

THE AGGREGATE INDUSTRY'S LEADING SOURCE OF INFORMATION SINCE 1896

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NOVEMBER 2009

SHE HATES YOU

**So do all of her neighbors.
Knowing why, and more importantly, how to change that
will make aggregate operations more profitable.**

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JANE Q. PUBLIC
PHOTO BY ADAM MADISON



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Playing Politics

SKIPPING HOMEWORK IN PUBLIC OPINION AND POLITICS CAN SINK QUARRY EXPANSION PLANS

BY CHRISTOPHER HOPKINS

Drillers confirm that the product on a site is suitable, and the consultants conduct scientific studies to show that the quarry expansion or greenfield project will not damage water sources or the environment. The results are good, and you're ready to file for permits.



But, not so fast. You could be making a very costly mistake if you neglect to do your homework on the politics involved in the permitting process.

Politics is the great unknown in permitting any land use. What happens if a county commissioner or his mother lives three streets away from the proposed quarry site? What if the mayor's base of support resides in the surrounding neighborhood? What if the alderman's brother-in-law operates a small family quarry in town? Even if that alderman recuses himself from voting on the application, what might go on behind the scenes when the board members talk?

Not knowing the answers from the start can be fatal for an application.

You may be familiar with the community and think you have a good read on the situation surrounding your quarry application. But the most important information is what you don't know.

It can be as simple as county or town staffers avoiding confrontation by telling you what they think you want to hear. We recently encountered a situation where an oversight agency staffer was telling our client the agency liked his mining project and that approval was taking so long because the office was being thorough. But when we sent someone to meet with that staffer as a concerned citizen, he was told the staff opposed the project and "it will never be approved under our watch."

In an industry where controversy is common and the financial benefits to a municipality can be substantial, elected officials may truly want to approve a project but are afraid to because of political reasons. It benefits quarry owners to know in advance who on the council is most susceptible to constituent pressure and where their allegiances lay.

Some essential questions can be answered by conducting political due diligence before beginning the application process.

A company's intelligence gathering should produce a complete understanding of every required approval on the local, state and federal levels—including all boards, commissions and agencies required to make a recommendation or a final vote. The report should include a concise timeline for each agency and board, and identify all possible public hearings (both optional and required), rules of conduct for each hearing, and any public comment periods.

The rules governing public hearings are important when planning a strategy for each meeting. The rules may differ from one community to another—some allocate a specific amount of time for an entire hearing, some allocate a time limit per speaker, and others have no limits regarding public comment or speakers, so they can blabber as long as they want and the hearing can continue over several evenings.

Some communities set a time limit on the application process. Some require a final decision on a zoning request within 60 days after the application is filed. Some communities and agencies set time guidelines for each step of the process, and yet others have no time limits.

In most communities, for example, the planning commission provides a recommendation to the governing board. But in others, a negative recommendation initiates the need for a supermajority of the approving board. The due diligence report should include all of the regulations governing the approval process.





It is essential for an aggregate producer to get an unbiased read on the politics at every level of government before applying for permits. An owner needs to know what to expect from the elected and appointed officials, and whether those officials offer the straight story about the owner's prospects.

It is important to identify the political alliances on approving boards, and know which officials are susceptible to constituent pressure and to which constituent groups they owe allegiance. Did Councilor Jones get elected as a result of his participation in a previous anti-development effort? If Commissioner Smith is supportive of a project, does she have allies on the board who will likely go along, or, foes who will automatically take the opposite side?

Examine the campaign-finance records of the elected decision makers to identify their major contributors. It is important to determine if these contributors are likely to oppose a project. This key information can predict political roadblocks.

As hard as this is to believe, there are politicians who, (gasp) may tell an owner one thing and say the exact opposites to constituents. This happens with numerous projects. Appointed officials will tell an owner that his permitting is taking longer than anticipated, but tell others they opposed the project and were delaying until a new administration was elected that would not be favorable to the project.

Before filing an application and spending thousands of dollars on testing and environmental studies, find out who is likely to oppose the project, who, is likely to support it and who the closest neighbors are and what they think. The best way is to talk to them.

We strongly recommend speaking to the neighbors on a one-to-one basis. If possible, do this without divulging the nature of your project or plans until you are ready for it to become public information. The Freedom of Information Act and other state sunshine laws gives the public and the press access to government documents, so once your paperwork is submitted to a government agency, it is public information.

When meeting with neighbors, it is important if there are anti-development groups in town that will automatically oppose your project. Also are the neighbors likely to oppose the

company, and if so, how vehement will their opposition likely be? Determine if there are neighborhood associations that have a built in organization and especially if there are chapters of the Sierra Club or other environmental groups.

Answering these questions is critical to developing strategy and accurately estimating the approval timeline and approval costs. With this information a quarry operator can build a plan to counter potential opponents and neutralize the arguments they will make. This information will also help the operator determine if the local residents are being influenced or led by someone or some group from outside the area.

It is best to meet with the neighbors individually to explain the benefits of the project. The last thing that an operator wants to do is introduce a project to a group of skeptical neighbors in a group setting that places reasonable undecided people in contact with rabid opponents before there's a chance to make a case for the project.

Politics has killed more projects than any of us would like to count. The sooner you can identify potential pitfalls, the earlier you can develop a campaign plan to overcome them. It is simply homework, and it is just as essential as environmental studies and test drilling are to your project.

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