November 19, 2018

Dear [Name]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File #: MAE/104/2018]

On October 22, 2018, the Department of Municipal Affairs and Environment received your request for access to the following records/information:

"Any messaging prepared for the fall sitting of the house of assembly during the month of October 2018."

I am pleased to inform you that a decision has been made by the Deputy Minister to provide access 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):

Section 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;

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 be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.
The appeal may be addressed to the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please feel free to contact me by telephone at 709-729-5846 or by e-mail at aliaskary@gov.nl.ca.

Sincerely,

ALI ASKARY  
Manager, Information Services / 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).
Municipal Affairs and Environment  
Environmental Assessment - Aquaculture  
October 21, 2018

Summary:
- Recently, there has been heightened awareness and public attention to aquaculture projects which went through the environmental assessment process, in particular the Placentia Bay Aquaculture Project and the Indian Head Hatchery Project.
- As part of The Way Forward, our government has committed to a review of the provincial environmental assessment process; consultations will begin in November.
- Some NGOs have suggested that the Grieg EIS was deficient and that Marine pens should have been assessed along with the hatchery in the case of Marine Harvest.

Anticipated Questions:
- Is the environmental assessment process strong enough, given the media attention around the Grieg and Indian Head aquaculture projects.
- Why didn’t the minister call for further environmental assessment?

Key Messages:
- The Placentia Bay Aquaculture Project and the Indian Head Hatchery project have been released following thorough environmental assessments that followed the current processes and regulations for environmental assessments in this province. The process takes into account the environment and the social and economic well being of the people of the province.

- I thank all those individuals, organizations, and agencies that provided input during the environmental assessment process for these projects. These comments informed the assessment and the terms and conditions of release. I would also like to extend thanks to the many agencies and public officials, as well as the Environmental Assessment Committees, for their extensive and high quality work.

- We will begin consultations in the coming weeks on the review of the environmental assessment process and regulations. We will be welcoming all submissions on how to modernize the environmental assessment process and regulations.

Secondary Messages (Project-specific):
- The Placentia Bay Aquaculture Project was subjected to a level of scrutiny greater than any aquaculture project to date. Upon release of the project, government has applied appropriate terms and conditions and required a stringent monitoring program to ensure continued environmental protection over the life of the project. We are confident that the commentary and advice from the EAC and the public was given full and fair consideration.

- As part of the Indian Head Hatchery project’s release from the environmental assessment process, it will be subject to a number of terms and conditions that will ensure that development proceeds in an environmentally sustainable manner. Given Marine pens to be stocked from the hatchery have all been licenced previously it was unnecessary to have them assessed in this case.
KEY MESSAGES

Municipal Affairs and Environment
Carbon Pricing Plan and Climate Change Action Plan
October 21, 2018

Summary:
- The Federal Government has indicated that it will apply its carbon pricing backstop in jurisdictions that do not have their own system in place or in jurisdictions, whose system does not meet minimum Federal requirements.
- The Provincial Government submitted its plan in September for review by the Federal Government.
- The Provincial Government committed to release its climate change action plan in 2018 as an action of The Way Forward. The plan will outline the province’s approach to tackling climate change, building on work undertaken to date. The release of the plan will occur once details of the carbon pricing plan have been finalized with the federal government.

Anticipated Questions:
- Have you submitted your plan? Why or why not?
- When will you announce your plans for carbon pricing?

Key Messages:
- Our government fully appreciates the importance of a low carbon economy. We have committed to help tackle climate change, but this must be done in a manner that takes into account the economic, social and fiscal realities that Newfoundlanders and Labradorians face.

- We have worked very hard to develop a Made-in-Newfoundland and Labrador approach that ensures that we minimize the impact on residents and businesses while doing our part to reduce greenhouse gas emissions.

- We have advised the Federal Government of our proposed carbon pricing system, and the Federal Government is in the process of reviewing it. Our approach will be shared with Newfoundlanders and Labradorians as soon as our work with the Federal Government is concluded. Our Government will also share its new Climate Change Action Plan in a similar timeframe.

Secondary Messages:
- Any approach to tackling climate change in Newfoundland and Labrador needs to be part of a wider Canadian and global effort, as collective action is needed to avoid dangerous climate change.
While we are prepared to move forward with our own “Made-in-NL” carbon pricing system as part of a national carbon pricing system, we will not support or deliver any policy that harms our competitiveness relative to the rest of Canada.

We know that other provinces have expressed concerns about the federal strategy to impose a carbon pricing system. The implementation of our system is contingent on all other provinces and territories implementing their own systems and/or being subject to the federal backstop.

Prepared by: MAE Communications
Approved by: Jamie Chippett, Deputy Minister
Summary:

- The IEAC made four recommendations to address the issue of methylmercury related to the Muskrat Falls Project. The recommendations included: a public information and education campaign to inform the public that consumption of country food and water are safe; implementation of a community-based monitoring program; an Impact Security Fund to guarantee continued access to local country food or safe alternatives; and targeted removal of soil and capping of wetlands in the future reservoir. The four recommendations were unanimously agreed to by the Indigenous groups and municipalities with the exception that targeted soil removal was not supported by the Innu Nation.

Anticipated Questions:

- Does the Provincial Government accept the recommendation of the IEAC?
- Why won’t the Provincial Government require Nalcor to undertake targeted soil removal?
- When will implementation of the recommendations begin?

Key Messages:

- The Provincial Government has taken the concerns related to methylmercury associated with the Muskrat Falls Project very seriously and continue to work to ensure the health and safety of residents.

- The Department of Municipal Affairs and Environment is reviewing the IEAC’s final recommendations.

- The Provincial Government recognizes that the recommendation that suggests targeted soil removal in combination with wetland capping, was not agreed upon by the voting IEAC members. At this time, no decision has been made on further reservoir clearing.

- In 2016 and 2017, Nalcor advanced mitigation activities within the Muskrat Falls reservoir below the 25 m elevation level and has cleared approximately 1,800 hectares.

- Additionally, the Department of Municipal Affairs and Environment continues to monitor water quality for methylmercury levels in the reservoir, downstream, and in Lake Melville, as was agreed upon by all parties in 2016.

- This water monitoring plan was developed collaboratively with the Indigenous Groups and the data is regularly shared with the groups and the public. Since the water quality monitoring was implemented, the methylmercury levels have at no time represented a risk to public health.
Secondary Messages:

- We look forward to working with Indigenous peoples and municipalities to maintain, and improve where needed, the monitoring program that has been endorsed by the IEAC.

- To date over a 1,000 water samples have been analyzed for methylmercury and many associated water parameters. Current levels of methylmercury in Lake Melville are in the order of 0.01 ng/L which is considered pristine. The future results will inform public health and education about methylmercury in food and water.

- The Provincial Government continues to work with the Innu Nation, Nunatsiavut Government, and the NunatuKavut Community Council and municipalities as we work together to address issues of methylmercury associated with the Muskrat Falls Project.

Factsheet:

- The IEAC submitted final recommendations on methylmercury in April, including:
  - A public information campaign to reiterate that country food and water are safe.
  - An independent, community-based body to oversee the design and implementation of a monitoring program for the Muskrat Falls project and provide information relevant to the protection of human health.
  - Negotiation of an Impact Security Fund between the Province, Nalcor, Indigenous groups and local population
  - Targeted soil removal in combination with wetland capping. This recommendation was not agreed upon by the IEAC members. Three of the voting members (Nunatsiavut Government, NunatuKavut Community Council and Affected Municipalities) voted in favor; the Innu Nation supported covering the wetlands.

- The IEAC was formed following an October 2016 agreement that the Provincial Government, in partnership with the Innu Nation, Nunatsiavut Government, and the NunatuKavut Community Council, would establish an Independent Expert Advisory Committee to determine and recommend options for mitigating human health concerns related to methylmercury. Mitigation measures will be realized through utilizing best available science that incorporates Indigenous Traditional Knowledge.
KEY MESSAGES

Municipal Affairs and Environment
Plastic Bags
October 21, 2018

Summary:
• At the direction of the Minister, the Multi-Materials Stewardship Board (MMSB) and the Department of Municipal Affairs and Environment convened a meeting with stakeholders who represent all sides of the issue of banning single use plastic bags on September 24, 2018. Attendees included MNL, the Retail Council of Canada, Plastics Industry Association, Canadian Federation of Independent Business, Regional Service Boards, and Landfill Operators.
• The Federal Government proposed an Ocean Plastic Waste Charter at the recent G7 Summit in June. The charter was signed by 5 of the 7 countries. Some of the goals of the Charter include:
  o Working with industry towards producing 100% reusable, recyclable, or recoverable plastics by 2030;
  o Recycling and reusing at least 55% of plastic packaging by 2030 and recover 100% of all plastics by 2040; and
  o Accelerating implementation of the 2015 G7 Leaders’ Action Plan to Combat Marine Litter.

Anticipated Questions:
• Are you going to ban the bag?
• Why won’t you listen to those calling for a provincial ban on plastic bags?

Key Messages:

• We are listening and we understand the public concern related to the impact of single-use plastic shopping bags and other debris on the environment and are working with stakeholders on a plan to significantly reduce the use of plastic bags.

• We are approaching the issue in a manner similar to other provincial governments across Canada and are working with industry to ensure we have an environmentally responsible and cost-effective approach to the post-consumer management of packaging. We are also working with the federal government on its plastics strategy.

• We have not ruled out a ban on single use plastic bags but we remain concerned about the unintended impacts on the environment and individuals.

Secondary Messages:
• Department officials have met with MNL, as well as with business stakeholders and producer representatives and we will be working with these groups to reduce the use of paper and plastic packaging, as well as single use plastic bags in the province. As
a result, industry has indicated a willingness to work with us on a plan to significantly reduce plastic bags.

- We want to address the concerns of all packaging products, not just plastic shopping bags, but we want to thoroughly explore the implications that a potential ban on single use plastic bags might have on the environment and individuals. As a result, stakeholders agreed dedicated public opinion research should be undertaken to inform consideration of a bag ban.

- To address the broader category of packaging, we are working toward establishing an Extended Producer Responsibility (EPR) program for the management of printed paper and packaging as a long term strategy. We are working closely with the Federal Government and other provinces through the Canadian Councils of Ministers of the Environment to ensure that the province is involved in the development of any actions to reduce plastic waste as committed at the G7 Summit in June.

Prepared by: MAE Communications
Approved by: Jamie Chippett, Deputy Minister
KEY MESSAGES

Municipal Affairs and Environment
Waste Management and Cabin Owners Against Trash Tax (COATT)
October 21, 2018

Summary:
- In September 2018, the Western Regional Service Board and the Central Regional Service Board came to an interim agreement for the transfer of waste to the Norris Arm waste management site. An independent firm will conduct a financial analysis that will be used to determine a reasonable disposal fee, and assist both regions in reaching a long-term agreement on waste transportation and disposal.
- Two contracts were awarded earlier this year for studies to assess potential waste management technologies, and conduct a financial and operational analysis of planned waste management systems. These studies are expected to be completed in 2018-19
- Regional Service Boards are independent entities that are responsible for providing waste management and other prescribed regional services. Through the Regional Service Boards Act, 2012, the boards have the authority to make operational policy decisions, which includes setting fees to offset the expenses of delivering these services, and establishing service delivery policies to properties within the region, including seasonal properties.

Anticipated Questions:
- What has the province done to improve waste management practices in the province?
- What are you doing to address concerns of cabin owners who feel fees are unfair?
- Will you force Regional Service Boards to reduce fees for cabin owners?

Key Messages:
- We support modern waste management practices in Newfoundland and Labrador. We remain committed to the Provincial Waste Management Strategy and recognize the importance of the Regional Service Boards, communities, and individuals, in its implementation. Through the strategy, residents and communities benefit from added environmental protection, as well as healthier, safer waste management practices and services.

- We appreciate the work of the boards to ensure that implementation of the strategy moves forward. We are pleased that the Western and Central Regional Service Boards have committed to an interim agreement on waste management for their regions, and we now look forward to working with them to reach a long-term agreement on disposal fees.

- We have heard the public's concerns in recent months regarding waste collection fees and practices in unincorporated areas. While we recognize the independence of the Eastern Regional Service Board, we have committed to review each of the Cabin Owners Against Trash Taxes (COATT) concerns and to work with the board and COATT to explore potential solutions.
Secondary Messages (WRSB and CRSB)
- The Department of Municipal Affairs and Environment has engaged an independent firm to determine a reasonable disposal fee that will assist in reaching a long-term agreement.

- While the five established Regional Services Boards operate independently of government, it is critical that they work collaboratively with each other and with the Provincial Government to implement the Provincial Waste Management Strategy.

- Our department looks forward to continuing to work closely with both boards to help foster a long-term agreement for the final disposal of the waste in an environmentally sustainable manner.

Secondary Messages (COATT):
- We have clarified that the way in which services are provided and fees are charged are operational responsibilities of the Regional Service Boards.

- The Department of Municipal Affairs and Environment has been reviewing all the concerns that have been raised by cabin owners in Eastern region regarding Eastern Regional Service Board’s waste management fees and services. The outcome of that review will be shared with stakeholders in the near future.

- We have ensured residents, municipalities, and businesses have a method available to address their concerns with Regional Service Boards. They can contact the Citizen’s Representative to file a complaint on matters such as these.

Prepared by: MAE Communications
Approved by: MAE Executive