

June 18th, 2007

Stan Holiday
Senior Planner – Legislative Approvals
City of Hamilton
71 Main Street West
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HAMILTON, Ontario
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Re: St Marys Haul Route Public Information Centre: June 21st, 2007
Comments regarding compliance with CART Terms of Reference, part of
proposed aggregate development application OPA-04-17 and ZAC-04-89

Dear Stan,

Please find below the perspective of our communities on the June 21st, 2007 Public Information Centre (PIC) recently announced by St Marys Cement. This event is a requirement under the "Mountsberg Quarry Haul Route Evaluation Terms of Reference" issued by the City of Hamilton in April 2006. Those Terms of Reference were developed in conjunction with representatives from the surrounding municipalities and the relevant provincial ministries and agencies.

Upon reviewing the Terms of Reference and observing what has transpired, the overwhelming conclusion is that the event falls short of the requirements presented in the Terms of Reference.

The Terms of Reference section **11.0 Public and Agency Consultation** speaks to the minimum requirements. For example it states that:

- *Initial public notice in local newspapers announcing the initiation of the study and where more information can be obtained;*
- *Residents, business owners and property owners within 100 m of the alternative haul routes are to receive the notice directly through mail out/drop-off.*
- *Public notifications in local newspapers announcing the PICs / workshops two weeks and one week in advance of the events. Stakeholders along the alternative haul routes are also to receive a drop-off notice of the events in advance.*
- *Four public consultation events (with presentations) are to be held:*
 - *#1 - to introduce the project, to identify how the public would like to be involved and to identify initial public concerns and issues;*
 - *#2 - to present the draft alternative routes and the evaluation approach*
 - *#3 - a public workshop that allows the opportunity to provide input on the evaluation criteria, the relative importance of the criteria and the evaluation approach;*
 - *#4 - to present the draft results of the comparative evaluation / effects assessment;*

An examination of what has transpired thus far shows how far short the activities are falling from these minimum expectations:

- the announcement of the June 21st PIC only ran in the primary local newspaper, the Flamborough Review on Friday June 15th. That's only 6 days before the event, not the minimum of two weeks called for in the Terms of Reference.
- There were advertisements in the Milton Champion on both June 8th and 15th, but while this publication does cover a significant part of the community stakeholders it does not cover the majority of them. Also, even the June 8th date is not a full two weeks before the event.
- We currently have no information about any advertisements run in the Hamilton Spectator, Burlington Post, nor the Halton Compass. All of these publications cover a specific group of community stakeholders.
- Enough advance notice is required for the public to be able to plan to attend – especially when you have professional and business oriented communities such as Carlisle and Campbellville, among others. June is a busy time of year for everyone. Those in the agricultural community are committed to long hours. Many are already baling hay and harvesting early spring crops. It is the height of the local sports seasons. There are many school end events. And, we are all working to meet deadlines before summer arrives.
- The Terms of Reference also speak to “stakeholders along alternative haul routes receiving mail out/drop off notices of the public meeting events”; this has not happened.
- In addition, the advertisements, a copy of which is attached here, do not show relevant information to allow members of the public to make an informed decision on whether to attend the event:
 - o the map provided does not show the location of the proposed quarry,
 - o nor does the map show the haul route study area.
- Without these key pieces of information members of the public are unable to make an informed decision about whether the advertised event is relevant to them.
- The advertisement does not carry relevant background information on the proposed development nor links to obtain that information. The advertisement does not:
 - o disclose the proposed development's days and hours of operation
 - o disclose the volume or type of traffic being considered.
- Once again, without these key pieces of information a member of the public cannot properly assess if this event is relevant to them or not.
- The Terms of Reference call for an “Initial Public Notice announcing the Initiation of the Study and identifying where more information can be obtained”. This key step in the process has been missed altogether leaving the public without any context with which to connect this advertised event. Without information on the event itself, the content to be covered, and updated background information, the public cannot judge relevance nor adequately prepare for participation at the session.
- This Initial Public Notice announcing the Study was to be advertise in local newspapers and delivered \ mailed to stakeholders within 100m of the alternative haul routes. None of this was done.
- The location of this event is almost 20km away from the site of the proposed development and at the extreme boundary of the haul route study area. There are many locations much closer to the proposed development and more central to the study area which could have been chosen to hold this event. While the Terms of Reference does not specify where the events should be held if the purpose of the events is to effectively engage the public, a location that facilitates the majority of the affected public access to the event would be more appropriate. It is with some irony, we note that St Marys Cement, listed in the National Pollutant Release Inventory, as the cement company in Canada producing the greatest Greenhouse Gas Emissions (GHG), and yet calling for a close to market location for its proposed quarry development to reduce these same emissions, is de facto forcing the public to drive extended distances to participate in this meeting.
- The Terms of Reference also specifies that the public consultation events should include presentations. It is our understanding from enquiries made to the proponent that no such presentation will be made at the June 21st event. It will consist of display boards and access

to proponent representatives in order to ask questions. This is yet another example of the proponent failing to respect the elements of the Terms of Reference.

The work done by the CART group in preparing the Terms of Reference for the Study should be respected. We have already witnessed how the proponent allowed destructive testing to be undertaken on public roadways without the proper permits despite the fact that they were informed that permits were required. Now we have the example of this Public Information Centre where the proponent is not following the requirements, requirements set as the minimum requirements, in order to effectively consult with the public.

As an example of what would constitute established best practices for public consultation we have attached a summary document prepared through consultation with industry contacts. Many of the themes reflected in the CART Terms of Reference are echoed in this document. We strongly recommend that the City uphold the requirements for public consultation as specified in the Terms of Reference and not allow the proponent to move forward in the process without meeting those requirements. The underlying issue these public consultations are supposed to support is simply too critical not to have a full and effective public consultation process.

As representatives for the community we find ourselves faced with a challenging decision. Given the proponent's failure to follow the minimum guidelines associated with public consultation we feel that the effectiveness of this event will be negatively impacted. To refuse to participate in the event, however, would make the situation even worse. Therefore, we will post the event on our website and in communications to the community and we will send representatives of our team to the event. We do, however, reserve the right to revisit the implications of the proponent's failure to comply with the Terms of Reference at a future time.

On a more personal level, simply put, we are all busy people and in some ways, no time is a good time for public meetings. We do, however, hope for and expect open communications from a multi-national corporation proposing to engage its prospective neighbours. It would only have taken a few phone calls to City and community representatives to select a better site for this session, to provide longer notice, sufficient upfront information and a presentation format, and to determine if the timing was opportune or problematic. As some examples, Thursday nights are a primary sports night for the Flamborough, Campbellville and Milton area's youth soccer and baseball leagues and the specific night selected is the graduation ceremony for students, and their families, at Balaclava Public School.

We have provided this material electronically in pdf form and ask that it be provided to the CART members to be considered as an input as part of the application review process for the proposed St Marys Cement CBM application OPA-04-17 and ZAC-04-89.

Respectfully submitted,

A handwritten signature in black ink that reads "G. Flint". The signature is written in a cursive style with a long horizontal flourish underneath the name.

Graham Flint BAsC, P. Eng
Chair & Spokesperson

copy via Email to: sholiday@hamilton.ca

Recommendations for Public Engagement in a Transportation/Haul Route Process

To be successful, citizen engagement should be a quality activity, rewarding to all participants, and it should produce meaningful results. A proponent should genuinely respond to community needs, priorities and concerns in both the design and logistics of the consultation process and the substance of the consultation subject. The design of the process, its logistics, and its subject content should address accessibility barriers. The outcome does not necessarily mean that the proponent and other stakeholders will reach consensus or agreement but rather that a legitimate attempt will be made to surface issues, listen and respond with creative solutions. A quality process also involves appropriate allocation of resources – financial and trained personnel. Personnel with expertise in public consultation should be preparing the consultation materials and facilitating the consultation.

• **Stakeholders**

- ***All stakeholders with a legitimate interest in the transportation/haul route issue should be identified and contacted.*** At a minimum, this should include residents, agricultural operations, businesses, property owners, public facilities (i.e. schools and day care facilities), et al. located along the alternative haul routes; it should include regular “users” of the routes beyond those listed above, i.e. other transportation modalities such as CN/CP, emergency services (fire/EMS/police), bus carriers such as Attridge, school bus drivers, cyclists/organizations, et al. Individual stewards and non-governmental organizations, like the Hamilton Naturalists, who are involved in land and species stewardship along the proposed haul routes should be involved. Similarly, public health and academic expertise related to transportation/air quality and health issues should be tapped.

• **Notice**

- ***Stakeholders should be directly and indirectly informed of the meetings.*** The original Terms of Reference issued by the City of Hamilton and CART spoke to newspaper advertisements and mail or drop-off notices for residents, businesses, and property owners located within 100 m of a proposed or alternate haul route. Consultation best practices involve use of both *Canada Post Ad Mail* as well as the use of *all local community newspapers*.
- ***Genuine advance notice should be provided.*** The original Terms of Reference spoke to notice reaching the stakeholders noted at least two weeks in advance of the public information centre. Consultation best practices use two week notice as a de minimus and ensure that the notice is *received* at or before two weeks, not *issued* during the two week notice period. Up to four weeks notice is common practice. Longer notice is definitely provided when the PIC or other consultation forum is timed in proximity to seasonal challenges (i.e. immediately prior to or during the summer) and/or other holidays.
- ***The notice should contain meaningful information.*** The notice itself and related information/links should provide *sufficient information* to allow stakeholders to determine the *relevance* of the issue and the session to themselves individually and/or collectively. At a minimum, it should :

- show the haul route study area and proposed alternative haul routes;
- identify where the proposed quarry site is
- clearly state the purpose of the meeting and
- provide links to further information and/or resources to allow stakeholders to prepare for the session and provide meaningful constructive feedback.

- **Location**

- ***The PICs, workshops, and any other forums should be held in a location relevant to the proposed development and the affected communities.*** Consultation best practices suggest a location within a maximum **10 km radius** of the proposed development.
- The host facility should afford suitable arrangements for access, parking, presentation, and other factors.

- **Content**

- ***Stakeholders should be provided with enough information to prepare for the meeting.***
- The original Terms of Reference outlined four public consultation topics: 1. introduction of the project, discussion of how to involve the public and surfacing of initial issues and concerns; 2. presentation of alternative routes and draft evaluation approach; 3. workshop regarding details of evaluation approach; and 4. draft results.
- The scope of the transportation study and haul route evaluation should be clearly defined.
- Background assumptions should be provided. In this case, the current application with its planning report and companion documents speaks to different hours of operation, variations in hauler traffic volume, etc. There have also been changes suggested in the excavation site, extraction tonnages, etc. and there have been property (lot) inclusions outside of the original application for access.
- Stakeholders should be provided with sufficient information in order to thoughtfully prepare for the PIC and workshop sessions. Consultation best practices suggest that the provision of questions for consideration and draft materials *before the meeting* are appropriate.
- As an example, a session discussing how to involve the public might include pre-circulation of a sample list of types of stakeholders, identification of consultation approaches (on and off-line) with pros and cons, and identification and justification of the proposed consultation mechanisms (if pre-selected).

- **Format**

- ***Active and interactive participant involvement should be provided.*** There should be opportunities for stakeholders to access and interact with the proponent's traffic consultants to review background, route and evaluation material. There should be a formal presentation segment. Consultation best practices also include moderated question and answer sessions.

- **Written Feedback**

- ***There should be an opportunity for stakeholders to provide written comments to the proponent.*** Consultation best practices suggest that

stakeholders should be given a minimum of four (4) weeks to submit comments after a PIC or workshop. Again, longer timeframes are provided based on seasonal/holiday proximity and on complex subject areas.