

Highway 104 At Antigonish

Community Liaison Committee

Charter

Approved March, 2008

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1. Purpose of the Community Liaison Committee Charter

This document outlines the background and purpose of the Community Liaison Committee (CLC) for the construction and operation phase of Highway 104 at Antigonish (from Addington Forks Road, west of the Town of Antigonish, to Taylor Road, east of the community of South River, Nova Scotia). Once approved by the CLC and the Project Team, it will form the operational basis for the CLC for the construction and operation phase of the project. It can be amended as needed from time to time.

2. Background to the Community Liaison Committee

The Nova Scotia Department of Transportation and Infrastructure Renewal (TIR) has carried out an environmental assessment as per the requirements of the Canadian Environmental Assessment Act and the Environmental Assessment Regulations under the Nova Scotia Environment Act. As a condition of approval by the Nova Scotia Department of Environment and Labour, TIR (the Proponent) is required to:

“...form a Community Liaison Committee (CLC) in consultation with the NSEL and with municipal and community representatives. The NSEL Guidelines for the Formation of a Community Liaison Committee shall be used for the guidance of the Proponent and the community. The CLC shall be created to focus specifically on subject matter relating to the construction and operational phases of the new highway project, and shall be linked with any broader strategic planning processes relating to community growth and development to the extent deemed necessary and appropriate.... The Proponent shall provide to NSEL, prior to initiation of any site work, a dispute resolution policy to include an appropriate level of Proponent involvement with the CLC in achieving resolution of disputes relating to the Undertaking. The Proponent shall provide the results of the dust monitoring program to the public through the CLC. “

This draft Charter has been prepared to guide the activities of the CLC.

3. Mandate

The CLC is:

- an advisory body to TIR and provides input on matters regarding the Highway 104 at Antigonish detailed design, construction and operations and/or approvals/permits that have or are perceived to have environmental impacts;
- a forum for ongoing dialogue between TIR and the community representatives on the Committee for consideration of any issues of public concern;
- a forum for TIR to communicate information, consult with and obtain advice on local issues related to the construction and operation of the highway;
- a conduit for residents to bring issues of public concern to TIR;

- a forum for discussion of the following specific community interests identified in the NSEL approval and any others identified by the Committee and related to anticipated impacts associated with the construction and operation of the highway:
 - a dispute resolution policy;
 - dust and associated monitoring reports;
 - noise and associated monitoring reports;
 - well interference contingency planning including well monitoring, complaint processing, dispute resolution, corrective action and source water protection planning for specific wellfields;
 - potential changes to highway design that could result in impacts to adjacent property;
 - archaeological construction monitoring reports specific to heritage buildings and sites and associated contingency plans;
 - Aboriginal use of lands, water and resources in the study area that may be affected by the undertaking;
 - strategic planning processes relating to community growth and development to the extent deemed necessary and appropriate and in relation to the construction and operation of this Highway.

The horizontal alignment of the Highway is outside of the scope of the CLC's mandate.

Frequency of meetings:

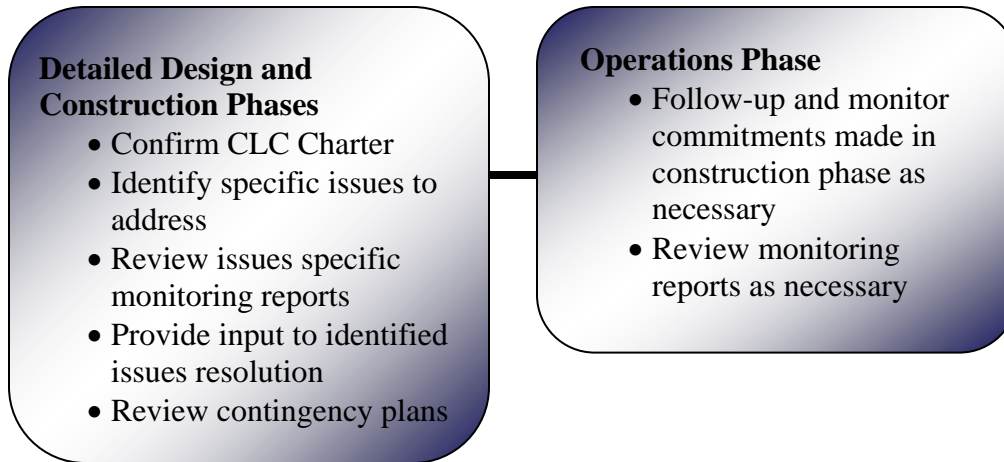
The CLC will meet regularly throughout the detailed design and construction phases of the study and, at the end of the construction phase, will determine the frequency of meeting during the operation of the Highway in consultation with TIR.

The main responsibilities of the CLC are to:

- review and agree to this Project Charter;
- act as a working group where the CLC and the Project Team can test ideas and findings;
- provide advice, critiques and suggestions for problem solving;
- provide a sense of the broader community reactions and concerns and how these might be addressed;
- provide a direct, face-to-face channel of communications between and among CLC members, residents, various community interest groups, property owners and the Project Team;
- identify and discuss potential issues, challenges and opportunities in a timely fashion, and assist in developing mechanisms to identify satisfactory outcomes;
- ensure that the results of the CLC meetings are made publicly available in those areas impacted and for interested parties;
- review the mandate and membership of the CLC on an annual basis; and,
- establish a schedule of meetings.

4. Work Plan

The following is an overview of the work to be completed by the CLC in each phase of the Highway:



Additional meetings can be scheduled at the request of the CLC.

5. Membership

The membership of the CLC is based on the following principles:

- ❑ members are reflective of the geographic study area;
- ❑ members reflect the various interests and demographics within the study area;
- ❑ members reflect those who have been identified in the Environmental Impact Assessment and the decision of the Review Panel as being impacted or potentially impacted;
- ❑ if there are specific groups impacted by the project who do not reside within the immediate area, TIR in consultation with the CLC may decide to select additional members; and,
- ❑ additional members can be added as key interests are identified throughout the study;
- ❑ if there are members representing a specific sector who are unable to continue their involvement, the CLC and TIR will select as soon as possible a new member who can represent that sector.

Recruitment of the CLC will be conducted in a transparent fashion.

6. Term of Membership

Membership in the CLC is for the duration of the Detailed Design and Construction Phase. Prior to the completion of construction, the CLC and TIR shall decide on the term for the committee during the Operations Phase.

7. Meetings and Attendance

It is important that members try to attend all meetings to ensure consistency in the discussions. Members should advise the Independent Facilitator's Office if they anticipate experiencing difficulty in attending meetings.

8. Meeting Times

Meeting times will be defined by CLC.

9. Decision Making, Roles and Responsibilities

It is understood that the CLC is an advisory body, and is not responsible for making decisions regarding the highway. Decision-making is the responsibility of TIR as the proponent of the project.

Decision-making

Participants in the CLC will have the opportunity for full and open discussions on specific issues of interest with regard to detailed design, construction and operation of the highway. Where differences of opinion occur within the CLC regarding the operation of the committee or its recommendations, participants will make all reasonable efforts to achieve consensus. Where this is not possible, differences of opinion will be documented with a rationale and provided to TIR. The CLC may determine to use simple majority voting as a method of moving forward or closing an issue.

Once a decision is made on an issue, it will not be subject to being reopened for further discussion and reconsideration, unless there is a substantial change in the situation surrounding the issue.

Any new member joining the CLC adopts all previous decisions made by the CLC and does not have a right to open up previous decisions for discussion and reconsideration unless there is a substantial change in the situation, as stated above.

Disclosure and Transparency

Members of the CLC must bring to the attention of the committee any personal or business interest they may have with respect to issues being discussed. A member will disclose if he or she or the member's family, business or employer has an opportunity to personally gain from a decision on an issue. The member will disclose the interest immediately upon discussion of the

issue, and the Chair will decide whether the member should be excluded from discussion, and how to proceed, taking into account the need for sector representation in the discussions.

Roles and Responsibilities

The CLC reports its advice and recommendations to TIR through the Independent Public Facilitator. The following are the roles and responsibilities of each of these sectors.

Community Liaison Committee Members

The CLC Members will:

- ❑ agree to the charter;
- ❑ advise the CLC of community perspectives relating to this project;
- ❑ provide advice and perspectives on proposals/reports tabled by the Study Team, CLC members, or others;
- ❑ help CLC operate effectively by offering suggestions and alternatives to issues, concerns and problems;
- ❑ communicate CLC discussions back to members' stakeholder organization and community;
- ❑ attempt to anticipate potential problems and offer options for resolving them;
- ❑ prepare for meetings in advance and consult with member's organizations if possible;
- ❑ attend all meetings; and,
- ❑ declare any potential conflicts of interest.

Nova Scotia Transportation and Infrastructure Renewal (TIR)

TIR will not be formal members of the CLC, but will participate as resources to the process.

The role of TIR representatives is to:

- ❑ agree to this Charter;
- ❑ ensure that the public is aware of the formation of the Committee including the list of Committee members;
- ❑ ensure that an Independent Facilitator is appointed to the CLC;
- ❑ assist with identifying agenda items;
- ❑ keep CLC members up to date with study progress, through sound communications;
- ❑ listen carefully to the advice and perspectives of members. Where possible, incorporate advice in the project;
- ❑ help the CLC function effectively by providing information, and offering suggestions and alternatives to issues, concerns and problems being discussed;
- ❑ try to anticipate potential problems and advise the CLC;
- ❑ provide updates on project status; and,

- ❑ provide clear and straightforward information and answers where possible.

Independent Facilitator

The facilitator's role is to:

- ❑ agree to this Charter;
- ❑ provide study materials well in advance of CLC discussions;
- ❑ copying & distribution of minutes, handouts etc. or providing copies in a resource centre accessible to the Committee;
- ❑ take care of all logistics;
- ❑ invite technical specialists and government agencies to the meetings when appropriate;
- ❑ provide secretariat function, prepare agendas in consultation with CLC/TIR and manage all communications between the CLC and TIR;
- ❑ provide meeting space and refreshments;
- ❑ facilitate the CLC meetings in an open and fair manner. Keep the sessions on time and on track in accordance with the CLC work plan;
- ❑ prepare and distribute draft and final meeting summaries;
- ❑ track action items arising from meetings and provide/assemble required technical documents/specialists relating to these action items; and,
- ❑ ensure that CLC results and minutes are communicated to the broader public.

10. Meeting Management, Agendas and Reporting

To the extent possible, meetings will be a combination of presentations and working sessions. The format of meetings will be discussed with CLC members in advance of their upcoming meetings.

- ❑ The meeting schedule will be determined by the CLC subject to confirmation based on the study team's schedule.
- ❑ The Facilitator will develop agendas, and coordinate accompanying materials.
- ❑ Materials will be sent out in advance of meetings.
- ❑ Committee meeting notices, agendas and minutes will be made available to the public in a manner to be determined by the CLC.
- ❑ Committee meetings will be open to the public as observers only.
- ❑ Delegations wishing to make representation to the committee must request to do so through the Facilitator's office.
- ❑ The Facilitator will prepare draft and final reports from CLC meetings.
- ❑ Meeting locations will be determined by the CLC and will take place within the geographic area.

11. Advisors and Experts

The CLC may request additional advisors and experts to attend at various points during the study. Consideration will be given to these requests, and subject to TIR budget considerations and relevance to the construction and operation phases. Additionally, approval agencies and the municipalities represented in the Study Area may be requested to attend one or more meetings to discuss aspects of their approvals.

12. Liability

The Community Liaison Committee provides a link between the people who live, work and play in the Antigonish area, and the project staff who are designing and constructing the highway. The CLC is not a decision-making body, but instead will represent the interests of the community to the project team. The Community Liaison Committee members will therefore not have any liability in any manner for anything to do with the design and construction of the highway.