

**Josephine Monk Lowry**

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**Sent:** October 31, 2006 6:54 PM  
**Attach:** 8.2 Public Consultation Response to the Whites Point Quarry and Marine Terminal project.doc  
**Subject:** answer to 8. 2

Hi:

Here it is with the exception of the survey info which I am desperately still trying to get. This will need to be carefully reviewed by Paul and yourself as it makes promises on behalf the Company. I also used my best judgment regarding the role and procedures of the Community Liaison Committee. You may already have something written on that which could replace this. I also don't know who else from the community should serve as an independent body to appoint the members of the CLC; I leave that to you and Paul because you both have a better feel for that.

I have written piece on conflict resolution that needs to be carefully reviewed as Bilcon may have other procedures in place. The panel also asked several times how has Bilcon incorporated public consultation into their project planning. This is perhaps the most critical piece of any Public Consultation and Disclosure Plan and is the one area that sometimes fails a project. The whole purpose of public consultation is to get public input into the project so that the project is improved and reflects the concerns of the public, not just acknowledges them in the EIS. So it is critical to show some examples of how Bilcon has used public input to modify or mitigate the project.

I'm in meetings most of the day tomorrow and then flying to Winnipeg in the evening but back in the office on Friday if you need me.

Cheers  
Susan

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## **Response to the Whites Point Quarry and Marine Terminal Project Joint Panel Review – EIS Information Request – July 28, 2006-10-13**

### **Public Involvement – General Comment**

As per the panel's request, Bilcon agrees that public participation involves more than public disclosure of information and surveying respondents. As a point of reference, the following are the definitions of public consultation and public disclosure which the Company uses and will continue to use to engage and inform the public:

**Public Consultation** – A process of engaging affected people and other interested Parties (stakeholders) in open dialogue through which a range of views and concerns can be expressed in order to inform decision-making and help build consensus. To be meaningful, consultation should begin early on in the environmental assessment process by identifying project stakeholders.

Public consultation seeks to integrate the views of all interested individuals or groups into the decision-making process, to prevent or minimize adverse impacts and, where adverse impacts are unavoidable, to manage them in a manner that responds to people's conditions, needs and wishes. Discussions between the public and those responsible for the planning, development and operations of this project must be established to gain a better, more informed understanding of each other's concerns and needs. No one way exists to undertake public consultation. It can and should take a variety of forms to suit the informational and communication needs of any particular situation.

**Public Disclosure** - The process of making information available to affected people and other interested parties/stakeholders regarding all aspects of a project including the project description, planning process, environmental and socio-economic issues of projects. Disclosure of information should be done in a timely manner, in publicly accessible locations and in a language and format readily understood by affected groups.

In addition, the Public Consultation and Disclosure Plan (PCDP) provided in Section 8.2 of the EIS is based on the International Finance Corporation (IFC) standards and the Equator Principles and is similar to PCDPs that are used on many of the large internationally financed mining projects (e.g. Marlin Mining Project <http://ifcln001.worldbank.org>) and Newmont Mining <http://www.newmont.com>).

Bilcon also agrees that VECs should be identified through "meaningful opportunities for the public to participate in the assessment process." To that end, the VSECs were identified on the basis of:

- Issues scoping
- the number of concerns and amount times they were voiced by the public
- the panel's guidelines
- knowledge of the proponent

The public also had many opportunities for informal and formal input into the project and the identification of the VSECs, as documented in the EIS, through the following means:

- issues scoping meetings
- public meetings

- individual meetings and interviews
- an open door policy at the field office
- open houses
- Quality of life survey
- Attitude survey
- Exit survey
- individual component studies
- e-mail
- telephone
- fax
- letters

All issues raised through the above means were then documented and addressed in the EIS.

Mitigation measures have been suggested by the public and have been incorporated into the design, construction and operations of the project, where appropriate (examples ?). Further monitoring and evaluation of consultation will also occur through the Community Liaison Committee [CLC] (see below).

Bilcon also agrees that the CLC should be reinvigorated and provided with a significant role in public consultation monitoring. The role of the CLC and conflict resolution measures are discussed in detail in answering questions on Section 8.2 - Public Consultation.

## **8.2. PUBLIC CONSULTATION**

### **8.2.2 Communications Plan**

The Communications Plan referred to on page 10 of Section 8.2 of the EIS refers to “a regularly updated communications plan to address and integrate feedback.” The PCDP provided in Section 8.2 is that Communications Plan. However, the PCDP is an iterative process and, as with most projects and activities, will need to be updated as the project proceeds in order to adjust to changing situations.

The approach, methodology and process described on pages 6-10 of Section 8.2 of the EIS as well as the communications tools and methods described on pages 15 and 16 of the same section are appropriate to and will continue throughout the construction and operations phases (i.e. Please note the references to the construction and operations phases on pages 11 and 14 of the same section). However, once the project starts the PCDP will be updated on an annual basis to reflect all recent PCD activities, changing issues and how they were addressed.

The Joint Review Panel has asked for further information on other aspects of the PCDP including the Community Liaison Committee and a more effective role for it; the project mitigation and monitoring process as it related to public participation and appropriate conflict resolution measures. These are outlined below.

### **Community Liaison Committee**

Bilcon sees the CLC committee as helping to achieve the following two very important objectives:

- input into the monitoring and evaluation of consultation activities; and
- bringing project related issues to the attention of the proponent and providing input on how to best achieve resolution of these issues.

### ***CLC Membership***

Representatives of the community will include but not be limited to the following groups and should consist of no less than ten and no more than 16 members with an equal representation of men and women:

- local government
- education
- business
- environment
- social and community welfare
- safety and protection
- fishing industry
- tourism industry
- immediate neighborhood
- youth
- senior citizen

Individuals will be appointed for a three year term and will be appointed by an independent body consisting of three representatives: one from Bilcon, one from ? and ?

### ***Frequency of Meetings***

Meetings will be held at a minimum of once a month upon project approval and no less than four times a year once operational; one of these meetings must be held with local residents on an annual basis. These meetings will be known as Community Forums. If, upon project start-up, more meetings are necessary, they will be held. However, their purpose will be to mutually resolve ongoing issues.

### ***Outcomes***

Monitoring of PCD activities will focus on consultation events and, in particular, methods and tools used for consultation and disclosure throughout the life cycle of the Project.

Monitoring will be directed at the following consultation aspects:

- Consultation processes;
- Management of expectations, particularly as they relate to access to employment and other potential opportunities;
- Anticipation and management of potential issues before they become conflicts, particularly input into how they might be addressed and communicated back to the community;
- Any comment received on consultation methods, positive and negative.

Disclosures and information dissemination include the following:

- Disclosure methods and materials;
- Types of disclosures and frequency of information disclosures;
- Location of disclosures (posterboards, information centre, website etc)
- Any comments received on disclosure materials, positive or negative.

An annual PCDP monitoring report will be developed by the proponent and posted on the Project's website.

### **Conflict Resolution**

In this case, conflict resolution refers to the implementation of an effective grievance procedure that is necessary when a conflict cannot otherwise be resolved.

Bilcon will work pro-actively towards the prevention of conflicts through the implementation of impact mitigation measures and community liaison activities as described in the EIS and previously in this Information Request that enable it to anticipate and address potential issues before they become conflicts and result in grievances. Nevertheless, should grievances emerge, Bilcon is committed to addressing these in a timely and effective manner in accordance with good management practices and the Company's internal grievance procedure.

Bilcon has a public grievance procedure that advises those with a grievance on how they can lodge a grievance related to the proposed project. Anyone can raise a grievance with the Company if they believe the Company's business practices or development is improper or illegal. Examples of improper or illegal behaviour may include:

- Provable negative impacts on an individual (e.g. financial loss, physical harm)
- Dangers to Health & Safety
- Failure to comply with standards or legal obligations
- Harassment of any nature
- Criminal activity
- Improper conduct or unethical behaviour
- Financial malpractice or impropriety or fraud
- Attempts to conceal any of the above.

Bilcon will review all grievances. Sometimes a grievance is not connected to a project activity or an activity is within an applicable provincial or federal standard (e.g. noise standard). In these cases, this will be explained to individuals filing the grievance. In all other cases, the Company will investigate whether it has failed to work to its intended standard and if so, measures will be identified to protect the incident from occurring again.

### ***Reporting a Grievance***

Several methods will be available to report a grievance including:

- Send a Grievance form to the Company which will be available from the LCC;

- Contact the Company office; and
- Send an email to a purpose e-mail address that will be available.

### ***Grievance Procedure***

If the grievance cannot be immediately resolved, a number of steps will be followed that are outlined below:

- Once the grievance form is received or notification of a problem is received, someone will be assigned to that grievance;
- Acknowledgement of the grievance will occur within 10 working days of having received it;
- The acknowledgement will specify a contact person, their reference indicators and an anticipated target date for resolution;
- The Company will work to understand the cause of the grievance which may result in contacting the individual filing the grievance during the time period;
- Once the grievance is investigated, the result of the investigation and the Company's proposed course of action, if required, will be communicated to the person;
- If the individual filing the grievance considers the matter to be satisfactorily resolved, a "Statement of Satisfaction" will be signed by the individual;
- If the grievance remains unresolved, it will be reassessed and the Company will have further discussion as to what future steps can be taken;
- The Company will also contact the individual at a later stage to ensure that Company activities continue to pose no further problems regarding this grievance;
- All grievances will be monitored by the project management team who will be responsible for ensuring that a plan is developed and internally approved as soon as reasonably practicable for any unresolved grievances. The objective will be to bring unresolved grievances to a swift and fair resolution.

### ***Confidentially and Anonymity***

An individual may wish to provide a concern in confidence under this procedure. If that is the case, the Company will not disclose the individual's identity without consent. Details of submissions and allegations will remain secure within the team responsible for investigating the concern. However, a situation may arise where it will not be possible to resolve the matter without revealing the identify of the individual (e.g. if it is necessary to give evidence in court). The investigative team will discuss with the individual whether and how best to proceed.

An individual may also choose to raise a concern anonymously. However, this may make it more difficult to look into the matter or provide feedback. Accordingly the Company will consider anonymous reports, but they are not encouraged. If a concern is raised anonymously, sufficient facts and data will need to be supplied to enable the investigative team to look into the matter in detail.

### **Public Consultation Initiatives that have influenced the Plan**

It is unclear whether “the plan” refers to the PCDP or the project Plan. Therefore, examples of both are provided.

Some of the ways in which public consultation has influenced the actual PCDP are listed below:

- Despite using many standard public consultation methods to engage the public (e.g. store front office, advisory committees, news letters, public meetings) Bilcon realized that it was not receiving a sufficient range of viewpoints regarding the project and that some individuals felt intimidated if they voiced their opinions publicly regardless if they were for, neutral or against the project. Thus, the Company initiated a confidential Attitude Survey in order to obtain a representative sample of input from individuals living within the employment catchment area.
- Bilcon also realized that it needed a systematic way in which to record all viewpoints and to ensure that all issues were addressed in the EIS. Accordingly, it initiated an issues management system (see below)
- Bilcon also realized that while it had held numerous meetings and open houses, it needed a way of recording issues and concerns regarding the project and, as result, initiated the exit survey system.

Public consultation has also influenced the project in the following ways

**Insert how the project’s plan has changed)**

**8.2.3** Bilcon acknowledges that Appendix 34 is public notification of the open houses and that Appendix 6 is the stakeholders’ consultation list.

**8.2.4 Attitude Survey by Geographical Location  
(To come)**

**8.2.6 Full details (past and future) of the Issues Management System,  
Community Forums and Stewardship process for Community Grants:**

Issues Management System

- The issues management system is described on page 14 of Section 8.2. A company internal system, it will be used in the future, as it was in the past, to log issues.

Community Forums

- These are previously described in the Section on the CLC.

Stewardship Process for Community Grants

- **To be described by Bilcon**

