mayor Scott:

RE: St. John's Urban Region Regional Plan

I have reviewed the Town's request to amend the St. John's Urban Region Regional Plan (SJURRP) dated August 24, 2017.

I wish to inform you that you may proceed with public consultation as required by Section 14 of the Urban and Rural Planning Act, 2000 (the Act) related to the proposed amendment to the SJURRP. The proposed amendment to the SJURRP is limited to re-designation of one parcel of land within Torbay from:

- Rural to Urban Development.

Consultation for the proposed SJURRP amendment should be concurrent and referenced with that required for the Town's amendment of its Municipal Plan and Development Regulations.

As provided by the Act, I will require that you consult with the public and the other 14 municipalities that are subject to the SJURRP in relation to the proposed amendment.

Upon completion of the consultation process, please provide me with a summary of the consultation along with any representations received by the Town.

Sincerely,

[Signature]

EDDIE JOYCE, MHA
District of Humber-Bay of Islands
Minister of Municipal Affairs and Environment

cc: Reginald Garland, MCIP, Planner, Plan-Tech Environment
Information Note
Department of Municipal Affairs and Environment

Title: Update on Regional Government Consultations

Issue: To provide an overview of ongoing consultations on regional government.

Background and Current Status:

- *The Way Forward: Realizing Our Potential* commits government to implement regional governance and/or service sharing pilot(s) by 2019.

- To support this commitment, the Department of Municipal Affairs and Environment (MAE) launched public consultations on regional government on August 22, 2017. Attendees of these in-person sessions include: municipal council members/representatives, Local Service District (LSD) Committee representatives, residents of Unincorporated Areas (UIAs), and members of the general public.

- The public engagement approach for these consultations includes:
  - 22 in-person public consultation sessions,
  - an online questionnaire,
  - telephone feedback,
  - email feedback, and
  - a *Guide to Hosting Your Own Conversation* (the feedback from which is to be provided to MAE).

- During the first 18 in-person public consultations, 625 residents participated in guided discussions. In addition, approximately 50 individuals have completed the online questionnaire.

- Each in-person public consultation follows the same process. Following a brief presentation, participants are asked/engaged in a series of questions on various subjects, including:
  - inclusion in a regional government (who should be part of a regional government),
  - service sharing and revenue generation,
  - representation and governance, and
  - potential regional boundaries.

Analysis:

- A number of themes or common issues are emerging from the public consultations. A full overview of what we are hearing to date is attached as Appendix A.

- Participants in certain regions have highlighted advantages of implementing a regional government or service/sharing model within their region. These included:
  - encouraging an increased pool of candidates for local office and volunteers to support local service delivery;
  - achieving possible efficiencies and cost savings from sharing services amongst several communities; and
  - ensuring that all residents of the province are paying appropriately/proportionally for the local services they receive.

- Participants also overwhelmingly noted that if a regional government model is implemented in their region, all residents/communities must be part of the system to achieve the greatest
efficiencies and economies of scale from sharing services. In other words, there should not be an option to opt-out of a regional government system.

- Not all participants are supportive of a regional government model within their respective region(s). Many participants are concerned with the possibility of increased taxes (specifically, implementing property taxes in LSDs & UIAs) to fund regional governments, and the belief that implementing regional government will create an additional layer of government. Additionally, participants suggested that service sharing and regional activity is already occurring within some regions, and a more formalized structure of regionalization is not required.

- To address concerns from residents, government may wish to explore models where greater flexibility is available to communities in terms of service provision (mandatory and/or permissive services, and flexibility related to funding the same).

- Upon conclusion of consultations on November 17, 2017, a fulsome review of all comments/feedback will be conducted by MAE. MAE has committed that by the end of 2017, it will release a public “What we Heard” document covering the major themes of the consultations.

Next Steps

- MAE will conclude the in-person public consultations on October 26, 2017. The public consultation engagement process (website questionnaire, and email and telephone feedback) will conclude on November 17, 2017.

- The Premier’s Forum on Local Government will be held on November 1, 2017. The subject for this year’s Forum is regional government. The discussions will focus on some specific service sharing and potential models of regional government for Newfoundland and Labrador.

- Following consultations and the Premier’s Forum, raw data and a summary of key themes will be released publicly by end of 2017.

- Further analysis will be conducted by MAE officials on potential options for implementation of regional governance and/or service sharing pilot(s) by 2019.

Speaking Points:

- The Province is facing increasing demographic challenges (an aging population and shrinking populations, especially in some smaller communities) that will affect future local governments’ abilities to govern effectively and deliver local essential services.

- Our government has heard concerns from residents about the sustainability of our local governments. In response, we are exploring new approaches to delivering services and local government structures. These consultations mark a key step in that process.

- The ongoing consultations on regional government provide an opportunity for residents of this province to have their say on the 2019 implementation of regional governance and/ or service sharing pilot(s).
• The Premier's Forum on Local Government will provide an additional opportunity for municipal leaders to engage further on the subject of regional government and provide invaluable feedback into some of the more concrete aspects of this work as we dig deeper into core issues.

Prepared/ Approved by: E. Thompson/ M. Oley/ T. Kelly/ J. Chippett

Date: October 20, 2017
Title: The Placentia Bay Atlantic Salmon Aquaculture Project

Issue: To provide information on the requirements related to an Environmental Impact Statement (EIS).

Background and Current Status:
- Grieg Newfoundland Salmon Ltd. (Grieg) registered the Placentia Bay Atlantic Salmon Aquaculture Project (Reg. 1834) on February 19, 2016 with environmental assessment (EA). The project includes a salmon hatchery in Marystown to produce up to seven million triploid Atlantic Salmon smolt annually and 11 marine farms located in Placentia Bay. As a result of the project, the province's Atlantic salmon aquaculture production would more than double, creating 25 direct and 235 indirect/induced person years of employment.

- On July 22, 2016, the Minister released the project subject to five conditions which required the use of only triploid Atlantic salmon, annual progress reports regarding the phased approach from using mixed sex triploids to the use of all female triploids, additional information on workforce and timelines, a Women's Employment Plan, and an inventory of all regulated substances that are intended to be used.

- Mr. Owen Myers and ASF submitted an application to the Supreme Court under section 108 of the Act seeking judicial review of the Minister's decision and sought a declaration requiring an EIS. On July 20, 2017 the Court ruled in favour of the appellants.

- MAE issued a stop work order to Grieg on August 1, 2017.

- JPS submitted an appeal to the NL Court of Appeal on August 24, 2017. The appeal is expected to be heard on December 14, 2017.

- Grieg representatives applied for a stay of the Court decision to allow them to complete preliminary site work on the construction of the hatchery to the NL Court of Appeal, but subsequently withdrew that request on October 19, 2017.

Analysis:
- Under section 29 of the Environmental Assessment Regulations, undertakings engaged in farm raising fish requiring the construction of shore based facilities require an EA.

- Given that the Court has overturned the release decision, the project has not been released from EA as required under section 48 of the Environmental Protection Act to proceed with construction.
- The requirements of an EIS are set out in the Act (Appendix A). The detailed requirements in each of the legally required components of an EIS are determined by an appointed EA Committee and described in the EIS guidelines. The breadth of the legally required components for an EIS allows for consideration of noted concerns, as well as an explanation of mitigative options and regulatory oversight.

- As per the Regulations, EA Committee members shall be employees of the government of NL or of Canada. They have 120 days to draft the EIS guidelines (Appendix B). This time frame must include a 40 day public review of draft guidelines.

- Upon receipt and acceptance of the EIS documents, the Minister recommends to Cabinet as to whether or not the project may be released subject to terms and conditions or not be permitted to proceed (rejection) (Appendix B).

- Should Grieg be required to perform an EIS, they must pay a fee of $30,000+HST and cover the cost of the EA. Costs vary from several tens of thousands of dollars to several hundreds of thousands of dollars.

- The Government, through The Way Forward, has committed to reviewing the EA process. The outcome of this case will be considered during this review.

**Action Being Taken:**

- MAE will confirm publicly through media and communications the Province’s commitment to the EA process as a means to ensure that development proceeds in a sustainable fashion.

- JPS will continue with the appeal, the result of which may be that an EIS is not required (original release decision reinstated) or support for the Court decision that the Minister is required to order an EIS.

- MAE has convened technical and regulatory experts from within Government to meet with Grieg on October 25, 2017 at 3:00pm to discuss the status of the project and potential regulatory requirements, including an overview of what may be necessary for an EIS. The meeting will include:
  - MAE – EA, Pollution Prevention Division, and Water Resource Management Division
  - FLR – Wildlife, and Aquaculture
  - DFO
  - TCII

**Prepared/approved by:** J. Sweeney / S. Squires / D. Spurrell / J. Chippett

**Ministerial Approval:** Received from Hon. Eddie Joyce
October 24, 2017
Appendix A - Legal Requirements of an Environmental Impact Statement (EIS)

Section 57 of the Environmental Protection Act
An EIS shall be prepared in accordance with the guidelines, and shall include:
(a) a description of the undertaking
(b) the rationale for the undertaking
(c) the alternative methods of carrying out the undertaking, and the alternatives to the undertaking
(d) a description of the
   (i) present environment that will be affected or that might reasonably be expected to be affected, directly or indirectly, by the undertaking, and
   (ii) predicted future condition of the environment that might reasonably be expected to occur within the expected life span of the undertaking, if the undertaking was not approved;
(e) a description of
   (i) the effects that would be caused, or that might reasonably be expected to be caused, to the environment by the undertaking with respect to the descriptions provided under paragraph (d), and
   (ii) the actions necessary, or that may reasonably be expected to be necessary, to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment by the undertaking
(f) an evaluation of the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking
(g) a proposed set of control or remedial measures designed to minimize any or all significant harmful effects identified under paragraph (e)
(h) a proposed program of study designed to monitor all substances and harmful effects that would be produced by the undertaking
(i) a proposed program of public information as required under section 58.

Section 58 of the Environmental Protection Act
During the preparation of an EIS, the proponent shall provide an opportunity for interested members of the public to meet with the proponent at a place adjacent to or in the geographical area of the undertaking, or as the minister may determine, in order to
(a) provide information concerning the undertaking to the people whose environment may be affected by the undertaking; and
(b) record and respond to the concerns of the local community regarding the environmental effects of the undertaking.

The procedure for public contact and involvement with the proponent shall be as required by the minister and by regulation.
Appendix B - Environmental Impact Statement (EIS) Process

Announce EIS required and establish an Environment Assessment (EA) Committee
1. Minister announces that an EIS is required and this begins a 120 day timeline.

2. Minister appoints an EA Committee. This committee is comprised of technical experts from both provincial and federal government departments and chaired by the EA Division.

Government prepares EIS Guidelines
3. The EA Committee prepares draft EIS guidelines. EIS Guidelines have to be issued within 120 days of the Minister requiring an EIS.

4. The Minister posts the draft EIS guidelines for the required 40 day public review.

5. The EA Committee prepares the final EIS guidelines.

6. The Minister releases the final EIS guidelines on or before day 120.

Proponent prepares EIS Documents
7. The proponent prepares the EIS documents in accordance with the final EIS guidelines.

8. In the course of preparing the EIS documents, the proponent is required to implement a public information program for the area affected by the undertaking.

9. The proponent submits the EIS documents, including component studies, environmental effects monitoring plans, environmental protection plans, etc. as required.

10. The Minister must announce receipt of the EIS within 7 days of receipt and this begins a 70 day timeline.

11. The EA Committee begins review of the EIS documents.

12. The Minister posts the EIS documents for a 50 day public comment period.

Decision on EIS Acceptance
13. The EA Committee makes a recommendation to the Minister indicating whether the undertaking may be released subject to terms and conditions, the undertaking should not be permitted to proceed (rejection), or the EIS documents are deficient.

14. The Minister announces if the EIS documents are deficient or if they meet the requirements under the Act and EIS guidelines on or before day 70.

Decision on Undertaking
15. Once the Minister determines that the EIS documents complies with the Act and EIS guidelines, then the Minister shall recommend to Cabinet that the undertaking may be released subject to terms and conditions or not be permitted to proceed (rejection).

16. Cabinet shall determine whether or not that the undertaking may be released subject to terms and conditions or not be permitted to proceed (rejection).
Information Note
Department of Municipal Affairs and Environment

Title: Municipalities and Climate Change

Issue: To provide information on work to support municipalities address climate change.

Background and Current Status:
- Climate change is one of the most challenging long-term issues facing the world and Newfoundland and Labrador is committed to doing its part to address it. To this end, in December 2016, the Province joined the federal government and other Provinces and Territories (not SK and MB) in adopting the Pan-Canadian Framework (PCF) on Clean Growth and Climate Change. The PCF outlines actions to reduce greenhouse gas emissions, adapt to climate impacts and support clean economic growth, including carbon pricing and measures to support clean technology and innovation. The Province has committed to introduce its own “made-in-Newfoundland and Labrador” approach to carbon pricing so it can be tailored to local circumstances.

- In June 2017, the Auditor-General of Newfoundland and Labrador released an audit on the province’s action on climate change in the period 2011 to 2016. The findings of the audit were generally positive: it determined that the Province established GHG targets, established actions to reduce GHG emissions and adapt to climate change, implemented most of its commitments, and reported to the public on outcomes from those actions and on progress toward the provincial 2020 GHG reduction target. However, the audit also concluded that the Province was not on track to meet its 2020 GHG reduction target and additional GHG reduction measures were needed. It also recommended that future climate change plans should contain sufficient programs and measures to facilitate achievement of future targets.

s.27(1)(i), s.27(2)(a)
- In the Way Forward, the Province undertook to release a new climate change action plan in 2017-18. Public consultations have been completed and a “What We Heard” document released. Work on engaging Indigenous peoples and other government departments is advancing.

 Ministerial approval, all of these elements will be reflected in the new climate action plan.

- In Newfoundland and Labrador, climate change is expected to bring weather that is warmer, wetter and stormier. Climate projections to mid-century predict significant changes in winter temperatures, and northern Labrador is expected to be the most impacted.

- The impacts of climate change are already being felt across the province, and include change in sea-ice patterns and permafrost melt, increased coastal erosion, and an increase in storms. This poses risks and opportunities, including: infrastructure damage and coastal erosion, permafrost melt in Labrador, restricted access to traditional food for Indigenous communities, new pests and invasive species, and growth in the green economy.

- Climate Change Branch (CCB) has supported and/or led the development of a range of tools, information and awareness activities to support municipalities and other stakeholders to build more resilient communities, adapt to the impacts of climate change, and reduce greenhouse gas emissions (GHG), including:
- a one-stop shop website (turnbackthetide.ca) containing user-friendly information and tools specifically targeted at communities
- a carbon calculator to assist municipalities measure their GHG emissions
- climate projections to mid-century on a 50km by 50 km basis to inform infrastructure design and planning
- a climate portal to facilitate easy access to climate-related data generated by the province and by Environment and Climate Change Canada
- updated intensity-duration-frequency (IDF) curves for 19 provincial locations
- coastal erosion monitoring data from 116 sites
- flood risk maps that incorporate climate change projections for 10 communities
- a Hurricane Season Flood Alert System providing precipitation, flood and hurricane alert information for 45 communities.
- a seven-step tool to support communities develop vulnerability assessments
- a decision-tree to assist communities identify options for addressing climate risks identified in an assessment

- In 2016, CCB conducted a study to assess the extent to which the existing tools were being used to improve resilience to climate impacts, including their uptake from municipalities. The report identified varying levels of awareness of the existing tools, with awareness of flood risk maps and flood alerts being highest.

- The report recommended further awareness-raising, the development of regulations and formal mechanisms to incorporate climate change considerations; training for end users of existing tools, improved format and accessibility of tools, as well as additional tools regarding storm surges, wind, sea ice, snow loads, and rain-on-snow events.

**Analysis:**
- Municipal governments are responsible for providing a wide range of services, and can significantly improve resilience to the impacts of climate change through infrastructure, land use and emergency management planning.

- Municipalities can incorporate climate change adaptation into planning and decision making in a number of ways, including incorporating climate change considerations into emergency management plans; developing community adaptation plans (the completion of the 7 Step Tool to Assess Climate Vulnerability or Decision Tree Tool can inform adaptation plans); and incorporating climate change projections, climate change IDF curves, and flood risk mapping into the design of infrastructure and planning to ensure that when development occurs it is designed to withstand future climate conditions.

- Opportunities also exist for municipalities to reduce GHG emissions from their operations and more broadly within the community through facilitating compliance with building codes, and waste reduction. Measures to reduce greenhouse gas emissions and improve energy efficiency could result in cost savings for municipalities and residents.

- Roughly 260 of 275 incorporated municipalities in the province have a population of fewer than 5,000, and capacity for building climate resilience is limited.

**Action Being Taken:**
- In development of a new climate change action plan, CCB conducted province-wide stakeholder engagement, to inform the new plan. The plan aims to include measures to support municipalities.
• CCB is currently working with a MNL-led initiative to revamp their Tidy Towns Program to reach beyond community beautification, and extend to include aspects of municipal planning and development, including climate change.

• CCB is working in collaboration with a range of departments and agencies, including Conservation Corps of Newfoundland and Labrador, MNL, MUN, Engineers Canada, and PEG-NL to explore opportunities for collaboration to develop and deliver technical and non-technical training on climate change adaptation to municipalities. This work is still in development.

• The Federal Government is integrating climate change considerations into its green infrastructure funding. NL's allocation of federal funding for the Green Infrastructure Stream under the to-be-negotiated Integrated Bilateral Agreement for the next phase of the Investing in Canada Plan is $302.4 million over 11 years. At least 45 per cent of Green Infrastructure Stream funding will need to be invested in GHG emission mitigation projects. The federal government has initiated discussions on how to apply a climate lens to funding decisions. MAE is participating in these discussions.

Prepared/Approved by: K. Olson / J. Janes / J. Chippett

October 25, 2017
Information Note
Department of Municipal Affairs and Environment

Title: Waste Management

Issue: To provide an overview of progress and current issues related to the implementation of the Provincial Waste Management Strategy (PWMS).

Background and Current Status:
- The PWMS was released in 2002 as an interdepartmental initiative between the Department of Municipal Affairs and Environment (MAE), Service NL (SNL) and the Multi-Materials Stewardship Board (MMSB) with the aim of province-wide modern waste management. An implementation plan was developed in 2007 through which capital costs are 100 percent-funded through Federal Gas Tax and provincial Capital Works funding.

- The four primary goals of the PWMS are:
  1. To achieve 50 percent waste diversion rate by 2015 (now extended to 2025);
  2. To achieve 80 percent reduction in waste disposal sites (relative to 236 in 2002);
  3. Eliminate open burning/tee pee incinerator (i.e. low temperature burn); and
  4. Province-wide implementation by 2020 (extended to 2025, including organic waste).

- The PWMS envisioned a regional approach whereby regional authorities with representation from local governments would coordinate the delivery of waste management services within designated regions. Regional service boards (RSBs), which provide these services on a cost-recovery basis, were developed for this purpose.

- To date, seven of the eight RSBs planned for the island portion of the Province have been established under the Regional Services Board Act, 2012 − Eastern, Burin Peninsula, Discovery, Central, Western, Northen Peninsula (NorPen) and Coast of Bays. Work to establish the final region in Baie Verte-Green Bay is substantially complete.

- The PWMS is not prescriptive for Labrador and isolated and remote areas, recognizing that these sites would need more individualized solutions to meet their unique needs. Efforts in these areas have emphasized improving waste disposal practices, increasing waste diversion, and eliminating incineration where possible.

- As of October 2017, the fundamental framework of the PWMS’ regional approach is nearly complete, and the 2007 implementation plan’s most significant infrastructure investments have been finalized, including regional landfills for final disposal and a core network of waste transfer stations. MAE is currently reviewing PWMS implementation to date to identify any potential opportunities to achieve its goals and objectives more effectively and efficiently.

Analysis:
- The current status of PWMS goals as March 31, 2017 is as follows:
  o 24 percent waste diversion (target of 50 percent to be met by revised 2025 target);
  o 68 percent of old dumpsites closed (target of 80 percent by 2020 to be exceeded);
  o All tee-pee incinerators closed except six in isolated communities (one in Labrador and five in southern Newfoundland), and 80 percent of all open burning stopped (target of 100 percent unlikely to be met until remaining dumpsites are closed around 2018); and
  o Province-wide implementation on track for 2025.
• Organic waste, which accounts for nearly one third of all waste in the Province, is the PWMS' largest outstanding element. A 2014 consultant study outlined options for this waste stream, but an implementation plan for composting infrastructure was deferred due to budgetary constraints. The MMSB has led several composting initiatives, including pilot programs in the Burin and Northern Peninsulas as well as backyard composting resources.

• Significant PWMS initiatives and accomplishments since December 2015 include:
  o Expanding the Citizens' Representative's jurisdiction to include RSBs, to help address concerns that residents, municipalities, and businesses may have with the boards.
  o Exploring changes to the RSB chair selection process to enhance transparency and oversight while providing more merit-based opportunities for potential candidates.
  o Successful completion of the Clarenville transfer station, which provides services to approximately 18,000 people and won a Silver Excellence Award for innovative waste management practices from the Solid Waste Association of North America.
  o Allocating $4.5 million in Federal Gas Tax funding to support Western Region's transfer stations, which will also be a key part of the Northern Peninsula's waste-hauling network.
  o Developed two Requests for Proposal (RFPs) to complete analysis of technology as well as the operational and financial models that are employed by the PWMS.
  o Finalized recommendations to establish the final planned waste management region and RSB in the Baie Verte Peninsula-Green Bay area.

• The Auditor General's (AG's) 2014 Annual Report included a section on the PWMS with five recommendations related to planning and budgeting, reporting, and Steering Committee oversight and meeting frequency. In an update to this report released in October 2017, the AG indicated that two of these recommendations had been fully implemented or otherwise resolved, and three had been partially implemented.

• MAE is often contacted with concerns residents, businesses, and municipalities have with RSB policies and/or fees. However, these queries are frequently routed back to the RSBs, which are comprised of elected local government representatives and have the legislated authority to develop their own waste management policies and fee structures.

Action Being Taken:
• In response to various concerns raised by communities and stakeholders, the Minister has referenced a PWMS review during media interviews. A proposed scope of work has been developed and includes two RFPs to explore: (1) the feasibility of new technologies; and (2) a review of the PWMS' various assumptions/data, to be issued on November 1, 2017.

• MAE continues to work with Western RSB to complete the transfer stations for that region, as well as engage with communities in Labrador and remote and isolated areas to identify opportunities to achieve the PWMS' goals and objectives.

• MAE will revise its PWMS budgets and work plans in 2018-19 in conjunction with region-specific infrastructure planning and an approach for organic waste, as appropriate.

Prepared/Approved by:  S. Field/J. Collins / J. Chippett

October 25, 2017
Annex A
Summary of PWMS Progress and Key Issues by Region

Eastern Region – Eastern Regional Service Board (ERSB), Established 2011
- Redevelopment of Robin Hood Bay (RHB) regional landfill site (excluding organic waste processing) was completed at a total cost of $55.1 million, with $46.2 million provided by MAE through the PWMS, including $40.2 million from the Federal Gas Tax Agreement.
- The regional RHB site includes recycling, household hazardous waste, and public drop-off facilities, administration building, garage, leachate control, and an equivalent to lined landfill. Ten public drop-offs were constructed across the region, including Whitbourne completed in June 2016. The Whitbourne maintenance yard and depot are to be completed in 2018.
- A transfer station was completed in the Clareville area and began operations in January 2016. The transfer station is intended to serve communities in the Clareville area as well communities in the Discovery (i.e. Bonavista) Region.
- Analysis indicated that a direct-haul system (i.e. no transfer stations) was the most cost-effective option for the remainder of the Region. With the exception of Bell Island, all communities on the Avalon Peninsula and the Isthmus are currently bringing waste to RHB.
- ESRB is working with the Town of Wabana (Bell Island) to finalize plans to bring waste to RHB. In October 2017, ESRB advised the Town that it could begin providing services within three months of receiving a Motion of Council to contract their services.
- The annual per household cost to approximately 30,000 households receiving contracted collection and disposal services directly from ESRB is $180. Estimated household costs across the region range from $130-$180. The 2017 tipping fee at RHB is $67.60 per tonne for most waste types. Tipping fees for source separated recyclables is $20 per tonne.
- ESRB’s current service delivery policy includes seasonal properties on un-serviced roads in various unincorporated areas and local service districts. These property owners frequently contact MAE to express frustration that they cannot opt out of this service. However, ESRB is comprised of elected officials and has the authority to set its own policies and fee structures.

Central Region – Central Regional Service Board (CRSB), Established 2008
- The Norris Arm North regional waste management site was completed (excluding organic waste processing) with total capital commitments of $67.6 million, and the balance to come from CRSB. The site includes a lined landfill, leachate collection/treatment, public drop-off, administration building, garage, household hazardous waste, and recycling facilities.
- Seven local transfer stations are strategically located at Terra Nova; Fogo Island; New World Island; Buchan’s Junction; Gander Bay; Indian Bay; and Point Leamington.
- In 2016, MMSB provided an additional $4 million to expand the first cell of the lined landfill to accommodate waste from Western, NorPen, Bale Verte-Green Bay, and Coast of Bays.
- CRSB provides curbside collection services to 70 percent of the region’s communities at a cost of $79 per household for collection, plus applicable tipping fees. Current estimated household costs range from $130-$180. The 2017 tipping fee is $136 per tonne under the blue/clear bag program, with a $70 surcharge for unsorted waste/black bags. CRSB can grant special permission to use black bags for privacy reasons (e.g. funeral homes).
- A number businesses and communities in Central have expressed concerns with CRSB operations, including the Canadian Federation of Independent Businesses. Issues include tipping fee increases, governance and member representation, and allegations that CRSB has been inconsistently applying mandatory separation requirements for commercial users.
- In response to these concerns, the Minister directed CRSB to have a special audit done on its operational processes and financial models, and to develop a report indicating corrective
actions. The audit was received in October 2017; however, CRSB has requested an extension until February 28, 2018 for the report, after their board elections.

**Western Region – Western Regional Service Board (Established 2013)**
- Western region’s implementation plan includes six transfer stations located at Channel-Port aux Basques; Burgeo; St. George’s; Wild Cove; Rocky Harbour; and Hampden Junction. A contract for this work was awarded in October 2015. The plan also calls for three public drop-offs for large bulk items located at Port-au-Port; Bonne Bay South; and Portland Creek.
- $45.3 million has been committed to date for Western’s regional system, including $37 million in Federal Gas Tax and $4.3 million in provincial Capital Works funding. WRSB estimates that another $7.6 million will be required to complete the regional system by 2018.
- Western region’s waste is anticipated to be transported to Norris Arm North starting in 2018. WRSB is assessing whether it can economically remove some recycling within the region to reduce trucking costs. Compost facilities are planned for Wild Cove and Bay St. Georges.
- WRSB is currently operating the landfill facilities at St. Georges servicing the Bay St. Georges area and the Port aux Port Peninsula (approximately 20,000 people); and the Wild Cove dump site in Corner Brook (approximately 30,000 people).
- Other local dump sites will be closed out when the new transfer stations come online. These are located at Burgeo, Port aux Basques, Deer Lake, Portland Creek and Pollards Point (Hampden area), and the isolated communities of Francois, La Poile, and Ramea.
- A pilot project began shipping waste out of the isolated community of Grey River for disposal at Burgeo. The project has been ongoing for several years and is working without any major issues; however, Burgeo has requested assistance of approximately $17,000 to continue operating the pilot project until the Western regional system begins operations in 2018.
- WRSB received funding for a roll-off truck to begin collection services in Ramea and allow the incinerator to be closed. The Town also requested $335,000 for site preparation. WRSB and MAE did not recommend this funding, and encouraged the town to use the roll-off truck. **s.29(1)(a)**
- It is estimated that current household waste management fees are approximately $120-$130 per year. **s.29(1)(a)**

**Burin Peninsula Region – Burin Peninsula Regional Service Board (BPRSB), Established 2013**
- The region’s implementation plan for calls for a transfer station in the Frenchman’s Cove-Marystown area with final waste being transported to RHB in Eastern region. BPRSB is not in agreement and would like to see a landfill on the Burin Peninsula.
- BPRSB currently operates the interim waste site near Marystown. All other local waste sites have been closed, and BPRSB provides curbside collection services throughout the region. One composting facility is planned for the region, co-located with the transfer station. **s.29(1)(a)**
- Current household waste management fees are reported by BPRSB to range from $150-$170. **s.29(1)(a)**

**Discovery (Bonavista) Region - Discovery Regional Service Board (DRSB), Established 2013**
- Analysis determined that the region will not require any significant infrastructure, as waste will be directly hauled from curbside to the Clarenville area transfer station, and on to RHB.
- DRSB issued a curbside collection tender for the region with plans to begin transporting waste to Clarenville in January 2016. However, bids were higher than anticipated, and DRSB has delayed plans for consolidated collection. MAE is working with DRSB to determine next steps, as the local dump sites’ Certificates of Approval expired in June 2017.
- Current household waste management fees are approximately $100 per year.
Northern Peninsula Region – NorPen Regional Service Board, Established 2005
- NorPen is currently operating four interim consolidated landfill sites. In July 2014, NorPen contracted a consulting firm to develop a plan for the region’s long-term waste management infrastructure needs and to determine the most economical approach to curbside collection. NorPen will finalize its regional plans once the Western regional system is operational.
- A regional compost facility is anticipated, along with one or two transfer stations to transport waste to Western and/or on to Norris Arm North. In 2016, NorPen received $100,000 from MMSB to for a curbside composting pilot project in the Hawke’s Bay sub-region.
- Current household waste management fees are $115 per year, NorPen has small population (under 13,000) and residents will not benefit from the same economies of scales as other regions, and will have the longest trucking distance for final disposal.
- NorPen contracts waste collection services from a private operator. Several towns have expressed concerns with a new curbside collection policy, which requires waste to be placed within 10 feet of the curb, similar to other communities in the province. There have been allegations of harassment of the operators, and the police have been involved. The chair of the board recently resigned and an election for a new board is currently in progress.

Coast of Bays Region – Coast of Bays Regional Service Board, Established 2015
- Planning to date has determined that this region will require one transfer station and one compost facility, with waste transported to Norris Arm North in Central for final disposal.
- An RSB was formally established in October 2015. The regional committee is coordinating the nomination/election members, in accordance with the approved governance model.
- Current household waste management fees are under $100 per year.

Baie Verte-Green Bay – Local Waste Management Committees
- A regional committee with representation from both the Green Bay and Baie Verte areas was established in 2014. A consultant helped develop a plan for the region’s long-term infrastructure needs; to look for the most economical approach to curbside collection; and to assist the committee in developing a governance model for the regional service board.
- The committee has submitted a request for the establishment of a RSB for this area along with a proposed governance structure, which MAE is working to finalize.
- All waste in the Green Bay area has been consolidated to a single landfill site near South Brook; however, there are still ten community dump sites on the Baie Verte Peninsula.
- Current household waste management fees are less than $100 per year.

Labrador Initiatives
- A single landfill for western Labrador has been developed at a cost of $5.7 million, including landfill, equipment building, public drop off facilities, scales and kiosk, fencing and paving. The environmental closure of the former Wabush incinerator site was completed in 2014.
- MAE worked with communities along the Labrador north coast to hire a consultant to review potential long-term waste management solutions. The consultant submitted a draft report recommending community-based landfills throughout the region (rather than a centralized site). MAE is working to finalize this report and determine next steps.
- In southern Labrador, planning work completed by a consultant recommended all dumpsites be closed, and a new centralized unlined landfill be developed for the region. Although the proposed site was released from environmental assessment, many residents and communities are opposed to the site. In August 2017 the Committee chair proposed an
alternative site; however, the chair resigned before submitting a formal request. The Town of Forteau is considering taking over the operation of its local landfill from the Committee.

- In central Labrador, a consultant assessed the existing Happy Valley-Goose Bay landfill and determined that the site has capacity to meet the future needs of the area for the next 20+ years. The site will require some minor upgrades and infrastructure such as weigh scales and a new attendant building at the site. The consultant also provided recommendations regarding the most economical approach to community curb side collection.
Information Note
Department of Municipal Affairs and Environment

Title: Municipal Infrastructure

Issue: To provide an overview of municipal infrastructure funding programs for the 2017 Premier's Forum on Local Government and MNL Convention.

Background and Current Status:
- The Department of Municipal Affairs and Environment (MAE) has approved over $175 million in municipal infrastructure projects in fiscal year 2017-18 to date. This includes provincial investment of over $69 million and federal investments of over $39 million.

- These funding commitments include the first of year of the Provincial Government's new $100 million Multi-Year Municipal Infrastructure Plan, which is comprised of:
  - Municipal Capital Works (MCW) – a $30 million, application-based program that provides cost-shared funding for eligible municipal infrastructure projects, including water, wastewater, disaster mitigation, roads, municipal buildings, and recreation.
  - Multi-Year Capital Works (MYCW) – a $70 million, allocation-based program for 22 designated MYCW communities that allows for better infrastructure planning and greater flexibility for larger municipal infrastructure projects. Current allocations are for 2017-20.

- This new program also introduced new provincial-municipal cost-share ratios to improve the long-term sustainability of MAE's provincial and federal-provincial programs by increasing the municipal share for recreation, buildings, roads, and other funding requests.

- Informed by consultations at the 2016 Premier's Forum, these new ratios maintained preferential cost-shares for water, wastewater, and disaster mitigation projects, and introduced a new 10 percent lower municipal share for projects that are regional in nature (unless the project already falls into the 90/10 category).

- In addition to the new provincial program, several federal programs are currently available with varying total provincial allocations and several cost-share arrangements, including:
  - New Building Canada Fund – National and Regional Projects (NRP)
    - Provincial allocation of over $314.1 million in federal funding over seven years under NRP to support infrastructure projects of national, regional and local significance that contribute to economic growth, a clean environment, and stronger communities.
    - Infrastructure Canada (INFC) will contribute up to 33.33% of eligible costs.
    - MAE and Transportation and Works have identified projects that will account for the province’s entire NRP allocation, and are working with proponents (e.g. municipalities, post-secondary institutions) to finalize and implement those projects.

  - New Building Canada Fund – Small Communities Fund (SCF)
    - Provincial allocation of $34.9 million in federal funding over the next seven years for municipal infrastructure projects in communities with populations under 100,000.
    - INFC will contribute up to 33.33% of eligible costs.
    - Over $74.3 million in SCF projects have been approved to date, accounting for over $21.9 million in federal funding - approximately two thirds of the province's total federal SCF allocation.
Clean Water and Wastewater Fund (CWWF); Public Transit Infrastructure Fund (PTIF)

- Provincial allocation of $70.6 million under CWWF for projects that support improved drinking water and wastewater quality, and $4.9 million under PTIF for transit authorities (i.e. St. John’s and Corner Brook) for eligible public transit projects.
- CWWF and PTIF provide federal cost-shared funding up to 50% of eligible costs; however, there is no provincial contribution for PTIF projects.
- MAE has fully allocated its provincial CWWF allocation, and nearly two-thirds of its PTIF allocation as of October 2017.
- All projects approved under the CWWF are due to be completed by March 31, 2018; however, INFC will consider extensions requests up to March 31, 2019.
- PT Ministers have requested that the federal Minister extend the deadline for completing these projects by at least one year, and remove the condition that INFC will only reimburse up to 40 percent of a PT’s federal allocation after March 31, 2018.

- MAE is also currently engaged in discussions with INFC to reach an integrated bilateral agreement (IBA) for the next phase of the Investing in Canada Infrastructure Program (ICIP), with a total provincial allocation of $555.9 million, which includes:
  - Green Infrastructure – $302.4 million
  - Public Transit stream – $109.1 million
  - Communities, Culture and Recreation stream – $39.8 million
  - Rural and Northern Communities stream – $104.6 million

- Additional ICIP-related funding outside the IBAs include:
  - Disaster Mitigation and Adaptation Fund – a $2 billion national, merit-based program designed to support investments that will mitigate current and future climate risks; and
  - Canada Infrastructure Bank – up to $35 billion in federal funding to support transformative infrastructure projects through a new financial mechanism designed to attract private sector investments.

Analysis:

- MAE issued a new call for applications for all provincial/federal infrastructure programs from October 19 to November 30, 2017. In 2018-19, MAE expects to approve $10 million in provincial MCW funding to leverage an estimated $15 million in total costs, and $12.5 million in federal SCF funding to leverage an estimated $44 million in total costs.

- The Government has announced that it will be investing more than $180 billion over 12 years through ICIP. MAE continues to engage with INFC on issues related to the IBA, including minimum provincial cost shares, proposed program targets, climate change assessments, more flexible funding streams, and program reporting/administration.

- The current status of the remaining unapproved projects identified for NRP are as follows:
  - Placentia – The Town is working to secure additional funding partners and/or refine the scope of the Placentia Pool project before submitting it to INFC. A business case was already developed, but will require adjustments to reflect the latest projected costs.

  - Happy Valley-Goose Bay – A business case has been submitted to INFC for an NRP project to build a new Wellness Centre. INFC is actively reviewing this application, and working with the Town and MAE to finalize the remaining details.
• St. John’s – The City was approved for an East End Reservoir project, but subsequently requested to replace it with two different projects: 1) Rennie’s River Flood Mitigation and 2) Windsor Lake Water Treatment Plant Improvements. INFC has indicated that both projects have been recommended for approval, is asking MAE to confirm whether they remain priorities for the new City Council. MAE is seeking confirmation from the City.

• Lewisporte – A business case was submitted for the Town’s Water Tank Replacement project, and INFC is working with the Town and MAE to address several outstanding questions they have before the approval process can move forward.

• The table below compares Capital Works applications received in 2016-17 with those in 2017-18 (before and after the change in cost-share ratios):

<table>
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<th>Project Category</th>
<th>2017-18</th>
<th>2016-17</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Value ($M)</td>
<td>Value ($M)</td>
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<tr>
<td>Drinking Water / Wastewater</td>
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<td>102</td>
</tr>
<tr>
<td>Wastewater</td>
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<td>34</td>
</tr>
<tr>
<td>Recreation / Buildings</td>
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<td>76</td>
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<tr>
<td>Roads &amp; Other</td>
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<td>66</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>342</strong></td>
<td><strong>345</strong></td>
</tr>
</tbody>
</table>

**Action Being Taken:**

• MAE will evaluate the municipal infrastructure applications received for 2018-19, and will seek to leverage available federal funding to the maximum extent possible.

• MAE is working with INFC to finalize the terms of a new federal-provincial agreement, with the goal of March 2018.

**Prepared/Approved by:** J. Collins/M. Thomas/H. Tizzard/ J. Chippett

**October 25, 2017**
Information Note
Department of Municipal Affairs and Environment

Title: Wastewater in Newfoundland and Labrador

Issue: Overview of the current status of wastewater services in Newfoundland and Labrador.

Background and Current Status:
- There are approximately 740 public wastewater systems, servicing 211 communities, throughout the province. Approximately 95 per cent of these wastewater systems have outfalls that discharge to a marine environment. The remaining systems discharge to a freshwater environment.
- Approximately 74 per cent of the province’s population is serviced by a public wastewater system that is owned and operated by a Town or Local Service District. The remaining population is serviced through private wastewater systems (septic).
- MAE no longer allows the installation of untreated sewage outfalls. All new outfalls in the province must have at least primary treatment.
- In July 2012, the Federal Wastewater Systems Effluent Regulations (WSER) came into effect to address untreated or undertreated sewage being discharged into receiving waters. The WSER are established under the federal Fisheries Act and set mandatory minimum effluent quality standards, and monitoring and reporting requirements.
- The WSER apply to any wastewater outfall, public or private, with an average daily effluent volume of 100 cubic metres or greater. Wastewater systems with effluent volumes less than this threshold and those north of the 54th parallel (Nain, Hopedale, Makkovik, Natuashish, Rigolet and Postville) are exempt from the WSER.
- MAE issued a circular to all communities in May 2014 regarding the WSER. The circular described the WSER requirements and the process to register outfalls with Environment and Climate Change Canada (ECCC).
- Since 2014, MAE has provided over $350,000 in funding under Gas Tax for 18 projects to install wastewater outfall monitoring equipment. Additionally, MAE has provided cost-shared funding for four wastewater treatment facilities which meet the WSER (Bishop’s Falls, Glenwood/Appleton, Happy Valley-Goose Bay, and Stephenville).
- Over 130 projects with an estimated total project cost of $145 million have been recently approved under the Clean Water and Wastewater Fund Program, but only a very small number (less than five) will either directly or indirectly impact WSER compliance.

Analysis:
- At the February 2009 meeting of the Canadian Council of Ministers of Environment (CCME), Newfoundland and Labrador did not sign or endorse the Canada Wide Strategy for the Management of Municipal Wastewater Effluent (the Strategy). This was due to the cost involved and that the federal government had not committed a new funding program to support the Strategy.
- The full cost to the province to implement the Strategy is not well known due to limited data on municipal wastewater systems. Only after municipalities have registered their systems
and conducted flow and effluent quality monitoring will officials be able to provide accurate costing; however, MAE anticipates the costs will be in the hundreds of millions.

- ECCC has entered into Administrative Agreements with some provinces such as New Brunswick. Under agreement the provincial/territorial regulator administers the WSER on behalf of ECCC, and ECCC may cover any incremental administrative costs.

- ECCC has entered into an Equivalency Agreement with other provinces such as Quebec. An Equivalency Agreement can be entered into if the province has provincial regulations equivalent to the WESR. An Equivalency Agreement for this province would require revisions to the Environmental Control Water and Sewage Regulations.

- ECCC has stated that approximately 204 communities are being looked at in the province under the WSER. Three communities with five outfalls received a Transitional Authorization (TA) permit and are considered in compliance with WSER. Approximately 93 communities have registered their outfalls with ECCC after the appropriate deadline, but were not issued a TA. There are over 100 communities left to register their outfalls with ECCC.

- Communities that are not exempt from the WSER will be required to provide regular effluent monitoring data to ECCC. Some communities have expressed concern over this regular monitoring and the associated costs.

- If municipalities are non-compliant with the WSER, they are subject to prosecution under the Fisheries Act and may not qualify for future federal cost-shared funding. ECCC has begun enforcement of the WSER within the province, however, has indicated a willingness to work with the province on a compliance approach.

**Action Being Taken:**

- MAE will continue to work with the Federal Government to obtain funding to support infrastructure upgrades to support secondary wastewater treatment such as the New Building Canada Fund and Clean Water and Wastewater Fund Program.

- MAE met with federal officials on October 26, 2017 to discuss a possible phased approach and data sharing to address compliance issues.

- MAE will provide funding through Gas Tax and Capital Works for wastewater monitoring equipment.

- MAE will continue to work with communities to initiate or continue wastewater monitoring and reporting to ECCC.

- MAE's Operator Education, Training and Certification Program will add modules on the WSER and wastewater monitoring to their wastewater training curriculum.

- MAE will continue to work with Municipalities NL and participate in WSER compliance promotion events to facilitate compliance.

**Prepared/Approved by:** H. Khan/D. Spurrell (ADM)/J Chippett

**October 27, 2017**
Meeting Note  
Department of Municipal Affairs and Environment (MAE)  
Premier’s Forum on Local Government  
Greenwood Inn and Suites  
November 1, 2017  
1:30 pm – 6:00 pm

Attendees:

- Approximately 50 delegates from MNL, CCL, PMA, and the three cities have been invited to attend the 2017 Forum [refer to Tab 3 for a list of delegates].
- The breakdown of the delegates to date is as follows:
  - 10 from MNL’s Board (1 member will not be attending);
  - 10 delegates from PMA (self-selected by PMA);
  - 1 self-selected delegate from each of the three cities (St. John’s, Mount Pearl, and Corner Brook);
  - 1 self-selected delegate from CCL; and
  - 28 self-selected MNL delegates from randomly selected Towns.

Purpose:

- To encourage thoughtful discussion on regional governance and shared services models and to consider which structures would work best in the Newfoundland and Labrador context.
- The discussions will provide insight into which region(s) are receptive to exploring possible participation in a regional government and/or service sharing pilot(s).

Background:

- As committed in “A Stronger Tomorrow”, and reiterated in the Minister of Municipal Affairs and Environment’s mandate letter, the Premier’s Forum on Local Government was first held in October, 2016. MAE organized the event in partnership with Municipalities NL and the Combined Councils of Labrador.
- Also in 2016, the public consultations held as part of the Government Renewal Initiative identified regionalization and service sharing as potential means for improving local service delivery.
- The 2016 Premier’s Forum included 35 participants and explored four themes: Aging Municipal Infrastructure, Exploration of New Municipal Revenues; Municipal Candidate Interest; and Regional Opportunities.
• On November 9th, 2016, Government released "The Way Forward: A vision for Sustainability and Growth in Newfoundland and Labrador", which was based on input from stakeholders and residents. Phase two of "The Way Forward: Realizing our Potential", was launched on March 27th, 2017, and included a commitment to implement regional governance and/or service sharing pilot(s) by 2019. MAE was tasked with completing/implementing this commitment.

• MAE then facilitated the formation of a Regional Government Advisory Committee, which included municipal leaders, academics, and others, to provide ideas and feedback around regional government and service sharing. These initial discussions and input informed the content of MAE’s public consultations.

• As a result of several previous and ongoing government initiatives, and the Way Forward commitments, regional government has been chosen as the topic for this year’s Premier’s Forum. The topic will be broken down into two sub-topics: regional service sharing and exploration of regional government models.

• Facilitation to be provided by Judith Hearn, ADM of Communications and Public Engagement. The Premier will open the Forum and will also provide closing remarks.

[refer to Tab 1 for Forum agenda]

[refer to Tab 6 for Premier’s Opening Address; Tab 6 for Closing Remarks]

Agenda Item #1  Presentation: Overview of Regional Government: Potential Services and Models

• The presentation mirrors the Premier’s Forum Discussion Document. The facilitator will give an overview of feedback received to date; brief discussion of potential services that could be regionalized; and introduce three illustrative models for discussion.

[refer to Tab 1(iii) for Presentation; Tab 1 (iv) for Discussion Document]

• MAE launched its public consultation process in August 2017. The Forum is occurring towards the end of the consultation period. MAE is conducting 22 in-person consultation sessions across the province. In addition, MAE is accepting hardcopy (paper), online, and telephone submissions on regional government. Public consultations are set to close on November 17th, 2017.

• Through the public consultation process, several consistent themes have emerged. These themes are focused on specific aspects of regional service sharing and governance models. The Forum will focus on examining these matters in greater detail, with the aim of collecting additional focused input from municipal leaders and administrators.
• **Service Sharing:** Participants expressed that sharing services could create benefits, including: access to higher quality services, reduction of duplication, increased standardization and cost savings. Some concerns were also expressed that there could be potential for: loss of local employment as a result of regional service sharing, increased costs, and unfair costs distributions across regions. There was no clear consensus on whether there should be flexibility with regards to which services were to be delivered or if certain services should be mandated.

• **Mandatory Participation:** When asked what the impacts of a community being able to ‘opt-out’ of a regional government system, participants almost universally stated that such a system could not function.

• **Regional Government Criteria:** Some participants felt that certain criteria (e.g., community’s ability to provide basic services, its financial viability/stability, its democratic strength, its governance/administrative capacity, and its geography and population) could help determine whether or not regional governments should act as the local government for certain communities.

• **Revenue Generation:** When asked what mechanisms a regional government could use to collect revenue to pay for services and administration, the majority of participants mentioned a variety of taxation mechanisms (e.g. income taxes, property taxes, and poll taxes), and fees for services. Concerns were expressed that an additional layer of government may result in increased taxation, and that government needs to ensure that effective collection mechanisms are put in place.

• **Composition and Selection of Councils:** There was very little consensus on the composition of a regional government and how regional representatives should be selected.

[refer to Tab 8(v) for information note on Regional Government Consultations]

**Agenda Item #2 Table Discussions on Three Regional Service-Sharing Models**

• To support meaningful dialogue and feedback from participants, the Forum will explore three specific regional service models: economic development, regional fire services, and emergency management planning.

• **Regional economic development services** reduce competition across communities and allow smaller communities to participate, when separately they may not have the capacity.

• **Regional fire services** are already being explored across the province as a means of providing improved efficiencies; also identified as a core service during 2017 public consultations.

• **Regional emergency management planning services** are already being explored in some areas of the province. In fact, one region has already created a regional
emergency management plan, which includes UIAs, on a voluntary basis. Regionalization would ensure all communities are better prepared to deal with severe weather, flooding, and other emergencies.

- The Premier may wish to sit in on discussions to personally hear feedback from various tables.

**Agenda Item #3     Table Discussions on Governance Models**

- Regional governance exists on a spectrum with full governance model at one end and service sharing bodies at the other. Within the Canadian context, there are many examples of different models (e.g. BC, QC, NS, NB).
- Facilitator will introduce three models and ask participants to discuss:
  - Advantages and disadvantages of each model (keeping in mind: representation, finances, service delivery, and size); and
  - Feasibility of each model in the participants’ respective regions.
- The Premier may wish to sit in on discussions to personally hear feedback from various tables.

**Agenda Item #4     Update of Outcomes from 2016 Premier’s Forum**

- Facilitator will provide a brief overview of topics discussed at the 2016 Premier’s Forum and resulting outcomes and Government actions.
- Government’s responses to date on the topics discussed at the 2016 Forum are as follows:

  **Aging Municipal Infrastructure:**
  - Significant investment in Budget 2017 of $100M for a three-year municipal infrastructure program ($70M for MYCW and $10M per year for MCW).
  - Implementation of new cost-share ratios,
  - Prioritization of support for municipal projects and regional collaboration, and
  - Continuation of objectively assessing and prioritizing applications.

  **Exploring New Municipal Revenues**
  - Government of Newfoundland and Labrador has continued with funding commitments announced through the Community Sustainability Partnership in 2015.
  - Municipalities pay lower effective HST rate than other entities, such as universities, schools and hospitals.
In 2014, the Gas Tax Agreement expanded the number of eligible infrastructure categories for municipalities and Inuit Community Governments from six to eighteen.

The department provides other funding programs that are not application or project-based.

Local governments should explore other opportunities under own-source/local revenue sources.

**Municipal Candidate Interest**

- Providing of income tax incentives: while currently available, the federal government announced in its 2017 Budget changes to income tax allowances paid to councillors such that they be fully included in income for 2019 and subsequent taxation years;

- Increasing remuneration: sections 99 and 205 of the *Municipalities Act, 1999* provide authority for council to pay salaries or remuneration to councillors, the onus is on councils to budget accordingly;

- Exploring municipal tax incentives: a tax incentive for municipal councillors is not within the intent of section 111 of the *Municipalities Act, 1999*. Section 111 refers to exemptions/incentive agreements for specific taxpayers; and

- Educating and informing people about what is involved: MAE provided $47,500 to MNL to assist with costs associated with the of 2017 MNL Make Your Mark Campaign.

**Regional Opportunities**

- Considered a proposal prepared by the Regional Government Advisory Committee;

- Completed targeted stakeholder consultation sessions (PMA and MNL);

- Commenced extensive public consultations on regional government on August 22nd, 2017, and

- Committed to conduct regional governance and/or service sharing pilots, as appropriate, by 2019.

**Prepared by:** M. Oley & M. Thomas / T. Kelly / J. Chippett

**October 30, 2017**
Information Note
Department of Municipal Affairs and Environment

Title: Drinking Water in Newfoundland and Labrador

Issue: Overview of the current status of drinking water services in Newfoundland and Labrador.

Background and Current Status:
- The Government of Newfoundland and Labrador is committed to enhancing drinking water quality.

- Newfoundland and Labrador utilizes the Multi-Barrier Strategic Action Plan (MBSAP) for the management of drinking water systems and to ensure drinking water safety. This approach is considered to be the most effective method of managing drinking water systems and has been implemented by other jurisdictions throughout Canada. The Department of Municipal Affairs and Environment (MAE) works with Service NL (SNL), the Department of Health and Community Services (HCS) and over 500 communities to oversee the implementation of the MBSAP for drinking water safety.

- There are three types of drinking water systems in the province: public, commercial/institutional, and private.

Public Supplies
- Public water supplies are owned and operated by a municipality or local service district and are responsible for day to day operation and maintenance of the system.

- The Government is responsible for source protection; chemical and physical drinking water quality monitoring and reporting; boil water advisory management and reporting; operator education, training and certification; infrastructure funding on cost-shared basis; and regulatory oversight through permitting and inspection.

- The Source Water Protection program protects the integrity of drinking water sources through permits issued under Section 39 of the Water Resources Act.

- The Drinking Water Quality Monitoring program consists of regular sampling and testing of drinking water from both the source and the tap and is the joint responsibility of MAE and Service NL.

- The Operator, Education, Training and Certification program provides continuing education, training and certification to the 399 water and wastewater system operators in the province. This program provides hands-on and classroom training opportunities.

- Under various provincial capital works programs and Federal-Provincial cost-shared infrastructure programs, MAE provides infrastructure funding on a cost-shared basis for drinking water and wastewater infrastructure.

Private Supplies
- Private water supplies are owned and operated by individual(s). Construction, operation and maintenance of these systems are the responsibility of homeowners.

- Some regulation and oversight is in place; e.g. well drilling is regulated and monitored to protect water safety and water resources.
• The Public Health Laboratory offers free bacteriological water quality analysis to all private well owners.

• MAE provides the following guidance to owners of private water supplies:
  o chemical and bacteriological testing of private wells, as well as technical interpretation of results;
  o safe construction and maintenance practices in order to protect groundwater wells against any potential contamination;
  o public education materials for the owners of groundwater wells (available on Government's website); and
  o maps to inform the public about areas which are likely to have high natural background levels of arsenic and uranium. These can be used to indicate which areas should be avoided when drilling or digging groundwater wells.

**Commercial/Institutional Supplies**

• Commercial/institutional water supplies are owned and operated by commercial or institutional facilities which serve the public (e.g. schools, long-term care facilities, and NL Housing) or owned by private businesses, including facilities such as child care centers, bed and breakfasts, hotels, and restaurants.

• There are an estimated 1000 commercial/institutional drinking water systems in NL. About 60 per cent of these systems operate year-round and 40 per cent operate seasonally.

• There is some oversight in place through departments performing inspections or issuing permits.

• Free bacteriological drinking water testing services are provided to commercial/institutional supply owners.

• Construction, operation and maintenance of these systems are the responsibility of owners.

**Analysis:**

• There are 472 public water sources. Currently, 85 per cent of surface water and 34 per cent of groundwater sources are protected under the *Water Resources Act*.

• There are 483 public water distribution systems in the province, 74 per cent are very small and serve less than 500 people.

• The most critical aspect of water treatment is disinfection as it ensures the pathogenic safety of drinking water. There are 486 disinfection systems in the province.

• There are 19 full-scale drinking water treatment plants and 29 potable water dispensing units in Newfoundland and Labrador. A range of mitigations have been implemented in various drinking water systems to address specific water quality challenges e.g. pH adjustment, arsenic removal.

• As of October 19, 2017 there are 224 boil water advisories (BWAs) in place affecting 173 communities and a population of 76,261. The affected population is about 17.25 per cent of the population serviced by Public Water Supplies. About 91 per cent of current boil water advisories in place are for non-microbiological reasons such as: no disinfection system (30),
system turned off (21), system broken (32), operational problems (40), and residual chlorine problem (82). Only 8 per cent of BWAs are due to microbiological reasons.

- The major aesthetic water quality issues are color, pH, iron, and manganese. These exceedances are aesthetic parameters that do not typically pose any health effects.

- The health based water quality issues include: trihalomethanes (THM), haloacetic acids (HAA), turbidity, arsenic, and lead. In 2016, there were 108 THM exceedances, 134 HAA exceedances, 83 turbidity exceedances, 8 arsenic exceedances, and 6 lead exceedances. These exceedances are known or suspected to cause adverse effects on the health of some when the guideline is exceeded.

- As of October 19, 2017 there are 6 non-consumption advisories in place. These are in place due to arsenic, lead, and use of unapproved water supplies.

**Action Being Taken:**

- In April 2015, the province announced a new Community Sustainability Partnership and a Boil Water Advisory (BWA) Reduction Initiative. Annual funding of $180,000 was provided to partner with external consultants to actively reduce the number of BWAs. Since its inception standard operating procedures (SOPs) were developed to assist communities in rectifying their BWAs, expansion of SOPs to an additional eleven communities, and a full suite of training resources have been developed. To date MAE has been successful in removing 15 long-term boil water advisories. It is expected that more long-term boil water advisories will be removed as identified infrastructure issues are addressed.

- The Provincial-Municipal Fiscal Framework Review identified the need to regionalize certain municipal services to address capacity concerns and inefficiencies. The Regional Water/Wastewater Operator Pilot Program is approved funding from October 1, 2015 to March 31, 2019 to address capacity issues with clean water and wastewater. The program was initially launched in three regions of the province (Eastern, Central and Western) with 37 communities. In October, 2017 the program was expanded to include an additional 15 communities. The Regional Services Boards (RSB) are the lead agencies with MAE providing administrative, technical and recruitment support. Three regional operators are employed by the RSBs under this pilot program. The program has supported capacity building in small rural communities.

- The Rural Drinking Water Safety Initiative provides for potable water dispensing units. These units are small scale water treatment plants which provide residents with high quality drinking water. These systems are typically installed for communities with populations of 500 or less. Four new potable water dispensing units were installed in 2016; one new unit has been approved for installation in 2017.

**Prepared/Approved by:** H. Khan/D. Spurrell (ADM)/J Chippett

October 27, 2017
Information Note
Department of Municipal Affairs and Environment

Title: Municipality-Specific Issues

Issue: Emerging and/or notable municipality-specific issues related to departmental programs and services that may be raised by municipal representatives attending the November 2-3, 2017 Municipalities Newfoundland and Labrador (MNL) conference.

Background and Current Status:
- Multiple divisions of MAE provide services directly or indirectly to municipalities.
- Representatives from municipalities attending the 2017 MNL conference may seek informal opportunities to speak with the Premier or Minister on issues related to services or programs delivered by the department.
- Municipalities registered for the conference include: Bay Roberts, Burin, Cartwright, Corner Brook, Cow Head, Fogo Island, Gambo, Gander, Harbour Breton, Lewin's Cove, Long Harbour-Mount Arlington Heights, Makkovik, Marystown, Massey Drive, Mclvers, Mount Pearl, North River, Northern Arm, Port Rexton, Portugal Cove-St Philip's, Rose Blanche-Harbour Le Cou, St. John's, Stephenville Crossing, Trout River, and Wabush.

Analysis:
- Issues anticipated to be raised by municipal representatives in casual or informal conversations were identified for municipalities who have confirmed attendance at the MNL conference (Annex A).

Action Being Taken:
- Annex A is organized in alphabetical order by municipality name and contains a very brief overview of identified issues and speaking points for reference.

Prepared/Approved by: C. Souliere/M. Thomas /T. Kelly

October 30, 2017
Annex A – Summary of Municipality-Specific Issues Identified

Cartwright

Issue: Former Military Site Remediation
Status:
• This fall MAE began assessment work of the former mid Canada line military site in Cartwright.

Speaking points:
• Further assessment and remediation work will take place under a pending federal-provincial agreement.

Issue: Southern Labrador Landfill Site
Status:
• In recent years, MAE has received complaints about the condition of Cartwright's local landfill site.
• A waste management study recommended consolidation of southern Labrador landfills to a single site near Port Hope Simpson, a solution which was accepted by the local waste management committee and released from environmental assessment in August 2017.
• Opposition to the single-site solution has been heard from a number of residents and communities.

Speaking Points:
• My department remains committed to working with residents and communities in the region to find waste management solutions that work for Cartwright and the southern Labrador region.

Makkovik

Issue: Search and Rescue Inquiry (Burton Winters)
Status:
• On September 28, Premier Ball announced he would launch an inquiry into Muskrat Falls this fall.
• This announcement prompted negative reaction from the family of Burton Winters who continues to call on government to fulfill its campaign promise for an inquiry into Burton’s death.
• In April, 2017, Minister Parsons publicly announced Search and Rescue would be the next inquiry. Since then, two other inquiries have been announced.

Speaking points:
• Government remains committed to a public inquiry into Search and Rescue.
• Search and Rescue continues to be an issue of importance and one we take quite seriously.
• The Standing Senate Committee on Fisheries and Oceans was authorized to examine and report on Maritime Search and Rescue activities and stated the final report would be
released in November 2017. It would be premature for us to launch an inquiry before the federal inquiry is complete and available to us.

- We continue to work with the Federal Government and community partners to enhance the systems that are currently in place.
- Considerable strides have been made in the Province with respect to search and rescue; there is always room for improvement.

Issue: Funding Request for Subdivision

Status:
- The Inuit Community Government (ICG) of Makkovik wrote to the Minister in September 2017 to request $420,000 in provincial funding (approximately 30 per cent of the total project) for development of a new nine-lot subdivision.
- Infrastructure related to new subdivisions is not eligible for provincial funding under Capital Works programs.
- The ICG indicated the high cost of development in Labrador’s north coast makes it difficult to attract private developers to the region, and stated a willingness to accept a higher-than-usual municipal share (i.e. 70 percent) for the project.
- The ICG may seek an indication of support for this project from the Minister and/or the Premier, who is responsible for Labrador Affairs as well as Indigenous Affairs.

Speaking Points:
- I would encourage you to work with the Labrador Regional Office to identify any projects that might be eligible for funding under the provincial Capital Works program.
- The Labrador Regional Office may be able to help you determine if any upcoming federal infrastructure funding opportunities exist for rural, northern and Indigenous communities.

Marystown

Issue: Placentia Bay Atlantic Salmon Aquaculture Project

Status: (Also see Current Issues Information Note (binder Tab 8j))
- The Grieg Newfoundland Salmon Ltd. (Grieg) proposed salmon hatchery project in Marystown, if completed, could increase the province’s Atlantic salmon aquaculture production more than twofold and create more than 500 direct and indirect jobs.
- The public and four government departments raised concerns and called for further assessment through an Environmental Impact Statement (EIS).
- Concerns related to ecological, disease and parasite risks, unproven and untested technology, and a need for consideration of a fully contained land-based system.
- The undertaking was released from Environmental Assessment with conditions in July 2016.
- In July 2017, in response to a Supreme Court application seeking judicial review of the Minister’s decision, the Court ordered the 2016 release decision be quashed and that an EIS be implemented.
- JPS submitted an appeal to the NL Court of Appeal which is expected to be heard on December 14, 2017.

Speaking points:
- Economic development remains a priority but must be done in an environmentally sustainable manner.
- We are continuing to seek legal clarity on issues related to the aquaculture project and are acting according to both the letter and the spirit of the law.
October Notes

- We are working with Grieg Aquaculture in advance of final legal decisions to make sure public concerns are considered and environmental risks are minimized.

Northern Arm

Issue: Potential Amalgamation of Northern Arm and Botwood

Status:
- In March 2017, MAE approved a $20,000 grant for the Town of Northern Arm and the Town of Botwood to partially fund the cost to prepare a Feasibility Report to explore potential amalgamation.
- As per the Municipalities Act, 1999, feasibility reports are required to be prepared when considering amalgamation of towns.
- Pat Curran and Associates, the consultant engaged to conduct the feasibility study, provided a final report recommending that the towns amalgamate.
- The towns are currently reviewing the final report. A plebiscite may be held in each community on the matter.

Speaking points:
- Our government committed in The Way Forward to advance regional collaboration and sharing of services.
- I commend the efforts of Northern Arm and Botwood in working together toward more efficient and effective service delivery in the region.

Port Rexton

Issue: Waste Management Issues in Discovery Region

Status:
- The Provincial Waste Management Strategy’s current implementation plan calls for all communities in Discovery Region to transport waste to the Robin Hood Bay regional landfill in Eastern Region for final disposal, via the transfer station in Clarenville.
- This transfer station began operation in January 2016, but the Discovery Regional Service Board has not yet begun to transport waste out of the region, citing an unacceptably high cost per household for waste collection and disposal.
- Certificates of Approval for all of the local landfill sites in the region expired in June and these sites are no longer in compliance with provincial regulations.

Speaking Points:
- My department is looking forward to discussions with the Discovery Regional Service Board on the waste transport issue.

Portugal Cove-St Philip’s

Issue: Opposition to Water Metering Project

Status:
• In July 2016, the Town was approved under the federal Clean Water and Wastewater Fund (CWWF) program for a household water metering project totaling $1.5 million, with a 10 percent municipal share.
• The Town has several contracts in place to implement the project, currently valued at over $1 million, with about $73,000 paid out to date.
• Opposition to the installation of water meters emerged as an election issue.
• The new council is expected to debate project cancellation at the next council meeting.

Speaking Points:
• I appreciate the concerns that have been raised by the community regarding water metering in Portugal Cove-St. Philip's and understand a number of residents are not in favour of the project.

Wabush

Issue: Industrial Water Treatment Plant
Status:
• In April 2017, Wabush applied for a $13.4 million project to construct a new industrial wastewater treatment plant to help meet Federal wastewater regulations.
• Approval was granted under the federal Small Communities Fund (SCF) for $1.1 million, with a 10 percent municipal share, to complete initial design work for the future treatment plant.

• MAE has been working with the town and their consultant to determine an appropriate scope of work to maintain eligibility.
• Some concern may be expressed as to whether significant additional funding required to complete the wastewater treatment plant will be approved.

Speaking Points:
• I was pleased to offer over $897,000 in federal and provincial funding towards the initial work needed to develop a new wastewater treatment plant for the Wabush Industrial Park.
• My department will continue to work closely with Wabush to move this important wastewater project forward.

Issue: Potential Amalgamation of Wabush and Labrador City
Status:
• In March 2017, MAE approved a $25,000 grant for the Town of Wabush and the Town of Labrador City to partially fund the cost to prepare a Feasibility Report to explore potential amalgamation.
- As per the Municipalities Act, 1999, feasibility reports are required to be prepared when considering amalgamation of towns.
- Stantec, the consultant engaged to conduct the feasibility study, provided a final report recommending that the towns amalgamate.
- The towns are currently reviewing the final report and consulting residents. MAE anticipates that a plebiscite will be held in each community on the matter.

Speaking points:
- Our government committed in The Way Forward to advance regional collaboration and sharing of services.
- I commend the efforts of Wabush and Labrador City in working together toward more efficient and effective service delivery in the region.

No emerging or notable issues identified for:

Bay Roberts
Burin
Corner Brook
Cow Head
Gambo
Gander
Harbour Breton
Lewin's Cove
Long Harbour-Mount Arlington Heights
Massey Drive
Mclvers
Mount Pearl
North River
Port Rexton
Rose Blanche-Harbour Le Cou
St. John's
Stephenville Crossing
Trout River
Information Note
Department of Municipal Affairs and Environment

**Title:** Current Issues: Department of Municipal Affairs and Environment

**Issue:** To provide the Premier and the Minister of Municipal Affairs and Environment (MAE) with an overview of general and community-specific issues which may be raised by those attending the Premier’s Forum and/or the 2017 Municipalities Newfoundland and Labrador (MNL) Convention and Annual General Meeting.

**Background and Current Status:**
- The Premier’s Forum on Local Government is scheduled for November 1, 2017 at the Greenwood Inn and Suites in Corner Brook. A total of 52 municipal representatives will be in attendance: 28 regional representatives, 10 members of the Municipalities Newfoundland and Labrador (MNL) Board, 3 city representatives, 10 Professional Municipal Administrators (PMA) delegates and the President of the Combined Councils of Labrador (CCL). The list of delegates is located in Tab 3 of your briefing binder.

- The following regional topics are to be discussed at the Forum: regional governance, regional emergency management planning, regional economic development services, regional fire services and general service sharing within regions. There will also be polling questions on 3 potential governance models.

- The 67th annual MNL Convention is scheduled for November 2-4, 2017 at the Civic Centre in Corner Brook. The AGM will take place at the Arts and Culture Centre on Saturday November 4, 2017.

- Details on general issues across multiple regions and potential community issues which may be raised at the Premier’s Forum and/or the MNL Convention are outlined below. While individual towns may raise different specific issues, this provides a general status for each area.

**Issues Across Multiple Regions:**

**Issue:** New Cost-Share Ratios for Municipal Infrastructure Projects

**Background:**
- In March 2017, MAE announced new cost-share ratios as part of a new, $100 million Multi-Year Municipal Infrastructure Plan. The new ratios seek to enhance the program’s long-term sustainability while prioritizing investments in water, wastewater, and disaster mitigation projects, and incentivizing regional projects with a 10 percent lower municipal share (for those projects that do not already qualify for the 90/10 ratio).
• These new cost-share ratios were largely informed by consultations at the 2016 Premier’s Forum on Local Government.

• Various municipalities have expressed concerns with these new ratios, noting that they disproportionately impact the affordability of small towns’ projects given their smaller tax base.

Analysis:
• The table below compares applications received in 2016-17 with those in 2017-18 (before and after the change in cost-share ratios). Water and wastewater projects accounted for almost 59% of the value of applications received in 2016-17 compared to 73% in 2017-18.

<table>
<thead>
<tr>
<th>Project Category</th>
<th>2017/18</th>
<th></th>
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<td></td>
<td>Value ($M)</td>
<td>%</td>
<td>Value ($M)</td>
<td>%</td>
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<td>113</td>
<td>33%</td>
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<td>98</td>
<td>29%</td>
<td>102</td>
<td>30%</td>
</tr>
<tr>
<td>Wastewater</td>
<td>36</td>
<td>11%</td>
<td>34</td>
<td>10%</td>
</tr>
<tr>
<td>Recreation / Buildings</td>
<td>55</td>
<td>16%</td>
<td>76</td>
<td>22%</td>
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<td>Roads &amp; Other</td>
<td>40</td>
<td>12%</td>
<td>66</td>
<td>19%</td>
</tr>
<tr>
<td>TOTAL</td>
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<td></td>
<td>345</td>
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</tr>
</tbody>
</table>

• Towns with Early Design Initiative (EDI) projects approved at a lower cost-share have argued that construction should also be cost-shared at the old ratio. MAE has been advising these towns that EDI approvals do not guarantee funding for future phases, and that all new projects must adhere to the new ratios in accordance with the program budget.

Action Being Taken:
• MAE continues to communicate the benefits of the new ratios as well as the new regional incentives, in related correspondence and communications materials.

Issue: Community Relocation Files

Background:
• MAE has four active relocation files; 1) William’s Harbour; 2) Snook’s Arm; 3) Little Bay Islands; and 4) North Boat Harbour. The Community Relocation Policy was updated in November 2016.
1. William’s Harbour
   o William’s Harbour requested relocation assistance in April 2013 and has been approved for relocation financial assistance under the 2013 Relocation Policy.
   
   o Residents of William’s Harbour are in the process of vacating their community. The cessation of services is now planned for the end of November 2017; however, residents are working towards leaving before that date.
   
   o On October 11, 2017, a delegation visited William’s Harbour and held a community meeting to address relocation concerns. The delegation included: Minister Lisa Dempster (MHA Cartwright-L’Anse au Clair), Minister Steve Crocker (TW), President Todd Russell (Nunatakavut Community Council), Graham Letto MHA (Labrador West), Dana English (EA - Children, Seniors and Social Development) and Andrew Wright (MAE).

2. Snook’s Arm
   o Snook’s Arm requested relocation assistance in April 2013.
   
   o The Cost Benefit Analysis (CBA) for Snook’s Arm was approved on August 9, 2016 and indicated $294 in savings/benefit to the Province; virtually cost neutral.
   
   o However, following further consultation with stakeholder departments, a second CBA was undertaken which indicated that the relocation costs would exceed the 20 year savings.
   
   o Snook’s Arm relocation has been approved with a reduced offer; MAE is finalizing calculations. MAE is in the process of confirming continued support from the residents of Snook’s Arm for the relocation.
   
   o Section 10 of the 2013 Relocation Policy outlines that MAE will consult with all Government Departments, NL Hydro and the community’s municipal leaders to ensure that the analysis of costs and benefits of relocation include an assessment of the indirect impacts of removing Government services, such as hydro lines and generators or transportation systems, on adjacent businesses or communities. To that end, the neighbouring company Rambler Metals and Mining, which uses Route 416 leading to Snook’s Arm have been consulted.

3. Little Bay Islands
   o Little Bay Islands requested financial assistance to relocate in February of 2017.
   
   o The Expression of Interest submitted by residents indicated 100 per cent support to relocate.
October Notes

4. North Boat Harbour
   o The 24 residents of North Boat Harbour on the Northern Peninsula requested relocation assistance in July 2017. This Expression of Interest indicated 100 per cent support to relocate.

   **Action Being Taken:**
   - Todd Russell, President of the NunatuKavut Community Council, has written Minister Joyce regarding the residency status of [REDACTED] of Williams Harbour. Staff have advised President Russell that [REDACTED] in hopes of ultimately having the Department deem [REDACTED] to be a permanent resident.

   - Once the properties of the permanent residents and the commercial property owners of Williams Harbour have been conveyed to the Crown, money will be disbursed.

   - Government is currently determining whether a variation in factors such as a reduced relocation amount might result in fiscal neutrality for Snook's Arm. A decision is expected soon.

   - MAE is currently reviewing affidavits and documentation from residents and property owners of Little Bay Islands to determine their residency status.

   - As per the Community Relocation Policy (2016) a preliminary CBA for North Boat Harbour is now being prepared.

   - Government only responds to community initiated/directed requests.

**Issue:** Status of Fire Truck Delivery

**Background:**
- Twenty vehicles were funded in the 2015-16 fiscal year.
  - There have been issues with delivery deadlines on the 8 vehicles (2 rescue vehicles, 6 tankers) ordered from Asphodel:
    - 2 rescue units were delivered 5-6 months late.
1 of the 6 tankers was delivered 11 months late.
5 tankers are not yet delivered and are now 12-14 months late (1 scheduled to be delivered in October and the remainder to follow).

- Six vehicles were funded in the 2016-17 fiscal year.
  - Carl Thibault Fire Trucks was the successful bidder on all units and orders have been submitted.
  - Supplier expects chassis delivery in November 2017 with truck delivery starting in August / September of 2018.

- To date, there have been seven vehicles funded in the 2017-18 fiscal year.
  - Towns are currently reviewing vehicle specifications.
  - Expect to go to tender in late October or early November of this year.
  - Delivery of vehicles will take place approximately 8-12 months following the award of a tender.

**Action Being Taken:**
- MAE has been in constant contact with the supplier to facilitate delivery of the vehicles and to move the issue forward.

**Issue:** Voisey's Bay Development Agreement – Happy Valley-Goose Bay Wellness Centre and Placentia Pool

**Background:**
- In October 2015, $30 million was secured for community initiatives in the province through the Voisey's Bay Development Agreement with Vale (the Agreement), which included:
  - $11 million for a new wellness centre in the Town of Happy Valley-Goose Bay; and
  - $4.5 million for a new pool in the Town of Placentia;

- Additional capital funding and revenue sources are required for both of these municipal infrastructure projects to proceed. The total costs for each are currently estimated as:
  - Happy Valley-Goose Bay Wellness Centre – over $26 million.
  - Placentia Pool – approximately $9 million.

- Government planned to seek federal funding under the National and Regional Projects (NRP) component of the New Building Canada Fund for both projects.

**Analysis:**
- In April 2017, MAE submitted a business case, developed in collaboration with the Town of Happy Valley-Goose Bay, to the Federal Government in support of the Town's
wellness centre project. Federal officials are actively reviewing this application and working with the Town and MAE to finalize the remaining details.

- In 2014, the Town of Placentia submitted a New Building Canada Fund application to the province for a project estimated at $2.7 million. During the last provincial budget, MAE developed a plan to leverage a project totaling $6.2 million through the Federal Government. However, in May 2016 MAE received a construction estimate from the Town that totaled approximately $8 million. When engineering and contingency costs are included, this increases the project’s total budget to over $9 million. MAE has committed to work with the Town to refine the scope of the facility as they move forward to secure other funding partners.

**Action Being Taken:**
- MAE has indicated to both towns that the Province remains committed to these projects and is prepared to begin providing funding in 2017-18, provided the necessary additional funding can be obtained.

**Eastern Region**

**Issue:** Placentia Bay Atlantic Salmon Aquaculture Project (Grieg NL Nurseries Ltd. / Grieg NL Seafarms Ltd)

**Background:**
- Grieg Newfoundland Salmon Ltd. (Grieg) registered the Placentia Bay Atlantic Salmon Aquaculture Project in February 2016 with environmental assessment (EA).

- The Undertaking includes a salmon hatchery in Marystown to produce up to seven million triploid Atlantic Salmon smolt annually and 11 marine farms located in Placentia Bay. As a result of the Undertaking, the province’s Atlantic salmon aquaculture production would more than double; creating 325 direct and 235 indirect/induced person years of employment.

- On July 22, 2016, the Minister released the Undertaking subject to five conditions.

- Mr. Owen Myers and the Atlantic Salmon Federation subsequently submitted an application to the Supreme Court under section 108 of the Act seeking judicial review of the Minister’s decision and sought a declaration requiring an Environmental Impact Statement (EIS).

- On July 20, 2017 the Court ruled in favour of the appellants and ordered that the release decision be quashed and granted an order of mandamus requiring that an EIS be implemented.
- JPS submitted an appeal to the NL Court of Appeal. The appeal is expected to be heard on December 14, 2017.

**Action Being Taken:**
- MAE assembled a team of key technical and regulatory experts from within Government (MAE, FLR, DFO, TCII) which met with Grieg NL representatives on October 25, 2017 to discuss the EIS regulatory process.

- JPS will continue with the appeal to the NL Court of Appeal given that the case has importance beyond Grieg.

- Given the importance of the project to the province, and the Governments desire to ensure it proceeds in a sustainable fashion, an EIS is being considered.

**Issue:** Cavendish Mink Farm Expansion

**Background:**
- Viking Furs Inc. registered an Undertaking on August 28, 2017 to expand its existing operation located within the Local Service District of Cavendish. The expansion will include the construction of a cold storage building, development of additional forage land, and expansion of the cattle herd to 100 beef cattle. Manure from the existing mink operations will be dispersed over the existing and new forage lands. Clearing of land greater than 50 hectares is a trigger under the *Environmental Assessment Regulations*. Minister’s decision was due October 12, 2017.

- According to a 2015 Farm Industry Review Board assessment of the operation, Viking Furs is required to have 100 acres of land for the existing 15,000 mink. To date, Viking Furs has only cleared 73 acres of the 234 acres of land in their possession. As such, FLR (Agricultural Production, Crown Lands, and Lands Management) suggests that the proponent does not require the land requested to maintain their existing mink population and advises that Viking Fur should develop all the land they currently own for manure management before acquiring additional land.

- Viking Furs has withdrawn this Undertaking from the EA process. By withdrawing, Viking Furs will not be able to proceed with expanding into cattle production as they will not have sufficient land; however, this will allow them to resume construction of the cold storage building.

- Viking Furs has multiple crown land applications submitted to obtain additional land. Given the amount of land currently owned by Viking Furs, any request for additional
crown land to clear for forage or manure management will require that Viking Furs complete an EA.

**Action Being Taken:**
- No further action is required as Viking Furs has formally withdrawn their registration.

**Issue:** Town of Witless Bay

**Background:**
- A resident of Witless Bay has challenged the Minister of Municipal Affairs and Environment for inaction and conflict of interest related to the Witless Bay Town Council. This has been related to the re-election of Fraser Paul and the new council.

- The Minister has repeatedly encouraged the town council to act, and in instances where they would not, he has intervened.

- The Minister stepped in and ordered that the municipal returning officer for the Town be authorized to set the nomination date for the general municipal election when the town council could not come to a decision on a date after several attempts to do so.

- The RCMP has completed its investigation into the alleged breach of the *Municipal Elections Act* during a Witless Bay by-election in 2016 by candidate, and subsequent town councillor, Fraser Paul. The findings indicated that insufficient evidence exists to meet the elements of the offence under Section 99(8) of the *Municipal Elections Act*.

- MAE has been advised by a resident that during a recent council meeting the new council voted to rescind the town’s bylaws, policies and procedures manual that was adopted by the former council. It is within the purview of any town council to amend its regulations and associated policies and procedures documents as required.

- MAE regularly encourages all municipal councils to regularly review its policies and procedures. In an October, 2016, email to the Town, a departmental official encouraged the Town of Witless Bay to revisit its by-laws, policies, and procedures to ensure compliance with the *Municipalities Act* including subordinate legislation.

- The Witless Bay Town Council is still guided by relevant municipal legislation and regulations.
Action Being Taken:
- MAE is working with the Town of Witless Bay to help ensure that their policies and procedures are appropriate and in accordance with legislation.

Issue: Local Service District of George's Brook- Milton

Background:
- On June 7, 2016, MAE received a petition showing that 74.1% of residents in the Local Service District (LSD) of George's Brook-Milton were in favour of establishing a town.
- In order to establish a town, a feasibility report must be prepared as per sections 3 and 9 of the Municipalities Act, 1999.
- Following a request for proposals, LW Consulting (LWC) was selected to undertake the feasibility study and on April 7, 2017 LWC submitted a Feasibility Study Report for George's Brook-Milton.
- LWC made 12 recommendations in their Final Report to the Minister; including disestablish the LSD and incorporate a new town to be called the Town of George's Brook-Milton. While the other local governance options were analyzed, they were not deemed feasible.
- Under the legislation, the incorporation of a new municipality must be approved by the Lieutenant Governor in Council (LGIC).

Action Being Taken:
- Recommendations of the feasibility study are being considered and the matter is under review.

Labrador Region:

Issue: Mud Lake Status Update

Background:
- On May 17, 2017, the community of Mud Lake experienced a flooding event that appears to have been the result of an ice jam at the junction of Mud Lake and Churchill River, which resulted in the subsequent evacuation of residents of the community and Mud Lake Road. Water levels also threatened the nearby Town of Happy Valley Goose Bay.
• The community of Mud Lake has a population of approximately 65-70 people. There are between 30 - 40 homes in Mud Lake and 7 on Mud Lake Road. Preliminary assessments indicated that the majority of homes had been affected. Damage also extended to a commercial property and the storm drainage system in Happy Valley Goose Bay.

• On September 29, 2017, the Independent Technical Advisor submitted the final report regarding the assessment of the May 17 flood event and the report was subsequently made public on October 2, 2017 by way of a press release. Recommendations from the report are being reviewed and analyzed by MAE.

• Current status regarding Mud Lake claims processing is as follows:
  o 43 private sector claims and 1 municipal infrastructure claim (ongoing);
  o 19 claims are closed (16 paid out, 2 denied and 1 cancelled by claimant);
  o 2 claims have been settled and MAE is awaiting repair work to be completed in order to pay / close the claim;
  o 11 claims are being processed and are either going through an internal assessment, awaiting documents from claimants or awaiting claimants direction / communication; and
  o 11 claims related to seasonal properties and/or vehicles are being reviewed.

• To date, MAE has paid out $712,975.17 to claimants and $140,699.57 in adjuster and contractor fees associated with assessing the Mud Lake claims.

• The safety and well-being of the residents impacted by the May 17 flood event is government’s number one priority. Every measure will be put in place to mitigate the potential for future flooding and to ensure the safety of people and property.

Action Being Taken:
• Weather monitoring stations in the Churchill River watershed are being expanded as an immediate first step to help mitigate future flooding. Ten new real-time water and weather monitoring stations will be setup by the end of September 2018. Six of these stations are to be setup by October 2017 and the remaining four by September 2018.

• MAE to examine the independent technical report and develop recommended next steps to improve predictability of flooding conditions at Mud Lake.

• Over half of the eligible private sector claims (17 of 33) are complete. Departmental officials are processing the remaining submitted claims, and expect those to be closed in short order.
**Issue:** Methylmercury / Independent Expert Advisory Committee

**Background:**
- Following the October 25, 2016 meeting of Indigenous groups with Government, it was agreed to form an Independent Expert Advisory Committee (IEAC) to seek an independent, evidence-based approach that will determine and recommend options for mitigating human health concerns related to methylmercury. The committee is comprised of representatives from Innu Nation, Nunatsiavut Government, NunatuKavut Community Council, as well as the provincial, federal, municipal and Nalcor officials. The subcommittee of scientists and traditional knowledge experts has been fully engaged since August.

- Initial recommendations arising from the work of the IEAC have been submitted to Government. The committee's recommendations for further immediate work on methylmercury related to monitoring, studies and modelling are acceptable to the Department of Municipal Affairs and Environment and are all being implemented as required by Nalcor.

**Action Being Taken:**
- The question of whether soil removal will be recommended is being considered from multiple viewpoints. Nalcor has assembled data on soil types in the reservoir, soil flux experiments are being conducted, engineering studies will examine the feasibility of soil removal and hydrodynamic modelling will help to inform how much methylmercury is produced under various scenarios and how it will affect downstream areas. The Harvard model is also being re-examined.

- A Methylmercury Monitoring Plan for Surface Water Quality was agreed to by IEAC members and results have been obtained for most of a whole year. The scientific subcommittee has looked at this data and have found that there is inconclusive evidence linking increases in water levels (to approximately 21-22 m asl) in the Muskrat Falls head pond and methylmercury production downstream in the Churchill River and Lake Melville between November 2016 and the most recent available data (at that time) for July 19, 2017. Further statistical analysis is being conducted on this data as well as more recent data. For complete transparency, the water analysis results are made available on MAE’s website as soon as they are received.

**Issue:** Southern Labrador Landfill

**Background:**
- The southern Labrador region currently operates nine unlined community landfills. Most of these landfills are at or near capacity, are poorly sited, and carry out open burning. In
response to issues with the local landfill site in Forteau, including several fires, MAE provided a Special Assistance Grant (SAG) of approximately $48,900 to the waste management committee in June 2017 to hire a contractor to level and bury excess waste.

• A waste management study was completed and included recommendations to consolidate municipal solid waste management to a single unlined landfill near Port Hope Simpson. The local waste management committee (the Committee) endorsed the single landfill option and provided written acceptance of the approach to the Minister.

• A proposal from the Labrador Straits Waste Disposal Inc. to construct and operate a regional waste disposal facility to serve 15 southern Labrador communities was registered with environmental assessment in June 2016.

• The proposed consolidated landfill site was released from further assessment on August 4, 2017 with conditions that would offer protection from environmental impacts. Following this decision, a number of residents and communities have expressed opposition to the proposed consolidate landfill site, citing environmental and cost concerns.

• The six-hectare property will be located approximately 5.3 kilometres south of the intersection of Route 510 (Trans Labrador Highway) and Route 513 (road to St. Lewis).

• Release from the environmental assessment process does not compel a proponent to implement a project, but rather, it determines whether the proposed project may proceed in an environmentally acceptable manner.

Analysis:
• Analysis to date indicates that a single landfill in southern Labrador will provide the lowest operational cost to provide modern waste management services.

• In August 2017 the chair of the Committee contacted MAE officials to explore re-profiling the remaining SAG funding to conduct a phase one environmental assessment of a potential alternative site at the Battery. MAE requested a motion from the Committee to support this request, but did not receive a response.

• The chair resigned in October 2017, and the Committee is going through a process to determine who the new chair will be going forward.

• The Town of Forteau has since expressed an interest in taking over the landfill site within its municipal boundaries, which is accessed by several neighbouring communities.
Action Being Taken:
- MAE has advised the Town of Forteau that if it intends to further pursue a take-over of its landfill site, then it should consult with the Committee and submit a formal request to the Ministers of Service NL and MAE to become the operator, supported by a Motion of Council as well as written support the Committee.

- MAE continues to work with other communities in the region, and will engage with the incoming chair, towards a mutually-agreeable solution to the ongoing waste management issues.

Issue: L’Anse au Clair Infrastructure Request

Background:
- In April 2016, the Town of L’Anse au Clair lost its community centre, which housed its town council offices and various family and recreation programs, to a fire.

- The Town sought provincial Capital Works funding to rebuild and was awarded $120,000, at a 90/10 provincial-municipal cost share, in June 2016 for an Early Design Initiative (EDI) project to design a new multi-purpose community centre/town office. An additional $20,700, also cost-shared at 90/10, was approved in May 2017 to add a fire hall to this EDI project.

- In March 2017, MAE announced a new municipal infrastructure program with new cost-share ratios, including a 60/40 ratio for buildings. The Town applied for a $2.9 million construction project in April 2017, and was advised that the new 60/40 ratio would apply.

Analysis:
- The Town wrote to the Premier and Minister in June 2017, insisting that a 90/10 cost-share had been verbally communicated. The Town also noted it had been verbally communicated by the Labrador federal representative that the project was eligible for federal funding.

- The Minister’s response re-affirmed the new ratios and clarified that the project was not eligible for any federal programs.

- A separate response from the Premier in August 2017 further noted that EDI approvals do not constitute a funding commitment for future construction, and suggested the Town consider changing the size and design of the project to reduce potential costs.
• MAE considered whether it would have been affordable to maintain the previous cost-share ratios for projects undergoing design, but the number of such projects and related costs would not have been manageable within the current program budget.

**Action Being Taken:**
- A new call for Capital Works applications was issued on October 19, 2017, and MAE officials are available to work with the Town to help identify any adjustments that could help make this project more affordable under the current cost-share ratios.
- Federal infrastructure, including the upcoming Phase 2 investments and programs, do not have an eligibility category for municipal early design initiative projects.

**Prepared/Approved by:** N. Rowsell, H. Khan, I. Duffett / M. Thomas, H. Tizzard, T. Kelly, D. Spurrell, J. Chippett

**October 30, 2017**
October Notes

Title: Manitoba Climate Pricing Consultation Paper

Issue: Manitoba released a consultation paper on a made-in-Manitoba climate change policy, including a provincial carbon pricing regime, on October 27, 2017.

Background and Current Status:

- In December 2016, First Ministers adopted the Pan-Canadian Framework on Clean Growth and Climate Change, except Premiers Wall (SK) and Pallister (MB). The PCF supported the introduction of carbon pricing, something SK opposes. MB linked its refusal to sign with its desire to secure a deal with the federal government on health care.

- On October 27, 2017, MB released a 30-day consultation paper in which it outlined a made-in-Manitoba approach to climate change, including carbon pricing, jobs, water conservation and nature conversation. Key proposals that pertain to carbon pricing include:
  o Application of a flat carbon tax of $25/tonne on transportation and buildings fuels starting in 2018 (exempting agriculture), rather than the minimum federal carbon price which starts at $10/tonne in 2018 and rises by $10/year until it reaches $50/tonne in 2022;
  o Application of performance standards on large industrial facilities with GHG emissions over 50,000 tonnes/year (the level of stringency is not identified);
  o Recognition of investments in the current hydroelectric Keeyask Project and for investments in previous hydroelectric projects;
  o All carbon tax revenues would be used for greenhouse gas (GHG) reduction initiatives (see below); and
  o The need for federal support for initiatives such as transmission and investments to reduce diesel electricity generation in off-grid Indigenous and northern communities.

- No long term GHG reduction target is proposed; however, MB proposes a rolling five-year "carbon budget" approach as a mechanism to achieve long term GHG reductions. This means that if cumulative economy-wide GHG emissions in a five-year period exceed the budget, allowable GHG emissions in the following five-year period will be reduced by the amount that was not achieved in the previous five-year period over and above planned GHG reductions. No penalty is proposed for not staying within the carbon budget.

- MB indicates that its approach will achieve 2.5 times more GHG reductions by 2022 on a cumulative basis versus the federal approach while imposing $260 million lower costs on consumers and businesses. The majority of MB's modeled GHG reductions are associated with carbon tax revenue investments into energy efficiency, waste, agriculture, biofuels expansion and other initiatives.

Analysis:

- In the PCF, Newfoundland and Labrador committed to developing a made-in-Newfoundland and Labrador approach to carbon pricing that will address the province's particular social, economic and fiscal realities while contributing to GHG reductions. The provincial approach would safeguard industrial competitiveness, recognize investments to decarbonize the electricity sector, recognize the province's reliance on interprovincial transportation fuels, and recognize constraints associated with off-grid diesel electricity generating systems.

s.29(1)(a)
MB had seven industrial reporting facilities in 2015 accounting for 13 percent of total GHG emissions. Second, MB is seeking recognition for investments to decarbonize the electricity sector.

Prime Minister Trudeau and federal Environment Minister McKenna have publicly indicated that if MB's carbon price does not increase to $30/tonne in 2020 and by a further $10/year until 2022, MB will be subject to the federal backstop. That is, the Federal Government will use its legislation to increase the carbon price to the minimum federal price. MB acknowledges that federal constitutional authority to impose a carbon tax, however, MB believes it has grounds to contest the federal approach if it can demonstrate that its plan will deliver equal or better GHG reductions than the federal approach for lower cost. The federal position is consistent with that articulated to provincial officials in bilateral and Atlantic-wide meetings, that is, there is no flexibility to accept a provincial carbon price in any year that is below the minimum federal carbon price.

Action Being Taken:

- Officials are monitoring carbon pricing developments in other PTs and continue to engage federal officials on an ongoing basis.

Prepared/Approved by: G. Crane / J. Janes
Ministerial Approval: Received from Honourable Eddie Joyce
October 31, 2017
Title: The Placentia Bay Atlantic Salmon Aquaculture Project

Issue: To provide information on initiating an Environmental Impact Statement (EIS).

Background and Current Status:
- Grieg Newfoundland Salmon Ltd. (Grieg) registered the Placentia Bay Atlantic Salmon Aquaculture Project (Reg. 1834) on February 19, 2016 with environmental assessment (EA). The project includes a salmon hatchery in Marystown to produce up to seven million triploid Atlantic Salmon smolt annually and 11 marine farms located in Placentia Bay. As a result of the project, the province’s Atlantic salmon aquaculture production would more than double, creating 325 direct and 235 indirect/induced person years of employment.

- On July 22, 2016, the Minister released the project subject to five conditions which required the use of only triploid Atlantic salmon, annual progress reports regarding the phased approach from using mixed sex triploids to the use of all female triploids, additional information on workforce and timelines, a Women’s Employment Plan, and an inventory of all regulated substances that are intended to be used.

- Mr. Owen Myers and the Atlantic Salmon Federation submitted an application to the Supreme Court under section 108 of the Act seeking judicial review of the Minister’s decision and sought a declaration requiring an EIS. On July 20, 2017 the Court ruled in favour of the appellants.

- Given that the Court has overturned the release decision, the project has not been released from EA as required under section 48 of the Environmental Protection Act to proceed with construction. As a result, MAE issued a stop work order to Grieg on August 1, 2017.

- JPS submitted an appeal to the NL Court of Appeal on August 24, 2017. The appeal is expected to be heard on December 14, 2017.

- MAE, as well as representatives from FLR, TCII, and DFO met with Grieg on October 25, 2017 to discuss the EIS process, including the requirement to appoint an EA committee, draft EIS guidelines for public review, and the legislatively required components of EIS documents.

- The requirements of an EIS are set out in the Act (Appendix A). The appointed EA Committee determine the details of the legally required components of an EIS, which provides opportunities to address concerns raised during the review of this project, explain mitigative options and regulatory oversight, and describe potential post EA release monitoring programs.

- As per the Regulations, the EA Committee members shall be employees of the government of NL or of Canada.
The Minister has 120 days to issue the final EIS guidelines to the proponent (Appendix B). These guidelines are drafted by the EA Committee and posted online for a 40 day public review (this time is included within the 120 day period). The EA Committee incorporates public feedback and prepares a final set of guidelines for Ministerial review.

Upon acceptance of the EIS documents, the Minister makes a recommendation to Cabinet as to whether or not the project may be released subject to terms and conditions or not be permitted to proceed (rejection) (Appendix B).

Analysis:
- The appeal is not specific to this project but concerns interpretation of the Act that could affect future projects. §29(1)(a), §30(1)(a).
- It is not uncommon for the NL Court of Appeal to require a year to hear and make a decision on an appeal. It is also typical for the EIS process to take 2-3 years to complete. §29(1)(a).
- The appeal will continue, the result of which may be that an EIS is not required (original release decision reinstated) or that the current Court decision is upheld, requiring the Minister to order an EIS. §29(1)(a).
- Grieg understands the benefit in starting the EIS process now and has stated their commitment to the EA process and the project. They are prepared to commence an EIS. §29(1)(a), §30(1)(a).
• The fee charged to a proponent for an EIS is $30,000+HST, as per the Department’s policy directive. The cost to the proponent to prepare the EIS varies from several tens of thousands of dollars to several hundreds of thousands of dollars. http://www.mae.gov.nl.ca/env_assessment/fees/index.html

• The Government, through The Way Forward, has committed to reviewing the EA process. The outcome of this case will be considered during this review.

**Action Being Taken:**

• JPS will continue with the appeal.

• MAE will issue a letter to Grieg requiring an EIS for the Placentia Bay Atlantic Salmon Aquaculture Project (anticipated date of November 8, 2017).

• Subsequently, the decision will be announced in an EA public bulletin, as required under section 4 of the Regulations.

• MAE will appoint an EA Committee of technical and regulatory experts to draft the EIS guidelines. Represented provincial and federal departments may include FLR, TCII, MAE, Fisheries and Oceans Canada, and Health Canada. A list of departments represented on the EA Committee will be announced in an EA public bulletin within the next two weeks.

• Once appointed, the EA Committee will immediately begin preparing draft EIS guidelines.

• Communications has prepared key messaging in consultation with JPS and FLR.

_Prepared/approved by:_ J. Sweeney / S. Squires / D. Spurrell  
_Ministerial Approval:_ Received from Hon. Eddie Joyce  

November 3, 2017
Appendix A - Legal Requirements of an Environmental Impact Statement (EIS)

Section 57 of the *Environmental Protection Act*

An EIS shall be prepared in accordance with the guidelines, and shall include:

(a) a description of the undertaking

(b) the rationale for the undertaking

(c) the alternative methods of carrying out the undertaking, and the alternatives to the undertaking

(d) a description of the
   (i) present environment that will be affected or that might reasonably be expected to be affected, directly or indirectly, by the undertaking, and
   (ii) predicted future condition of the environment that might reasonably be expected to occur within the expected life span of the undertaking, if the undertaking was not approved;

(e) a description of
   (i) the effects that would be caused, or that might reasonably be expected to be caused, to the environment by the undertaking with respect to the descriptions provided under paragraph (d), and
   (ii) the actions necessary, or that may reasonably be expected to be necessary, to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment by the undertaking

(f) an evaluation of the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking

(g) a proposed set of control or remedial measures designed to minimize any or all significant harmful effects identified under paragraph (e)

(h) a proposed program of study designed to monitor all substances and harmful effects that would be produced by the undertaking

(i) a proposed program of public information as required under section 58.

Section 58 of the *Environmental Protection Act*

During the preparation of an EIS, the proponent shall provide an opportunity for interested members of the public to meet with the proponent at a place adjacent to or in the geographical area of the undertaking, or as the minister may determine, in order to

(a) provide information concerning the undertaking to the people whose environment may be affected by the undertaking; and

(b) record and respond to the concerns of the local community regarding the environmental effects of the undertaking.

The procedure for public contact and involvement with the proponent shall be as required by the minister and by regulation.
Appendix B - Environmental Impact Statement (EIS) Process

Announce EIS required and establish an Environment Assessment (EA) Committee
1. Minister announces that an EIS is required and this begins a 120 day timeline.

2. Minister appoints an EA Committee. This committee is comprised of technical experts from both provincial and federal government departments and chaired by the EA Division.

Government prepares EIS Guidelines
3. The EA Committee prepares draft EIS guidelines. EIS Guidelines have to be issued within 120 days of the Minister requiring an EIS.

4. The Minister posts the draft EIS guidelines for the required 40 day public review.

5. The EA Committee prepares the final EIS guidelines.

6. The Minister releases the final EIS guidelines on or before day 120.

Proponent prepares EIS Documents
7. The proponent prepares the EIS documents in accordance with the final EIS guidelines.

8. In the course of preparing the EIS documents, the proponent is required to implement a public information program for the area affected by the undertaking.

9. The proponent submits the EIS documents, including component studies, environmental effects monitoring plans, environmental protection plans, etc. as required.

10. The Minister must announce receipt of the EIS within 7 days of receipt and this begins a 70 day timeline.

11. The EA Committee begins review of the EIS documents.

12. The Minister posts the EIS documents for a 50 day public comment period.

Decision on EIS Acceptance
13. The EA Committee makes a recommendation to the Minister indicating whether the undertaking may be released subject to terms and conditions, the undertaking should not be permitted to proceed (rejection), or the EIS documents are deficient.

14. The Minister announces if the EIS documents are deficient or if they meet the requirements under the Act and EIS guidelines on or before day 70.
Decision on Undertaking

15. Once the Minister determines that the EIS documents complies with the Act and EIS guidelines, then the Minister shall recommend to Cabinet that the undertaking may be released subject to terms and conditions or not be permitted to proceed (rejection).

16. Cabinet shall determine whether or not that the undertaking may be released subject to terms and conditions or not be permitted to proceed (rejection).
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Community Enhancement Employment Program Exemption Request

Decision/Direction Required:
- Whether to allow an individual to receive 420 hours under the Community Enhancement Employment Program (CEEP).
- It is recommended that the Department of Municipal Affairs and Environment (MAE) approve the exemption, allowing the proposed worker to obtain 420 hours on a CEEP Project.

Background and Current Status:
- The policy for the CEEP is that individuals cannot receive more than 400 total hours of project employment. Individuals must have at least 20 hours of insurable earnings to qualify for employment under the CEEP.

- This minimal requirement is intended to limit the dependence on the program and to ensure that individuals seek other employment hours where possible. The policy also helps to maximize the number of hours available under the program for all workers.

- In the event of extenuating circumstances, departmental approval may be granted to hire individuals who have been unsuccessful in securing the minimum 20 insurable hours in the current year, for example, if health care issues prevented a person from working.

- As circumstances may vary between individuals, there are no set criteria for determining extenuating circumstances and, as such, requests are considered on an individual basis.

Analysis:
- The Department recently received an email from a sponsor seeking approval to hire an individual on a CEEP project in the Lethbridge Local Service District in the District of Bonavista. The individual has been unable to obtain the minimum 20 hours of employment...

- The Employment Support Division recommends approval of the exemption to allow the applicant to obtain 420 hours under CEEP.

Alternatives:
- **Option 1:** Allow the individual to work 420 hours by providing an exemption for the required minimum 20 insurable hours. **(Recommended)**

- **Option 2:** Do not provide the exemption. **(Not recommended)**

Prepared/approved by: Rayanne Hibbs/ H. Tizzard
Ministerial Approval: Received from the Hon. Eddie Joyce

November 6, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Purchase Notice — Kim Masters and John Dehann and the Harbour Main – Chapel’s Cove – Lakeview Town Council

Decision/Direction Required:
- Whether to grant permission for the development of a residence on the Hayes Road property that was refused by the Harbour Main – Chapel’s Cove – Lakeview’s Town Council.
- It is recommended that:
  - The Minister grant permission for the development that was refused by the Harbour Main – Chapel’s Cove – Lakeview’s Town Council.

Background and Current Status:
- The Town is in the process of developing its first Municipal Plan and Development Regulations under the authority of the Urban and Rural Planning Act, 2000 (the “Act”), which means, currently, there is no land use zoning within the Town.
- The Town is on the Schedule of the Interim Development Regulations, 2003 which provides the Town with the authority to approve, conditionally approve, or refuse development applications.
- The Town’s decision must be in writing and provide reasons for its refusal pursuant to Section 5(7) of the Interim Development Regulations, 2003.
- John Dehann applied to the Town of Harbour Main – Chapel’s Cove – Lakeview to build a residence on privately owned property located on Hayes Road on September 20, 2016.
- Town Council refused the September 20, 2016 application at the November 23, 2016 Public Meeting on the basis that the property is located within the Maloney’s River Protected Public Water Supply Area (the “PPWSA”).
- John Dehann applied to the Town a second time on March 9, 2017 to build a residence at Hayes Road.
- Town Council refused the March 9, 2017 application at the March 15, 2017 Public Meeting on the basis that the land is in the PPWSA.
- Town Council notified Mr. Dehann in a letter dated March 23, 2017 of Council’s decision and noted the right to appeal.
- Kim Masters filed an appeal with the Eastern Newfoundland Regional Appeal Board on March 27, 2017 against Council’s March 15, 2017 refusal. No date is scheduled for the hearing of this appeal, pending the decision on the Purchase Notice.
- Kim Masters and John Dehann (the “Applicants”) served a “Purchase Notice” on the Harbour Main – Chapel’s Cove – Lakeview Town Council on May 18, 2017.
- The Applicants provided the Minister with a copy of the Purchase Notice on May 18, 2017, not later than 60 days after receiving notification from the Town, in accordance with Section 96(2) of the Act.
- The Minister considered the facts and legislation in relation to the Purchase Notice and, on September 14, 2017, issued a Notice of Proposed Action to grant permission for the development.
- The Minister set the period commencing on October 16, 2017 and ending on October 20, 2017 as the period during which Kim Masters and John Dehann and or representative(s) of the Harbour Main – Chapel’s Cove – Lakeview’s Town Council could appear before, and be
heard by, Mr. Sandy Hounsell, Director of Municipal Support with the Department of Municipal Affairs and Environment before making a final decision.
- The Applications as well as the Town Clerk, Ms. Marion Hawco, and the Town’s lawyer, Mr. Lee English, chose to appear before and be heard by Mr. Hounsell for the purposes set out above.
- Mr. Hounsell prepared a report for the consideration of the Minister that is appended to this note.

Analysis:
- Part X of the Act provides for the service, adjudication and consequences of a Purchase Notice.
- Subsections 97(2) and 97(3) of the Act requires that, before the Minister can make a final decision on a Purchase Notice, he must provide an opportunity for the Applicants and Council to appear before and be heard by a person appointed by him for that purpose.
- The Minister provided notice to the Applicants and the Town Council more than 28 days in advance of an opportunity to appear before Mr. Hounsell in accordance with subsection 97(3) of the Act. Both parties chose to appear before Mr. Hounsell on October 17, 2017.
- On October 16, 2017, Mr. English provided the Town’s written arguments for the October 17, 2017 hearing. The Applicants did not submit additional written arguments prior to October 17, 2017.
- Mr. Hounsell considered the Town’s written arguments as well as oral representations on October 17, 2017. The Applicants attended the October 17, 2017 hearing but did not submit additional information.
- Mr. Hounsell, in his report to the Minister, analyzed the Town’s written and oral arguments and rejected each one for reasons outlined in the report. Mr. Hounsell’s analysis included the observation that the proposed single residence development was located outside the PPWSA and therefore an application for a permit under section 39 of the Water Resources Act was unnecessary.
- Mr. Hounsell recommended that the Minister grant permission for the proposed development as set out in the Minister’s Notice of Proposed Action. While this report does not fetter ministerial discretion, it supports the recommended course of action.
- In consideration of six month timeline established at subsection 97(4) of the Act, action must be taken on this matter by November 17, 2017, otherwise the purchase notice will be deemed confirmed, forcing the transfer and purchase of the property.

Alternatives:
1. The Minister grant permission for the development of a residence on Hayes Road as per the Applicants’ application to the Town Council. (Recommended)

Advantages:
- Consistent with the facts and evidence presented and recommended by the Hounsell Report
- The requirements of the Act to make a decision within six months would be met.
- This would allow the Applicants to proceed with the proposed development.

Disadvantages:
- The Town may challenge the decision.
While the recommended option is permitted under the Act, the approach may be unfavourable since the Minister will insert his authority for that of Council.

2. While the present circumstances, in consideration of section 96(4) of the Act, also contemplate that the Minister may confirm the Purchase Notice (requiring the Town to purchase the property) or reject the Purchase Notice (Applicants own a parcel of land which cannot be developed for the proposed use and receive no compensation), neither appears to be a reasonable option at this juncture. The facts and evidence which led the Minister to issue the Notice of Proposed Action have not significantly changed and the Hounsell Report considered and recommended the option to grant permission for the development sought by the Applicants. **(Not recommended)**

Prepared/Approved by: L. Church / T. Kelly / D. Spurrell

Ministerial Approval:

November 7, 2017
In the Matter of a Purchase Notice served against the town council of the Town of Harbour Main-Chapel's Cove-Lakeview regarding property at 8-14 Hayes Road, Harbour Main-Chapel's Cove-Lakeview, NL.

Masters/Dehann Purchase Notice
Report and Recommendation

Sandy Hounsell, M.B.A., B.A.Sc.
Director of Municipal Support
Department of Municipal Affairs and Environment
1.0 Introduction

On May 18, 2017, Ms. Kim Masters and Mr. John Dehann (the "Applicants") provided the Minister of Municipal Affairs and Environment with a copy of a Purchase Notice they had served on the town council of the Town of Harbour Main-Chapel’s Cove-Lakeview (the "Town").

Upon receiving a Purchase Notice the Minister may confirm the Purchase Notice, may grant permission for the development, may revoke or amend conditions set by the Town, or may reject the Purchase Notice.

This report provides an analysis of the Purchase Notice and provides a recommendation to the Minister.

Documents and correspondence referenced in this report are included in an annex to this report.

2.0 Background

The Town is in the process of developing its first Municipal Plan and Development Regulations under authority of the Urban and Rural Planning Act, 2000 (the "Act"). As such, there is currently no land use zoning within the Town. The Town's Municipal Planning Area is on the Schedule to the Interim Development Regulations, 2003, which provides the Town Council with the authority to either approve, approve subject to terms and conditions, or refuse development applications. The Council's decision must be in writing and include reasons pursuant to subsection 5(7) of the Interim Development Regulations, 2003.

On September 20, 2017, Mr. John Dehann applied to the Town Council to build a residence on Hayes Road. Council considered the application and at its November 23, 2016 regular public meeting voted unanimously to decline the application, declaring that the land is in the Protected Watershed Area (Motion 16.11.156). Council advised Mr. Dehann of its decision in a letter dated November 28, 2016, declaring that the land in question was in the Protected Watershed Area and is Environmentally Protected.

On March 9, 2017, Mr. Dehann applied a second time to the Town Council for permission to build a residence at Hayes Road. Council again considered the application and at its March 15, 2017 regular public meeting again voted unanimously to decline the application, declaring that the land is in the Protected Watershed Area (Motion 17.03.25). Council advised Mr. Dehann of its decision in
a letter dated March 23, 2017, declaring that the land in question was in the Protected Watershed Area and is Environmentally Protected.

On March 17, 2017, Ms. Kim Masters filed an appeal of this decision with the Eastern Newfoundland Regional Appeal Board. At the time of writing this Report, there was no date scheduled for the hearing of this appeal.

On May 18, 2017, the Applicants served, by way of e-mail, a Purchase Notice on the Town. The Applicants provided the Minister with a copy of the Purchase Notice by copying the Minister on its e-mail to the Town.

In response to the Purchase Notice, and under authority of section 97 of the Act, the Minister of Municipal Affairs and Environment issued a Notice of Proposed Action to Grant Permission for Development. This Notice stated that the Minister, under authority of paragraph 96(4)(b) of the Act, intended to grant permission for the proposed development of a residence as per the Applicants’ application to the Town. In letters dated September 14, 2017, Tara Kelly, Assistant Deputy Minister, Fire, Emergency and Corporate Services, advised the Town and the Applicants that they would have an opportunity to appear and make representations to the undersigned.

In response, both the Town and the Applicants appeared before me on October 17, 2017.

3.0 Legislation

Part X, sections 96 through 101, of the Urban and Rural Planning Act, 2000 provide legislative authority for a Purchase Notice. The Applicants’ Purchase Notice was served under authority of section 96(2) of the Act as a result of the Town Council having declined their application to develop land.

Sections 96(1) and (2) provide:

96. (1) A council, regional authority or authorized administrator acting in accordance with a scheme or a plan, including a plan made under Part IV, may

   (a) refuse permission to develop land;

   (b) grant permission to develop land subject to conditions; or

   (c) without conditions, grant permission to develop land.

   (2) The owner of land may, not later than 60 days after the date on which he or she was notified of a refusal or grant under paragraphs
(1)(a) or (b), serve on the council, regional authority or authorized administrator that made the decision, a purchase notice requiring the purchase of his or her interest in land in accordance with this section provided that

(a) where permission to develop the land was refused under paragraph (1)(a), that the land has become incapable of reasonably beneficial use;

(b) where, under paragraph (1)(b), permission to develop the land was granted subject to conditions, those conditions prohibit the reasonably beneficial use of the land; and

(c) the land cannot be made capable of reasonably beneficial use by another development for which permission has been or would be granted under the scheme or plan.

Section 96(4) of the Act sets out the types of decisions the Minister may make when considering a Purchase Notice:

96. (4) Upon receipt of a copy of a purchase notice by the minister under this section the minister may, in writing

(a) where satisfied that the conditions specified in subsection (2) are fulfilled, confirm the purchase notice;

(b) grant permission for the development that was refused under paragraph (1)(a);

(c) where permission for the development was granted subject to conditions, revoke or amend the conditions so that the land may be rendered capable of reasonably beneficial use by the carrying out of development; or

(d) reject the purchase notice.

Sections 97(2) and 97(3) of the Act require that, prior to making a decision under authority of section 96(4), the Minister is to provide notice of the proposed action and to appoint an individual to whom the Applicants and the Town may appear before:

97. (2) Before taking an action under subsection 96(4) the minister shall give notice of his or her proposed confirmation or other action to

(a) the person who served the purchase notice;
(b) the council, regional authority or authorized administrator on whom the purchase notice was served; and

(c) a council, regional authority or authorized administrator that the minister proposes, under subsection 96(9), to substitute for that served with the purchase notice.

(3) Not fewer than 28 days after the date of the service of a notice of proposed confirmation or other action referred to in subsection (2), the minister shall, before confirming the purchase notice or taking another action under this section in respect of it, give to the person, council, regional authority or authorized administrator an opportunity of appearing before and being heard by a person designated or appointed by the minister for the purpose.

4.0 Written Submissions

In issuing the Purchase Notice in May of 2017, the Applicants advised that a portion of their property at Hayes Road is located within the Protected Watershed Area (the “PPWSA”), but that approximately two acres is outside the PPWSA. They note that they contacted the “Department of Water Resources” and were advised that a permit was not necessary to build in this area as it was located outside the PPWSA. The Applicants argue that because they were applying to develop a single residence on this portion of the property, the Town could not reject their application by claiming the development was inside the PPWSA.

The Applicants included with their submission maps of the area, correspondence from the Water Resources Management Division, e-mails between the Town, the Department and the Town’s hired Planner, Ms. Mary Bishop.

The Applicants provided two subsequent submissions, which consisted of e-mails between the Applicants and the Department and a building permit for property located at 16-24 Hayes Road, which adjoins the Applicants’ property.

In a letter dated May 29, 2017, the Department requested that the Town provide all relevant documents by June 14, 2017. The Department also requested that a copy of these documents be provided to the Applicants.

On June 13, 2017, the Town’s lawyer, Mr. Lee English, submitted the documents that had been earlier submitted to the Eastern Newfoundland Regional Appeal Board. These documents included:
- A letter outlining the chronological order of events
- Copies of the development decision letters
- Copies of council minutes relating to the matter
- Location plan and maps
- Copy of the development application and supporting documentation
- Copies of documents from other departments and public bodies
- Other relevant correspondence

On July 27, 2017, Mr. English provided a second submission to the Department. In this submission, the Town put forward the following arguments:

1. The Applicants are out of time to submit a purchase notice;
2. The Property is in the Water Supply and the proposed development is prohibited;
3. The property is not incapable of reasonably beneficial use;
4. The Applicants have not met the requirements respecting purchase notices established under s.96(1) of the URPA.

The Town also included maps of the area in question and various e-mails between the Town, the Department and the Applicants.

5.0 Notice of Proposed Action

The Minister issued a “Notice of Proposed Action to Grant Permission for Development" (the “Notice") to the Applicants and the Town Council on September 14, 2017.

In issuing this Notice, the Minister indicated that, pursuant to paragraph 96(4)(b) of the Urban and Rural Planning Act, 2000, he intended to grant permission for the proposed development of a residence at Hayes Road.

The Notice further provided the Applicants and the Town Council the opportunity to appear before and be heard by the undersigned. Both parties agreed to appear and did so on October 17, 2017.

In e-mails dated September 27, the Applicants and the Town were notified of the appearance date and were provided with an opportunity to provide any additional information not previously provided. The Applicants chose not to provide additional information. Mr. English, by way of e-mail, provided the Town's written argument at 11:18 PM on October 16, 2017.
6.0 Summary of Appearance

Ms. Masters and Mr. Dehann appeared before me on October 17, 2017. They both expressed concern that the Town had submitted additional information late on the evening immediately prior to the appearance date. Notwithstanding this late submission, the Applicants chose to proceed and advised the undersigned that they had no additional information to provide or representations to make. As such, they indicated they would hear the Town’s arguments, but would not speak.

The Town Clerk, Ms. Marion Hawco, and the Town’s lawyer, Mr. Lee English, also appeared before me on October 17, 2017. As previously referenced, Mr. English provided the Town’s written arguments late on the previous evening. While sufficient time had not been provided for either the Applicants or I to review these written arguments, I did allow Mr. English to proceed with his oral representations, using the written submission as a guide. I did indicate, however, that I may not accept or consider any additional information provided in the written submission.

At his appearance, Mr. English set out five issues for consideration:

1. Are the purchase notice provisions of [sic] applicable to the Property in light of s. 98 of the URPA?
2. Did the Applicants submit the Purchase Notice within 60 days of notice of the Refusal in accordance with s. 96(2) of the URPA?
3. Have the Applicants established the existence of the three conditions precedent to the application of the purchase notice provisions prescribed by s. 97 of the URPA?
4. Is the Board the most appropriate body to determine to determine [sic] the validity of the Refusal?
5. If the Notice of Intended Action is confirmed, should the property that is subject to the Notice of Intended Action be limited to the portion of the Property that is outside the Water Supply?

Mr. English also raised a procedural issue. While he made no reference in either of his written submissions or any other correspondence, he did question whether or not the Town had been served with the Purchase Notice, as required by section 96(2) of the Act. Mr. English indicated that he had no record of the Applicants having served the Town with the Purchase Notice.
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Status of LSD Committee of Burnt Point-Gull Island-Northern Bay

Decision/Direction Required:

- Whether to reconvene a meeting of householders in order to elect a new committee for the LSD of Burnt Point — Gull Island — Northern Bay.

- It is recommended that the Minister:
  - in accordance with section 40(d) and section 40(e) of the Local Service District Regulations convene a meeting of the householders and appoint a Municipal Analyst from the Eastern Regional Office to conduct such a meeting.

Background and Current Status:

- The LSD of Burnt Point-Gull Island-Northern Bay was incorporated in 2003. Based on 2016 Census information, the community has a population of 546 and 255 private dwellings occupied by usual residents. The town is located in the district of Carbonear-Trinity-Bay de Verde.

- Many of the residents of the LSD are employed in the neighbouring towns of Bay de Verde and Old Perlican. Because of this, these two towns are exercising their authority under section 126 (b) of the Municipalities Act, 1999 to impose a poll tax on these residents.

- The LSD of Burnt Point-Gull Island-Northern Bay had been collecting waste management fees from a group of residents. Residents who work in the municipalities of Bay de Verde and Old Perlican, in turn, have then provided Bay de Verde and Old Perlican with receipts for the fees paid to the LSD in order to meet the exemption qualifications under section 127 (b)(iii) of the Municipalities Act, 1999.

- In 2015, inquiries were made to the Department of Municipal Affairs and Environment (MAE), by the towns of Bay de Verde and Old Perlican regarding the status of the LSD. The Towns were concerned that the LSD was no longer operating and therefore the exemptions for poll tax would no longer apply. Further, in April, 2016, a resident wrote the Department inquiring about the status of the LSD, as the resident had recently received an invoice from the LSD for fire protection fees.

Analysis:

- On March 31, 2016, the LSD held a meeting in Burnt Point. At that time, an election was held and five persons were elected to the committee. Attendance was not taken so the number in attendance cannot be confirmed. The minutes reflect at least 11 in attendance.

- Based on 2011 Census information available at that time, the community had 281 households. A quorum of ten per cent of the householders is required under section 37 of the Local Service District Regulations. Therefore, based on the Census information, 11 would not meet the criteria for a quorum for the AGM.

- On March 31, 2017 the LSD held an AGM. Attendance was taken and 47 individuals participated in the meeting. Based on the new 2016 Census information, it appears that the
criteria were met for a quorum. However, an election of committee members did not take place at this meeting.

- Following MAE’s consultation with the Department of Justice and Public Safety, the LSD was advised that since the criteria for a quorum was not met in 2016 when the committee was elected, all activities of the LSD should cease until a committee is properly elected.

- On November 6, 2017, Department officials held a meeting to elect a new committee. There were 14 householders in attendance. As such, quorum was not met.

- Due to the lack of formerly elected committee members, MAE recommends that the Minister convene another meeting of householders to properly elect a committee. If approved, the Department will work with Legislative Counsel to draft the necessary Order.

- If the meeting is not successful in holding an election and achieving a committee, then the Department will consider other governance options for the community.

**Alternatives:**

1. In accordance with section 40(d) and section 40(e) of the Regulations convene a meeting of the householders and appoint a Municipal Analyst from the Eastern Regional Office to conduct such a meeting. *(Recommended)*

   **Advantages:**
   - Will provide for the democratic process and necessary mechanism to conduct an election of committee members in accordance with the legislation.

   **Disadvantages:**
   - None identified.

2. Do not convene a meeting of householders. *(Not recommended).*

   **Advantages:**
   - None identified.

   **Disadvantages:**
   - All activities of the committee remain ceased, as recommended, until an elected committee is put in place.
   - Government may be criticized for inaction.

**Prepared/Approved by:** T. Keough-Hackett/ L. Evoy/ H. Tizzard

**Ministerial Approval:** Hon. Eddie Joyce

**November 14, 2017**
Decision Note
Department of Municipal Affairs and Environment

Title: Drafting of Special Election Orders

Decision Required:
- Whether to approve the drafting of a Ministerial Order for nine special elections / by-elections.
- It is recommended that the Minister issue a Ministerial Order for nine special elections / by-elections for the towns indicated below.

Background and Current Status:
- Under section 7 of the Municipal Elections Act, the Minister may, on behalf of a municipality, call for a special election when not enough candidates had been nominated to form a functional council and appoint a returning officer to conduct the election. The Town Clerk typically acts as returning officer.
- A special election is required when zero residents come forward as candidates. A special by-election is where at least one seat has been filled in a council and a by-election is required to fill the remaining vacancies.
- In the 2013 municipal elections 19 towns required special elections; in 2009, 18; in 2005, 31; in 2001, 29; and in 1997, 52.
- Generally, once a town is faced with the possibility of not having a town council, town staff and leaders use it to rally support and nominations of candidates.
- The following nine towns have requested a special election or a special by-election to be called as they did not have enough individuals nominated to form a council:

Special Election
- Baytona 7 vacancies – Returning Officer: Diana Lewis
- Morrisville 5 vacancies – Returning Officer: Kristen Kendall
- Admiral’s Beach 5 vacancies – Returning Officer: Bernadine Linehan
- English Harbour East 5 vacancies – Returning Officer: Shenna Bolt
- Port Kirwan 5 vacancies – Returning Officer: Dana Boland

Special By-Election
- Salvage 3 vacancies – Returning Officer: Beverly Hunter
- La Scie 5 vacancies – Returning Officer: Chastity Andrews
- Cooks Harbour 3 vacancies – Returning Officer: Regina Short
- Sunnyside 5 vacancies – Returning Officer: Philip Smith

Analysis:
- In the absence of a special election being held, other legislative options would have to be explored. These include, but are not limited to: appointment of councillors; appointment of administrators; and/or disincorporation. All of these options decrease the democratic opportunity for the nomination of local representation.
• Should special elections not be called, the towns will go without a functioning town council until the next municipal election.

Alternatives:
1. Issue a Ministerial Order (see Annex A) to permit the above listed towns to hold Special Elections/By-Elections on December 19th, 2017 (Recommended).

Advantages
• Will allow towns to carry out their elections/by-elections in accordance with the required legislation.

Disadvantages
• None.

2. Do not permit the towns to hold Special Elections/By-Elections (Not Recommended).

Advantages
• None

Disadvantages
• Would not satisfy legislative requirements as per the Municipalities Act, 1999.

Prepared/Approved by: M. Drover/ M. Oley/ T. Kelly/ J. Chippett

Ministerial Approval: November 16th, 2017
NEWFOUNDLAND AND LABRADOR
REGULATION /17

Special Election of December 19, 2017 Order
under the
Municipal Elections Act

(Filed, 2017)

Under the authority of section 7 of the Municipal Elections Act, I make the following Order.

Dated at St. John’s, Nov-20/17

Eddie Joyce
Minister of Municipal Affairs and Environment

ORDER

Analysis

1. Short title
2. Town of Baytona
3. Town of Morrisville
4. Town of Admirals Beach
5. Town of English Harbour
   East
6. Town of Port Kirwan
7. Town of Sunnyside
8. Town of Salvage
9. Town of LaSiete
10. Town of Cook’s Harbour

1. This Order may be cited as the Special Election of December 19, 2017 Order.

2. A special election for a 7 member council shall be held in the Town of Baytona on December 19, 2017 and Diana Lewis is appointed as returning officer for the purpose of conducting that election.
3. A special election for a 5 member council shall be held in the Town of Morrisville on December 19, 2017 and Kristen Kendall is appointed as returning officer for the purpose of conducting that election.

4. A special election for a 5 member council shall be held in the Town of Admirals Beach on December 19, 2017 and Bernadine Linehan is appointed as returning officer for the purpose of conducting that election.

5. A special election for a 5 member council shall be held in the Town of English Harbour East on December 19, 2017 and Shenna Bolt is appointed as returning officer for the purpose of conducting that election.

6. A special election for a 5 member council shall be held in the Town of Port Kirwan on December 19, 2017 and Dana Boland is appointed as returning officer for the purpose of conducting that election.

7. A special by-election to elect 5 members to the town council shall be held in the Town of Sunnyside on December 19, 2017 and Philip Smith is appointed as returning officer for the purpose of conducting that by-election.

8. A special by-election to elect 3 members to the town council shall be held in the Town of Salvage on December 19, 2017 and Beverly Hunter is appointed as returning officer for the purpose of conducting that by-election.

9. A special by-election to elect 5 members to the town council shall be held in the Town of LaScie on December 19, 2017 and Chastity Andrews is appointed as returning officer for the purpose of conducting that by-election.

10. A special by-election to elect 3 members to the town council shall be held in the Town of Cook's Harbour on December 19, 2017 and Regina Short is appointed as returning officer for the purpose of conducting that by-election.
Meeting Note
Department of Municipal Affairs and Environment
Meeting with Sussex Strategy Group
Monday, November 20, 2017 9:30-10:30 am
MAE Executive Boardroom, 4th Floor, West Block

Attendees: Minister Eddie Joyce, Randy Simms, and Colin Holloway.

MAE Officials: Jamie Chippett and Dana Spurrell.

Sussex Strategy Group Officials: Jamie Besner (Principal), members of the Canadian Plastics Industry Association (TBD)

Purpose of Meeting: The meeting has been requested by the Sussex Strategy Group on behalf of the Canadian Plastics Industry Association to discuss any potential plans MAE may have for legislation concerning a “single use” plastic bag ban.

Background:

- The Sussex Strategy Group (SSG) is a strategic communications firm, specializing in government relations. They have offices in Toronto and Ottawa. The Canadian Plastics Industry Association (CPIA) is their client.

- CPIA is a not-for-profit association dedicated to the growth of plastics businesses. They advocate on behalf of their members to all levels of government.

Agenda Item #1: Single use plastic bag ban as suggested by Municipalities of NL.

- On October 4, 2016, at the request of Municipalities Newfoundland and Labrador (MNL), Minister Trimmer (Service NL) and Minister Joyce (Municipal Affairs and Environment) met with representatives to discuss an MNL resolution requesting that the Province prohibit all retail stores from distributing single-use plastic shopping bags.

- During a meeting with MNL representatives on November 4, 2016 Ministers Joyce and Trimmer (Service NL) committed to reviewing the merits, logistics, and legislative aspects of banning the distribution of plastic shopping bags. However, it was also made clear that, although MNL is seeking a provincial ban, this review would also consider the merits of other policy alternatives that could achieve the same or similar ends.

- Interdepartmental waste management steering and technical committees were created to conduct this review. The technical committee (composed of senior officials from MAE, SNL, and MMSB) were tasked with drafting an internal discussion document on the issues associated with single-use plastic shopping bags as well as the merits of a ban and other alternatives.

- On December 9, 2016 the technical committee held a technical consultation with MNL. MNL provided anecdotal information, websites and links to programs in other jurisdictions; however no additional information or research was provided by MNL. The technical
committee advised MNL that it would conduct further research; complete its review; and advance the findings to MAE Executive for consideration and next steps.

- On March 10, 2017 MNL wrote the Minister requesting an update on progress made in the department’s consideration of a single use plastic bag ban. In response the Minister forwarded a summary discussion document completed by the technical committee.

- MAE continues to work with MMSB to pursue the establishment of an Extended Producer Responsibility (EPR) program as a long-term strategy for the management of all printed paper and packaging, including plastic shopping bags. As a part of its broader review of municipal legislation, MAE will consider amendments to municipal legislation to allow municipalities to address litter concerns by banning the distribution of plastic bags and other packaging if they feel it necessary to do so.

- Subsequent to the September, 2016 MNL resolution, the following positions on the plastic bag ban have been shared:
  
  - On September 26, 2016, the Canadian Federation of Independent Business submitted a letter to the ministers of MA and ECC stating that they did not support a provincial ban and instead proposed an investigation of this and other alternatives.
  
  - In November of 2016, a non-binding motion was passed by the Liberal Party to urge the provincial Government to implement a complete ban on plastic shopping bags.
  
  - On December 15, 2016, the Retail Council of Canada submitted a letter to MMSB presenting issues that it perceived with the appropriateness and feasibility of a provincial ban and suggested that alternatives be investigated.
  
  - The Minister of MAE has received written correspondence from individual municipalities and individual stakeholders supporting a ban on plastic shopping bags.
  
  - On April 4, 2017 the Canadian Federation of Independent Grocers (CFIG) submitted a letter to the Minister of MAE stating their opposition to a ban or a fee and suggested instead that CFIG enter into a non-binding agreement with the provincial government to reduce the number of bags.
  
  - On November 14, 2017, the City of St. John’s held a vote to ban single use plastic bags. The motion was presented in support of MNLs efforts to ban single use plastic bags in the province. The council voted in unanimously in favor of a ban. Councilors have stated they do not have the legislative authority to ban plastic bags and that the provincial government must take action on this matter. MAE has stated that it may be possible to amend legislation to give municipalities the authority to ban plastics.

**Analysis**

- Any discussion on the management of plastic shopping bags must consider the greater context of legislative authority, current and planned waste management practices, environmental stewardship and economic reality.

- Single use plastic shopping bags are a small contributor to waste and litter in the province but they have become a symbol of the impact that single-use products and throw away culture are having on our environment.
November Notes

- No provincial or territorial jurisdiction currently bans the distribution of plastic shopping bags.

- There are other options for waste management of plastic bags besides a point-of-sale ban. These include: a landfill ban, introducing a fee or levy, retailer recycling programs, curbside recycling, landfilling, which is the burial of plastic shopping bags at landfill to prevent movement and extended producer responsibility (EPR) programs.

s.29(1)(a), s.30(1)(a)

- The Canadian experiences of plastic shopping bag management has been a combination of EPR legislation, curbside collection, localized bans and fees yet there are calls to ban bags or charge a provincial fee for their use.

However, as a provincial-wide ban on the distribution of bags at the point of sale does not appear in other jurisdictions,

s.29(1)(a), s.30(1)(a)

- JPS’s preliminary research seems to indicate that the most effective way to allow for a legislative ban would be to amend the Municipalities Act, 1999 and related Cities Acts, giving municipalities the authority to issue these bans themselves. Other legislative options would not provide the proper authority or be as legally defensible.

Potential Speaking Points

- The Minister may wish to acknowledge that the use of single-use plastic bags is a significant public concern and that the province is considering a number of possible actions including: extended producer responsibility or giving municipalities the legislative authority to implement their own bans; however at present no decision has been finalized.

- The Minister may wish to thank the Sussex Group and Canadian Plastics Industry Association for being a dedicated advocate for their member’s interests in Newfoundland and Labrador.

Prepared/Approved by: R. Evans/M. Thomas/D. Spurrell/ J. Chippett (pending)

November 17, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: The Abandoned St. Mary's Seafood Sauce Plant

Decision/Direction Required:
- Whether or not to fund the clean-up and demolition of the abandoned St. Mary's Seafood Sauce Plant.
- It is recommended that:
  MAE suggest the Town of St. Mary's submit a formal estimate for MAE for consideration for cost-shared funding for the removal and clean-up of the waste (~$100,000) and request that JPS review this file to determine if any portion of the costs can be recovered from the owner and/or [s.40(1)]

Background and Current Status:
- In 1990 the Atlantic Seafood Sauce Company Ltd. (a now dissolved federally incorporated company that is still registered in NL) developed a seafood sauce plant in St. Mary's that processed raw male capelin mixed with salt and stored it in tanks to be fermented with a pineapple sauce, bottled and sold overseas.
- The Atlantic Canada Opportunities Agency provided approximately $1 Million for the capital cost of the project and the Newfoundland Labrador Development Corporation approved a loan of $300,000.
- The facility processed for a while until they shut down, likely due to compliance issues with the Canadian Food Inspection Agency preventing them from getting their product to market. The company was dissolved by the federal government under the Canada Business Corporations Act in 2006 due to noncompliance.
- In 2012 complaints were made to SNL regarding the condition of the building. Orders were issued to the last listed company Director, Sanh Ngo in Halifax, however they could not be delivered as this Director nor any company representative could be located.
- In May of 2016, MAE was approached by a St. Mary's Town Councilor (Steve Ryan) and a contractor [s.40(1)] regarding the clean-up and removal of equipment from the building and building demolition.
- A Waste Management Plan was submitted to MAE by EnviroTech [s.40(1)]. This was reviewed by both MAE and SNL and after a few changes was deemed acceptable on June 28, 2016. The capelin waste and sauce was to be disposed of at the Sunnyside Organic Waste Landfill and building materials and miscellaneous waste was to go to Robin Hood Bay.
- On November 8, 2016, after receiving a complaint and performing a subsequent inspection, a letter was sent from SNL directing [s.40(1)] to cease the improper discharge of liquid waste into the ocean. Environment and Climate Change Canada also investigated this manner with respect to federal environmental legislation. After this, [s.40(1)] stopped the decommissioning work and hasn't returned to complete any work since.
On September 15, 2017 MAE and SNL received complaints from the town about the condition of the building and odour from the site. SNL completed a site visit and noted that all doors and windows in the building were removed or broken. There was also a large mess inside the building (capelin and fish sauce) created by operations. There was a strong unpleasant fish odour present around the site.

On November 2, 2017 officials from MAE and SNL visited the site. During this visit it was evident that the Town had made some efforts to control the smell by boarding up the windows and doors. This reduced but did not eliminate the outside odours. Odours were very strong indoors and the sludge created by failed efforts was evident throughout the building. Officials were approached by town workers and near-by residents who voiced their concerns of unpleasant odours and potential health issues.

Analysis:
- At this time the previous owner of the property cannot be located, the company has been dissolved, and there is no obvious current property owner.
- The town considers this to be a health hazard and has written Minister Joyce requesting emergency financial assistance to address this issue.
- While no formal engineering assessment has been completed, based on the estimated volume of waste and building dimensions, MAE officials estimate the cost to remove and properly dispose of the waste and cleanup the building at approximately $100,000 with an addition $100,000 to demolish the building and properly dispose of the building materials.
- The building was not assessed from a structural perspective but appears to be in reasonable good order and no obvious environmental or safety concerns were noted regarding the structure itself.
- Waste removal and clean up would involve loading the large tanks (~120) onto trucks and transporting them to the Sunnyside Organic Waste Disposal Site, as well as pressure/steam cleaning the waste off the floors and out of the sumps within the building. Remaining odours could be neutralized with the application of lime on the floors and in the sumps and drains.

Given the ownership of the facility is in question, MAE does not recommend building demolition. Further, the removal of the waste should alleviate the Town’s most immediate concerns, which focused on the odour issue.

Depending on how the company was incorporated and how it held the property, it is possible that the site may now be owned by the provincial or federal government.
Alternatives:
1. Suggest the town submit a formal estimate for MAE for consideration for cost-shared funding for the removal and clean-up of the waste (~$100,000) and request that JPS review this file to determine if any portion of the costs can be recovered from the owner and/or (Recommended)

Advantages:
- This will mitigate the odours and concerns in the town.
- This is less costly than full demolition.
- Addressing the waste and odour concerns only should not increase expectations from other towns who want GNL to fund the demolition of abandoned fish plants and other buildings.

Disadvantages:
- This does not address any of the safety concerns the town may have regarding the condition of the building. While there does not appear to be any significant issues at this time, if not maintained the building will eventually show structural issues.
- The town may have concerns with covering its share of the costs.
- Pressure on SAG budget.

2. Have the town to compile a formal estimate and provide cost shared emergency funding to the town for the removal and clean-up of the waste as well as building demolition (~$200,000) and request that JPS review this file to determine if any portion of the costs can be recovered from the owner and/or (Not recommended)

Advantages:
- This will mitigate the odour as well as safety concerns in the town.
- If GNL is deemed the property owner in the future, additional demolition cost may fall directly to the province. Addressing both issues under one contract managed by the Town now could be more cost effective alternative.

Disadvantages:
- The town may have concerns with covering its share of the costs.
- Additional pressure on SAG budget.
- May set precedent for other towns with abandoned fish plants and other buildings of concern that may expect funding as well.

3. Do not provide funding to address the towns concerns with this property. Request that JPS review this file to determine if any portion of the costs can be recovered from the owner and/or (Not recommended)

Advantages:
- This will not require any funding from MAE.
- This should not encourage requests from other towns with abandoned properties in similar situations.

Disadvantages:
- The town will likely be left without the means to deal with their concerns.

Prepared/Approved by: D. Michielsen / H. Tizzard/ D. Spurge
Ministerial Approval:
November 28 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Funding for Point Leamington Water Main Replacement

Decision/Direction Required:
- Whether to provide municipal capital works (MCW) funding to assist the Town of Point Leamington with replacement of its water main.
- It is recommended that MCW funding of $108,318 be provided to assist with replacement of the Town’s water main.

Background and Current Status:
- On October 3, 2017, the Town of Point Leamington wrote to the Minister of Municipal Affairs and Environment (MAE) requesting funding assistance for repairs to and replacement of its water main.
- The Town noted that on August 23, 2017, it discovered a break in its water main. Due to the amount of water that was being lost and the excessive demand on the Town’s pumping system, the Town could only provide water to affected parts of the community in intervals.
- As a result, the Town had to undertake emergency repairs until it could come up with a permanent fix. The cost of the repairs totaled $46,500. Due to the smaller and emergency nature of these repairs, this funding request was forwarded for consideration under MAE’s Special Assistance Grant (SAG) program. This request is still under review.
- The Town provided a quote for a permanent fix/replacement of the water main at an estimated cost of $198,893. MAE officials advise that engineering fees estimated at $40,000 should be included with this estimate, bringing the total anticipated cost to $238,893.
- The Town has stated that the work must be completed prior to Winter as the temporary repair is unlikely to hold over the winter months. As such, the Town is unable to wait for Spring MCW allocations.

Analysis:
- MAE officials agree that the permanent fix should be undertaken prior to Winter.
- There is currently approximately $154,095 remaining in 2017-18 MCW funding. This would be insufficient to assist the Town with the replacement at the normal provincial/municipal cost-share ratio of 90/10. The Town, however, has conveyed that even half the funding would be helpful. Deducting tax rebates, half the eligible cost would equate to $108,318.

Alternatives:
- Approve MCW funding of $108,318 to assist with the Town of Point Leamington water main replacement. (Recommended)
- Reject this request. (Not recommended)

Prepared/Approved by: I. Duffett/H. Tizzard
Ministerial Approval: Received from Hon. Eddie Joyce

November 20, 2017
Meeting Note
Department of Municipal Affairs and Environment
Meeting with the Retail Council of Canada (RCC)
9 a.m. Tuesday, November 21, 2017
Location - MAE Boardroom

Attendees: Minister Eddie Joyce, Jim Cormier (Director RCC), Gary Ryan (MMSB), other RCC members TBD.

Purpose of Meeting: The meeting has been requested by the Retail Council of Canada (RCC) to discuss issues related to environmental stewardship programs. Issues for discussion to include: the push by municipalities to ban single use plastic bags, electronic recycling fees, and the possibility of an Atlantic Canadian extended producer responsibility (EPR) program for used oil/glycol.

Background

- RCC is a not-for-profit, industry-funded association representing more than 45,000 store fronts of all retail formats across Canada, including department, specialty, discount, and independent stores, and online merchants.

- The mission of RCC is to advance, promote and protect the interests of its members through effective advocacy, communications and education.

- RCC's Board of Directors includes one NL representative: Steve Winters, President and CEO of the NL Liquor Corporation.

Agenda Item #1: Municipal Push to Ban Single Use Plastic Bags

Background

- During a November 4, 2016 meeting with MNL representatives Minister Joyce (Municipal Affairs and Environment) and Minister Trimper (Service NL) committed to reviewing the merits, logistics, and legislative aspects of banning the distribution of plastic shopping bags. However, it was also made clear that, although MNL is seeking a provincial ban, this review would also consider the merits of other policy alternatives that could achieve the same or similar ends.

- Interdepartmental waste management steering and technical committees were created to conduct this review. The technical committee (composed of senior officials from MAE, SNL, and MMSB) initiated a review process to compile an internal discussion document on the issues associated with single-use plastic shopping bags as well as the merits of a ban and other alternatives.

- On December 9, 2016 the technical committee held a consultation with MNL. MNL provided anecdotal information, websites and links to programs in other jurisdictions; however no additional information or research was provided by MNL. The committee advised MNL that it would conduct
further research; complete its review; and advance the findings to MAE Executive for their consideration and next steps.

- On March 10, 2017 MNL wrote the Minister requesting an update on progress made in the department’s consideration of a single use plastic bag ban. In response the Minister forwarded a summary discussion document completed by the technical committee.

- MAE continues to work with MMSB to pursue the establishment of an Extended Producer Responsibility (EPR) program as a long-term strategy for the management of all printed paper and packaging, including plastic shopping bags. As a part of its broader review of municipal legislation, MAE will consider amendments to municipal legislation to allow municipalities to address litter concerns by banning the distribution of plastic bags and other packaging if they feel it necessary to do so.

Subsequent to the publicizing of the MNL resolution in September of 2016, the following positions on the banning of plastic shopping bags have been made publicly:

- On September 26, 2016, the Canadian Federation of Independent Business submitted a letter to the ministers of MA and ECC stating that they did not support a provincial ban and instead proposed an investigation of this and other alternatives.

- In November of 2016, a non-binding motion was passed by the Liberal Party of Newfoundland and Labrador to urge the provincial Government to implement a complete ban on plastic shopping bags.

- On December 15, 2016, the Retail Council of Canada submitted a letter to MMSB presenting issues that it perceived with the appropriateness and feasibility of a provincial ban and suggested that alternatives be investigated.

- The Minister of MAE has received written correspondence from individual municipalities and individual stakeholders supporting a ban on plastic shopping bags.

- On April 4, 2017 the Canadian Federation of Independent Grocers CFIG submitted a letter to the Minister of MAE stating their opposition to a ban or a fee and suggested instead that CFIG enter into a non-binding agreement with the provincial government to reduce the number of bags.

- As a part of its broader review of municipal legislation, MAE consider amendments to municipal legislation to allow municipalities to address litter concerns by banning the distribution of plastic bags and other packaging if they feel it necessary to do so.

- On November 14, 2017, the City of St. John’s held a vote to ban single use plastic bags. The motion was presented in support of MNLs efforts to ban single use plastic bags in the province. The council voted unanimously in favor of a ban. Councilors have stated they do not have the legislative authority to ban plastic bags and that the provincial government
must take action on this matter. MAE has stated that it may be possible to amend legislation to give municipalities the authority to ban plastics.

- However, as a provincial-wide ban on the distribution of bags at the point of sale does not appear in other jurisdictions.

Potential Speaking Points

- The Minister may wish to acknowledge that the use of single-use plastic bags is a significant public concern and that GNL is consulting stakeholders to find a solution to manage this multi-stakeholder, multi-faceted issue.

- The Minister may wish to share that he met with the Canadian Plastics Industry Association who voiced concerns over a ban and potential unintended impacts on the consumer and the environment.

- The Minister may wish to mention that the RCC is one of many stakeholders GNL is consulting on this issue and appreciates the feedback RCC has provided.

- The Minister may wish to share with the RCC the technical committee’s report: "Plastic Shopping Bag Management in Newfoundland and Labrador: Status and Options" that presents its findings on the issue of plastic shopping bag management.

- Furthermore, the Minister may wish to discuss the greater context of legislative authority, current as well as and planned waste management practices, environmental stewardship and economic reality that animate the discourse.

- The Minister may wish to thank the RCC for being a dedicated advocate for members of the retail sector in Newfoundland and Labrador.
Agenda Item #2: Electronics Recycling – Hidden Consumer Fees

Background

- Under Part five of the *Waste Management Regulations* (regulations), all brand owners of electronic products in the Province of Newfoundland and Labrador are required to submit a stewardship plan for the management of their products at the end of their useful life. This plan is required to include a section that details how the program will be financed.

- The Electronic Products Recycling Association (EPRA) is a stewardship organization that provides electronic program development and implementation services to brand owners. EPRA’s two founding members are the RCC and the Electronic Products Stewardship Council (EPSC). EPRA have been designated, by brand owners, as an agent in NL to develop, submit and execute this plan on their behalf.

- In keeping with the regulations, EPRA submitted a stewardship plan in 2013 that outlined that their program would be financed by charging brand owners certain fees for each product category.

- Since the program launch in 2013, all brand owners covered under this plan have chosen to charge the totality of the costs they incur for this plan (the fees) back to consumers and to communicate these fees to the consumer. However, in all cases, brand owners are not including these fees in the total advertised price of the products; but rather consumers are notified at the point of sale (cash register) that an additional fee will be added to the cost of the product and will be subject to tax.

- Section 7(t) of the Act cites, giving less prominence to the total price vs a part of the price of a good or service as an unfair consumer practice and prohibits the practice in Newfoundland and Labrador.

- On May 2, 2014, the MMSB, as the oversight agency for the regulations, contacted the Consumer Affairs Division (CA) of Service NL and advised of the potential contravention of the Act. CA immediately notified EPRA that the practice may be in non-compliance with the Act and provided an opportunity to address the non-compliance before a formal complaint was registered.

- EPRA responded to CA and MMSB on June 8th, 2014 stating that it was not a supplier governed by the Act and that it would pass along CA’s concerns to its members (including RCC and EPSC).

- MMSB subsequently met with Ms. Nathalie St. Pierre, Vice-president of the Retail Council of Canada, and Ms. Sheilagh Kerr, Executive Director of the Electronic Products Stewardship Council, regarding this matter in 2014 and 2015. No formal response has been received on this matter from RCC or EPSC.
• In February of 2016, MMSB staff met with Mr. Jim Cormier, RCC Director of Atlantic Canada, to discuss EPRA’s program performance. At this meeting MMSB advised Mr. Cormier of the issues surrounding the application of fees and the Act. No formal response has been received from Mr. Cormier on this matter.

• In August of 2016, RCC requested a meeting with Minister Trimper stating that MMSB has expressed a desire to force retailers to hide the eco-fee from consumers on the point of sale receipt. RCC further supposed that such a move would be offside with the harmonized and successful practice currently seen in the rest of the country and that this move would also needlessly result in both consumer confusion and significant retailer costs.

Analysis
Potential Speaking Points

- The Minister may wish to thank RCC for their dedication as advocates for members of the retail sector in Newfoundland and Labrador.

Agenda Item #3: Extended Producer Responsibility Program for Used Oil/Glycol

- In keeping with the direction of Government, MMSB has worked in lock step with Atlantic Canadian regulators, used oil and glycol producers and local retailers to prepare amendments to the Waste Management Regulations that will enable the establishment of an EPR program for the management of used oil and glycol. s.27(1)(i), s.27(2)(a)

Potential Speaking Points

- The Minister may wish to mention that the Government of Newfoundland and Labrador will endeavour to ensure that EPR legislation is harmonized with other jurisdictions and that the MMSB has worked in in conjunction with Atlantic Canadian regulators, producers and retailers to facilitate this harmonization.

Prepared/Approved by: S. George/ M. Thomas/ D. Spurrell in consultation with G. Murphy (MMSB)

November 20, 2017
Decision/Direction Note
Department of Municipal Affairs and Environment

Title: Town of Mount Moriah – Reallocation of Funds

Decision/Direction Required:
- Whether to approve the reallocation of remaining funding of $102,923 from project #17-MCW-12-11040 – Serpentine Road Fire Pump to project #17-MCW-14-14016 – New Fire Hall.
- It is recommended that the Department of Municipal Affairs and Environment (MAE) approve the reallocation of funding at the original 90/10 cost-share ratio.

Background and Current Status:
- In 2013, the Town of Mount Moriah received approval for $70,000 under the 2013 MCW Program for an Engineering Design Initiative (EDI) for design and construction of a new Fire Hall on a 90/10 cost-share basis.
- Due to changes during the construction of the project, the Town has requested to reallocate funding from a former Serpentine Road Fire Pump project to the Fire Hall project.
- Reallocation from 17-MCW-12-11040 (Serpentine Road Fire Pump) to 17-MCW-14-14016 (New Fire Hall) has been previously approved on two other occasions.
- The total current approved budget for the project is noted in the table below:

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- Approval to call the tender for the Fire Hall was given on October 4, 2016. The tender closed on November 29, 2016 with four bids received. The lowest bid was $1,431,106 from Brook Construction (2007) Inc.
- As per the Approval to Award Tender letter (DOC/2016/05341-04), the new approved contract amount for Brook Construction was authorized for $1,399,826.76. Additional funding of $55,679 was reallocated from the Serpentine Road Fire Pump project to offset the project overage on January 12, 2017. The total approved funding now stands at $1,582,723.
- As a result of further necessary changes during the construction phase, additional funds are required to complete the project.

Analysis:
- The Town has surplus funding of $102,923 remaining under the Serpentine Road Fire Pump project. This project will not be moving forward due to the negative impact it would have on
the City of Corner Brook's water distribution system. The Town has requested reallocation of these funds to enable completion of the Fire Hall project.

- While funding for buildings currently falls under the 60/40 cost-share ratio, MAE recommends that since both MCW projects referenced were originally funded at 90/10, including the current fire hall project, which is already ongoing, the funding transfer should fall under the 90/10 ratio.

- It is anticipated the additional funding will allow the Town to complete the project.

**Alternatives:**
- Approve the Town's request to reallocate the remaining funds ($102,923) to the Fire Hall project at the 90/10 cost sharing ratio. *(Recommended)*

- Reject the Town's request and require the Town to cover the additional funding. *(Not Recommended)*

- Approve the Town's request to reallocate the remaining funds ($102,923) to the Fire Hall project at the 60/40 cost sharing ratio. *(Not recommended)*

Prepared/Approved by: S. Wight/C. Power/L. Duffett/H. Tizard

Ministerial Approval: Received from Hon. Eddie Joyce

November 21, 2017
Decision/Direction Note  
Department of Municipal Affairs and Environment

Title: Public Release – Large Industry Greenhouse Gas (GHG) data

Decision/Direction Required: Approval is sought to publicly release GHG emissions data for 2016 for large industrial facilities that reported their GHG emissions through the Provincial Management of Greenhouse Gas Act. Data would be posted on MAE’s corporate website and the Open Government data website. The report to be released is attached at Annex A.

Background and Current Status:
- In 2016, the House of Assembly passed legislation to create a framework to reduce GHGs from large industry. In March 2017, GHG reporting regulations came into effect. The Management of Greenhouse Gas Act and its Reporting Regulations require that operators of large onshore industrial facilities that have GHG emissions of 15,000 tonnes or more per year report their GHG emissions annually to the Provincial Government. Operators with GHG emissions of 25,000 tonnes per year or more must also have their GHG emissions verified by an independent third party. Offshore facilities are beyond the scope of the Act to regulate at this time so are not required to report their GHG emissions to the Provincial Government. The Act also makes provision for the public release of these data.

- Federal regulations, through the Canadian Environmental Protection Act, 1999, currently require operators of large industrial facilities with emissions of at least 50,000 tonnes per year to report their GHG emissions. The Federal Government publicly releases this data; however, it does not release any data that would be considered as confidential. Federal regulations do not require third party verification.

- Among other provinces, NS (electricity sector), NB, QC, ON, AB and BC also collect industrial sector GHG data. These data are publicly released by these provinces, generally in a similar manner as the Federal Government. Any data deemed confidential is not released by any province.

Analysis:
- In June 2017, eight facilities in Newfoundland and Labrador reported their GHG emissions to the Province for reporting year 2016, including IOC, NARL, Vale-Voisey’s Bay, Vale-Long Harbour, Newfoundland and Labrador Hydro (NLH)-Holyrood Diesel Turbine, NLH-Hardwoods Turbine, CBPP and Tata Steel. Of these, only two had GHG emissions of less than 25,000 tonnes and did not require third party verification, namely NLH-Hardwoods Turbine and Tata Steel. Additionally, NLH voluntarily reported GHG data for the Holyrood Thermal Generating Station (no verification report was required as the report was submitted on a voluntary basis).

- In November 2017, the Federal Government, through an Information Sharing Agreement with the Province, provided its reported GHG data by facility for 2016. These data, which were also received by June 2017, will not be released until April 2018.
• The Act makes explicit reference to the release of GHG data collected by the Province. Such release needs to be consistent with third party confidentiality requirements of the Access to Information and Protection of Privacy Act (ATIPPA). However, the Act does not make explicit reference to the release of the name of the third party verifier. Verifiers are hired by the operators of facilities through a third party contract that the Province is not party to and, during the reporting period for 2016, the Province did not ask operators for authority to release the names of their verifiers.

Alternatives:
• Release provincially-reported GHG data by greenhouse gas by facility but not the names of third party verifiers contracted by the operators (recommended). This approach to releasing data is consistent with other jurisdictions including the Federal Government, ON, AB and BC (BC also releases emissions by source within a facility), and promotes public transparency while ensuring that government’s open data approach and the confidentiality provisions of ATIPPA are maintained. There are no cons to this approach.

• Do not release the information (not recommended). Federal facility level data will be released for 2016 in April 2018. This means that users will be reliant on federally released data only. This will limit transparency in the regulatory process. It will also be inconsistent with the open data approach of government.

Action Being Taken:
• Provincial GHG data is ready for public posting to the website upon approval being provided.

Prepared/Approved by: G. Crane / J. Janes
Ministerial Approval: Received from Honourable Eddie Joyce
November 23, 2017
Annex A
Draft GHG Data Report for Publication
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1. The Act is available at [http://www.assembly.nl.ca/Legislation/sr/statutes/m01-001.htm](http://www.assembly.nl.ca/Legislation/sr/statutes/m01-001.htm) and the Reporting Regulation is available at [http://www.assembly.nl.ca/Legislation/sr/regulations/rc170014.htm](http://www.assembly.nl.ca/Legislation/sr/regulations/rc170014.htm).

2. Industrial facilities that had annual greenhouse gas emissions of at least 15,000 tonnes in 2016 were required to report their emissions by June 1, 2017. Industrial facilities that had annual greenhouse gas emissions of at least 25,000 tonnes in 2016 were required to have a third party verification of those emissions completed and submitted by September 1, 2017. Technical methodological guidance to assist reporters is available at [http://www.exec.gov.nl.ca/exec/occ/greenhouse-gas-data/GHG_Reporting_Guidance_Document.pdf](http://www.exec.gov.nl.ca/exec/occ/greenhouse-gas-data/GHG_Reporting_Guidance_Document.pdf).

3. Industrial facilities with at least 50,000 tonnes of greenhouse gas emissions are also required to report emissions to Environment and Climate Change Canada (ECCC). A summary of emissions reports filed with ECCC from 2004 to 2015 is available at [http://www.exec.gov.nl.ca/exec/occ/greenhouse-gas-data/Large_Industry_Data.pdf](http://www.exec.gov.nl.ca/exec/occ/greenhouse-gas-data/Large_Industry_Data.pdf). ECCC will be releasing 2016 reported data in April 2017. Note that the methodologies used to estimate greenhouse gas emissions for ECCC reports may not be strictly comparable with methodologies used to estimate emissions for the provincial Reporting Regulations.

4. The Holyrood Thermal Generating Station is exempt from reporting under the Act. Newfoundland and Labrador Hydro submitted an emissions report on a voluntary basis. There was no requirement for verification of this emission report as the reporting was voluntary.

5. There was no requirement for verification of this emissions report as reported emissions were less than 25,000 tonnes.
Annex B
Provincial and Federal Large Industry GHG Estimates, 2016

Includes facilities that reported under the *Management of Greenhouse Gas Act* only. This excludes the three offshore petroleum facilities.

Shaded cells contain information provided on a confidential basis by the Federal Government or contain information that is derived from confidential information provided by the Federal Government. Federal data is expected to be released in April 2018. (s.34(1)(a)(i))

<table>
<thead>
<tr>
<th>Facility</th>
<th>NL Report (tonnes)</th>
<th>Federal Report (tonnes)</th>
<th>Difference</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>NLH Holyrood Thermal</td>
<td>1,351,587</td>
<td></td>
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<tr>
<td>NARL</td>
<td>1,266,185</td>
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<td>IOC</td>
<td>961,939</td>
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<tr>
<td>NLH Holyrood Diesel</td>
<td>115,000</td>
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<tr>
<td>Voisey's Bay</td>
<td>85,278</td>
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<tr>
<td>CBPP</td>
<td>51,062</td>
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<tr>
<td>Long Harbour HMP</td>
<td>31,322</td>
<td></td>
<td></td>
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<tr>
<td>Tata Steel</td>
<td>23,796</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NLH Hardwoods Turbine</td>
<td>16,411</td>
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November Notes

Background Note
Department of Municipal Affairs and Environment
FPT Finance Ministers' Meeting
December 11, 2017
Ottawa, Ontario

Attendees: Federal, Provincial and Territorial Finance Ministers and officials

Background:
- The Federal Government stated in October 2016 that it would introduce carbon pricing in 2018 in all provinces and territories (PTs) unless a PT had a comparable regime in place.
  - Carbon pricing must have broad coverage and provide an explicit price signal on all fossil fuel consumption that increases over time, starting at 2.33 cents/litre in 2018 for gasoline, for example, ($10 per tonne of greenhouse gas (GHG) emissions) and rising each year until it reaches 11.63 cents/litre ($50 per tonne) in 2022.
  - PTs who put in place their own system can choose between emissions trading, a carbon tax, and a hybrid system that combines a performance based system for large industry with a carbon tax for other sectors (e.g. transportation and building fuels). PT systems must meet minimum federal requirements, the technical details of which were released in August 2017.
  - PTs that do not meet federal requirements will be subject to federal regulation (i.e., the application of the Federal Government’s carbon pricing system). Federal carbon pricing legislation is intended to be introduced in Parliament in Fall 2017 to take effect in mid to late 2018.

- Carbon pricing policy is a key component of the December 2016 Pan-Canadian Framework on Clean Growth and Climate Change (PCF) which Newfoundland and Labrador adopted. At that time, the Province indicated that it would develop its own system so that it could be tailored to local circumstances. This included the need to maintain the competitiveness of large industry, take account of the impacts on consumers and businesses, especially where there are no direct alternatives to reduce GHG emissions, and recognize efforts to decarbonize the electricity sector through Muskrat Falls investment.

Analysis:
- 
- The approach is best suited to the province's circumstances.

for the expected industrial growth in GHGs due to new Hebron and Tata Steel production, Voisey's Bay and White Rose modification, and production growth at Long Harbour HMP and NARL.
• Among other PTs:
  o Emissions trading is being implemented in QC and ON and a version of emissions trading is being pursued in NS.
  o A carbon tax is being implemented in BC and is being considered in YT, NT and NU.
  o NT, YT and NU are completing studies with the Federal Government on the unique carbon pricing challenges in the North. Newfoundland and Labrador has indicated to the Federal Government that the findings of these studies should inform carbon pricing policy in northern, remote and Indigenous communities in this province.
  o (SK, as well as MB, did not endorse the PCF in December 2016.)

• The carbon pricing regimes in QC, ON, AB and BC that are already in place cover over 80 percent of national GDP, population and GHG emissions.

• Within Atlantic Canada, the Federal Government is interested in encouraging greater regional collaboration. Atlantic provinces share information on carbon pricing on a regular basis, however, NL, NB and PEI are considering a hybrid system and NS emissions trading. Each province is at a different stage of legislative and regulatory development within timing constraints (i.e., pricing must start by mid to late 2018), and each Province is seeking to tailor their system to their individual circumstances (e.g. Newfoundland and Labrador is seeking recognition for its investment in Muskrat Falls and the fact that the refinery does not have access to natural gas).

Potential Speaking Points:
• The Province is developing a made-in-Newfoundland and Labrador approach to carbon pricing in consultation with the Federal Government, large industry and other stakeholders.

• While specific details are not finalized, the intent is to implement a hybrid system that includes performance standards for large industry and a carbon tax for other sectors of the economy.

• This approach recognizes the importance of large industry to the economy and fiscal revenues of the Province. Given federal jurisdiction of the offshore region, federal assistance is required to extend coverage of provincial regulation to offshore petroleum.

• While precise timelines have not yet been finalized, the intent is to introduce a carbon tax on transportation, buildings, and other fuels in 2018 in line with federal regulations and for performance standards to be introduced sometime after this. Depending on federal regulatory requirements, these performance standards may be retroactively applied to 2018.

• Newfoundland and Labrador is keen to engage with the Federal Government and other provinces and territories on matters related to carbon pricing. From a carbon tax perspective, this may include among other items:
  o approaches that recognize the particular constraints of isolated, remote and Indigenous communities such as those along coastal Labrador; and
  o approaches that recognize constraints associated with interprovincial fuels. As an island province with a remote northern area, interprovincial marine and aviation
transportation and fuel services are of particular importance to Newfoundland and Labrador.

Prepared/Approved by: G. Crane/J. Janes
Ministerial Approval: Received from Hon. Eddie Joyce
November 24, 2017