

Highway 101 Twinning Three Mile Plains to Falmouth

Community Liaison Committee -
DRAFT Charter

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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 design, construction and operations phases of the Highway 101 Twinning - Three Mile Plains to Falmouth project (The Project).

Once approved by the CLC, this charter will form the operational basis for the CLC. It can be amended as needed from time to time.

2. Background to the Community Liaison Committee

The formation of a CLC is one of several methods of public consultation that may be used during project development. The Nova Scotia Government recognizes the environmental sensitivity of the area as well as public concerns expressed over the past two decades, and has elected to initiate a CLC proactively in advance of the submission of a formal environmental assessment (EA) report. Normally, the formation of a CLC is a condition of approval for the project by the Minister of NS Environment (NSE), with implementation during the more-detailed planning stages, through construction, and into the first year of the operations phase.

Nova Scotia Transportation and Infrastructure Renewal (NSTIR) and Nova Scotia Agriculture (NSA) acting as project leads (the Project Team) have selected an independent firm to facilitate the early formation of a CLC that brings together stakeholders to better plan and renew Highway 101 between Three Mile Plains and Falmouth, and the Avon River Aboiteau.

3. Mandate

The CLC is:

- an advisory body to the Project Team and provides input on matters regarding The Project on detailed design, construction and operations and/or approvals/permits that have or are perceived to have environmental impacts;
- a forum for ongoing dialogue between community representatives on the Committee for consideration of any issues of public concern;
- a forum for the Project Team to disseminate information, consult with community members and obtain advice on local issues related to the highway and aboiteau (see also www.hwy101windsor.ca);
- a conduit for residents to bring issues of public concern to the Project Team; and,
- a forum for discussion of community interests associated with the project, such as:
 - a dispute resolution policy;
 - dust and associated monitoring reports;
 - well interference contingency planning including well monitoring, complaint processing, corrective action and source water protection planning for specific well-fields;
 - 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; and
- Aboriginal use of lands, water and resources in the study area that may be affected by the undertaking.

The horizontal and vertical alignment of the Highway, the results of the EA, and construction-related concerns (e.g., phasing, traffic control and other project management issues carried out by construction contractors) are outside of the scope of the CLC's mandate. Also, operation of the Avon River aboiteau is outside of the CLC mandate as control resides with Nova Scotia Agriculture and the Marsh Bodies formed under the authority of the *Agricultural Marshland Conservation Act*.

4. Frequency of Meetings

The CLC will meet regularly throughout the planning, design and construction phases of the study, and, at the end of the construction phase, will define continuing *ad hoc* meetings as required during the first year of the operations phase in consultation with the Project Team.

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 every second year; and,
- establish a schedule and agenda for meetings.

Environmental and other public concerns that arise during routine operations of NS highways typically require multi-department conversations or are resolved by regulatory compliance. Aboiteau operations and management following aboiteau completion will not be discussed during CLC meetings but rather as part of the agenda for local Marsh Bodies overseen by Nova Scotia Agriculture.

5. Membership

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

- members are reflective of the local study area;
- members reflect the various interests and demographics within the local study area;
- members reflect those identified in the Environmental Assessment and the decision of the NSE Minister as being impacted or potentially impacted;
- if there are specific groups impacted by the Project who do not reside within the immediate area, the Project Team in consultation with the CLC may decide to select additional CLC members;
- additional members can be added as key interests are identified throughout the study; and,
- if there are members representing a specific sector who are unable to continue their involvement, the CLC and the Project Team 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, construction and operations phases of the Project. Prior to the completion of construction, the CLC and the Project Team shall decide on the term for members 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 if they anticipate difficulty in attending meetings.

8. Meeting Times

Meeting times will be agreed upon by CLC members.

9. Decision-making and Dispute Resolution

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

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 the Project Team. A dispute resolution process will be agreed to by the CLC to resolve any continuing disputes between members of the CLC.

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 must adopt 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.

10. 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 employees 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 Facilitator 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.

11. Roles and Responsibilities

The CLC reports its advice and recommendations to the Project Team through the Independent Facilitator. The following are the roles and responsibilities of CLC members, Project Team, and the Independent Facilitator.

11.1 Community Liaison Committee Members

The CLC Members will endeavor to attend all meetings, and:

- agree to the charter;
- advise the CLC of community perspectives relating to this project;
- provide advice and perspectives on proposals/reports tabled by the Project Team, CLC members, or others;
- help the 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;
- be respectful to fellow members and not engage in threatening, intimidating or disorderly behaviour, and refrain from any form of conduct that may cause any reasonable person unwarranted offence or embarrassment; and
- declare any potential conflicts of interest during their membership term.

11.2 Project Team (NSTIR and NSA)

The Project Team will not be formal members of the CLC, but will participate as resources to the process. Other provincial government department representatives may also participate, and their role will be similar. The role of Project Team representatives is to:

- agree to this Charter;
- ensure that the public is aware of the formation of the CLC 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 and, where possible and prudent, 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.

11.3 Independent Facilitator

The independent facilitator's (The Facilitator) role is to:

- agree to this Charter;
- adopt the role and responsibilities of CLC Chair;
- provide study materials well in advance of CLC discussions;
- prepare, copy and distribute minutes, handouts, etc., and upload copies to the Project website (accessible to the public and CLC members; www.hwy101windsor.ca);
- take care of all meeting logistics;
- invite technical specialists and government agencies to the meetings when appropriate;

- provide secretariat function, prepare agendas in consultation with CLC/Project Team and manage all communications between the CLC and the Project Team;
- 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.

12. Meeting Management, Agendas and Reporting

CLC members will define the basic elements of meeting management, agenda and reporting:

- Meeting locations will be determined by the CLC and will take place within the local area;
- 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 meeting;
- 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 normally be open to the public as observers only;
- The Facilitator will prepare draft and final minutes/reports from all CLC meetings; and
- Delegations wishing to make representation to the CLC must request to do so through the Facilitator who in turn will brief the Project Team. As required, the Facilitator will add an agenda item for the next CLC meeting, and formally invite the delegate.

13. Advisors and Experts

The CLC may request additional advisors and experts to attend at various points during the Project. Consideration will be given to these requests, and subject to Government budget considerations and relevance to project phases. Additionally, approval agencies may be requested to attend one or more meetings to discuss aspects of their approvals.

14. Liability

The CLC provides a link between the people who live, work and play in the local community, and the Project Team. The CLC is not a decision-making body, but instead will represent the interests of the community to the Project Team. The CLC members will therefore not have any liability in any manner for anything to do with the design, construction and operations of the highway and aboiteau.