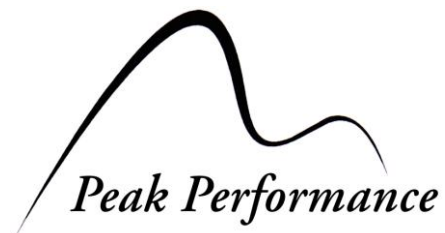

Report Prepared For:

Nova Scotia
Department of Natural Resources

With Respect To:

PARADISE COMMUNITY CONSULTATIONS
REGARDING FUTURE USE OF ABANDONED RAIL LINE

Held at Paradise Community Centre
September 6th, 2008



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BACKGROUND

For the past several years, residents of Paradise in Annapolis County have struggled with the question of whether the abandoned DNR rail line running through the community should be open to motorized use. This issue had created a palpable rift in the community. As a temporary measure, Government closed the corridor to motorized use in January 2008 but committed to work with residents to identify an appropriate longer-term solution.

Following through on this commitment, the Department of Natural Resources initiated a community engagement process whereby residents of Paradise were provided an opportunity to express their views on the subject and suggest ideas for bridging the divide.

It was hoped that an open, transparent and participatory process would contribute to a decision that better reflected the hopes and concerns of the community and in the longer term, more constructive relations amongst the citizens of Paradise and with Government.

APPROACH

While there have been many submissions of opinion in the past, this process would be different in that:

- every resident would have the opportunity to participate in an open and transparent process at the same point in time;
- some sessions would be dedicated to special interest groups, providing them a safe venue to fully express their interests, concerns & ideas without having to face individuals with opposing views, specifically:
 - a) Session 1 was specifically for landowners who live adjacent to the section of corridor passing through Paradise,
 - b) Session 2 was for individuals in favour of motorized use of the trail, and
 - c) Session 3 was for individuals opposed to motorized use of the trail;
- Session 4 would be open to members of the broader community who did not feel represented by any of the interest groups or were unable to attend an earlier session;
- additional weighting would be given to the views of landowners living adjacent to the trail as they are most affected by the decision and have not previously been formally consulted;
- a common set of unbiased questions would be used;
- the process would be facilitated by a neutral third party with a professional background in multi-stakeholder consultation – Peak Performance was engaged to provide this service;
- participants would be provided with an opportunity to state their views publicly and submit personal comments on a confidential worksheet during the meeting – in addition, individuals attending and those unable to attend were invited to provide comments via a dedicated e-mail service by Monday September 8th.

DNR staff was asked to provide the names of adjacent landowners to attend Session 1 – which was done. A prominent member of the community, well known to Government and generally considered to be representative of the “in favour of motorized use” position was asked to provide the names of 20 individuals to participate in Session 2. Names were provided. Another prominent member of the community and the Paradise Active Healthy Living Society (PAHLS) was asked to provide the names of 20 individuals who might be considered “opposed to motorized use” to participate in Session 3. Names were not provided.

Peak Performance sent invitations to the individuals whose name was received, outlining the date, time and nature of the discussion. Some “in-favour” invitations had to be issued by phone.

Notice was received from the attorney representing PAHLS indicating the Society disputed the authority of DNR to re-open the question of trail use and therefore its members would not be participating in the process. Several e-mails were sent by Peak Performance to the attorney and representative of PAHLS attempting to address concerns (about aggressive confrontation from a strong pro-motorized lobby – emphasizing this as the primary reason for structuring dedicated sessions), reinforcing the weight being given this process and encouraging the Society to reconsider its position. Keeping the opportunity for this group to participate open, a session was held for individuals opposed to motorized use however, no one arrived to participate.

An outline of what took place in each of the community consultation sessions is provided in Appendix I.

The views and ideas generated during the community consultations were to be transcribed as reported (without interpretation or editing of any kind) and made available to the Minister and his staff to be used as a basis for a decision about how to proceed.

The remainder of this document summarizes input received during the community consultations. Any confidential worksheets received and documents submitted (a copy of a poll conducted and submitted to the Minister – date unknown; a copy of a map outlining an alternate route using the abandoned CN rail line as well as the Municipality of the County of Annapolis’ Orderly and Peaceful Conduct Bylaw) are enclosed.

RESULTS OF CONSULTATIONS

On September 6th, four community consultations were conducted in the Paradise Community Centre. The details and responses provided by those participating are outlined below. Every comment made publicly during the sessions and recorded on flipchart (accuracy was verified by participants) is included. Any new ideas that appeared in the confidential worksheets were added.

1. Consultation With Adjacent Landowners (held from 9:30 am to 11:00 am)

18 individuals took part in this session. 2 others were unable to attend and submitted their views by e-mail (prior to the defined deadline). Both would have been generally familiar with the questions being covered by the consultations.

A. Hopes regarding how the abandoned rail line will be used - from a personal perspective as well as from a community perspective:

- the trail be open for everyone...
 - immediately, for multi-use including motorized vehicles
 - year round
 - and be well managed
- there will be speed, noise and time-of-day controls
- that it be safe for all users
- trail will be maintained properly – to provincial and national standards
- well policed
- the trail becomes part of the provincial/national trail network
- the quality of the surface makes it useable for all activities
- the current situation is resolved without acrimony – regain what was a tight-knit community
- reunite community – bring people together on a healthy basis
- my grandchildren will want to come visit because the trail is in good enough shape to bike on
- respect for adjacent landowners
- driveways are signed and controlled to make the intersection safe
- sound is monitored and managed
- all users are considerate of one another
- as a result of re-opening to motorized use, there will be...
 - additional economic possibilities
 - positive change in the reputation of Paradise
 - more positive attitudes within the community

Note: When polled, 17 individuals of the individuals in attendance indicated they were in favour of a trail open to multi-use (including motorized) but appreciated there were important issues to address, 1 individual was undecided about whether motorized use should be permitted or not. Both individuals who submitted e-mails were in favour of a trail open to multi-use (copies of correspondence are enclosed).

B. Concerns regarding how the abandoned rail line will be used - from a personal perspective as well as from a community perspective:

- since closing the trail to motorized use, it's become unusable for any purpose
- inconsiderate usage i.e. late at night, excessive revving of engines, reckless driving
- if open with time-of-day restrictions, how would an individual deal with a situation where their vehicle broke down and they could not clear the trail by the "curfew"?
- presently there are more bears in the area
- if not open to motorized, how will it be maintained... and by whom?
- why are OHV's singled out as "noise creators" – what about trucks, motorcycles (recent rally with hundreds passing through town) and what about the noise when the train passed through town?
- 2% of motorized users who are badly behaved – there will always be a few but decision shouldn't be based entirely on these

- the opinions of a few, many of whom do not use the trail, have been given more weight than the majority who do... or at least support motorized use
- some bought homes and OHV's because they adjoin the trail – these were substantial investments to access a resource that's no longer available
- high cost of the by-pass
- properties at the intersection of the trail and HWY #1 do face an aggravation – riders revving engines and then gunning to get across highway – it's noisy and dangerous
- very few of those opposed are land owners affected by the trail
- there are negative impacts to the community, the social network and the health of some individuals if the trail is not available for motorized use
- the trail becomes busy with vehicles – too loud and I lose privacy in my back yard

C. Ideas that would help to bridge the divide:

- good education is key:
 - get folks to point of being willing to listen
 - consequences of opening – the quality of trail available to everyone and the controls that would be put in place
 - consequences of keeping it closed
- better understanding of the real concerns of those who are opposed and work together to address them
- effective signage – speed, noise, encouraging considerate use
- erect sound barriers for the few who need it
- visible and effective policing by RCMP & DNR
- all the necessary (good) things stated above would come about as a result of opening the trail and it becoming properly managed
- Government should bite the bullet, admit their mistake in closing it, open it and ensure it's well managed
- If there is still any doubt about the desires of the community to re-open, conduct a proper survey of the entire population – conducted by credible outside person/organization to eliminate bias/improprieties

D. Other comments you'd like Government to receive on this subject:

- Government messed up its handling of this issue – particularly when it listened to a minority of well-spoken/connected individuals and ignored the majority
- a lot of damage has been done by the way this was handled – a proper consultation should have been done and the views of the majority respected before the community split itself in two
- the survey conducted a few years ago and sent to the Minister at the time - while there were some issues with it, it was reasonably well done and clearly indicated the wishes of the community as a whole (108 in favour of the trail remaining open to motorized use, 32 opposed and 13 undecided) (copy was provided)
- I am offended that the majority opinion wasn't listened to
- may not be able to change the views of those who are strongly opposed – move along without them – they are a small minority
- move along quickly
- this consultation was a very positive step – should have been done at the outset - should be used elsewhere

2. Consultation With Individuals In Favour of Motorized Use (held from 11:30 am to 1:00 pm)

Unfortunately, there was some confusion about mailing addresses for some of the individuals that were to have been invited to this session. Phone calls to those residents did not fully correct the problem. This may account for participant numbers being smaller than expected. 8 individuals took part in the scheduled portion of this session. 2 others arrived late to express their views and complete the confidential worksheet. The views of all 10 have been incorporated.

A. *Hopes regarding how the abandoned rail line will be used - from a personal perspective as well as from a community perspective:*

- the barriers are removed and the trail is open and accessible to multi-use including motorized vehicles
- the trail is repaired so children can ride their bikes on it – a safer place to bike and play than HWY #1 which is the only alternative for getting across town
- get it resolved and get it done quickly so the majority of residents (especially those who live on or close to the trail) are satisfied
- it will be managed as part of/to the standards of the TransCanada Trail
- the trail is safe and well maintained for all

Note: all 10 individuals indicated they were in favour of a trail open to multi-use (including motorized) but appreciated there were important issues to address

B. *Concerns regarding how the abandoned rail line will be used - from a personal perspective as well as from a community perspective:*

- this group has not been treated fairly – we weren't consulted by Government just prior to the closing and the survey that was held (clearly showing the majority wanted the trail kept open to motorized use) was ignored
- this section is the only portion of the trail that is closed – this is a black mark against Paradise – an embarrassment to the community
- currently the trail is unusable for any activity – cycling and walking are impossible now
- if Government doesn't make a decision soon that results in better maintenance of the trail – it'll deteriorate to point of being unusable for anything
- there are a few bad eggs who are badly behaved – they aren't a reflection of the other 98% who are more respectful
- the need to transport OHV's to access the trail...
 - uses more fuel – additional costs
 - requires leaving vehicle at trail – increased risk of vandalism and its not accessible to rest of family
 - dangerous to be out on the road
- people perpetuating the myth that residents have been bad encounters with motorized users – it's a scare tactic – there should be verification of how real the concern is
- trail access to businesses is closed off – there have been some real costs to businesses – one has closed down
- what about the noise from 18 wheelers and motorcycles
- investments in OHV's has been wasted
- visitors from outside the community aren't able to access homes

- the feasibility of other trail options that go around the town is very low (the costs are excessively high) and it doesn't solve the problem of access
- the polarization of the community resulting from this issue and Governments handling of it
- the trail currently serves only one small interest group
- the individuals who want it closed to motorized use, many are:
 - newer to the area
 - aren't directly affected
 - they themselves or their children used to ride motorized vehicles on it
- a few gifted letter-writers/communicators have misrepresented the percentage of the community they speak for and the opportunities that have been provided for input (they quote meetings that most of the community had no idea were taking place)
- the money I'm paying for registration fees were to have been used to maintain a trail I cannot even access
- the trail continuity for the area, the province and the country is disrupted
- is this section part of the TransCanada Trail or not? could it be?

C. Ideas that would help to bridge the divide:

- open the trail immediately to multi-use, manage it well and the opposition will settle down in a relatively short time
- the sooner it opens the better – the longer it's closed the more time there is for the community to pull itself apart
- re-visit the door-to-door survey that was conducted that showed a clear majority in favour of multi-use or redo one... and insist that parties agree to live by the results
- this shared community resource could be something we all work towards and enjoy together
- make use of any financial resources available (from Government) to maintain the trail
- if we knew what the concerns of those opposed to multi-use were, we could work with them i.e. installing sound barrier fencing

D. Other comments you'd like Government to receive on this subject:

- Government's handling of this issue has left me with little faith – this process could be just another stalling tactic
- how could you have given so few, who are so obviously manipulative, so much influence in your decision to close the trail to motorized use?
- ensure to hear all sides... including the less vocal

3. Consultation With Individuals Opposed To Motorized Use (held from 1:30 pm to 3:00 pm)

As mentioned previously, no one attended this session, therefore there is no input to report.

4. Consultation Open To Residents of the Broader Community (held from 3:30 pm to 5:00 pm)

Thirty two individuals arrived to participate (4 arriving late). As this session was intended to capture the views of the “larger community” impacted by the trail-use decision, there was more flexibility exercised in terms of who would qualify to take part. Residents of East Bridgetown and the west end of Lawrencetown directly affected by the current barriers, as well as residents from the south side of the river were therefore permitted to take part. Relying on the judgement of those present to define who could be considered legitimate “stakeholders”, 4 individuals were turned away leaving 28 to participate.

A. *Hopes regarding how the abandoned rail line will be used - from a personal perspective as well as from a community perspective:*

- the trail is opened immediately - accessible to all who want to use it for recreational enjoyment
- need to give everyone an idea of what a well managed trail would look like and how many of the concerns would vanish if it were – when it was open before it wasn’t managed so those opposed may be fearing something that wouldn’t happen again
- rules should be set to ensure everyone’s safety and use
- significant improvement to the trail surface and cutting back of tree limbs is needed
- if opened, it needs to be well maintained, effectively managed and policed – these are conditions for a managed trail anyway
- need to put in place a mechanism for effective local oversight
- need appreciation that there will always be a few bad apples – an keep them in perspective – not over-react
- needs to be re-opened to motorized use because we need all the help we can get to regain and maintain good condition of the trail
- we show a willingness to manage and maintain the trail to support tourism, economic development of the region (areas beyond Paradise by provide passage through) and becoming part of the TransCanada Trail – Government will help
- provides benefits during the summer as well as the off-season
- reinstitute trail continuity – being part of a province-wide system
- getting this issue settled once and for all – it’s been especially disruptive for those who live next to the trail
- provides a safe place to ride bicycles – without maintenance, the trail is unusable for them
- we’re a small community – motorized recreational vehicles should simply be accepted as part of the culture here
- motorized vehicles will be banned from the trail within the village – both summer and winter

Note: when polled, 26 individuals indicated they were in favour of a trail open to multi-use (including motorized) but appreciated there were important issues to address; none indicated opposition; 2 appeared not to respond (interpreted as abstaining)

B. Concerns regarding how the abandoned rail line will be used - from a personal perspective as well as from a community perspective:

- if we are unsuccessful resolving this (in favour of motorized use) it will have a negative impact on trail development elsewhere in the province
- non-motorized users have shown they can't/won't maintain the trail so if it's not opened to motorized use who will maintain it?
- we've lost a tourism asset with the trail in its current condition
- some individuals purchased property specifically for access to the trail – is it fair to them to have it closed?
- there is a lot of misunderstandings and false impressions – there are a number of technical, legal, stewardship questions that require clarification and then some education of residents
- if it is open to motorized use...
 - some will not want to live near the trail
 - it may limit how some use the trail i.e. may not take their horses on
- if it remains closed we'll continue to see a negative economic impact
- if it remains closed we'll see a negative health impact –people unable to walk trail
- need for clarification – current assumption by many is that non-motorized use is a condition of becoming part of TransCanada Trail – not an issue at the moment but may be one day
- trail is not managed at all at the moment – not only has it deteriorated but there is not enforcement or the motorized users that are making their way onto the trail
- if trail is closed frustrated motorized users are more inclined to travel on private property
- the nuisance, noise and traffic impacts the quality of life and property values of those in our community
- the strength of the off-road lobby

C. Ideas that would help to bridge the divide:

- need to act before the trail disappears
- education will go a long way to giving members of the community a more accurate understanding of what a properly managed trail would look like and how many of their concerns would be addressed
- manage conditions that will make it more acceptable & address concerns:
 - specific slow-down zones with speed controlling devices in sensitive areas (i.e. gates that could be opened in an emergency) – needs to be more than signs
 - specify hours of operation (although there is a concern about how to handle vehicle breakdowns if this were implemented)
 - effective enforcement of rules and regulations
 - install surveillance equipment – monitor noise and speed – and then act on the information

- there is a by-pass option of using the CN rail line (copy of maps outlining alternatives was provided) although there are a number of serious considerations:
 - legal – can't cross HWY #101
 - cost
 - environmental impact
- enforcement is not as straightforward as one would think – big challenge
- if there were a willingness to share the specifics of the concerns of those opposed, the community could find a good resolution

D. Other comments you'd like Government to receive on this subject:

- what happens here affects everything else in the system:
 - break in trail continuity – economic impact all the way down the line
 - if we are unsuccessful resolving this (in favour of motorized use) it will have a negative impact on trail development elsewhere in the province
- we want to promote tourism and support economic development in the area – not just in Paradise but all the areas serviced by an uninterrupted trail system
- as taxpayers, we're all owners of that property and therefore all our opinions count
- listen to the majority – make a decision that serves them recognizing there are concerns that will need to be addressed
- it is not a trail at the moment – it is an abandoned rail line (not fit for use)
- if it is not re-opened to motorized use, the facility will be lost
- the OHV owners are paying \$52/year but not allowed to access the trail in their own town – doesn't seem right
- conduct a physical inspection now – see the level of degradation
- willingness of motorized users to address issues with Government and members of the community willing to bring their concerns forward
- give bikers & walkers a safer alternative than the highway
- will need to respect the law of nuisances and municipal by-laws – this may directly affect the ability to allow motorized use where even one resident opposes (copy provided)
- this process has been a good start – it's great to be able to voice our opinions without confrontation and to begin to work together to address issues

Appendix I

**FORMAT FOR PARADISE COMMUNITY CONSULTATIONS
RE: ABANDONED RAIL LINE**

1. Introduction

- i. welcome – thank folks for coming
 - going to take a few minutes to set the scene
- ii. introduce myself and my role
 - name & relevant background
 - engaged by DNR to serve as a neutral third party, to solicit and report back the views of residents – no interpretation, no recommendations
- iii. reiterate the reason for the consultation:
 - the rail bed is Crown land and, at the time the corridor was temporarily closed to motorized use, the Government committed to continuing to work with the community, to hear the full range of views and work toward a longer term decision about its use
 - this process is about following through with that commitment and providing a forum where those views can be collected from everyone who's willing, using a common set of questions, engaged in a similar fashion, lead by someone who has no vested interest in the outcome
- iv. reiterate focus of this particular session
 - 4 sessions today – first 3 are by invitation to provide specific groups an opportunity to fully express their interests, concerns & ideas without having to face opposing views
 - 4th session open to any other resident who wishes to participate
 - ensure the individuals who are there are meant to be there – residents from proper group
 - emphasize the importance of their contributions to inform Government decisions
- v. provide an overview of the process
 - each and every comment gathered here today will be made available to the Minister and his staff to be used as a basis for a decision about how to proceed
 - Government has an interest in moving as quickly as possible with its analysis and that a summary of most significant considerations will be provided back to the community
 - there are many perspectives being collected here today (given most weight) and at other times – Government's decision will take all relevant factors into account
- vi. outline how discussion has been structured
 - couple of simple questions – personal & community perspective
 - everyone has a voice – structure & timing
 - respectful communication - one at a time, language
 - stick to time limits
 - not looking for agreement – measure of success is that we've effectively capture everyone's comments
 - variety of ways to contribute – flipchart, worksheets, e-mail (by end of weekend) - expect that everyone who wants their voice taken into account will use these mechanisms
 - confidentiality
- vii. deal with any questions - about the consultation process only

2. Question & Discussion – Hopes & Concerns

- i. introduce question:
What are your hopes and concerns regarding how the abandoned rail line will be used... from a personal perspective... from a community perspective?
- ii. encourage folks to write responses on worksheet
- iii. go around the room, giving each person an opportunity to briefly express their views
- iv. record main points for each on one of two flipcharts – ensuring correct wording
- v. open the floor for discussion

3. Question & Discussion – Ideas Moving Forward

- i. introduce notion of a community divided on this issue and ask question:
Are there any ideas that would help to bridge the divide?
- ii. remind the group to think from a community perspective and that we're not necessarily looking for consensus
- iii. encourage folks to write responses on worksheet
- iv. open the floor for discussion
- v. record main points on flipcharts – ensuring correct wording

4. Final Comments

- i. introduce question:
Are there any other comments you'd like Government to receive on this subject?
- ii. encourage folks to write responses on worksheet
- iii. open the floor for discussion
- iv. record main points on flipcharts

5. Closing Remarks

- i. reiterate the overall objective: providing a forum where all Paradise residents have an opportunity to express their views on the future use of the abandoned rail line – to be submitted for use by the Minister
- ii. reiterate the process from this point forward
 - if individuals had additional thoughts or if someone were unable to attend the session, they could still submit comments by e-mail by Monday September 8th
 - each and every comment gathered today and by e-mail will be made available to the Minister and his staff to be used as a basis for a decision about how to proceed
 - when their analysis is complete a summary of most significant considerations will be provided back to participants (process of how isn't clear at this point)
 - there are many perspectives being collected here today – even though there may be common point of view from this room, the decision will need to taken into account all considerations
- iii. deal with any questions - about the consultation process only
- iv. thank folks for their commitment, thoughtful comments and time