



*Creating a Framework for Better Dialogue Around Mine and Quarry Issues in Nova Scotia*  
Workshop Summary Report



*Code of conduct*

*We listen with curiosity and compassion  
We hold stories and personal material in confidentiality  
We ask for what we need and offer what we can  
We are open to potential in the room*

- Offered by Judith Richardson, the independent contractor who facilitated the event, to set the tone for a successful two days.

*“What can you, in this room, do to improve your working relationships?”*  
Paul Hawks, Stillwater Good Neighbour Agreement

**For more information:**

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## ACKNOWLEDGEMENTS

We are very grateful for support from the Sage Environmental Program and the Department of Natural Resources Minerals Branch for supporting this project.

We would also like to give special thanks to these individuals, who shared an immense amount of time and expertise in the development of the *Exploring Common Ground* event:

Rob Naylor (NS Natural Resources)  
Barbara Markovits (Eastern Shore Forest Watch Association)  
Sean Kirby (Mining Association of Nova Scotia)  
Don Horne (Chester Area Quarry Community Group)  
Steve Sanford & Peter Geddes (NS Environment)





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## INTRODUCTION

Environmentalists don't like talking about mines and quarries. That's because until we adopt cradle to cradle thinking - where finite resources like minerals are extracted in a way that ensures they will be recycled - no mine or quarry will truly be considered sustainable. With some rare exceptions we are long way from this prospect in our society today.

But that does not mean we cannot do a lot better toward achieving this goal and fix issues we have in front of us every time a conflict arises as a result of a mine or a quarry project.

I am very happy to say that thanks to excellent coordination from Karen Mackenzie, support from Sage Environmental Program and the Minerals Branch of Nova Scotia Natural Resources, and some truly extraordinary participants, we may have made a new discovery in our two days together this February.

The inspiring presence of Paul and Elli Hawks of Montana's Stillwater Good Neighbor Agreement gave us hope and also some indications of the resources we need to take this accomplishment to the next level.

What does getting to the next level entail? We will need time to build new relationships and structures to maintain them, we will need leadership to set bold goals and achieve them, we will need financial support, we will need to distinguish once and for all that the problems and solutions for mines and quarries are going to be different, we need transparency and consistency, and, finally, we will need patience !

The positive conversation begun at *Exploring Common Ground* must only be the start. I am very excited for this journey to continue.

Gretchen Fitzgerald  
Executive Director, Sierra Club Atlantic



## OVERVIEW

*Exploring Common Ground: Creating a Framework for Better Dialogue Around Mine and Quarry Issues in Nova Scotia* was a groundbreaking forum that brought together industry, community and government stakeholders to challenge the status quo and identify new pathways for positive engagement. It was held February 24 – 25, 2014, in Halifax, Nova Scotia, at the Canada Games Centre.

Over the course of the two days, more than 35 participants shared perspectives, took in diverse presentations, and engaged in a series of thought-provoking discussion exercises. The agenda itself was developed in collaboration with representatives of all three major stakeholders.

The group was particularly inspired by the words of the keynote speaker, Paul Hawks, who presented on the origins and best practices of the Stillwater Good Neighbor Agreement, a successful initiative between community groups and a mining company in Montana, USA.

*Exploring Common Ground* was spearheaded by Sierra Club Atlantic and the Ecology Action Centre, and supported in large part by the Government of Nova Scotia and Sage Environmental Program.

Its development was further supported by input from representatives of Nova Scotia Natural Resources, Nova Scotia Environment, Eastern Shore Forest Watch Association, the Mining Association of Nova Scotia, and the Chester Area Quarry Community Group.

Finally, the event would not have been possible without the time and experience of its speakers and session chairs, and the skillful work of Judith Richardson, the third-party facilitator who kept conversation moving in a positive way.



## **COMMON GROUND**

Over the course of the two days, participants explored many divergent perspectives, but ultimately agreed upon seven main points of “Common Ground.” These may be used as touchstones upon which to build constructive interactions in the future, and should also be considered when planning related initiatives in the future.

- 1) We need some mines and quarries in Nova Scotia.
- 2) We need a regulatory process that is transparent and fair for industry and communities.
- 3) Industry and communities must communicate in meaningful ways.
- 4) There will be hard conversations.
- 5) There is shared learning (both industry and communities).
- 6) Community does not understand the regulations.
- 7) People like to feel good: i.e. possible collaboration and problem solving are preferable to conflict



## **DISCUSSION HIGHLIGHTS: CONSULTATION – WHAT WORKS, WHAT DOESN'T**

As part of a facilitated discussion exercise, participants were asked to explore what works, and what doesn't, when conducting public consultation, to interesting results. As one participant stated, "I didn't appreciate that consultation wasn't working as well as it should be."

"Consult early and consult often" was the most common thread. Community members expressed frustration at feeling as though they were not informed of a project until it was already underway. ("We feel blindsided.")

The second most common theme was the need for clear lines of communication between concerned communities and the company involved in the project. These lines are needed to address and respond to concerns, share timely information, and foster a meaningful two-way consultation process. Community members stated that they wish to feel heard and respected throughout the process.

And the third most common suggestion was to retain a third party facilitator to lead the consultation process, both overall and at individual community meetings.

One important point of divergence was related to the issue of risk perception, which may be where many conflicts occur between industry and community groups. Some community members will emphasize the potential for negative impacts without knowing the likelihood of these impacts occurring and will see little direct benefits elevating their tolerance of risk. Industry, may see projects with a much lower perceived risk. However, by providing accurate and timely information and maintaining open channels of communication, this area of conflict could be managed more appropriately. At minimum, all stakeholders should agree to disclose what their perceptions of risks are, what the values, information, and experiences are that inform them. And engage in discussions aimed at reduction of the number of risks and the magnitude of risk.

Finally, there was a suggestion by a number of individuals that by educating the public on potential sites of resource and aggregate extraction ahead of time, the government can help communities be prepared when projects do arise.



### ***What we heard***

#### **In general:**

- Consult early and frequently.
- Provide accurate contact information for the company, and identify a clear channel for communication to and from the community. (A numbered company with no phone number provided is not sufficient.)
- Provide an accurate and honest description of the project and its scope and plan.
- Accurately identify and engage those most affected by the project (citizens, companies, and government bodies).
- Begin engagement at a higher level: Notify and inform the public that a project is occurring and provide good technical information, then provide time to digest the information before beginning the consultation.
- Notify the public using a variety of media.
- Tailor the consultation program to various segments of the population or community.
- Determine the community's wishes in the beginning.
- Make consultation a mandatory part of the regulatory process, and require that companies address the concerns of the public.
- Create a mandated format for meetings/processes of consultation.

#### **When meeting together:**

- Use a mix of small, face-to-face as well as town hall-style meetings.
- Have strong, unbiased, educated facilitator present to keep things running smoothly, ensure everyone is honest and accountable, and help balance the power equation.
- Have a representative from the government present to answer questions related to the regulatory processes.
- Understand that a consultation is not simply an information session, it is also a chance for the community to share its perspective.
- Attendees should determine whether a follow-up meeting is needed.

#### **Consultation Don'ts:**

- Lack of transparency and poor quality information.
- A generic, or blanket, approach to consultation which doesn't address specific groups within the community.



## **DISCUSSION HIGHLIGHTS: WHAT IS NEEDED TO ALLEVIATE FEAR?**

Working on a mutual understanding that fear can be a source of conflict, the group discussed what processes, information, and other initiatives would be useful in alleviating fear.

Although it was recognized that fear is a valid emotion, the group identified “openness,” “transparency” and “empowerment” as key tools in preventing fear from poisoning relationships between communities and companies engaged in resource or aggregate extraction.

All three naturally flow from accurate, trustworthy, and comprehensive information via effective communication channels. To this end, the need for third-party environmental assessments was expressed, as was the need for a more rigorous (and perhaps enforced) consultation framework to ensure communication and response via the regulatory framework.

All stakeholders recognized the benefit of having clear regulations to creating confidence in the industry.

It was also noted, however, that mineral exploration can be “full of surprises,” so it is important for all stakeholders to understand that even the best planning won’t account for everything.

### **What we heard:**

#### ***In general:***

- Recognize that not everyone will be satisfied, but will accept a democratic decision.
- Begin by establishing common values.
- Provide reassurance to communities that they have power to deal with their fears and concerns, and clearly outline the process step-by-step. “This is not a done deal.”
- Be open-minded regarding different values on the land.

#### ***Planning:***

- Conduct land use planning on a county and watershed basis well in advance of any project, so that power is put into community hands from the very beginning.
- Ensure land use planning information is provided by Nova Scotia Natural Resources to municipalities.



- Process is key, and its framework needs to be made “part of the culture.”

***Communication:***

- Begin communicating with stakeholders well in advance.
- Balance secrecy with the need for public information.
- Provide a “hotline” for information regarding the project, and advertise this in various media.
- When presenting information to the public, don’t be condescending. Assume that the public is intelligent.
- Provide information to the public ahead of any meeting.
- Use clear, consistent language with shared definitions.
- Give community and government a chance to discuss the project with each other following any public meetings with the company.
- Provide a way for communities to share information and knowledge with each other as part of the process, rather than repeating the learning curve each time.

***Regulatory environment:***

- Create clear, fair rules, and make them regulations instead of guidelines.
- Enforce better timelines to allow adequate consultation.
- Ensure strategic environmental assessments are conducted by a third-party assessor, paid for by the proponent but decided upon in conjunction with the community.
- Create a public registry where documents, input and responses to concerns are filed.
- Regulators should put “boots on the ground” to ensure companies are respecting regulations.



## **DISCUSSION HIGHLIGHTS: CREATING COMMON LANGUAGE**

Effective communication requires a common language, and to that end the group discussed a number of ideas for creating it.

Nova Scotia Environment does have some resources online, such as a website where environmental assessment documents and Ministerial decisions from the year 2000 onward can be found (<http://novascotia.ca/nse/ea/>). They also have publications online including a citizens guide to the environmental assessment process which was circulated prior to the meeting.

There was much interest in creating a glossary to demystify scientific and mining terms. A representative of the Mining Association of Nova Scotia shared with the group that one exists on its website. This could be expanded upon in collaboration with community and be vetted by an unbiased third party.

The creation of a one-window approach for communities was a popular theme. It was envisioned that this would be an opportunity for concerned parties to both share and receive knowledge.

Lastly, the third most popular thread was the need for government liaison personnel and technical experts to help communities navigate information related to industry and regulations. There was some discussion around who would be responsible for hiring these experts, although no consensus was reached.

### **What we heard:**

#### ***Tools:***

- Make information more accessible to communities by creating resources such as a website for environmental assessments, guidebooks and plain language documents, and education pieces such as Mining 101.
- Create an unbiased glossary of terms (perhaps as a workshop at Geology Matters). This should be tested prior to release to ensure it is adequate for its target audience.
- Use visual aids and flow charts in presentations, and provide glossaries.
- Create a common questionnaire for municipalities to use as a basis to obtain information from mining companies. (National Instrument 43-101, *Standards of Disclosure for Mineral Projects* was cited as an example).



***Opportunities:***

- Provide expert advice to community groups on how to interpret technical information.
- Because legislation is difficult to follow, create a “one-window” approach for communities, and make it available early in the process. This would also be an opportunity for concerned citizens to present their concerns and knowledge to government, community, and industry stakeholders at once.
- Government should hire a simple language facilitator to ensure information is distributed in plain language to communities, or include planning experts who are specialists in this.
- Establish terms of reference (for example, community, rehabilitation, and consultation).
- Foster opportunities for all three parties (government, industry and community) to educate themselves on each other’s “worlds.”
- Ensure there is adequate communication across government departments.



## **DISCUSSION HIGHLIGHTS: GETTING INFORMATION INTO THE HANDS OF THOSE WHO NEED IT**

The final discussion topic before tackling Next Steps was around means and channels of communication. The first conclusion reached: Ensure that citizens are aware of existing information.

A great deal of information relating to mines, quarries, and pits, both historic and present-day, exists. The problem is, most people don't seem to know where or how to access it, and depending on the source and tone, may not trust it. And, as previously addressed, there are challenges to tailoring information for multiple end users.

There were many concrete suggestions for communication tools, and many suggestions for improving existing resources, particularly the provincial government websites. As one government representative pointed out, better engagement with communities is one of its goals, so these, and other suggestions were welcomed.

The One-Window process was raised again, this time as a place to include community liaison personnel.

Near the very end of the session, the group briefly addressed the fact that community liaison committees had not been referenced once throughout all the preceding discussions. This should be noted because, as one member pointed out, there may be concerns with the committees as they don't meet publicly, and that this lack of transparency may be causing the public to lose faith in them.

### **What we heard:**

#### ***Suggested vehicles for information:***

- Lunch and learn sessions
- Brochures
- Handouts
- Education seminars
- Newspapers
- Public libraries, non-governmental and governmental offices, and CAP sites
- Skype
- Have a liaison person available in each Nova Scotia Natural Resources regional office to guide people, beginning with geological features but could be expanded to include water and forestry.
- Make it the proponent's responsibility to provide unbiased handouts and links to the public.



- Have a community consultation advisor (government employee) within the One-Window process to update the proponent as to who to contact and when.
- Make use of geology trails as a way to educate the public on potential resource sites. (Geoheritage Nova Scotia has already begin this work.)
- Ongoing public meetings, so communities and industry don't meet only when projects are contentious or in crisis.

***Suggestions specific to the provincial government websites:***

- Lots of information exists on the provincial government websites, but it is difficult to find.
- Create simple, clear, entry pages/points for community members on Natural Resources and Environment websites to guide searches on processes and available resources related to pits, quarries and mines.
- Develop new geological maps, since the current layers are complex, which are based on specific characteristics (“does this geological feature hold water?”).
- Ensure that all government delivery systems are compatible.
- An online course for accessing information regarding communities.

***Other suggestions:***

- Government should share information more proactively, rather than waiting for communities to approach it.
- Create spaces for two-way communication, such as Exploring Common Ground.
- Work together on common goals and projects (such as the recently created *Guide to Consultation for Mineral Exploration*).
- The Mining Association of Nova Scotia developed a series of online videos for prospectors that is a good source of information regarding geology and mineral deposits. It also includes relevant links to government websites.



## WHAT DID WE LEARN FROM EACH OTHER?

One of the most popular sentiments we witnessed upon closing the event was surprise – surprise at the lack of animosity, surprise at the universal demonstration of respect, and surprise as the amount of common ground we all do share. As one attendee quite succinctly put it: “Word will fly that this wasn’t a root canal.” And we hope it will.

Attendees shared some of their personal learning experience at the end of Day 2:

- “We may not have quite found common ground, but we do have some tools to build a bridge.”
- “This process has been a lot easier than I thought it would be.”
- “I thought that there would be strong anti mining, but I didn’t find that, and I feel that things were carried out with great respect with all viewpoints.”
- “People like to feel good... There has been laughter and camaraderie, and that is where solutions come from.”
- “I was reminded that you cannot paint all the members of a group with the same brush, and that comes through personal contact.”
- “There seems to be a consensus that there are issues and flaws with the system. Regulators, mining, community all recognize that the system needs to be fixed.”
- “I didn’t appreciate that consultation wasn’t working as well as it should be.”
- “No matter what people had to say, everybody respected everybody else’s point of view, and out of that flowed a challenge to the status quo.”
- “To hear people acknowledge what the limitations from their point of view, and to hear the commonality that comes from that, and that there is space for that information to be shared with respect.”
- “[The event] reinforced that there is a lot of diversity in the industry, and that we need mechanisms to deal with those that aren’t meeting the high voluntary bars.”



## NEXT STEPS

The final task assigned to the group was to identify three feasible next steps to ensure the discussion is continued, and to rectify some of the challenges identified.

Some of these suggestions may require a great deal of time, budget, or even legislative changes to enact, while others – such as a suggestion to improve the government websites – may be simpler to implement in the near term.

To create this list, small groups brainstormed together, and brought their ideas to the greater group. The top three were then identified using the process of “dotmocracy” (a simple vote).

The top three identified next steps were:

- 1) **An agreement to continue the dialogue.** Although many in the room expressed a desire to return to their respective communities, constituencies, or boards before committing to specific courses of action, all were in agreement that the discussion surrounding mines and quarries in Nova Scotia should continue between communities, industry, and government. This could include a session at the 2014 Geology Matters (organized by the Department of Natural Resources), and/or any of the items listed below.
- 2) **Create a job position within NS Natural Resources/ government to advise proponents on consultation and help communities to locate relevant information and participate.** One common thread through many of the conversations was the need for a way-finder role to assist community members to navigate a confusing network of regulations, and to assist industry to improve their patterns of consultation.
- 3) **Establish multi-stakeholder working groups to advise government on best practices related to mines and quarries.** A keen interest was expressed in this approach, which would ensure all perspectives were equally represented.

There were a number of other suggestions put forth, which are listed below in order of popularity:

### ***Near winners:***

- Post clear guides to regulations on the provincial government’s websites for mines, pits, and quarries, with a walkthrough of the steps required by the proponent.



- Have Nova Scotia Environment change the “Pits and Quarries Guidelines” into regulations, and regardless of the size of a project, ensure that a disinterested third party consultation is undertaken that allows all to express concerns and demonstrates to Nova Scotia Environment, Department of Natural Resources, and Department of Transportation and Infrastructure Renewal that the concerns have been addressed.

***Other ideas:***

- Develop a toolkit to assist and guide communities with engagement around mines and quarries.
- Clarify (assess need for the expansion) of consultation guidelines for quarries less than four hectares in size, and establish a minimum standard.
- Create a network and organize annual meetings.
- Public education opportunities (like lunch and learns and field trips to pristine and reclaimed sites).
- Define a new planning process (inclusive of communities, proponents, and government agencies engaged in land use planning).
- Develop an education and certification program for quarry operators.
- Report back on these two days, share information back home, and encourage more decision-makers to participate in the next meeting.
- Create a structure for a “community one-window:” post-regulatory information meeting between company and regulation planner/representative to inform the community (stakeholders) about proposed project.
- Develop clearer regulatory framework for quarries.



## CONCLUSION

It quickly became clear to us that there is a lack of clarity in current regulations regarding mines, pits, and quarries, and further between quarries which are below or above four hectares in size, and even further between quarries which are used for highway construction and those which are not. This confusion is compounded by a lack of clear communication lines between communities, industry, and government representatives, which causes uncertainty for all stakeholders involved.

Given the complicated regulatory environment surrounding quarries in particular, there was even some consensus that it may be wise to explore quarries as a separate issue as a group in the future, and drive among the group to do so.

It was also obvious, and not surprising, that a great deal of mistrust exists between communities and industry groups. As anecdotes illustrated, some companies do go above and beyond existing guidelines to protect the environment and ensure communities are not negatively impacted, while the performance of others is sadly sub-par. And, with little chance for face-to face meaningful interactions between communities and companies as a whole, there has been little chance to improve this situation.

And so, in the words of our guest keynote speaker, Paul Hawks, "If you're not here sitting at the table, where's it going to go? Probably not very far."

Happily, the group was unanimously in support of continuing the conversation. That is a major first step, and one we were not certain we could achieve. As participants return to their communities and constituencies and share insights from this meeting, we are confident this will build into a bigger, better conversation in the future.

In order for it to be successful however, we need more industry representatives to come on board for future discussions, as well as a greater diversity of community groups. We need municipalities to bring their voice to the table, and we need government decision-makers to make use of the entire process.

For interest and enthusiasm to be sustained there must also be a clear progress in addressing concerns. Resources are limited for all those involved but especially for volunteer-based community groups and dialogue must not become a method of diverting energy and attention, but one of focusing and moving the yardstick forward.

Throughout, we all must foster the ability to look at our own practices with a critical eye, as we do our partners.



All parties need to be educated on the perspectives of each other, and the level of education related to mines, pits, and quarries must be raised among citizens overall. Luckily, we discovered that a great deal of information for public consumption already exists, and initiatives are already underway to ensure it gets into the hands of those who need it.

As stated during the meeting, Nova Scotia Natural Resources is in the process of reviewing the provincial Mineral Resource Act, and some of the ideas brought forth during *Exploring Common Ground* may prove to be useful.

Along the way, we should all continue to ask ourselves the questions put to us by our keynote: what we are willing to do to improve our working relationships together?



## APPENDIX

### List of Participants

Daniel Kennedy  
Shaw Resources

Jay Hartling  
Jay Hartling Consulting

Scott Smith  
Shaw Resources

Ian Lawyer  
NS Natural Resources

Don Horne  
Chester Area Quarry Community Group

John Bruce  
Concerned Residents of Brooklyn Road

Keith Phinney  
Mining Association of Nova Scotia

David Tupper  
Concerned Residents of Brooklyn Road

Jeff Newton  
National Gypsum

Peter Hackett  
NS Transportation and Infrastructure  
Renewal

Barbara Markovits  
Eastern Shore Forest Watch Association

Robert Naylor  
Nova Scotia Natural Resources

Patrick Mills  
Mining Association of Nova Scotia

John MacNeil  
NS Natural Resources

Sarah Kirby  
Mining Association of Nova Scotia

Mary Filbee  
Chester Area Community Group

Sean Kirby  
Mining Association of Nova Scotia

Patricia Egli  
Eastern Shore Forest Watch Association

Rick Horne  
Acadian Mining Corp.

Sheila Cole  
Sierra Club and Nova Scotia  
Environmental Network

Peter Oram  
Citizen

Donald James  
NS Natural Resources



Brian Fisher  
NS Natural Resources

Alan Davidson  
NS Natural Resources

Garth Demont  
NS Natural Resources

Anna McCarron  
Shubenacadie Watershed Environmental  
Protection Society

Joseph Vigder  
Canadian Environmental Assessment  
Agency

Amy-Mae Jewell  
Student

Shawn Harris  
Student

Liane Sandula  
Student

Kingsley Brown  
Citizen

Twila Gaudet  
Mi'kmaq Rights Initiative

Patrick Whiteway  
NS Natural Resources

Debbie Nielsen  
Union of Nova Scotia Municipaliti

Peter Geddes  
NS Environment

Steve Sanford  
NS Environment

Ramsey Hart  
Mining Watch Canada

Paul and Elli Hawks  
Stillwater Good Neighbour Agreement

Fred Bonner  
Citizen

Jennifer West  
Ecology Action Centre

Gretchen Fitzgerald  
Sierra Club Canada



**Exploring Common Ground:  
Creating a Framework for Better Dialogue Around Mine and  
Quarry Issues in Nova Scotia**

February 24-25, 2014  
8:30 a.m. to 4:30 p.m.

Canada Games Centre  
26 Thomas Raddall Drive, Halifax, N.S.  
Room: Community Centre

Sierra Club Atlantic and the Ecology Action Centre are pleased to welcome you to *Exploring Common Ground*, a groundbreaking event we hope will inspire constructive dialogue with respect to mines and quarries in the province.

This forum brings together industry, community, and government stakeholders to share perspectives and identify clear pathways for engagement and consultation. These groups have been key to the development of this agenda.

As you know, the Sierra Club and the Ecology Action Centre are actively encouraging better environmental performance and policies for mines and quarries in the province.

*Exploring Common Ground* builds on a recent collaboration with the Department of Natural Resources and the Mining Association of Nova Scotia to develop the *Guide to Community Consultation for Mineral Exploration in Nova Scotia*.

Let's continue the conversation at *Exploring Common Ground*.





## February 24

8:30 – 9:15 a.m.

**Participant arrival and registration, coffee/tea**

9:15 a.m. – 9:30 a.m.

**Welcome** (*Gretchen Fitzgerald, Sierra Club Atlantic*)

**BUILDING A SOLID FOUNDATION:** *This session provides participants with general knowledge to inform constructive dialogue throughout the event. Each presentation followed by a short Q&A opportunity.*

9:30 – 9:50

**Mineral Rights Management** (*John MacNeil, Nova Scotia Natural Resources*)

9:55 – 10:15

**Nova Scotia Environment's Role** (*Peter Geddes, Nova Scotia Environment*)

10:20 – 10:40

**Not your grandfather's mining industry (1)** (*Sean Kirby, Mining Association of Nova Scotia*)

*Health break – 10 minutes*

**LAY OF THE LAND:** *This session provides participants with an overview of stakeholder perspectives of mines and quarries in Nova Scotia. Each presentation followed by a short Q&A opportunity.*

10:55 – 11:15

**ENGO Perspectives** (*Barbara Markovits, Eastern Shore Forest Watch*)

11:20 – 11:40

**Community Perspectives: Quarries & Communities in Nova Scotia – Myths, Challenges & Reality** (*Don Horne, Chester Area Quarry Community Group*)

11:45 – 12:05

**Mi'kmaq Perspectives on Positive Consultation** (*Twila Gaudet, Mi'kmaq Rights Initiative*)





## February 24 (cont'd)

12:05 – 1:30

**LUNCH:** *Catered onsite*

**COMMENT COLLECTION:** What areas do you perceive as “common ground” between stakeholders?

## LAY OF THE LAND (Continued)

1:35 – 1:55

**Industry Perspectives: Not your grandfather's mining industry (2)** (*Sean Kirby, Mining Association of Nova Scotia*)

2:05 – 2:25

**National ENGO Perspectives** (*Ramsey Hart. Mining Watch Canada*)

## KEYNOTE SPEAKER

2:30 – 3:30

**From Conflict to Working Partnership: Having a Community Seat at the Table**

(*Paul Hawks, on behalf of proponents of the Stillwater Good Neighbor Agreement*)

How negotiation and implementation of the Stillwater Good Neighbor Agreement helped end the culture of conflict and usher in a new era of cooperation between three grassroots community organizations and a major mining company. (*Paul Hawks*)

*Health break – 15 minutes*

3:45 – 4:15

**EXPLORATORY WORK: Candid Conversations**

*Rob Naylor, NS Natural Resources; Gretchen Fitzgerald, Sierra Club Atlantic; Pat Mills, Mining Association of Nova Scotia*)

- 1) What areas do you perceive as common ground?
- 2) What are our challenges to finding common ground?
- 3) What resources would enable us to find common ground?

4:15

**HOUSEKEEPING** *Checking-in: Comments on the process so far – gaps? What's working? What's not?*





## February 25

8:30 – 9

Participant arrival, coffee/tea

9 – 9:15

Welcome, Parking Lot revisited

9:15 – 11:55

**DRILLING DOWN:** *Breakout sessions begin. Final 10 minutes of each to report back.*

9:15 – 9:30

*Recap of Candid Conversations and Comment Collection*

9:30 – 10

TOPIC 1: **TBD Day One**

*Chaired by Facilitator*

10:05 – 10:35

TOPIC 2: **Community Consultation: What works? What doesn't?**

*Chaired by Gretchen Fitzgerald*

10:40 – 11:10

TOPIC 3 – **What information is required by all parties to support proactive land use planning and resource management?**

*Chaired by Fred Bonner*

11:10 – 11:25

*Health and coffee break (15 minutes)*

11:30 – 11:55

TOPIC 4 – **Bringing it together: What resources and/or processes do we need to support better communication and land use management?**

*Chaired by Facilitator*





12 – 1:30

**LUNCH:** *Catered onsite*

1:30 – 2:15

**EXPLORATORY WORK:** *Small representative group will discuss the following questions in front of greater group. Followed by short Q&A.*

- 1) What did we learn from each other?
- 2) How should we proceed from here?

2:15 – 4, including Health Break

**NEXT STEPS**

4 - close

**FINAL REMARKS** (Sierra Club)





## PRESENTER AND CHAIR BIOGRAPHIES

**Fred Bonner** is a recognized expert on mining issues, environmental planning, sustainability and community engagement. He has sat on expert panels, guest lectured at local universities, and was nationally recognized for his contributions to land reclamation. Fred has received accolades from municipal, provincial and federal governments associated with his work on watershed protection in NS.

**Gretchen Fitzgerald** is the Programs Director of the Atlantic Canada Chapter of Sierra Club. She has produced a report on the harpoon swordfish fishery, spearheaded activity on marine invasive species and ballast water management in Atlantic Canada, and is currently working on solutions to climate change, protecting the Gulf of St. Lawrence and fracking. Gretchen has participated as an expert in numerous environmental assessments, including the Joint Panel Review for the Digby Quarry and the Donkin Mine.

**Twila Gaudet**, from Glooscap First Nation, joined the team at the Mi'kmaq Rights Initiative in May 2007 to support the Assembly of Nova Scotia Mi'kmaq Chiefs as the Consultation Liaison Officer. She is a practicing Mi'kmaq lawyer and has been involved in the drafting, review process and the implementation of the Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process. Twila has been instrumental in coordinating the Crown to Mi'kmaq consultation since its drafting and brings not only a practical but legal perspective to the consultation process.

**Ramsey Hart** joined MiningWatch Canada as the Canada Program Coordinator in 2008. In this position Ramsey works with communities concerned with proposed mining projects, reviews environmental assessments, advocates for legal reform and provides critical analysis to the media, concerned citizens and political decision makers.

**Paul Hawks** is an owner of a family owned and operated cattle ranch in south central Montana. He is a past chairman of the Northern Plains Resource Council and the Cottonwood Resource Council. He was a negotiator of the Stillwater Good Neighbor Agreement and currently serves a representative of the Cottonwood Resource Council to the East Boulder Oversight Committee, which implements the Agreement.





**Peter Geddes** is Director of Policy and Planning with the Nova Scotia Department of the Environment.

**Don Horne** is the spokesperson for the Chester Area Quarry Community Group, as well as the President and CEO of Mark It Apparel Canada Inc. and SMI Sport Management International. He earned his Masters in Business Administration from Saint Mary's University.

**Sean Kirby** is Executive Director of the Mining Association of Nova Scotia. His past work experience includes being a Partner in Prospectus Associates, an Ottawa-based government relations and communications consulting firm; Vice President (Ottawa & Atlantic) of another consulting firm; serving as an aide to a Prime Minister and federal cabinet minister, and as an advisor to CEOs and senior executives in several industries.

**John MacNeil** is Registrar of Mineral and Petroleum Titles with the Nova Scotia Department of Natural Resources.

**Barbara Markovits** co-chairs Eastern Shore Forest Watch Association, a volunteer community group dedicated to environmental stewardship and to the long-term health of the Acadian forest ecosystem. She has been active in Forest Watch for over a decade. The organization championed the protection of the Ship Harbour Long Lake Wilderness Area (designated 2010), fought to end the destructive industrial forestry practice of whole-tree harvesting, and produced a public education campaign about the issues surrounding gold mining on the Eastern Shore.

**Pat Mills** has been president of the Mining Association of Nova Scotia for the past three years. He worked for National Gypsum as the general manager overseeing the mining operation in Milford Station and the shipping facility in the Port of Halifax. Previous work experience includes working as the quarry manager for Municipal in Bedford, working on development projects in Africa, and working for a consulting engineering firm in New Brunswick.

**Rob Naylor** is Director of Mineral and Energy Resources with the Nova Scotia Department of Natural Resources.





**Jennifer West** is a graduate of Dalhousie University with a Master in Earth Science, and a professional geologist, Jennifer West joined the Ecology Action Centre as Geoscience Coordinator in 2010. After completing her degree she worked as an environmental consultant with several local firms, taught geology at Dalhousie University. Jennifer is actively involved with the Coastal and Water Issues Committee, especially with the Groundswell Project- community based groundwater monitoring, and with the Nova Scotia Fracking Resource and Action Coalition (NOFRAC). Her background and love of geology lead her to forge relationships with NGOs, government, and industry, and she was a key figure in the development of the "Guide for Prospectors and Mineral Exploration Companies Working in Nova Scotia," "On Solid Ground: Community Voices for Changing Nova Scotia's Mining Policies" and the Exploring Common Ground conference and report.





**A big thank you to all our speakers and session chairs for sharing their experience and expertise.**

**We would also like to give special thanks to these individuals, who shared an immense amount of time and expertise in the development of this event:**

Rob Naylor (NS Natural Resources)  
Barbara Markovits (Eastern Shore Forest Watch Association)  
Sean Kirby (Mining Association of Nova Scotia)  
Don Horne (Chester Area Quarry Community Group)  
Steve Sanford & Peter Geddes (NS Environment)

**This event was made possible thanks to funding from these excellent supporters:**



**Sage Environmental Program**



**Government of Nova Scotia**



# FROM CONFLICT TO WORKING PARTNERSHIP: HAVING A COMMUNITY SEAT AT THE TABLE

## *The Stillwater Good Neighbor Agreement*

*Exploring Common Ground: Creating a Framework for Better Dialogue Around Mine and Quarry Issues in Nova Scotia*

February 24-25, 2014

**Paul Hawks**

Member, East Boulder Oversight Committee  
Past Chair, Northern Plains Resource Council



# The Councils

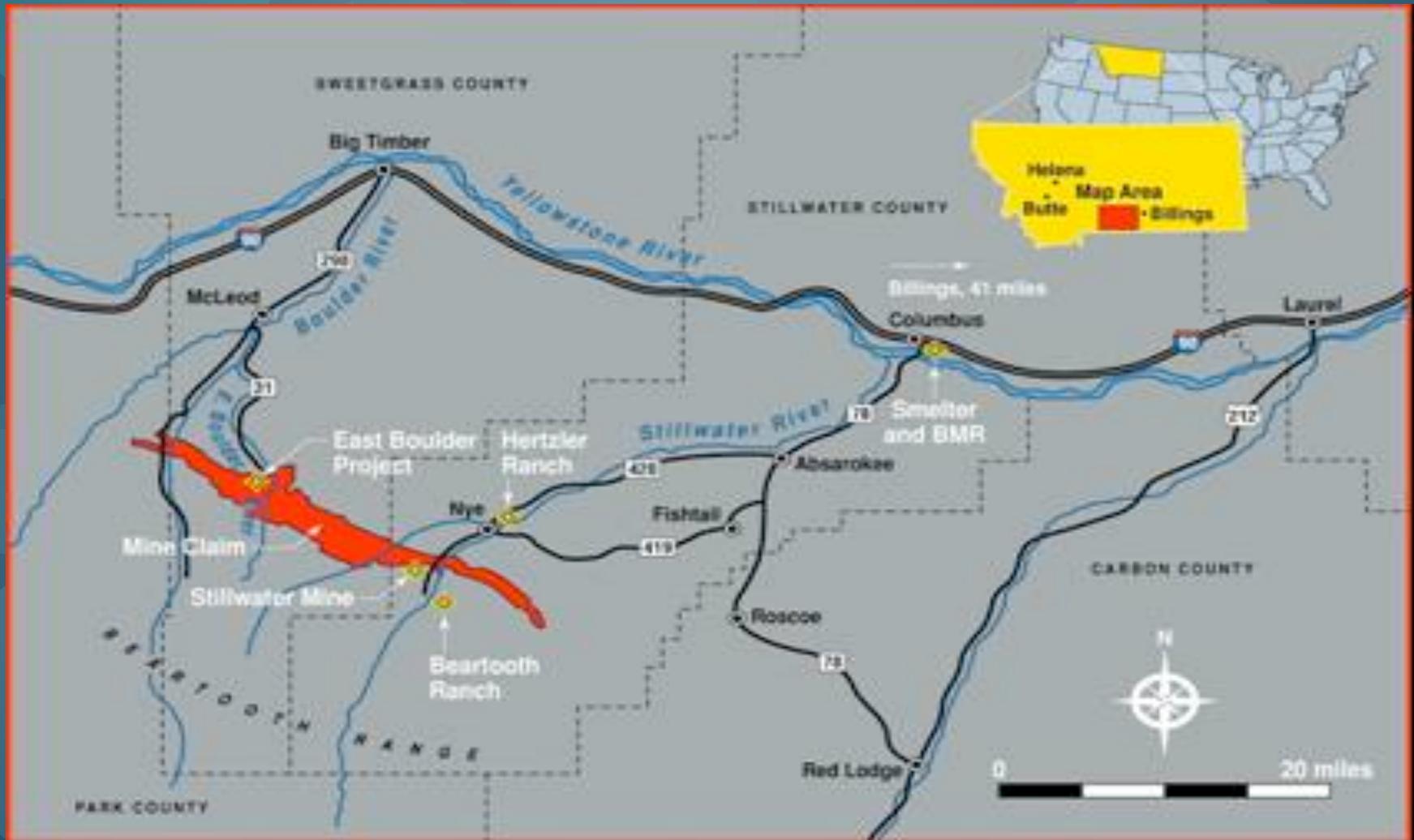


- Northern Plains Resource Council
  - Grassroots, non-profit organization founded in 1972
  - Comprised of general and local affiliate membership
  - Organizing Montana citizens to protect water quality, family farms and ranches, and unique quality of life
- Stillwater Protective Association
  - Founded in 1975 in response to mining and other conservation issues.
  - Based in Stillwater County
- Cottonwood Resource Council
  - Founded in 1988 by citizens concerned with impacts of proposed hard rock mining and other large-scale developments
  - Based in Sweet Grass County

# Stillwater Mining Company

- Mining and processing PGMs since 1986
  - J-M Reef
    - Only significant source of PGMs in the United States
    - Highest grade PGM deposit in the world
  - Smelter/Base Metals Refinery
    - Ore processing
    - Extensive catalytic converter recycling facility
  - Montana based company
  - Largest mining company in Montana
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# Stillwater Mining Locations



# East Boulder Mine



# Stillwater Mine



# Stillwater Mining Company/Northern Plains GNA

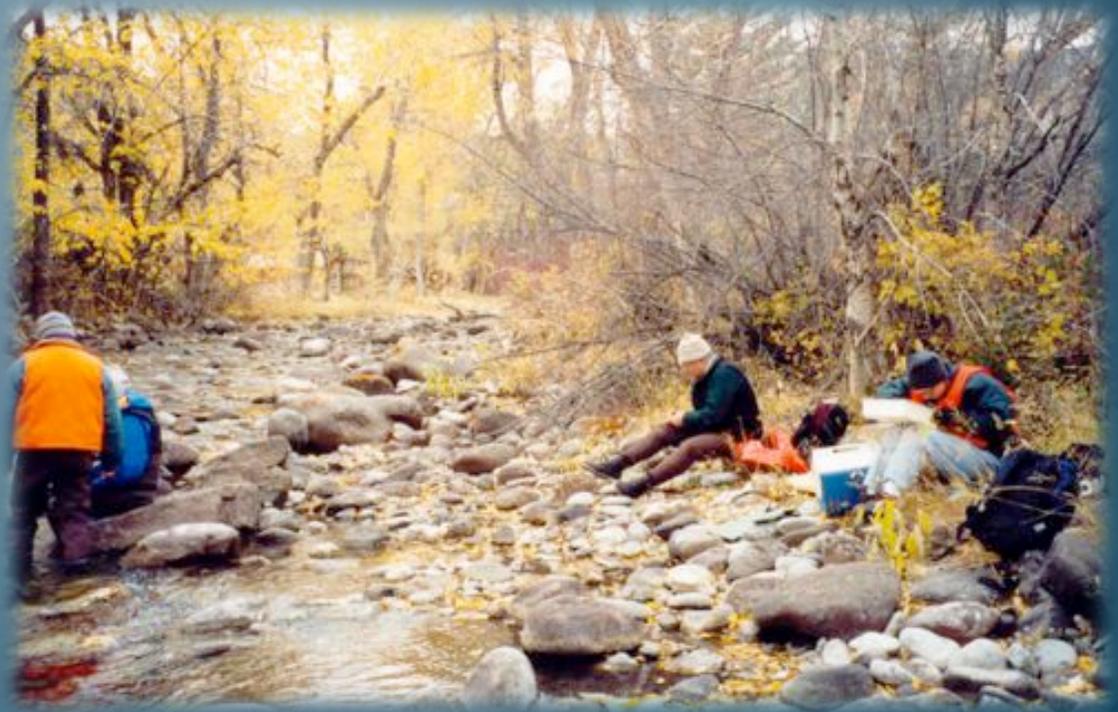
- A legally binding contract between Stillwater Mining Company, Northern Plains Resource Council, Stillwater Protective Association, and Cottonwood Resource Council
- A partnership between the local community and the company to protect and enhance quality of life and the environment while encouraging responsible economic development

# Negotiation of the GNA

- Relationship began in late 1980's
- Formal negotiations initiated in 1999

## Councils' objectives:

- Minimize potential adverse influences on local communities, economies, and environment
- Maintain Baseline Water Quality, Biological Integrity and Beneficial Uses of surface waters and ground waters
- Establish and maintain open communication
- Provide for Councils to participate in SMC decisions



# Objectives

- GNA Signed in May 2000
  - Legally Binding
  - Science-based Decision Making
  - Third Party Technical Consultants
  - Dispute Resolution
  - Provides access to technical and confidential information.
  - Binding to SMC and all successors



# GNA Oversight Committees

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Make decisions, make recommendations, and take actions on issues arising under the agreement by majority vote

- Stillwater Oversight Committee
  - Exploration Activities
  - Water quality
  - Hertzler tailings impoundment
  - Accident mitigation
- East Boulder Oversight Committee
  - Groundwater investigation
  - State mine permitting process
  - Exploration activities

GNA Implementation

# Technology Committee

- Meets annually or as required
- Focus on mine optimization and waste minimization technologies
  - Pilot project investigating the feasibility of paste tailings technology
  - Nitrogen source control study
- Annual New Technology Reviews



# Good Neighbor Agreement Task Force

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- Comprised of Northern Plains GNA Manager, oversight committee members, technology committee members, and technical consultants
- Objectives:
  - coordinate knowledge of the activities between the two mines
  - Gain better knowledge of data and technical issues
  - Refine our understanding of mine-related issues

# Implementation

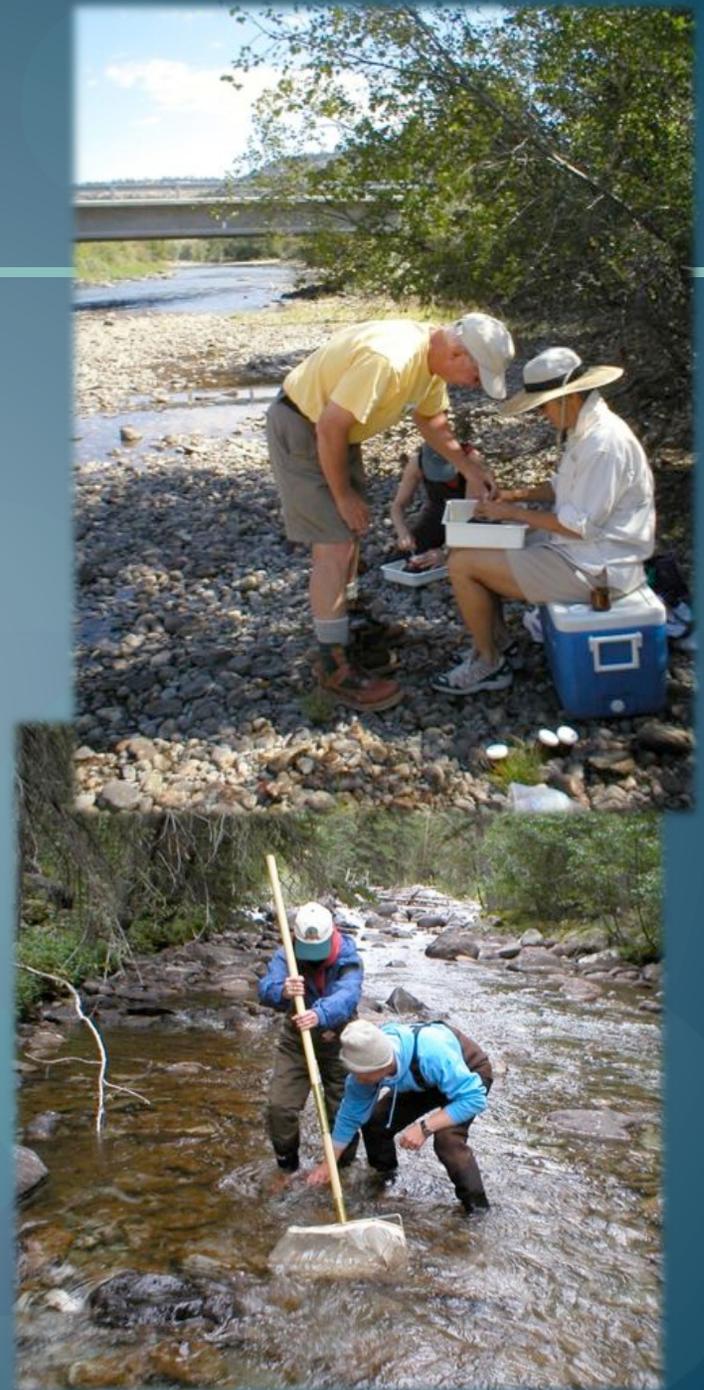
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- Councils participate in
  - planning / inspections / audits / agency correspondence / water quality monitoring / waste minimization practices / reclamation plans / bonding
- Qualifying expenses for Councils participation
  - Administrative Expenses
  - Technical Assistance
  - Independent water sampling
  - Implementation of Supplemental Environmental Activities
  - Annual GNA budget of approximately \$150,000.

## GNA Implementation

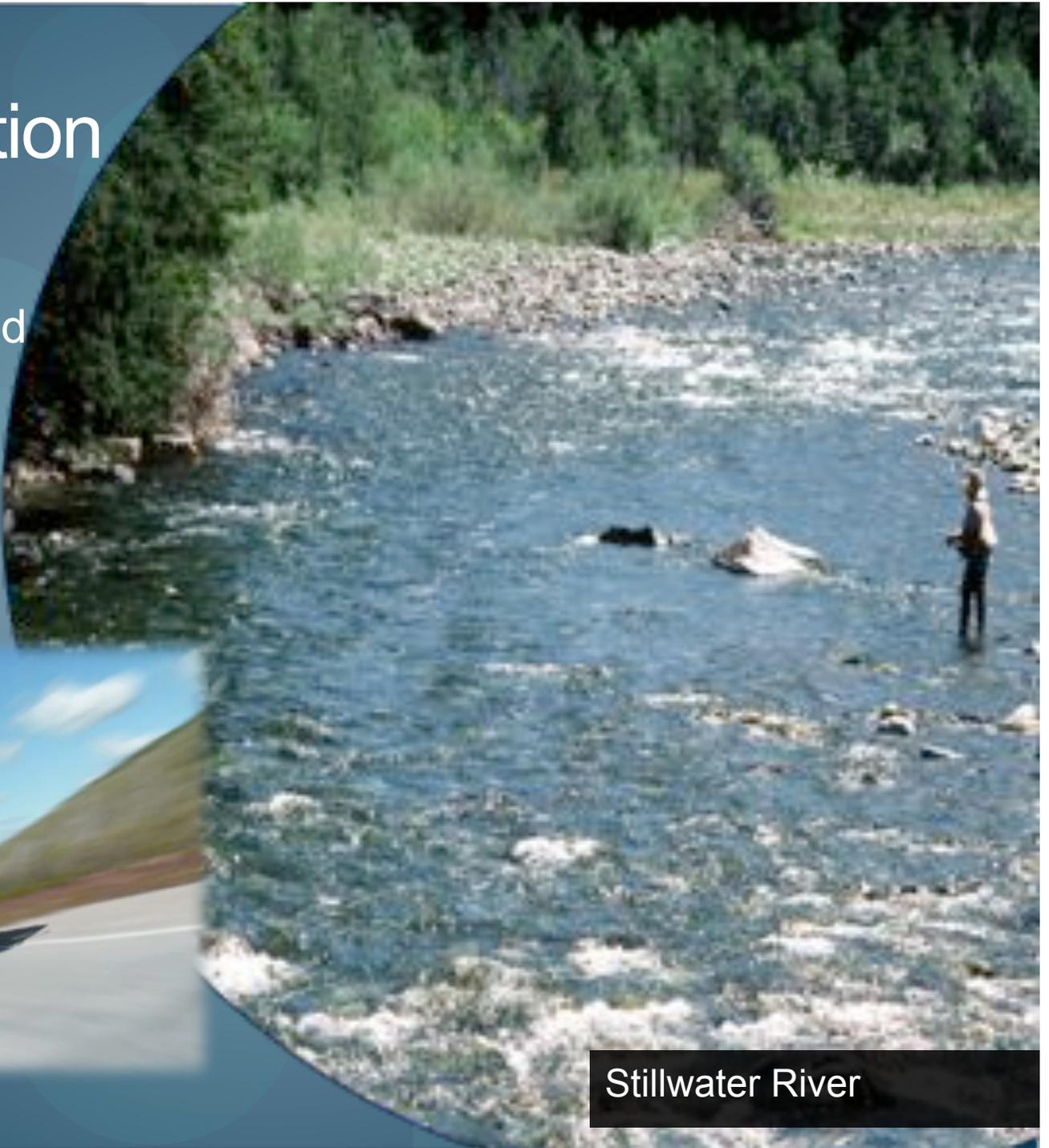
# Water Quality

- Completed Baseline Water Quality Reviews
- Established water quality limits through the Tiered Trigger Level Framework that exceed federal and state regulations
- The Councils participate in a rigorous water monitoring program
  - Quarterly water monitoring reports/ independent data review
  - Council participation in SMC monitoring
  - Independent Water Quality Sampling
  - Fisheries Monitoring
  - Supplemental Monitoring



# Traffic Reduction

The GNA worked to establish a busing and traffic reduction program that has significantly reduced accidents and congestion on rural roads.



Stillwater River



## Conservation Easements

- GNA required all private land owned by SMC to be placed under conservation easement
- GNA prevented any mine sponsored housing outside existing towns
- Rural character of local communities preserved

# GNA Amendments

- Update contract through negotiation process
  - Reflect Council-approved current practice
  - Framework for ongoing implementation
  - Incorporate significant accomplishments



# Stillwater Mining Company



STILLWATER  
MINING COMPANY

- GNA is attractive to Stillwater because it has the “potential to reduce conflict while enhancing environmental and economic stability”
- Councils meet annually with SMC board of directors
- Strong public acknowledgement and advocacy for Good Neighbor Agreement

## Successes

- Development of trust and common ground between traditional adversaries.
- Company and Councils buy-in
- Defined dispute resolution and enforcement processes
- No measureable change to surface water quality

## Challenges

- Implementation phase was more lengthy and contentious than anticipated
- community involvement and volunteer commitments
- Communication issues
- Water quality concerns

# Conclusions

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- GNAs can be effective tools to mitigate environmental and community related impacts from mining and other industrial operations
- Stillwater/Northern Plains GNA has been successfully implemented for 14 years
  - Provides a forward-looking, proactive, and preventative approach to potential issues
  - Establishes a mechanism for transparent communication and conflict resolution

# Contact Information

Northern Plains Resource  
Council

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Full text of the Stillwater/Northern Plains GNA can be found online:  
[www.northernplains.org/good-neighbor-agreement](http://www.northernplains.org/good-neighbor-agreement)