BEST PRACTICES GUIDE FOR MONITORING COMMITTEES

and Legal Obligations

of Mining and Petroleum Projects Promoters

Votre gouvernement

Québec

Coordination, writing and collaboration

This publication was coordinated by the Direction générale des mandats stratégique of the Ministère de l'Énergie et des Ressources naturelles, in collaboration with the Direction générale du réseau régional, the Direction générale de la gestion du milieu minier, the Direction générale du développement de l'industrie minière, the Direction générale de l'électricité, the Direction générale des hydrocarbures et des biocombustibles and the Direction des communications.

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Reference to be cited as

Ministère de l'Énergie et des Ressources naturelles (2019).

Best Practices Guide for Monitoring Committees and Legal Obligations of Mining and Petroleum Projects Promoters, 71 p. [Online]

[https://www.quebec.ca/en/government/politiques-orientations/social-acceptability/] (page consulted on day/month/year).

Legal deposit

Library and Archives of Canada, 2019
ISBN : 978-2-550-84524-9 (Printed)
ISBN : 978-2-550-84525-6 (PDF)

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Note to readers

Although hydrocarbon projects have been under the responsibility of the ministère de l'Économie, de l'Innovation et de l'Énergie since October 2022 and the Secteur des forêts has joined the ministère des Ressources naturelles, this guide remains, with regard to monitoring committees:

- the reference tool for the legal obligations of mining and hydrocarbon project proponents;
- a relevant reference tool for best practices for all proponents with projects related to sectors of the ministère des Ressources naturelles et des Forêts and the Secteur de l'énergie.

Throughout the document, the term promoter is used generically and refers to any private, public or community organization that wishes to carry out a project in a given territory and is occasionally referred to as the proponent in other works.

Foreword

As part of its guidelines on social acceptability[1], the Ministère de l'Énergie et des Ressources naturelles (MERN) aims to promote good practices in the area of social acceptability and a more effective dialogue between promoters and local actors. It also intends to provide greater support for the promoters and the local actors concerned. In this context, the MERN undertakes to prepare best practices guides for promoters and local actors, in particular to facilitate the establishment and operation of monitoring committees, from the early stages of project preparation and development

The establishment of a monitoring committee by any holder of a mining lease is a requirement under the Mining Act (section 101.0.3) (chapter M-13.1). The same applies to any holder of a petroleum exploration, production or storage licence under the Petroleum Resources Act (sections 28, 55 and 279) (chapter H-4.2). Both acts fall under the responsibility of MERN (Minister). Please note that the provisions of these two Acts and their associated regulations take precedence over the terms appearing in this guide, and that this document does not constitute a legal interpretation of the various legislative and regulatory provisions cited therein.

Monitoring committee establishment may also be a requirement under other legislation or a ministerial or government authorization resulting from the application of environmental assessment procedures, including northern procedures.

Furthermore, a monitoring committee may be set up on a voluntary basis by the promoter, regardless of the nature of the project and its progress. The promoter as well as individuals, groups of individuals, companies or organizations wishing to participate in a monitoring committee will find in this guide suggestions that may help them achieve the objectives they have set for themselves.

The elements presented in this guide are drawn from various sources, including literature reviews, particularly in the areas of participatory governance and citizen democracy, recent surveys of monitoring committees in Québec,[2] particularly in the areas of participatory governance and citizen democracy, recent surveys of monitoring committees in Québec, and the sharing of expertise by facilitators,[3] members of monitoring committees, MERN project managers and users of the *Guide to the Organization of the Monitoring Committee – section 101.0.3 of the Mining Act*. The content of this guide also takes into account the comments and suggestions made by participants in the public

1 GOUVERNEMENT DU QUÉBEC (2017a), *Guidelines of the Ministère de l'Énergie et des Ressources naturelles in the Area of Social Acceptability*, Québec, Ministère de l'Énergie et des Ressources naturelles, 12 p.

2 Surveys were conducted in 2016 among existing monitoring committees in Québec by the Centre de recherche en aménagement et développement de l'Université Laval, as part of the specific work related to the preparation of this document.

3 MERN also sought the advice of the consulting firm Transfert Environnement et Société, which has more than 30 years' experience in supporting or leading monitoring committees

consultation held in June 2018 and the advice provided by MERN's main partner departments and government agencies during the fall of 2018.

This guide is evolving and may be revised in light of lessons learned from its application or changes that may be made to legislative framework. To this end, user comments and suggestions can be sent by e-mail or by mail to the contact information on page II of this document.

This guide replaces the documents entitled *Guide to the Organization of the Monitoring Committee — section 101.0.3 of the Mining Act and the Information Document on the Application of Section 28 of the Petroleum Resources Act* released respectively in September 2016 and December 2018.

MERN would like to thank all participants in the public consultation held in June 2018. The comments and suggestions made by participants greatly contributed to improving the document. The same applies to the advice provided by government departments and agencies during the interdepartmental consultation held in the fall of 2018.

Participation of aboriginal community

This guide is intended for all local communities, including Aboriginal communities. The practices presented in the guide complement the characteristics specific to each Aboriginal community, and are not limited to those described below. This guide does not address the Crown's duty to consult and, where appropriate, accommodate Aboriginal communities when considering an action that may have an adverse impact on an established or credibly claimed[4] Aboriginal right or treaty right.

Similarly, the guide does not alter the scope of commitments made by MERN or the Government under agreements with Aboriginal communities, including northern agreements,[5] namely the James Bay and Northern Québec Agreement and the Northeastern Québec Agreement.

Agreements between Aboriginal communities and third parties are also not covered by this guide, in particular, any committee established under an agreement between an Aboriginal group and a promoter. Such a committee may therefore continue to operate, without the provisions of this guide committing or requiring Aboriginal communities and the promoter concerned to adhere to the mechanisms proposed in it. However, according to the terms and conditions specific to this type of committee, a monitoring committee established under a private agreement may act as a monitoring committee within the meaning of the Mining Act and the Petroleum Resources Act if it complies with the terms and conditions set out in these laws, particularly with respect to their composition, whether in southern Québec or in a northern environment.

In all cases, to the extent that they consent, the Aboriginal communities concerned are invited to participate in the work of the monitoring committees alongside other partners and in a spirit of good neighbourliness, adopting the best practices set out in this guide.

4 For more information on project development and Indigenous communities, please consult GOUVERNEMENT DU QUÉBEC (2008), *Interim Guide for consulting the Aboriginal Communities* and GOUVERNEMENT DU QUÉBEC (2015), *Document d'information à l'intention des promoteurs et introduction générale aux relations avec les communautés autochtones dans le cadre de projets de mise en valeur des ressources naturelles*, as well as MERN's Native Community Consultation Policy Specific to the Mining Sector (forthcoming).

5 For more information on activities to be performed in northern areas, please consult GOUVERNEMENT DU QUÉBEC, *Environmental Assessment of Northern Projects* [http://www.mddelcc.gouv.qc.ca/evaluations/mil-nordique/index.htm], ENVIRONMENTAL AND SOCIAL IMPACT REVIEW COMMITTEE (COMEX), *Consultations Conducted by the Promoter: Expectations of the COMEX* [https://comexqc.ca/wp-content/uploads/Consultations-promoteurs_Attentes-du-COMEX_VF_EN_1.pdf] and KATIVIK ENVIRONMENTAL ADVISORY COMMITTEE, *Reference Guide on Environmental and Social Impact Assessment Procedures Applicable in Nunavik* [https://keac-ccek.ca/medias/2017/09/KEAC-ESIA-e-F10.pdf]

ABORIGINAL COMMUNITIES CONCERNED

The Mining Act and the Petroleum Resources Act provide that the monitoring committee must be composed, where applicable, of "a representative of a Native community consulted by the government with respect to the project." However, whether the project is located within the territory of the agreements in the North or in southern Québec, being consulted by the government should not necessarily be the only criterion for identifying the Aboriginal communities that can be invited to participate in the work of the monitoring committee. MERN's regional project manager may provide information to the promoter as required regarding the Aboriginal community(ies) consulted or affected.[6]

6 In Cree or Inuit communities, it would be appropriate for the promoter to first contact regional organizations representing Aboriginal communities. If applicable, the project manager may also provide information to the promoter on this matter.

Overview

The Best Practices Guide for Monitoring Committees and Legal Obligations of Mining and Petroleum Projects Promoters is intended for promoters and local actors. It presents the result of an inventory of recognized best practices in establishing and operating a monitoring committee. It also deals with the legal obligations of holders of mining leases or petroleum exploration, production or storage licences. Produced in the context of an energy/mineral resources or public land development project, this guide will also be useful to anyone wishing to set up or participate in a monitoring committee in another context, regardless of the nature of the project.

Established by the promoter, a monitoring committee is a platform for concertation and exchange of information between promoters and local actors to achieve common objectives and reach consensual solutions on issues defined by the community.

A monitoring committee helps build trust between promoters and the local community and provides a neutral and respectful channel for exchanges that encourages the various actors to express their needs, concerns and objectives with respect to a project, thus promoting its better integration into the community. Carried out in a spirit of openness and listening, exchanges within a monitoring committee can help prevent conflicts and irritants for the local community and develop growth-building projects.

Monitoring committees are a form of active participation that is widespread in Québec. These committees have many advantages, regardless of the phase of the project during which it is set up.

What a monitoring committee is	What a monitoring committee is not
» A platform for the exchange of information, knowledge and expertise » A concertation committee and a space for structured dialogue » A mechanism to improve the project » A window into the project's host environment	» A lobby group » A consultant for the promoter » A substitute for the promoter's responsibilities » A tool for promoting personal interests
The monitoring committee is in itself an effective tool for preventing and resolving disputes	

General diagram of the different phases of a project to develop the territory and mineral and energy resources

During the **project development phase**, a monitoring committee can be very useful in improving the project by taking into account, as much as possible, the solutions, proposals and consensus opinions formulated by the committee before significant sums are invested in the project and before its environmental assessment. During the **analysis and assessment phase of the project**, the monitoring committee can contribute to the definition of the issues to be analyzed and the various project options and variants that, at first glance, least disturb the environment and that could be studied by the promoter. During **the construction phase**, a monitoring committee may be used to encourage the participation of local businesses in the work or to provide advice to the promoter on the measures it intends to implement in response to complaints from the community. During the **commissioning and activity phase**, a monitoring committee may be useful, for example, to allow the development of concerted views on measures to promote specialized training or the hiring of local workers. During the **dismantling of installations and reclamation of sites**, the committee may constitute a privileged communication channel for the promoter on the community's concerns regarding the dismantling and reclamation work on the proposed sites.

This guide is separated into two parts:

- **Part I** presents practices that could facilitate the establishment and proper and effective operation of a monitoring committee. It should be noted that the best practices proposed in this guide are relevant to any local community, including Aboriginal communities.
- **Part II** of the guide focuses on the minimum obligations of the holder of a mining lease or petroleum exploration, production or storage licence with respect to monitoring committees. This part of the guide outlines the requirements under both the Mining Act and the Petroleum Resources Act.

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LIST OF ACRONYMS AND LEGEND

Acronyms

BAPE Bureau d'audiences publiques sur l'environnement

IBA Impact and Benefits Agreement

MAMH Ministère des Affaires municipales et de l'Habitation

MELCC Ministère de l'Environnement et de la Lutte contre les changements climatiques

MERN Ministère de l'Énergie et des Ressources naturelles

MEI Ministère de l'Économie et de l'Innovation

MFFP Ministère des Forêts, de la Faune et des Parcs

RCM Regional County Municipality

Legend

Applicable requirements under the Mining Act or the Petroleum Resources Act

Warning, special attention to be given or situation to avoid

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Introduction

For the past several decades in Québec, individuals, groups, organizations or representatives of local authorities or RCMs have been involved in analyzing and reviewing projects proposed by promoters wishing to develop public lands or mineral/energy resources. Over time, the importance of citizen involvement and community opinion in promoting these projects has greatly increased. The population wishes to take part in the discussions and decisions concerning the projects that will be developed in their respective regions as early as possible in the decision-making process.

Participatory governance has become essential for promoters wishing to create the best possible conditions to breathe life into their projects and see them through. Among the participatory governance mechanisms are included information, consultation and active participation (see Appendix 1).

It has also been proven that project promoters benefit from establishing a dialogue with the local community if they wish that community to see the project in a positive light or if they want to ensure harmonious cohabitation of facilities and activities with the community. Establishing a monitoring committee offers promoters and local actors a platform where they can exchange and consult in a neutral and open environment, while being sufficiently formalized to promote successful long-term work and an ongoing relationship between the promoter and the community.

In Québec, there is a wide variety of committees whose mandate is to foster communication throughout the project lifecycle. These may be called liaison committees, start-up committees, concertation tables, vigilance committees, resident committees or monitoring and concertation committees.

In Part I of this guide, the term “monitoring committee” is used generically to refer to any kind of committee formed with a view to establishing dialogue between promoters and host communities.

This guide is intended for promoters and local actors. The first part presents best practices for establishing and operating a monitoring committee for any project developing energy and mineral resources as well as public land. The second part sets out the obligations of mining leaseholders under the Mining Act and of holders of petroleum exploration, production or storage licences under the Petroleum Resources Act.

This guide can also be useful to anyone wishing to set up or participate in a monitoring committee, regardless of the nature of the project.

WHAT IS A MONITORING COMMITTEE?

A monitoring committee is a concertation body that brings together the promoters and local actors concerned or interested in a project in order to reach consensus solutions on issues defined by the community. It is a platform for concertation and exchanges of information that allows the expectations and concerns of the local community to be taken into account,

therefore promoting a better integration of the project into the community.

The monitoring committee itself is an effective tool for preventing and resolving disputes.

A monitoring committee is:

- A platform for exchanges of information, knowledge and expertise
- A concertation committee and a space for structured dialogue
- A mechanism to improve the project
- A window into the project's host environment

The function of a monitoring committee is not to:

- act as a lobby group
- promote personal interests, whether those of the promoter, represented organizations or individuals
- exempt promoters from their obligations, responsibilities or good practices in terms of public information and consultation
- implement the environmental follow-up program required by government authorities from the promoter
- negotiate or implement an Impact and Benefits Agreement (IBA)[7]

The establishment of a follow-up committee by the promoter does not exempt promoters from any obligations that may be imposed on them by legislative or regulatory provisions applicable to their project with respect to environmental assessment, for example.

Nor does it exempt them from their responsibilities to foster sound practices in community relations.

MONITORING COMMITTEE BENEFITS

Monitoring committees help build trust between promoters and local communities. They are a neutral and respectful channel of exchange that encourages the various actors to express their needs, concerns and objectives for a project.

Carried out in a spirit of openness and active listening, discussions within a monitoring committee can help prevent conflicts and irritants for the local community and develop structuring projects. The monitoring committee is, in itself, an effective dispute prevention and resolution tool at all phases of the project. Exchanges within the monitoring committee also make it possible to include local knowledge in decision-making and development of a project and to adapt the project as closely as possible to the local context. These discussions help to understand the realities of each party and to foster the engagement of actors in the pursuit of common objectives.

Monitoring committees do not exempt promoters from their responsibilities with respect to establishing sound practices in community relations, such as carrying out information or consultation activities with the local community. It is the promoter's responsibility to ensure that the project is socially acceptable.

7 See the information in the section "MONITORING COMMITTEE - HOLDER OF A MINING LEASE."

Monitoring committees are also an interesting mechanism to improve projects under development and analysis or to improve operating activities in order to better meet a community's expectations and concerns.

The benefits of setting up or participating in a monitoring committee are numerous and can vary according to the phases of the project. For the purposes of this guide, the different phases of project implementation are development, analysis and assessment, construction, commissioning and activity and, finally, dismantling of installations and site rehabilitation (Figure 1).

Figure 1. General diagram of the different phases of a project to develop the territory and mineral/energy resources

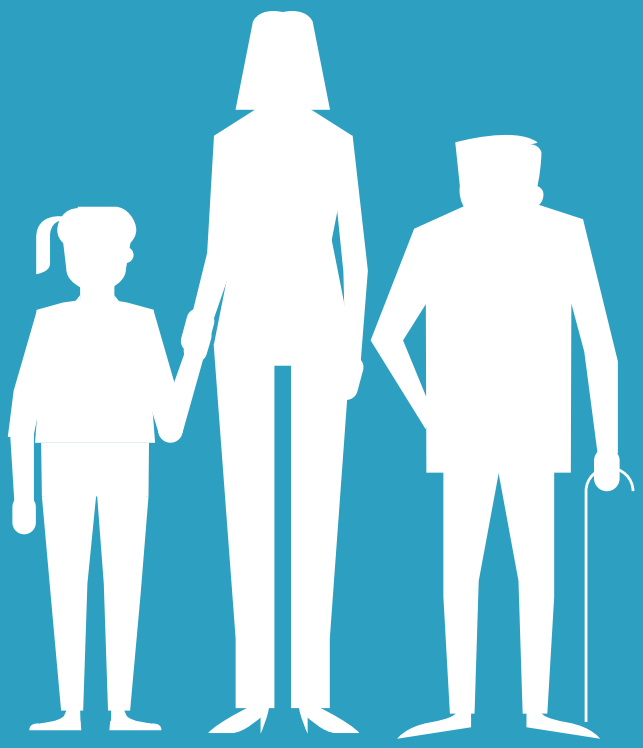
During the **project development phase**, a monitoring committee can be very useful to complete the information collected by the promoter on the host community regarding the social, economic and cultural context in which the project will be integrated or on land use. A follow-up committee can also be useful in improving the project by taking into account the solutions, proposals and consensus opinions expressed by the committee on different aspects of the project, before significant amounts of money are invested in the project and its environmental assessment.

During the **analysis and assessment phase** of the project, the monitoring committee can contribute to the definition of the issues to be analyzed and the various options and variants that, at first sight, least disturb the environment and that could be studied by the promoter.

During the **construction phase**, a monitoring committee may be used to encourage the participation of local businesses in the work or to provide advice to promoters on the measures they intend to implement in response to complaints from the community.

During the **commissioning and activity phase**, a monitoring committee may be useful, for example, to enable local actors to become aware of the results of the environmental monitoring program to be carried out by the promoter and, if necessary, to formulate opinions on any mitigation measures that may be considered by the latter. It can also allow for the development of concerted views on measures to promote specialized training or the hiring of local labour. Finally, the monitoring committee can also provide a forum for dialogue to plan the elements that could be put in place in the local community following the cessation of activities.

During the **dismantling and reclamation phase**, the committee may constitute a privileged communication channel for the promoter to inform local actors of the progress of the work and to be informed of the community's concerns regarding the dismantling and reclamation work on the proposed sites.



Part I

Best practices for the establishment and operation of a monitoring committee

The experience of more than twenty years of establishing and operating monitoring committees in Québec makes it possible to identify the best practices known to date on the matter.

This part of the guide presents a range of tools, suggestions and advice that the promoter and local actors can adapt according to the nature of the project and its progress, as well as to the governance, social, historical, territorial, cultural and economic contexts of the area targeted by the project. Although the best practices presented in this guide have been developed in the context of an energy/mineral resources and public land development project, they can be useful to anyone wishing to set up or participate in a monitoring committee, regardless of the nature of the project. Subject to the remarks presented in the section "Aboriginal Community Participation," the best practices presented in the guide are also relevant for these communities, whether in southern Québec or in the territory covered by agreements.

The principles of flexibility, adaptability and rigour should guide participants at all times, from the establishment of the committee to the completion of its work.

1 Establishing a monitoring committee

Establishing a monitoring committee takes time and expertise. Among the key elements to consider for the success of a monitoring committee are the method of recruiting members and the composition of the committee

1.1 WHO ESTABLISHES THE MONITORING COMMITTEE?

Promoters are responsible for setting up the monitoring committee, whether they are required to do so or whether they voluntarily engage in this process

1.2 WHAT ARE THE ELEMENTS TO CONSIDER BEFORE SETTING UP A MONITORING COMMITTEE?

Before initiating the establishment of the monitoring committee, promoters must have a clear understanding of all legal obligations, in the event that project is subject to Section 101.0.3 of the Mining Act or sections 28, 55 and 279 of the Petroleum Resources Act.

Where applicable, promoters should also ensure that they fully understand their obligations under applicable legislation or regulations for their project, such as environmental assessment.

In order to take into account the expectations, concerns and needs of the local community, promoters should carry out various activities to acquire knowledge of the local area and initiate discussions with the host community, well before setting up a monitoring committee.

> Before setting up the monitoring committee, promoters should engage in discussions with the community targeted by the project.

Prior to establishing a monitoring committee, promoters could acquire a fairly in-depth knowledge of the environment where they wish to develop their project and make contact with local actors, which would, in particular, encourage their active participation.

This means that as soon as the project idea begins to emerge, promoters could gather information about the local community where the project is planned to be and establish initial contact with local authorities and the MERN project manager. Promoters could then contact local actors to inform them of their intention to carry out a project in the community and ask about the main issues to consider in developing the project. Promoters could then, jointly with them, assess the relevance of setting up a monitoring committee, knowing that it does not depend on the size or nature of the project, but rather on the interest or concerns that it raises in the local community. If the relevance of such a committee is confirmed, or if it is required, promoters could then start planning its set up.

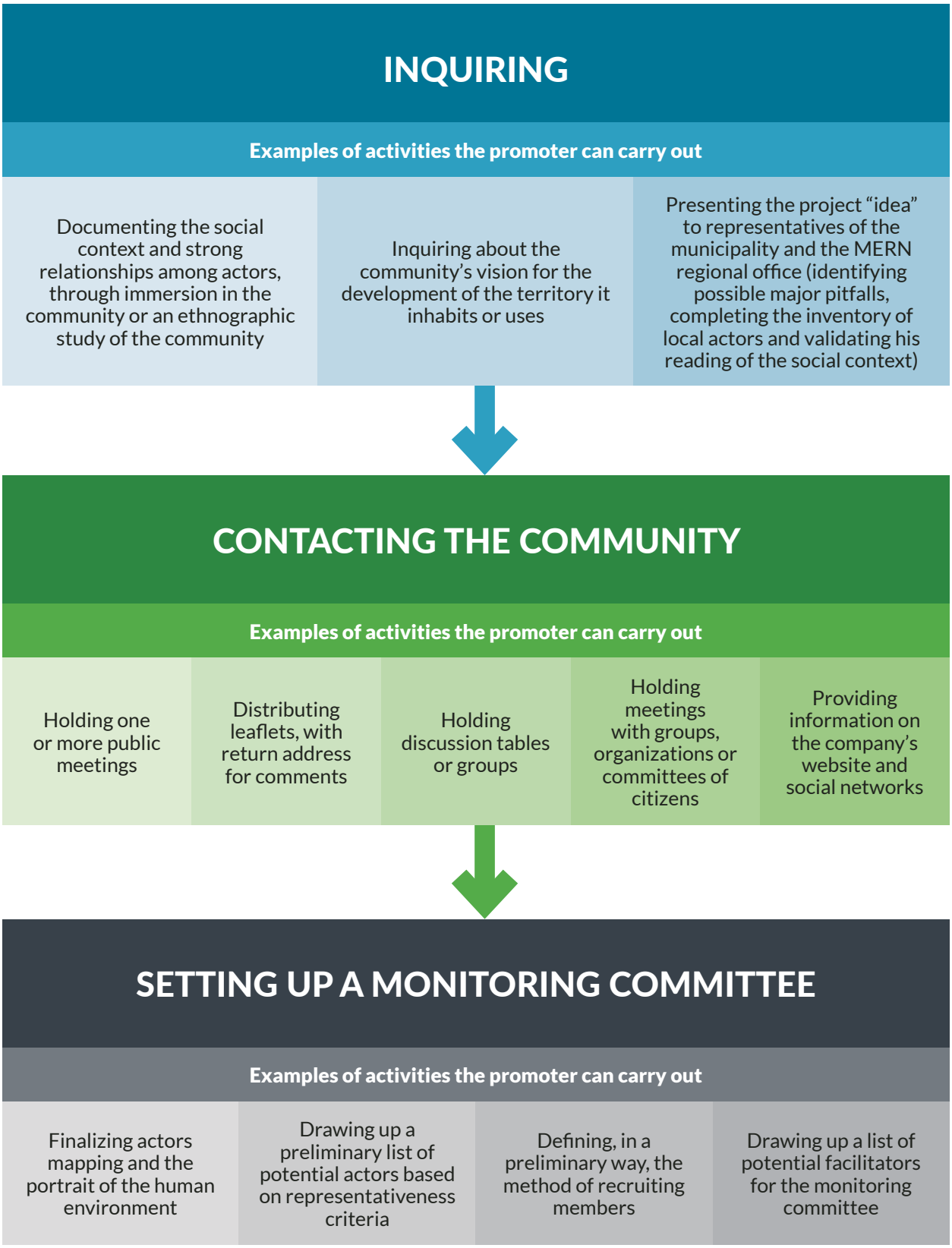


Figure 2. Examples of activities to carry out before establishing the monitoring committee

The information acquired during the discussions with local community actors and during the consultations carried out will be useful not only for planning the establishment of the monitoring committee, but also for adapting the parameters of an existing committee.[8]

Holders of a mining lease and holders of a petroleum exploration, production or storage licence must ensure that they fully understand and comply with the legal and regulatory provisions to which they are subject regarding the monitoring committee. These are presented in Part II of this guide.

1.3 WHEN TO ESTABLISH A MONITORING COMMITTEE?

With the exception of legal or regulatory requirements, there is no single rule specifying when promoters should establish their monitoring committees. However, it has been recognized that the establishment of an open, frank and constructive dialogue early on in the project development process is conducive to building trust between the promoter and local community. Promoters therefore would benefit from setting up their monitoring committee as soon as possible. The establishment of a monitoring committee at the project development stage can provide a sufficiently formal space for dialogue to encourage local actors to continue to exchange with the promoter.

The Mining Act and Petroleum Resources Act contain provisions relating to the time frame within which a promoter must establish a monitoring committee. These are presented in Part II of this document.

To avoid public concern or conflict, promoters undertaking field work, such as road construction or wind measurement mast installation, would benefit from contacting the local community before starting the work.

A monitoring committee may be set up voluntarily at any time, regardless of the progress of the project. In addition, in order to maintain dialogue throughout the project and, possibly, to benefit from the growing trust of the local community towards the company, it is advisable to maintain this monitoring committee throughout the project's life cycle, mainly by making any required adaptations.

> A monitoring committee is not static and, like the project, will evolve from the development phase to the dismantling of facilities and reclamation of the site.

The Mining Act and Petroleum Resources Act contain provisions relating to the duration of the monitoring committee's activities. These are presented in Part II of this document.

8 There are many books on different methods of public information and consultation. The following documents were produced for promoters: *Guide sur l'organisation d'une consultation publique par le promoteur d'un projet minier (MERN, 2016); L'information et la consultation du public dans le cadre de la procédure d'évaluation et d'examen des impacts sur l'environnement : guide à l'intention du promoteur de projet* (MDDELCC, 2018) and *Consultations Conducted by the Proponent: Expectations of the COMEX* (COMEX, undated).

It is not necessarily the same people who will want to participate in each of the project's implementation phases, because the monitoring committee's mandates may change as the project progresses.

The transition to a legally constituted monitoring committee

It is possible that a monitoring committee was set up before the legal obligation to establish one, under the Mining Act or Petroleum Resources Act. In such cases, the transition to a monitoring committee that complies with the provisions of these laws can be relatively straightforward. The monitoring committee already in place will have to be modified in order to be able to comply with the applicable legislative and regulatory requirements. In those cases, promoters must first check with the authorities concerned about the procedure to be followed and the necessary adaptations.

1.4 MONITORING COMMITTEE COMPOSITION

Monitoring committees are composed of a promoter representative and representatives of local or regional actors.

The Mining Act and Petroleum Resources Act contain provisions regarding the minimum composition of the monitoring committee set up by the promoter. These are presented in Part II of this document.

A composition that is representative of the demographic profile of the local and regional population, as well as the values, beliefs, expectations and concerns of the local community constitute the basis for establishing a credible monitoring committee and ensuring its proper functioning and effectiveness. In addition, the composition of the committee should reflect the diversity of opinions and options related to the project, whether or not people are in favour of it. It should also be flexible, in particular to adapt to the evolution of the project and the activities of the promoter. In short, to compose the monitoring committee, the best possible representativeness should be sought at all times.

> The diversity of opinions must be represented on the committee and the best possible representativeness should be sought.

It should also be recalled that it remains the promoter's responsibility to ensure that the expectations and concerns of the entire community targeted by the project are taken into account, whether or not a representative monitoring committee has been set up.

Guidelines for achieving the best possible representativeness in the composition of the monitoring committee

- Take into account the territory that would potentially be affected by the project's equipment and infrastructure as well as surrounding communities, including Aboriginal communities
- Establish a preliminary portrait of the issues at stake in the local community as well as local actors, including the relationships of influence between them[9]
- Ensure that the composition is representative of the concerns, interests and opinions of the actors concerned
- Ensure that representatives from a variety of community organizations (community, economic, environmental, public health, research, etc.) are included
- Ensure that representatives of land users and citizen groups are included, if applicable
- Ensure that individuals from the local community are included as closely as possible to demographic parameters (including gender ratio)
- The presence of young people and retirees is often an asset
- Youth participation offers a new vision, promotes sustainability and could facilitate the recruitment of other members. Youths are often also comfortable with social media
- Retired volunteers are rich in expertise, experience and knowledge of the environment and its history. They are motivated and can be more easily available during the day and in the evening
- Ensure that representatives of the Aboriginal communities concerned are included, where appropriate[10]
- Ensure that representatives of the municipal community (local municipality, RCM) are included

9 To establish a portrait of issues and local actors, promoters may call on regional government representatives, including MERN project managers, MELCC, MFFP, MAMH or MEI representatives, local authorities, in particular the development officer of the host municipality, economic development organizations in the region concerned, community organizers working in local community service centres (CLSCs) or community consultation organizations active in the community. They can also consult the local press.

10 Refer to the section "PARTICIPATION OF ABORIGINAL COMMUNITY"

It is important to ensure that community organizations and individual citizens are well represented so that they can express their concerns and expectations to the promoter.

For a community project, where the promoter is a group of representatives from a local community or RCM, the composition of the committee should necessarily be adapted, with these persons occupying both the seats reserved for representatives of the promoter and representatives of municipal and Aboriginal communities. In addition, the representatives chosen to participate in the committee's work are often the people who bring projects to the organization, such as executive directors. For these types of projects, finding a majority of independent members from the promoter may be an additional challenge, but this majority of independent members is important.

Various motivations may drive candidates to participate in a monitoring committee. Some will participate to present the opinions or concerns of their organization, while others will want to ensure that the promoter takes into account the expectations and concerns of the local community. It is important that candidates are motivated to participate in the work of the committee and that they contribute actively and constructively to it: passive participation should be avoided.

The number of participants in a monitoring committee meeting may vary depending on the nature and phase of the project as well as the context.

In general, a committee with a membership ranging from 15 to 20 people, including non-members,[11] may be optimal. Moreover, this number may vary according to the nature of the project, for example its size and potential impacts on the environment, or according to the nature of the contexts, particularly territorial ones. For example, in rural areas or for projects that are in the preliminary stage of mineral and petroleum exploration, a committee of less than 15 people could very well meet the criterion of community representation. Beyond twenty people, the committee's functioning may become less effective and the recognition of other members may decrease, so that cohesion and atmosphere at meetings may be compromised.

When a monitoring committee is not representative of the community, it becomes difficult to establish its credibility in the eyes of the community.

Passive participation should be avoided.

With more than 20 participants, speaking becomes more difficult and meetings may turn into public meetings.

Sub-working groups, including external persons, may be set up on an ad hoc basis.

The appointment of substitutes can be advantageous, as it allows, among other things, to maintain the participation of an organization or group of persons in the absence of the designated representative and to ensure a quorum for meetings. Procedures for the participation of the substitute in the work of the committee must be agreed on and included in a constitution document (see section 1.6). These arrangements may cover the following elements, in particular:

» the role of substitutes at meetings (observer or active member)

11 Non-member status is detailed in section 3.6 of this document.

- » the opportunity for substitutes to attend meetings when the designated member is present
- » the inclusion of substitutes on the committee's mailing list

Fictitious examples of the composition of monitoring committees are presented in Appendix 2.

In addition, for the treatment of certain issues, the committee may decide to work in sub-groups. This approach allows a few members to focus their efforts on specific topics without mobilizing the entire group. These subgroups could then include individuals external to the committee, to acquire the required expertise as needed.

In the course of its work, the monitoring committee may wish to seek the advice of external experts or government representatives, whose organizations are involved in the analysis and evaluation of the project or in the monitoring and supervision of activities. These actors are generally not members of the monitoring committee.[12]

Representatives of government departments and agencies are generally not members of the monitoring committee. They may participate in certain meetings as resource persons only upon invitation by the committee and on matters within their authority.[13]

Some committees will be open to welcoming people as observers at certain meetings. This is an exceptional practice that allows a person acting in an individual capacity or an organization's representative to witness the discussions on a given subject. These observers are not allowed to speak or take part in the decision-making. They may, however, obtain permission to ask questions for clarification on the terms used.

1.5 RECRUITING MEMBERS

The method for recruiting members and the period during which they are recruited should be made public. Promoters will benefit from such a transparent process that guarantees the independence of members and the absence of conflicts of interest in relation to the company and the project. Promoters may recruit members themselves or entrust this task to a neutral third party.

The Petroleum Resources Act provides that the process for appointing members requires the prior approval of the Minister. In addition, this law, like the Mining Act, provides that the committee be composed of a majority of members who are independent of the holder. These provisions are presented in Part II of this document.

Calls for applications open to the public, where selection criteria are known, can meet these characteristics. Invitation-based recruitment is also one of the recruitment methods that could be used. A combination of these two methods can also be used to make the first selection of members. The composition of the committee could then be finalized on the basis of proposals made by the members of this first selection (core). The promoter's representative could also submit suggestions to the other committee members, which would be discussed and validated by the committee.

> Allowing as many diverse people as possible to express their interest in participating on the committee is a welcome recruitment practice.

12 It should be noted that under the Mining Act and Petroleum Resources Act, a MERN or MELCC representative could be a member of a monitoring committee and, as such, would have non-independent membership status (see Part II, sections 1.3 and 2.3).

13 For more details on the participation of government representatives in Monitoring Committee meetings, please refer to section 3.6 of this document.

There are different ways to recruit members. In addition to the methods presented above, the following selection processes may also be used:

- selection of members through focus groups
- election of members at a public meeting
- structured public selection under the responsibility of an initial selection of members; for example, public notice, specially mandated selection committee, confirmation of interest and eligibility interviews, recommendation and, finally, approval by the committee
- hiring a consulting firm to carry out the recruitment

Welcoming new members to the monitoring committee

In the life cycle of a monitoring committee or during project phase changes, some or all of its members will probably have to leave the committee and be replaced by others.

A well-prepared onboarding is necessary to ensure a smooth transition and good integration of new members.

New member preparation may include the transmission of all documentation related to the committee (constitution document, minutes, list of members, annual report, etc.), a courtesy phone call from the promoter or facilitator explaining how the committee works and to answer questions, or a visit to the project site to familiarize new members with the operating activities.

1.6 ESTABLISHMENT OF A MONITORING COMMITTEE

A monitoring committee may be considered established when its composition is completed and the members have agreed on its mandate, objectives and operating rules.

A monitoring committee is built according to a non-hierarchical participatory governance structure and usually has no legal form. It goes without saying that the committee structure must be agreed to by all its members.

In the case of a project for which a mining lease has been granted or a petroleum exploration, production or storage licence has been issued, the promoter is legally subject to a set of rules provided by law.

Promoters who wish to benefit from the support of the MERN project manager in setting up and operating their monitoring committees are invited to contact MERN's Centre de service du territoire public.

Centre de service du territoire public

Telephone:
418-380-8502;
1-844-282-8277 (Toll free in Canada and the United States)
E-mail:
Droit.terre.publique@mern.gouv.qc.ca

The constitution document

Once the committee is established, members define a number of elements such as the committee's rules of operation, ethics, independence of members and confidentiality, as well as the mandate, objectives, expected results, members' responsibilities to the committee and, where applicable, to the organizations they represent, external communications and feedback procedures, and finally the name of the committee. Members may also designate a contact person to whom they can refer if necessary. All these elements are usually compiled in a constitution document.

> Each monitoring committee is autonomous and draws up its own constitution document.

The monitoring committee may take different names, which may also change as the phases of the same project progress. For example, a monitoring committee set up before the project is developed in detail and whose mandate would be to act as a link between the promoter and local authorities and some local actors is sometimes called a liaison committee. During the exploration phase and the commissioning and activity phase, the composition of the committee may change and even increase. At these project phases, the committee is sometimes called a concertation committee. It is the committee's responsibility to agree on the name it bears and the visual elements that represent it.

> All the elements agreed by the committee and to which everyone has voluntarily chosen to adhere are compiled in a constitution document.

All persons called upon to participate in the work of the committee, whether members, non-members or facilitators or persons responsible for coordinating the committee, must undertake to comply with the rules of ethics and operation set out in the constitution document.

The drafting of the constitution document can be entrusted to the facilitator who will then submit it to the members of the committee for advice. The final version adopted by the members will constitute the committee's reference document for the conduct of its work.

The constitution must be flexible, adaptable and subject to change. For example, it could be reviewed when the project phases change or at a predetermined frequency. Similarly, the objectives and expected results could be reviewed annually.

Elements that may be found in the constitution document

- Member recruitment method
- Composition
- Member status (independent or non-independent)
- Contact information for a contact person for members at the promoter's office
- Individual roles, responsibilities and commitments
- Mandate (definition and duration)
- Objectives and expected results
- A non-exhaustive list of the issues addressed, while allowing for the necessary modifications during the mandate
- Action plan and expected timelines
- Decision-making procedures
- Financing
- Operating and logistical rules (quorum, substitutes, holding of meetings, etc.)
- Dispute resolution method, if any
- Onboarding procedures for new members and departure of members, if applicable
- Confidentiality rules (reasons, subjects)
- The committee's practice assessment tools
- Annual report content
- External communications
- The legal form of the committee, if any

2 Mandate

Defined in concertation by all members, the mandate reflects the issues, expectations, concerns, challenges or questions raised by the local community as well as the project's degree of maturity. [14]

> Monitoring committee mandates may differ from one committee to another and are defined by all members.

Monitoring committee mandates should be broad enough to give the committee the necessary flexibility to make changes, if necessary, throughout its activities. It must also be sufficiently well defined to foster a common understanding of its scope and limitations among members.

In order to ensure a common understanding of the mandate and objectives, it is advantageous to include them in the committee's constitution document and to remind members periodically.

When defining the mandate, the committee is asked to specify its objectives as well as the concrete results expected.

Examples of objectives that will help the monitoring committee define its mandate

- Promote the sharing of local information and knowledge as well as scientific knowledge between local actors, the promoter and external experts
- Formulate opinions on the proposed measures to improve the project, in response to community expectations and concerns as well as complaints received from residents
- Encourage the sharing of information on any new concerns observed in the community and, if necessary, formulate opinions on the possible follow-up action
- Optimize the positive and concrete impacts of the project on the community, encourage the participation of local businesses, contribute to the development of the promoter's social engagement program
- Promote better harmonization of uses and recommend solutions that are acceptable to the community, economically viable for the promoter and compatible with the legal and regulatory framework of the project
- Promote good neighbourliness between construction or activity areas and the surrounding environment, and respond promptly and effectively to expectations or concerns raised by the community

14 For example, a monitoring committee for a petroleum storage site, which has been in operation for many years and whose issues are monitored to the satisfaction of the local community, will not have the same challenges as a newly set up monitoring committee during project development.

The mandate of a monitoring committee is not to assess the performance or environmental compliance of a project, but the committee may choose to be involved in environmental monitoring, for example, on the basis of information provided by the promoter and government departments.

Monitoring committees could therefore contribute to fostering the integration of the project in its community and could also become one of the vectors of development in the region.

3 Roles and responsibilities of members and non-members

In a monitoring committee, all members and non-members are responsible for complying with the rules, the code of ethics and any other element agreed upon by the committee. It is everyone's responsibility to be open and attentive, respecting everyone's opinions, even when they are divergent.

The monitoring committee is a flexible organization made up of many volunteers. Members therefore appreciate when promoters take on support functions (logistics, financing, etc.) so they can then devote themselves to the committee's work.

3.1 ETHICS, COMMITMENT AND INDEPENDENCE

In a monitoring committee, the opinion of each member is equally important. It should be recalled here that a representative of the promoter is also a member of the monitoring committee and actively participates in discussions and the concertation process.

Ethics

By adopting a code of ethics and ensuring its respect by all members, the monitoring committee promotes a dialogue that respects everyone's values and promotes a climate of mutual trust.

Examples of ethical elements

- Participating in the work of the committee and meetings on a voluntary basis and in good faith
- Respecting each other's values and opinion
- Promoting transparency, information sharing and knowledge transfer
- Putting skills to good use
- Being attentive, open and transparent
- Avoiding any conflict of interest that could influence committee members or the committee facilitator
- Respecting the confidentiality of strategic and financial data, when requested by the promoter's representative

Commitment

As a member of a monitoring committee, the participant undertakes to respect the rules of ethics as well as those concerning transparency, confidentiality, operation and external communication that the committee has adopted.

The commitments expected of members are to participate voluntarily and actively in the committee's work, in particular by taking ownership of the information and making the committee aware of the concerns of the organization they represent, if any.

Members undertake to participate voluntarily and actively in the work of the committee.

The commitments expected from the promoter are generally as follows:

- make available to the committee any information relevant to its work;
- allow sufficient time for members to review the information and, if necessary, to consult their network or the organization they represen
- facilitate the participation of members, including people with disabilities, through a variety of measures
- support the committee and ensure its financing
- be open to the opinions and positions taken by the committee
- diligently consider the advice and recommendations of the committee and provide feedback on these elements
- provide feedback within a reasonable time after a meeting
- recognize the legitimacy of all members and their interests
- ensure a good understanding of the project by adequately popularizing the information
- recognize and value the committee's contribution and the results of its work

The Mining Act and Petroleum Resources Act contain provisions relating to requirements for the licensee or lease holder. More details are presented in Part II of the document.

Member independence

The independence of members from the promoter or project will influence the degree of trust between members and between members and the promoter, as well as the perception of neutrality that the local community will have towards the committee. Thus, when recruiting members, the promoter and the first selected members should seek to form a committee composed of independent members or, at the very least, to aim for as high a proportion of independent members as possible.

For a monitoring committee, the independence of members refers mainly to the relationship with the promoter and the financial interests of the participant in the company or project.

A person who works for the promoter or a competitor, or who holds shares in the company, will not be perceived as independent, nor will his or her family members.

The Mining Act and Petroleum Resources Act specify that the monitoring committee must be composed of a majority of independent members. These elements are presented in detail in Part II of the document.

In addition, for community-based projects, such as small hydroelectric power plants or wind farms, where representatives of the promoter are members of the community or communities targeted by the project, it is particularly important that the terms of exchange and position taking be defined by consensus by the entire committee and that the committee be composed of a majority of independent members.

3.2 TRANSPARENCY AND CONFIDENTIALITY

The information provided by the promoter must be complete, accurate and accessible, both in terms of the material support and the language used. Accessibility, in particular, can be promoted through the choice of locations and means of information, the use of the Internet and social media and, finally, the popularization of technical, legal and scientific aspects.

> Transparency is one of the essential factors for the success of a monitoring committee and one of the basic conditions for its proper operation.

During the work of the monitoring committees, some of the information received may be confidential. In these circumstances, the promoter must ensure that this information remains confidential. Subject to the agreement of the members on this need for confidentiality, it can be respected without becoming a restriction or an infringement of transparency.

The desire to preserve the confidentiality of certain information does not constitute an infringement of transparency insofar as the grounds and conditions for confidentiality requests are established in advance, by consensus, by the members of the committee.

Lack of transparency and constant clashes can lead to a loss of trust that can be difficult to regain.

The reasons and conditions for confidentiality requests should therefore be established in advance by the committee and compiled in the document of establishment.

3.3 FACILITATION

Facilitating the committee's meetings and work requires that a person be assigned to this task and requires specific expertise, know-how and interpersonal skills.

Facilitators must have an interest in citizen participation and their credibility must be recognized by all members.

Facilitators are responsible for ensuring that the process is rigorous, that the interests of the parties involved are balanced, that all opinions are freely expressed and that consensus-building mechanisms are put in place.

> The facilitator should be a neutral, impartial third party, independent of the promoter and the other members of the committee and must not have any real or apparent conflict of interest with any of the members[15].
>
> The person chosen to lead the committee should be accepted by all members.

The expenses associated with hiring facilitators or the contract allocated to them should be assumed by the promoter, who is responsible for setting up the committee. Should the facilitator be absent or abandon his role, it is essential to ensure a replacement.

15 For information on the concept of conflicts of interest and codes of ethics for mediators, please consult the Institut de médiation et d'arbitrage du Québec (2007) and the Arbitration and Mediation Institute of Canada (2011).

Non-exhaustive list of functions that the facilitator can perform

- Guarantee the rigour of the process, respect for the operating rules, the balance of interests of the parties involved, the free expression of all opinions and the respect of the members among themselves
- Ensure good relations between the promoter and the committee
- Ensure the quality of the information available and the follow-up of the promoter's responses to the committee's requests and expectations
- Ensure that information is understood in the same way by all members
- Advise the promoter on the accessibility of information, the preparation of the files discussed and the production of monitoring tools submitted to members
- Ensure that the promoter takes into account the committee's opinions and recommendations and provides feedback on the decisions made by the committee

A facilitator holding a recognized training in mediation is an asset.

The neutrality and impartiality required of the facilitator exclude the possibility that the facilitation may be entrusted to a committee member or a representative of the promoter and the possibility that the facilitator may act as the committee's spokesperson.

The person leading the meetings of a monitoring committee must also be familiar with the various steps and techniques for setting up a concertation process and have the necessary skills to be able to apply them.

Facilitators must aim to achieve concrete results through the committee's work. To this end, they can prepare meetings, check the quality of information, anticipate issues raised, suggest avenues for discussion and facilitate discussions with members with a view to reaching consensus. They can accompany members to ensure that discussions lead to consensus-based decisions on opinions and recommendations and can follow up on the responses provided by the promoter. They may also propose indicators for evaluating the committee's performance, such as the quality of exchanges and the level of satisfaction of members with the results obtained.

3.4 COORDINATION OR SECRETARIAT

In some monitoring committees, the tasks associated with the operations and logistics of the committee are carried out by a coordinator or secretary. To this end, the use of an external resource, who earned the committee's trust, helps to increase the credibility of the process.

The committee coordinator or secretary may be called upon to plan meetings and convene members, reserve rooms, communicate regularly with committee members and the promoter, establish initial contacts with external experts, take notes during meetings, produce minutes and, finally, ensure the availability of equipment necessary for holding the meetings.

The minutes of the monitoring committee may contain the following information: the date and location of the meeting, member names, meeting objectives, information exchanged, topics discussed, questions and comments made, commitments made by the promoter and other members, as well as the follow-up actions taken and those to be taken.

> Minutes should be made public and, to this end, the interventions and comments reported should be nameless and confidential information should be removed.

In some cases, translation of documents should be considered. The minutes can be posted on the committee's website,[16] once the nominative and confidential information has been removed.

3.5 MEMBERS

Being a member of a monitoring committee involves a number of responsibilities that should be fully assumed by each of the participants to promote quality exchanges and to achieve the committee's desired results. Although the reasons for participating in a monitoring committee differ among members, below are some of the responsibilities they share:

- participating in the work of the committee, in particular by attending meetings and getting involved in the examination of the various issues discussed; in the event of absence, planning to be replaced by a substitute;
- ensuring that the substitute is informed of the committee's work;
- participating in the concertation process, if necessary;
- participating in training activities as required;
- reading the information, analyzing it and making sure to understand it;
- asking respective organizations or partners about the issues that the project may raise; likewise, keeping them regularly informed of the committee's work;
- sharing expectations, concerns, reactions and opinions or those of the member's organization, network or entourage;
- disseminating information within networks, while respecting confidentiality rules;
- expressing opinions and ideas clearly, frankly and precisely;
- being open to possibly modifying personal opinions;
- participating in the development of solutions that benefit both the promoter and the community.

16 For more information on the committee's website, see section 5.

Participating in a monitoring committee means being there to hear, listen and understand. It means being ready to get involved in a concertation process where it will often be necessary to contribute to the development of creative solutions that are acceptable to all members.

It should be noted that unless a member represents an organization, a company, a group of citizens such as a neighbourhood committee or a governance body, that person participates in a monitoring committee in a personal capacity. Such members only engage themselves in expressing their opinions and participating in the concertation process. For representatives of a governance body, this participation could be determined according to the specificities of the project.

The promoter's representative

The promoter's representative actively participates in the exchanges and concertation process where appropriate. As a result, they are involved in the proposals, opinions and consensual solutions formulated by the committee.

The promoter's representative should be a member of the committee and actively participate in the committee's work.

Non-exhaustive list of functions that the promoter's representative may perform

- Communicate the business strategy and present the issues and objectives pursued by the promoter
- Communicate the technical, budgetary, commercial and legal constraints to which the company is subject
- Provide fair, complete and transparent information on the project under development based on its progress, on the commissioning and activities at the site, on the results of the environmental monitoring and project performance programs, and on the actions to be taken on opinions and positions taken by the committee
- Listen to other members and understand their concerns
- Participate in exchanges and concertation processes
- Produce an annual financial statement of the expenses associated with the committee's activities

By presenting in all transparency the positive and negative impacts apprehended for the local community, the promoter's representative promotes a perception of honesty in the community.

The monitoring committee established under the Mining Act or the Petroleum Resources Act is subject to certain rules regarding requests for information or documents addressed to the promoter. The holder of a mining lease or a petroleum exploration, production or storage licence is also subject to certain rules regarding the action to be taken on these applications. These elements are presented in detail in Part II of the document.

Finally, it should be noted that the establishment of a monitoring committee does not exempt promoters from any obligations that may be imposed on them under the legislation, for example, the holding of public consultations or the implementation of an environmental monitoring program.

Spokesperson

The appointment of a spokesperson for the committee may be useful for external communications. For example, it is the spokesperson who will answer questions from the public or the media about the work being done by the committee. The spokesperson is a member of the committee and designated by the committee, so he or she cannot be the facilitator. Any public representation that is organized must be agreed upon in a concerted manner by all members.

It is important to avoid having members other than the spokesperson make public appearances, particularly on social media, in order to reduce the risk of inconsistency with the decisions and positions taken by the committee. Thus, other committee members who wish to speak publicly should do so on their own behalf, in accordance with the rules agreed upon by the members.

Section 5 of the document presents some best practices in external communications.

3.6 NON-MEMBERS

The monitoring committee may wish to use resource persons, external to the committee, to provide members with information on specific aspects of a file. Often, they will be representatives of government departments or agencies or experts from the research or consulting services. The committee may also welcome observers.

Government departments and agencies[17]

As a resource person, a representative of a government department or agency, including the MERN project manager, can contribute to the work of the committee in a variety of ways. They use their expertise, or that of their department, to provide relevant and non-confidential information in relation to the committee's work. In particular, they may share their knowledge of the territory and environment targeted by the project, explain procedures for project analysis and authorization by government authorities, provide information on territorial aspects or specify certain legal or regulatory aspects. For a project in the commissioning and activity phase, government representatives can also provide information on the legal framework, for example.

The representative of a government department or agency may sometimes provide information on the terms and conditions of consultations conducted by government authorities as well as the issues that have been raised, such as targeted consultations with public land users or consultations with Native communities. However, information resulting from the consultations may only be disclosed with the explicit consent of the participants.

17 See footnote 12.

The representative of a government department or agency is a resource person for the monitoring committee and may participate in meetings at the invitation of the committee.

The representative of a government department or agency may only speak on matters within their authority and may only transmit relevant and non-confidential information.

At no time does the representative of a government department or agency facilitate the committee's meetings or act as an arbitrator between the promoter and the other members of the monitoring committee.

If the representative of a government department or agency is invited to a monitoring committee meeting, the subject of intervention and the information to be provided must be agreed upon before the meeting is held.

Generally speaking, the representative of a government department or agency does not participate in the concertation process between monitoring committee members in order to maintain their independence in carrying out their mandates.

The mandate of representatives from the Directions régionales de santé publique (DSPublique) on the monitoring committee differs from that of their colleagues in other government organizations. They act on the one hand as representatives of the Ministère de la Santé et des Services sociaux, in the same way as other representatives of government departments and agencies, and on the other hand, with regional authority under the Public Health Act (CQLR, chapter S-2.2). Public health officers exercise a health watch role within the population, which gives them the power to intervene when the health of the population is threatened. As such, the representative of the Public Health Department is called upon to provide any advice on potential public health issues that the project may raise or to make recommendations to the promoter on the measures to be put in place to reduce health risks, if applicable.

It should be noted that representatives of government departments and agencies must respect a set of obligations, including those of neutrality and confidentiality. In addition, the departments and agencies concerned must comply with the obligations set out in the Act respecting Access to documents held by public bodies and the Protection of personal information (CQLR, chapter A-2.1).

External experts

The ad hoc use of external expertise by committees is a fairly common practice. Members will turn to experts recommended by their peers in order to access missing expertise. These experts are called upon to carry out studies or formulate opinions. The results of the studies carried out are then used to support the proposals, solutions or opinions formulated by the committee. For its part, the company also calls on experts, sometimes on the same subjects. This can lead to complex and sometimes fruitless discussions that do not help the committee's work.

In a monitoring committee, and in order to avoid non-recognition of the results by either party, a collaborative approach between the promoter's representative and the other committee members for the selection of the expert and the preparation of the study specifications is more productive and efficient while still meeting the need to use credible experts.

A co-expertise approach reduces the risk that the results will be challenged.

Under this approach, the promoter's representative and the other committee

members jointly develop the expert's mandate based on the needs and expectations expressed by the committee. The committee also participates in the identification of firms to be invited and in the evaluation of respondents. This is followed by a consensual selection of the selected expert based both on their skills in the field sought and on their ability to work with groups of citizens.

The co-expertise approach, in which the promoter remains the one giving orders and paying while members of the monitoring committee participate in the elaboration of the mandate, the choice of the expert and sometimes even in the carrying out of the study, constitutes a winning alternative, considerably reducing the risks that the results will be contested by the committee or local actors.

Observers

The presence of observers at certain meetings may also be considered. For example, a person may want to witness the exchanges when a topic of particular interest to them is on the agenda or if they want to witness the meetings.

These observers usually do not take the floor and do not participate in the concertation process. The presence of a non-member as an observer should be agreed upon in advance by all committee members.

4 Operation

The proper operation of a monitoring committee depends in part on the transparency of information, the representativeness of the members, the openness of the promoter's representative and the commitment of all members, as well as on the impartiality of the facilitator. Focusing efforts on priority issues of concern to committee members as well as on strategic issues also helps to maintain member interest and the quality of their contribution to the committee's work.

The operating rules presented in the following sections can contribute to the success of a monitoring committee's work. These rules, specific to each monitoring committee, remain adaptable and should be defined by consensus between all members and the facilitator. An example of some rules relating to the operation of a monitoring committee is given in Appendix 3.

> The clarity, flexibility and adaptability of the committee's operating rules should be addressed.

4.1 CONCERTATION PROCESS

Within a monitoring committee, members are called upon to submit proposals, solutions or opinions on various aspects of the project. They are also asked to comment on various matters related to the committee's internal affairs, such as its mandate and objectives, the issues to be addressed, its operating rules and its constitution document.

In a monitoring committee, it is desirable that exchanges be conducted according to a concertation process and that all members, including the promoter's representative, collaborate in seeking consensus on the issues identified. All important positions of the committee should be taken by consensus and no one should veto; voting should be avoided.

> Achieving consensus does not mean unanimity, majority or compromise. The consensus is that the position obtained following a concertation process is considered acceptable by all participants. Building consensus takes time and often requires many exchanges and sometimes several meetings.

Figure 3 illustrates in a general way the process of exchange and concertation to be favoured within the monitoring committee.

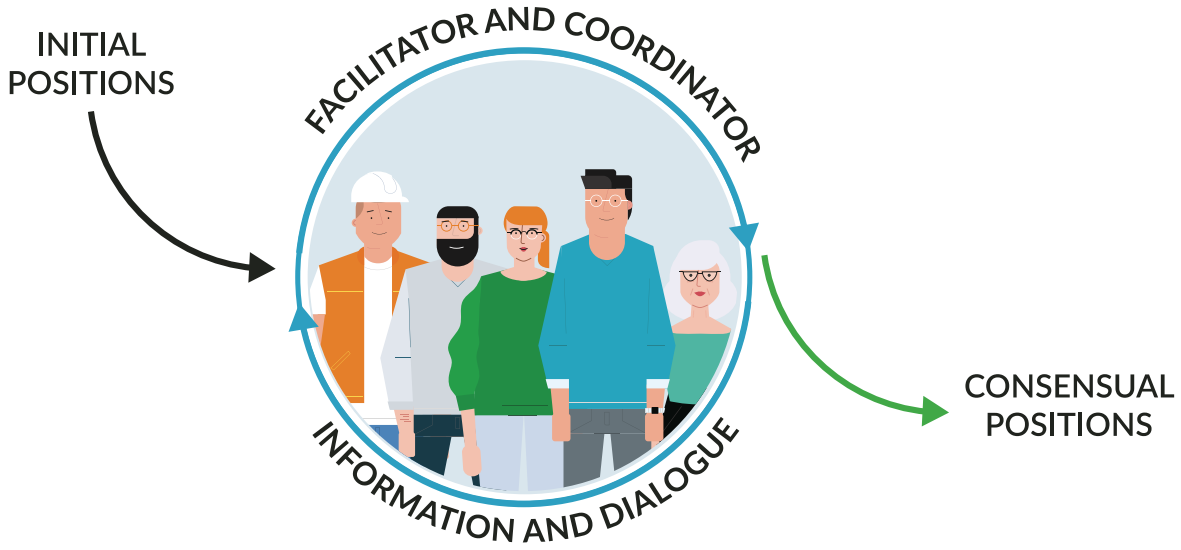


Figure 3. The monitoring committee: a forum for dialogue to co-create and monitor projects

Building consensus can take time and several meetings. It is an iterative process where exchanges between members advance reflection and openness until a mutually acceptable position is reached.

> Building consensus can take time, but it is a win-win situation for participants.

During discussions within the committee, the following practices promote respect and ownership of solutions by all members:

- in the event that, for a given subject, a member has a conflict of interest, it is the member's responsibility to withdraw from the concertation process on the subject in question;
- it is preferable that all members or their substitutes be present when an important position is taken;
- a quorum should be minimally required to establish proposals, opinions or consensual solutions.

Consensus may be difficult to reach, especially if the subject matter is complex or particularly sensitive. Continuing the dialogue on the issue in small group or postponing it to a later date, while progress is being made on other aspects of the project, for example, are strategies that can be successful. Using external expertise to inform the committee on the issue in question, in a process of co-expertise, can also help to relaunch exchanges and advance the concertation process.

The exchange process within the committee, as well as the additional tools preferred for consensus building and, for promoters subject to the Mining Act, private dispute prevention and resolution, should be included in the document of establishment.

The holder of a mining lease is subject to certain rules regarding the method of dispute prevention and resolution. Details are presented in Part II of this guide.

Should the committee become non-functional, it is the promoter's responsibility to rectify the

situation. In such cases, the facilitator's expertise can be used to understand the reasons for the committee's malfunctioning and to propose solutions. However, the adoption of a code of ethics and clear operating rules, respected by all members, should reduce the risks.

4.2 FINANCING

The committee's operating costs should be borne by the promoter, through its management and budgetary provisions. Among the expenses incurred by the promoter to support the committee are the hiring of the facilitator and a coordinator or secretary, if applicable, the amounts allocated for expert contracts, the logistics required to hold meetings (room rental, coffee, etc.), secretarial equipment, external communication equipment and expenses incurred by members for travel and participation in the committee's work, upon presentation of supporting documents.

The holder of a mining lease or a petroleum exploration, production or storage licence is subject to certain rules regarding the financing of the monitoring committee. Details are presented in Part II of this guide.

Committee members are often volunteers, so they usually do not receive any compensation from the promoter. Otherwise (if they receive compensation), this may increase the community perception of the committee's lack of impartiality.

The allocation of a discretionary budget to be managed by the committee adds administrative weight and an increased burden on members, in addition to helping to formalize the committee's status.

The budget allocated to the operation of the monitoring committee differs from one project to another and should represent a reasonable cost for the promoter. It should nevertheless be sufficient to foster the achievement of the committee's objectives.

For the sake of transparency, it would be appropriate for the promoter to submit an annual financial statement for monitoring committee activities. In addition to appearing in the company's financial statement, this document could also appear in the monitoring committee's annual report.

The holder of a mining lease and the holder of a petroleum exploration, production or storage licence are subject to certain rules concerning the production of an annual report on the monitoring committee's activities and expenses. Details are presented in Part II of this guide.

4.3 HOLDING MEETINGS

The rules for holding meetings must be agreed upon between the members and compiled in the constitution document.

Elements that may be covered by the rules for holding meetings

- Attendance at meetings
- Terms of exchange, including the language(s) used
- Location of meetings
- Possibility to participate in meetings by web conference
- Frequency and schedule of statutory meetings
- Possibility of holding extraordinary meetings
- Reimbursable expenses for costs incurred by members for their participation in meetings
- Quorum of members required
- Contribution of substitutes
- Preparation and deadline for sending agendas and documentation useful for exchanges
- Production and validation of reports
- Attendance of observers at meetings or media representatives

The frequency of meetings must be adapted according to the nature and phase of the project, the issues to be addressed, the degree of difficulty encountered in appropriating the information and the degree of work progress. For example, field visits, participation in public meetings organized by the promoter or technical training sessions for members can also be added to the meeting schedule.

The holder of a mining lease and the holder of a petroleum exploration, production or storage licence are subject to certain rules concerning the frequency of meetings of the monitoring committee. Details are presented in Part II of this guide.

Attendance at meetings is one of the committee's factors for success.

With regard to attendance, after a number of unmotivated absences, for example three unmotivated absences, the member could be invited to withdraw. Keeping an attendance sheet is an interesting way to measure members' attendance at meetings. A high rate of absenteeism should be analysed to identify possible causes and allow effective measures to be put in place to address them, where possible. Similarly, when a person "leaves," efforts should be made to identify the reasons that led them to this decision.

For a monitoring committee that is beginning its work, frequent and regular meetings will contribute to building trust and respect within the committee. After some time, the committee will adopt its cruising speed. Holding four to six meetings per year can help to ensure that the work progresses smoothly without causing participants to feel overwhelmed.

The duration of the meetings must be long enough to cover all the topics on the agenda; as an indication, an approximate duration of three hours is deemed appropriate. Particular attention should be paid to the preparation of the agenda and the facilitation of meetings. Failure to follow the agenda on a regular basis would demotivate members and attendance could then become an issue.

It is important that the committee clarify its quorum rules, because in the absence of a quorum, the taking of positions should be postponed. Here are some examples of quorums observed in monitoring committees:

- one representative from each category;
- 50% of the members plus one;
- 50% of the members and one representative from each category.

Finally, it is important to ensure that the choice of venue, season and schedule of meetings encourages the participation of all committee members by providing, when required, the necessary accommodations. Appendix 4 presents some useful work tools for preparing and holding meetings and welcoming new members.

4.4 INTERNAL COMMUNICATION

Quality internal communication will contribute significantly to member satisfaction. It may be carried out by a person external to the committee, such as a coordinator.

Examples of appreciated internal communication practices

- Ensuring that everyone understands the information shared, both in terms of content and language used
- Ensuring that you have a complete mailing list, at all times, which also includes substitutes
- For all e-mail exchanges, adding substitutes in Cc
- Ensuring that draft agendas and documents useful for discussions are sent out in advance, with the invitation to the meeting
- Ensuring that members agree to the participation of a non-member before the meeting
- Notifying members of the presence of a substitute

Allowing too little time to review and understand the documentation received can be a major concern for members.

The transmission of documents several days before a meeting is held, with sufficient time for members to understand and even discuss the information, builds members' trust in the promoter.

5 External communication

External communication offers the monitoring committee many advantages. It helps to identify priority challenges or objectives for subsequent phases of the project and to facilitate networking activities with local community members and other monitoring committees. External communication can also help build public trust and credibility for the committee and to communicate the committee's contribution to the promoter's choice on issues that have been raised by the local community regarding the project's development.

> External communication facilitates networking with the community and other monitoring committees.

The choice of information to be disseminated must respect the established rules of confidentiality and all communications must be approved in advance by members. In addition, publication of meeting agendas and minutes as well as annual reviews allows the local population to follow the committee's work and assess its results.[18]

The holder of a mining lease and the holder of a petroleum exploration, production or storage licence are subject to certain rules regarding the production of meeting minutes and the annual report. Details are presented in Part II of this guide.

In its external communications, the committee should use simple and understandable language, regardless of the level of knowledge of the target audience. It could also use a visual element that allows it to be well represented, such as a distinctive logo and website. The use of identification that is distinct from that of the promoter promotes the committee's credibility in its public interventions.

There are several ways to disseminate information externally, including the following:

- the dissemination of information on the Internet, on the promoter's or monitoring committee's site, where applicable; however, a website dedicated to the monitoring committee, independent of that of the promoter, would be preferred;
- the use of social media;
- the transfer of information from the member representing an organization to the organization;
- the transmission of information by the spokesperson;
- the management of a kiosk at events.

18 For more details on the potential content of a report, please refer to section 3.4 of this document.

The Mining Act and Petroleum Resources Act require that certain information relating to the monitoring committee be posted on a website. More details are presented in Part II of the document.

The monitoring committee could also choose means of communication that would allow citizens to send comments or concerns to it. To this end, an e-mail address or an online participation platform,[19] on the committee's website could be made available to the public.

Communicating with the media requires preparation.

Finally, communications with the media should be carried out by the committee-designated spokesperson and should be well prepared.

The spokesperson should be aware of the committee's objective when speaking to the media. They should also take ownership of the content of the information or message to be delivered. Finally, good preparation requires that the spokesperson know who they will be speaking to.

Finally, it should be recalled that other members of the committee who wish to speak publicly should do so on their own behalf or on behalf of their organization, in accordance with the rules of ethics agreed upon between the members.

Feedback on monitoring committee activities

Feedback on the activities carried out by the monitoring committee and the results obtained[20] is an intrinsic measure of any good public participation process. It is also in the committee's interest to establish its feedback plan in advance, in accordance with the rules of confidentiality and ethics adopted by the committee. For example, the committee could publish an annual review or publish the information on its website at a predetermined frequency.

The holder of a mining lease and a petroleum exploration, production or storage licence must publish an annual report on the activities and expenses of the monitoring committee and submit it to the Minister. Details are presented in Part II of the document.

In general, the information that could appear in the annual review is as follows: the list of committee members; the nature and number of activities carried out; the promoter's annual financial statement for monitoring committee activities; the roles and mandates of the stakeholders involved; the subjects and concerns addressed; the objectives pursued and the results obtained; and, where applicable, the changes made to the committee's mandate or objectives and to its composition or operating rules during the period covered by the review. It is recommended that this report be made public for the sake of transparency and, possibly, to provide an opportunity for members of the local community to comment on the progress of the work.

19 An example of an online participation platform is from Alberta Environment and Parks, which can be accessed at the following address: https://talkaep.alberta.ca.

20 This section focuses on the monitoring committee's feedback activities to the public. The terms and conditions surrounding the feedback provided by the promoter to the monitoring committee are discussed elsewhere in the guide.

Finally, for its internal purposes, the monitoring committee may also evaluate the results obtained with regard to its operation, such as the quality of the information received, the tone of exchanges, attendance at meetings and member satisfaction. This evaluation could, if necessary, be supplemented by taking into account comments from the public, following the publication of the report.

Part II

Obligations of the holder of a mining lease or of a petroleum exploration, production or storage licence to set up and operate a monitoring committee

This part of the guide presents the obligations to which holders of a mining lease or a petroleum exploration, production or storage licence are subject to, with regard to monitoring committees.[21] They are the minimum standards with which promoters of mining and petroleum projects must comply.

The Mining Act (CQLR, chapter M 13.1) and the Regulation respecting mineral substances other than petroleum, natural gas and brine (CQLR, chapter M 13.1, r. 2) set out the requirements to which a mining lease holder is subject.

The Petroleum Resources Act (CQLR, chapter H-4.2) and the Regulation respecting petroleum exploration, production and storage licences and the pipeline construction or use authorization (CQLR, chapter H-4.2, r.3), which came into force on September 20, 2018, set out the requirements to which a holder of a petroleum exploration, production or storage licence is subject.

This minimum framework provides the necessary flexibility so that the composition and operation of a monitoring committee can be adapted to the projects, issues and concerns raised by the community and actors involved.

Part I of this document on best practices provides guidance to the project promoter and local actors in their efforts to achieve optimal monitoring committee operation.

21 It should be noted that the monitoring committee obligations under the Mining Act and the Petroleum Resources Act, and their associated regulations, may be supplemented by requirements for ministerial or government authorization resulting from the application of environmental assessment procedures.

1 Monitoring committee – holder of a mining lease

Section 100 of the Mining Act (hereinafter referred to in this section as "the Act") requires that a mining lease be obtained before mining begins.

> *100. No person may mine mineral substances, except surface mineral substances, unless he has previously obtained a mining lease from the Minister or a mining concession under any former Act relating to mines.*

Section 101 of the Act specifies the conditions for obtaining a mining lease, namely:

> *101. The Minister shall grant a lease in respect of all or part of a parcel of land that is subject to one or more claims if the claim holder establishes the existence of indicators of the presence of a workable deposit, meets the conditions and pays the annual rental prescribed by regulation.*
>
> *The lease cannot be granted before the rehabilitation and restoration plan is approved in accordance with this Act, and the authorization mentioned in section 22, 31.5, 164 or 201 of the Environment Quality Act (chapter Q-2) has been issued.*
>
> *Despite the second paragraph, the Minister may grant a lease if the time needed to obtain the authorization is unreasonable.*
>
> *The Minister shall make public the rehabilitation and restoration plan as submitted to the Minister for approval and register it in the public register of real and immovable mining rights for public information and consultation purposes as part of the environmental impact assessment and review procedure provided for in the Environment Quality Act.*
>
> *An application for a mining lease must be accompanied by a survey of the parcel of land involved, unless it has already been entirely surveyed, a report describing the nature, extent and probable value of the deposit, certified by an engineer or a geologist who meets the qualification requirements determined by regulation, and a project feasibility study as well as a scoping and market study as regards processing in Québec.*
>
> *At the Minister's request, the holder of the mining right shall provide the Minister with any document and information relating to the mining project.*
>
> *The Minister may subject the mining lease to conditions designed to avoid conflicts with other uses of the territory.*

The Act imposes an obligation to establish a monitoring committee on every holder of a mining lease.

This obligation applies to holders of mining leases[22] granted after December 31, 2015, the date on which section 101.0.3 of the Mining Act came into force. It is valid for the entire territory of Québec.

This section is intended to answer questions from mine operators and monitoring committee

22 In this section, the holder of the mining lease is referred to as a "mining operator."

members. It sets out the provisions of the Act and the Regulation on mineral substances other than petroleum, natural gas and brine (hereinafter referred to as "the Regulation") relating to the monitoring committee.

Finally, it should be noted that mining companies often enter into Impact and Benefit Agreements (IBAs) with Native communities that provide for the establishment of a committee similar to the monitoring committee. However, since these agreements are not subject to the rules set out in the Mining Act, the mining operator remains required to form a monitoring committee in accordance with the provisions of the Act. However, if the committee established under the IBA complies with the obligations of the Mining Act, the same committee may also act as a monitoring committee within the meaning of the Act.

1.1 PURSUED OBJECTIVE

The objective of establishing the monitoring committee is to encourage the involvement of the local community in all phases of the project (art. 101.0.3 of the Act).

1.2 ESTABLISHING A MONITORING COMMITTEE

The monitoring committee must be set up by the mining operator within 30 days of the issuance of the mining lease and must be maintained until the work provided for in the rehabilitation and restoration plan has been completed (s. 101.0.3 of the Act), that is:

> *101.0.3. The lessee establishes a monitoring committee to foster the involvement of the local community in the project as a whole.*
>
> *The committee must be established within 30 days after the lease is issued and must be maintained until all the work provided for in the rehabilitation and restoration plan has been completed.*
>
> *The committee members are chosen in the manner determined by the lessee.*
>
> *The lessee determines the number of representatives who are to sit on the committee. However, the committee must include at least one representative of the municipal sector, one representative of the economic sector, one member of the public and, if applicable, one representative of a Native community consulted by the Government with respect to the project. A majority of the committee members must be independent from the lessee. All must be from the region in which the mining lease is granted.*

When a new mining lease is granted for the expansion of a mine, the composition of the monitoring committee already in place must be reviewed by the mining operator to ensure that it complies with the minimum rules set out in the Act. This must be done within 30 days of the lease being granted. In addition, all the rules applicable to the new monitoring committees also apply to these committees.

1.3 COMMITTEE COMPOSITION AND INDEPENDENCE OF MEMBERS

Section 101.0.3 of the Act provides that the members of the committee are selected according to the method determined by the mining operator. According to the same article, the monitoring committee must be composed of at least:

- one representative of the municipal sector [23]
- one representative of the economic sector
- one citizen
- one representative of an Aboriginal community consulted by the government with respect to the project, if applicable[24]

The Act does not specify the maximum number of persons who may serve as membrers of the monitoring committee. However, the number of members in the monitoring committee must be sufficient to enable the group to carry out its mandate properly. It is up to the mining operator to determine the number of representatives.

However, section 101.0.3 of the Act specifies that all members must come from the region where the mining lease is located. The notion of "region" is not defined in the Act or Regulations. Its scope may depend on the geographical location of the project. The monitoring committee for a mining project located on the boundary of two administrative regions could include members from either region.

The mining operator is required to set up a monitoring committee that complies with the requirements of the Act. Even if it is difficult to fill one of the seats provided for in the Act, the mining operator must set up the monitoring committee within the time limit set by the Act.

Under section 101.0.3 of the Act, the committee must be composed of a majority of members who are independent of the mining operator.

A member of the committee is deemed not to be independent in the following cases (s. 42.1 of the Regulation):

> *42.1. A member of the monitoring committee to foster the involvement of the local community in the project as a whole is deemed not to be independent:*
>
> *(1) if the member has direct or indirect relations or interests of a financial or commercial nature with the lessee;*
>
> *(2) if the member is employed by the Ministère de l'Énergie et des Ressources naturelles or by the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques;*
>
> *(3) if the member is or was, during the 2 years preceding the date of appointment, employed by the lessee or by one of the lessee's wholly-owned subsidiaries or if the member is related to a person holding such employment.*
>
> *For the purposes of this section, "related person" means persons connected by blood relationship, marriage, civil union, de facto union or adoption.*

A non-independent member may sit on the monitoring committee. However, the majority of members must be independent of the mining operator.

23 This may include, where applicable, a representative from a municipality or RCM, the Kativik Regional Government, Cree or Naskapi villages, northern villages, the Cree Nation Government or the Eeyou Istchee James Bay Regional Government. RCMs whose territory includes an unorganized territory are considered municipalities with respect to those territories.

24 Refer to the section "INDIGENOUS COMMUNITY PARTICIPATION."

Representatives of the mining operator may sit on the monitoring committee; however, they are deemed not to be independent.

In the event that an IBA is signed by the mine operator with a community, the members of that community are deemed to be independent unless they are subject to one of the cases listed above (section 42.1 of the Regulation).

Monitoring committees may determine the independent status of their members themselves, provided they meet the minimum requirements of the Act.

1.4 OPERATION

The Regulation provide for certain operating procedures such as the reimbursement of expenses, the production and publication of meeting reports and an annual activity and expense report. For the rest, the monitoring committee must adopt its own operating rules.

Meetings

The committee must hold at least one meeting per year (s. 42.2 of the Regulation), more specifically:

> *42.2. The committee must meet at least once a year.*
>
> *Not later than 15 days after each meeting, the committee sends a report of the meeting to the lessee. The lessee publishes the report on a website within 2 working days following its receipt.*

Section 42.2 of the Regulation therefore requires that meeting reports must be sent to the mining operator within 15 days and made public by the mining operator on an Internet site within two working days of receipt.

Requests for information by the committee to the mining operator

Section 42.4 of the Regulation provides that requests for information and documentation from the monitoring committee addressed to the mining operator must be in writing and must include the data necessary to carry out the committee's mandate. The operator has 15 days following receipt of the request to respond. If they cannot do so, they must give reasons for their refusal. Section 42.4 reads as follows:

> *2.4. Every request for information or documents by the committee to the lessee must be made in writing and must concern the data needed to fulfill the committee's mandate.*
>
> *Within 15 days following the receipt of the request, the lessee must provide the information and documents or give reasons for refusal to do so.*

Dispute prevention

En vertu de l'article 42.3 du Règlement, le Under section 42.3 of the Regulation, the monitoring committee must choose private dispute prevention and resolution methods at its first meeting in order to prevent a dispute that may arise between committee members with respect to its operation. It must also choose, by mutual agreement with the mining operator, private dispute resolution methods that may arise between them, in particular with regard to the information and documents requested from the mining operator, the expenses of the monitoring committee and the technical support required by the committee. Section 42.3 reads as follows:

> *42.3. To prevent a potential dispute between the members of the committee regarding its operation, the committee must, at its first meeting, choose private dispute prevention and resolution processes.*
>
> *At the same time, the lessee and the committee must choose, by mutual agreement, private dispute prevention and resolution processes for*

potential disputes between them, regarding in particular:

(1) information and documents requested from the lessee;

(2) the committee's expenses; and

(3) the technical support needed by the committee.

The monitoring committee may, for example, use a private firm (mediators, lawyers or notaries) or an alternative non-profit legal organization, or simply agree on the choice of an independent person in the local community who could act as a mediator in conflict prevention or management.

The Department of Justice website provides more information on private dispute prevention and resolution.[25] This site provides relevant information on private dispute prevention and resolution methods, including the characteristics of each method, how they are used, as well as useful sources for more information and professionals who can advise the committee on these issues.

Private dispute prevention and resolution procedures must apply to the monitoring committee's operating procedures, its expenses, its financing and the information and documents requested from the mining operator. They could apply, for example, to the monitoring and application by the mining operator of the recommendations issued by the monitoring committee.

MERN does not intervene in a dispute between the monitoring committee and the mining operator. However, it may provide the mediator with the information necessary to carry out their mandate, if necessary.

Financing

Under section 42.5 of the Regulation, the mining operator must assume the expenses associated with the operation of the monitoring committee, including, for example, meeting expenses. At the request of the monitoring committee and upon presentation of supporting documents, the mining operator shall in particular bear the travel and accommodation expenses of monitoring committee members. Section 42.5 provides as follows:

42.5. All expenses related to the operation of the committee, including the expenses related to the steps taken to prevent or resolve a dispute, are assumed by the lessee.

At the request of the committee and on presentation of vouchers, the lessee reimburses the costs related to travel and accommodation of the committee members.

The lessee also provides the technical support needed by the committee, including the recourse to external expertise where required.

The mining operator also provides the necessary technical support to the monitoring committee. This support includes all the resources necessary for the committee to fulfill its mandate. This may include the use of external expertise if necessary, after agreement on the mandate and objective pursued.

Finally, it is also the mining operator's responsibility to bear the costs of any steps taken to prevent or resolve a dispute, if any.

25 At the time of publication, the Department of Justice's Internet page on private dispute prevention and resolution is as follows: https://www.justice.gouv.qc.ca/vos-differends/modes-de-prevention-et-de-reglement-des-differends-prd/.

1.5 FEEDBACK

Pursuant to the provisions of section 42.6 of the Regulation, the mining operator must publish an annual report of the committee's activities and expenses on an Internet site within 90 days of the end of the mining operator's fiscal year, that is:

> *42.6. The lessee must publish an annual report of the committee's activities and expenses on a website within 90 days following the end of the lessee's fiscal year.*
>
> *The committee must draw up the portion of the report concerning its activities and send it to the lessee at least 2 working days before the deadline for publishing the report.*
>
> *The lessee must produce the other portion of the report concerning the committee's expenses.*

The committee shall prepare the portion of the report relating to its activities and forward it to the mining operator at least two working days before the maximum date for publication of the report. The mining operator produces the other portion of the report concerning the committee's expenses.

Ideally, the monitoring committee should have an Internet site or a section dedicated to it on the mining operator's site.

1.6 DISSOLUTION OF THE COMMITTEE

The monitoring committee must be maintained until the work provided for in the rehabilitation and restoration plan has been completed, at the end of the mining operator's mining activity. The members of the monitoring committee may be replaced over time, in accordance with the operating rules adopted by this group and in compliance with the provisions of the Act.

Questions?

Please contact the MERN's Mining Service Centre for information on the legal framework governing monitoring committees.

Mining Service Centre
Telephone:
418-627-6278
1-800-363-7233 (toll-free in Canada and the United States)
E-mail:
service.mines@mern.gouv.qc.ca

2 Monitoring committee – holder of a petroleum exploration, production or storage licence

The Petroleum Resources Act (hereinafter in this section "the Act"), adopted in December 2016 and coming into force on September 20, 2018, establishes a new regulatory regime for the petroleum industry in Québec.

The requirement for every holder of a petroleum exploration, production or storage licence to establish a monitoring committee is a new feature of the Petroleum Resources Act. Such an obligation did not exist in the past under the Mining Act and the Regulation respecting petroleum, natural gas and underground reservoirs (CQLR, Chapter M 13.1, r. 1). In addition, the Regulation respecting petroleum exploration, production and storage licences, and the pipeline construction or use authorization (hereinafter referred to as the "Regulation") defines certain minimum requirements related to the operation of a monitoring committee.

This section of the guide is intended as a reference tool to assist a licensee in the establishment and operation of the monitoring committee. It therefore sets out the minimum standards that a holder of a petroleum exploration, production or storage licence must meet with regard to the monitoring committee and some clarifications or particularities to this effect.

The obligations relating to the establishment of a monitoring committee are set out in the following sections:

- section 28 of the Act
- section 55 of the Act
- section 279 of the Act
- sections 7 to 16 of the Regulation

2.1 PURSUED OBJECTIVE

The Act provides that monitoring committees be set up to encourage the involvement of the local community throughout the project. Overall, this objective consists in involving representatives of local communities from the early stages of a project. In doing so, the promoter will be able to take into account the concerns expressed by a number of community representatives.

The mandate of the monitoring committee is not otherwise determined by the Act or its regulations. However, it is expected that this mandate be directly related to the specific objectives that will be determined by the committee members following its establishment.

Communication plan for the safety and community involvement program

The licensee must have a safety and community involvement program in place, as required by section 29 of the Regulation respecting

petroleum exploration, production and storage on land and section 31 of the Regulation respecting petroleum exploration, production and storage in a body of water.

One of the components of this program is a communication plan with local communities, which must be reviewed by the monitoring committee, as specified in section 14 of the Regulation, namely:

> *14. The committee must in particular revise the holder's plan for communication with local communities.*

A communication plan generally consists of a document that establishes how the promoter plans to:

- communicate their project to the community, its relevance, past and future work, and the impacts it will have
- make information accessible and widespread, and identify the means and tools to achieve this
- raise public awareness of the specific aspects of the project

A communication plan is a tool that can be simple to produce and that structures how information is communicated and discussed with community members. Such a plan should, normally, evolve as the project progresses.

2.2 ESTABLISHING A MONITORING COMMITTEE

The Act requires every holder of an exploration licence to establish a monitoring committee for each licence it holds. This monitoring committee must be set up within 30 days of the granting of the licence and must be maintained for the duration of the licence. These obligations are defined in Section 28 of the Act:

> *28. An exploration licence holder must establish a monitoring committee to foster the local community's involvement in the exploration project as a whole.*
>
> *The committee must be established within 30 days after the licence is awarded and must be maintained, as the case may be, throughout the term of the licence or, in the case provided for in the second paragraph of section 97, until all the work required under the permanent well or reservoir closure and site restoration plan has been completed. […]*

Section 55 of the Act provides that a holder of a production or storage licence who has not already established such a committee must comply with the provisions of section 28:

> *55. If a monitoring committee has not already been established, the production or storage licence holder must establish one to foster the local community's involvement in the production project as a whole.*
>
> *Section 28 applies, with the necessary modifications.*

Although the licensee is required to establish a monitoring committee for each licence, it is possible to create a single committee when the territories covered by its licences are contiguous. This applies to a maximum of five licences, as provided for in section 16 of the Regulation:

> *16. The holder of a licence who is awarded another licence is not required to establish a new monitoring committee if the territories subject to the licences are adjacent. The holder must, within 30 days following the awarding of the new licence, submit its work program to the existing monitoring committee.*
>
> *The first paragraph applies up to a maximum of 5 licences.*

Appendix 5 illustrates fictitious examples of contiguous petroleum licences.

Pre-approval of the designation process

The Act provides that the process for appointing the members who will constitute the monitoring committee is determined by the licence holder but that this process must be approved in advance by the Minister. In addition, the Act sets out certain minimum conditions to be met with respect to the composition of the monitoring committee. These obligations are defined in the third paragraph of section 28 of the Act:

> *28. [. . .] The committee members are chosen in accordance with the process determined by the licence holder and approved by the Minister. The licence holder also determines the number of members who are to sit on the committee. However, the committee must include at least one member representing the municipal sector, one member representing the economic sector, one member representing the agriculture sector, one member of the public and, if applicable, one member representing a Native community consulted by the Government with respect to the project. A majority of the committee members must be independent from the licence holder. All must be from the region in which the territory subject to the licence is situated. [. . .]*

When a licensee transfers its licence, the Regulation provide that a new licensee who wishes to change the appointment process for members of the monitoring committee must first obtain approval from MERN as provided in the following section:

> *114. A transferee who wishes to modify the process for the appointment of the members of the monitoring committee must first submit a new process to the Minister for approval.*

The box on page 50 contains a link to two forms

The first form, which can be completed online by the applicant and must be submitted to the Minister in order to apply for approval, deals with the member appointment process. This form is compatible with the latest versions of Google Chrome, Mozilla Firefox, Safari and Microsoft Edge.

- Using this form, the licensee must explain how it intends to proceed in order to meet the requirements set out in section 28 of the Act, namely compliance with the minimum composition of the committee and their representativeness, a committee composed mainly of members who are independent of the licensee and members from the region in which the licence territory is located.
- The applicant must present the steps they intend to take to set up the monitoring committee (for example, the communication tools they intend to use and the public participation steps they intend to take). Applicants ensure that they clearly explain how they intend to set up the committee and what steps they will take to do so. They must also explain how they will ensure that the majority of members will be independent and how they will confirm their origin (forms, questionnaires, discussions, etc.).

This link also refers the licensee to a second form that can be used, once the committee is established, to provide the Minister with a list of members, their titles and the status of their dependence on the licensee, if any. This form is also compatible with the latest versions of Google Chrome, Mozilla Firefox, Safari and Microsoft Edge.

Finally, MERN has set up an e-mail address specifically dedicated to the monitoring committee obligations under the Petroleum Resources Act, as shown in the box below.

FORMS AND QUESTIONS

- For licence holders: Links to the two forms to be completed for the membership appointment process and membership list can be found on this page: mern.gouv.qc.ca/energie/hydrocarbures/mesures-transitoires
- For the general public and licence holders: For information on monitoring committees, please write to the following e-mail address: comitedesuivihydrocarbure@mern.gouv.qc.ca. A reply will be sent within the time specified in our Customer Service Statement and in accordance with applicable privacy and confidentiality rules.

Transitional measures

Section 279 of the Act provides that holders of petroleum exploration, production or storage licences who held, at the time the Act came into force, petroleum, natural gas and underground reservoir exploration licences, petroleum and natural gas operating leases or underground reservoir leases issued under the Mining Act had 90 days from the coming into force of the Act to establish their monitoring committee. Considering that the Petroleum Resources Act came into force on September 20, 2018, this extended the deadline for establishing a monitoring committee to December 20, 2018. Section 279 reads as follows:

> *279. The holder of an exploration, production or storage licence referred to in any of sections 269 to 271 must, within 90 days after 20 September 2018, establish the monitoring committee required under section 28.*

Special cases: awarding of an exploration, production or storage licence

Certain regulatory provisions require the successful bidder for an exploration, production or storage licence to submit to the Minister the process for appointing monitoring committee members or, where applicable, the identification of the applicable monitoring committee, as referred to in section 16 of the Regulations. The time limit for this purpose shall be no later than 45 days from the date of the relevant situation. These obligations are set out in the following three sections:

For the successful bidder of an exploration licence:

> *33. Not later than 45 days after having been informed of the selection, the successful bidder must provide to the Minister: [. . .] (3) the process for appointing members of the monitoring committee or, if the bidder is not required to establish a new committee under the first paragraph of section 16, identify the monitoring committee that will be consulted for that licence.*

For the successful bidder of a production licence:

> *57. Not later than 45 days after having received the last authorization or favourable decision provided for in section 48 of the Act, the successful bidder or, as the case may be, the bidder having submitted the second highest bid must: [. . .] (4) provide the process for appointing the members of the monitoring committee or, if the bidder is not required to establish a new monitoring committee under the first paragraph of section 16, identify the monitoring committee that will be consulted for that licence.*

For the successful bidder of a storage licence:

> *83. Not later than 45 days after receiving the last authorization or favourable decision provided for in section 48 of the Act, the successful bidder or, where applicable, the bidder having submitted the second highest bid, must: 4) provide the process for*

appointing the members of the monitoring committee or, if the bidder is not required to establish a new monitoring committee under the first paragraph of section 16, identify the monitoring committee that will be consulted for that licence.

2.3 COMMITTEE COMPOSITION AND THE INDEPENDENCE OF COMMITTEE MEMBERS

As indicated above, section 28 of the Act provides that it is the holder who constitutes the monitoring committee and determines the number of members who will sit on it. However, this section sets out some minimum requirements for the establishment of the committee.

The committee must therefore:

- be composed of at least one municipal representative, one economic representative, one agricultural representative, one citizen and, where applicable, one member representing a Native community consulted by the government with respect to the project[26]
- be composed mainly of members who are independent of the holder
- be composed of members all from the region where the territory of the licence is located

A member of the Committee is deemed not to be independent in the following cases provided for in section 7 of the Regulation, which reads as follows:

7. A member of the monitoring committee is deemed not to be independent:

(1) if the member has direct or indirect relations or interests of a financial or commercial nature with the licence holder;

(2) if the member is or was, during the 2 years preceding the date of appointment, employed by the holder or by one of the holder's wholly-owned subsidiaries, or if the member is related to a person holding such employment;

(3) if the member is employed by the Ministère de l'Énergie et des Ressources naturelles or by the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques; and

(4) if the member is an employee or a commissioner of the Régie de l'énergie.

For the purposes of this section, "related person" means persons connected by blood relationship, marriage, civil union, de facto union or adoption.

In addition, the term of office of a committee member is two years and may be renewed as provided for in section 8 of the Regulation, which reads:

8. The term of a committee member is 2 years and may be renewed.

2.4 OPERATION

The Regulation provide for certain operating procedures such as the frequency of meetings, the documents to be provided by the licence holder to the Monitoring Committee, and the procedures for addressing requests for information made by the committee to the licence holder, as well as technical support and financing. For the rest, the monitoring committee must adopt its own operating rules.

Meetings

The committee meets, at a minimum, once a year. The committee may choose to meet more often, depending on the level of activity related to the project and the issues arising from it.

26 Refer to the section "INDIGENOUS COMMUNITY PARTICIPATION."

The monitoring committee is required to produce a report of each of its meetings. This report must be sent to the holder, who must then publish it on the committee's dedicated website. These obligations appear in Article 11 of the Regulation:

> *11. The committee must meet at least once a year.*
>
> *Not later than 15 days after each meeting, the committee sends a report of the meeting to the holder. The holder publishes the report on the website within 15 working days following its receipt.*

Documents to be provided by the holder to the monitoring committee

The Regulation provides for a list of documents that the holder must provide to all members of the monitoring committee. Documents can be provided in electronic or paper format. They are listed in section 9 of the Regulation:

> *9. The holder must provide to the committee a copy of:*
>
> *(1) the holder's licence and, where applicable, acts relating in particular to its renewal, transfer, surrender, suspension, revocation or expiry;*
>
> *(2) in the case of an exploration licence, the summary of the work planned during the term of the licence provided to the Minister in accordance with paragraph 4 of section 33;*
>
> *(3) in the case of a production or storage licence, the petroleum production or storage plan;*
>
> *(4) the acts and documents referred to in subparagraphs 2 to 4 of the first paragraph of section 150 of the Act and any other act or document registered in the public register of real and immovable petroleum rights;*
>
> *(5) a summary of the safety and community involvement programs provided for in the Regulation respecting petroleum exploration, production and storage on land (chapter H-4.2, r. 2), or the Regulation respecting petroleum exploration, production and storage in a body of water (chapter H-4.2, r. 1), as the case may be;*
>
> *(6) the notices sent under sections 29 and 57 of the Act;*
>
> *(7) the notices sent under sections 63, 67, 89, 93 and, if applicable, those sent under sections 119 and 123*
>
> *(8) the authorizations, permits and certificates obtained by the holder and issued by an authority other than the Minister; and*
>
> *(9) a summary of the incident notices sent to the Minister under section 24 of the Regulation respecting petroleum exploration, production and storage on land and section 26 of the Regulation respecting petroleum exploration, production and storage in a body of water and, where applicable, corrective measures planned.*

Here are some details about the copies of documents required under section 9 of the Regulation:

- In paragraph 1: The licence refers to the exploration, production or storage licence issued by MERN.
- In paragraph 3: The production or storage plan is the one filed with the Régie de l'énergie in the context of an application for a production or storage licence. The details of what must be included in the plan about the production licence are found in subparagraph 4 of the first paragraph of section 62 of the Regulation and, with respect to the storage licence, in subparagraph 4 of the first paragraph of section 88 of the Regulation.

- In paragraph 5: The content of a safety and community involvement program is set out in section 29 of the Regulation respecting petroleum exploration, production and storage on land, and section 31 of the Regulation respecting petroleum exploration, production and storage in a body of water, as the case may be.
- In paragraph 6: These are the notices that the holder must send, in writing, to the owner or lessee, the local municipality and the regional county municipality when a licence is issued for land that is private or leased by the State, whether it is an exploration licence (section 29) or a production or storage licence (section 57).
- In paragraph 8: Authorizations, permits and certificates obtained by the holder and issued by an authority other than MERN are, for example:
  - timber cutting permit issued by the Ministère des Forêts, de la Faune et des Parcs
  - an environmental permit for an activity issued by the Ministère de l'Environnement et de la Lutte contre les changements climatiques.

Requests for information by the committee to the holder

Le Règlement précise la façon dont le comité de The Regulation specify how the monitoring committee submits its requests for information or documents to the holder and the latter's obligation to provide feedback on these requests. Section 12 of the Regulation sets out this obligation:

> *12. Every request for information or documents by the committee to the holder must be made in writing and must concern data needed by the committee to fulfill its mandate.*
>
> *Within 15 days following the receipt of the request, the holder must provide the information and documents or give reasons for refusal to do so.*

Technical support and financing

Section 10 of the Regulation stipulates in part that the holder must provide the necessary technical support to the committee, including the use of external expertise when required.

This section also stipulates that the holder shall make a website dedicated to the activities of the committee available to the monitoring committee. It may also be a section in the holder's existing website dedicated to the committee.

It should be noted that the following elements must be published on the website with regard to sections 10, 11 and 15 of the Regulation:

- the presentation of the project covered by the licence (section 10)
- the report of each of the committee's meetings (section 11)
- the annual report of the committee's activities and expenditures for the holder's financial year (section 15)

Holders must bear all the committee's operating expenses and must reimburse the travel and accommodation expenses of committee members in connection with the holding of meetings. These terms and conditions are set out in section 13 of the Regulation:

> *13. All expenses related to the operation of the committee are assumed by the holder.*
>
> *At the request of the committee and on presentation of vouchers, the holder reimburses the travel and accommodation expenses of the committee members.*

As such, the guidelines for expenses that can be considered reasonable could be similar to those

provided by the Conseil du trésor du Québec for the travel of public servants. These are specified in the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérent. These guidelines on reimbursable travel and other related expenses in part provide:

- the conditions under which expenses may be reimbursed
- the terms of repayment
- the maximum allowable amounts for meals (breakfast, lunch and dinner), travel, accommodation and other related expenses

Finally, if necessary, operating expenses could also include the hiring of a facilitator, coordinator or secretary as well as material and logistical costs for committee meetings.

The licence holder and the monitoring committee may agree on terms and conditions for the reimbursement of expenses that comply with the provisions of section 13 of the Regulation. It is the responsibility of the holder and the monitoring committee to negotiate the expenses eligible for the proper functioning of the committee in good faith. However, the monitoring committee should have its expenses approved by the licence holder before incurring them. In all cases, eligible expenses should be related to the committee's mandate. It should be noted that MERN can only act within this applicable regulatory framework.

2.5 FEEDBACK

The monitoring committee's annual report of activities and expenses

The licence holder must publish an annual report, the requirements of which are specified in section 15 of the Regulation, which reads as follows:

> *15. The holder must publish an annual report of the committee's activities and expenses corresponding to the holder's fiscal year on the website and send it to the Minister before 30 June of each year.*
>
> *The committee must draw up the portion of the report concerning its activities and send it to the holder at least 15 working days before the deadline for publishing the report.*
>
> *The holder must produce the other portion of the report concerning the committee's expenses.*

The annual report therefore covers:

- the activities of the committee, the drafting of which is the responsibility of the monitoring committee
- the expenses of the committee for which the licence holder is responsible

The part under the committee's responsibility should summarize the committee's activities during the year. It may include, among other things, the number of meetings held and items discussed, the nature of the issues addressed during the year, the various projects carried out and any other relevant information to be included in this section of the annual report.

The holder must summarize the committee's expenses and can allocate these expenses in any way they see fit.

It is the licence holder's responsibility to file the complete report on the website dedicated to the monitoring committee and forward it to the Minister.

The annual report of the activities of the holder of a production and storage licence

Sections 64 and 67 of the Act also provide that the holder of a production or storage licence must prepare an annual report on its own activities. Sections 72 and 102 of the Regulation stipulate in part that this annual report must contain information on the activities of the monitoring committee, namely:

> *72. The annual report provided for in section 64 of the Act must include, in particular: [. . .] (2) a summary of: [. . .] (c) the activities of the monitoring committee.*

> *102. The annual report provided for in section 67 of the Act must contain, in particular: [. . .] (2) a summary of: [. . .] (c) the activities of the monitoring committee.*

The information to be included in this annual report by the holder of a production or storage licence could be the information contained in the annual report of the activities and expenditures of the monitoring committee required under section 15 of the Regulation or a summary thereof.

2.6 NON-COMPLIANCE WITH LEGAL AND REGULATORY REQUIREMENTS

Establishing a monitoring committee

Failure to comply with the provisions of sections 28 and 55 of the Act may result in the imposition of administrative monetary penalties or criminal penalties as provided for in sections 188 and 200 of the Act:

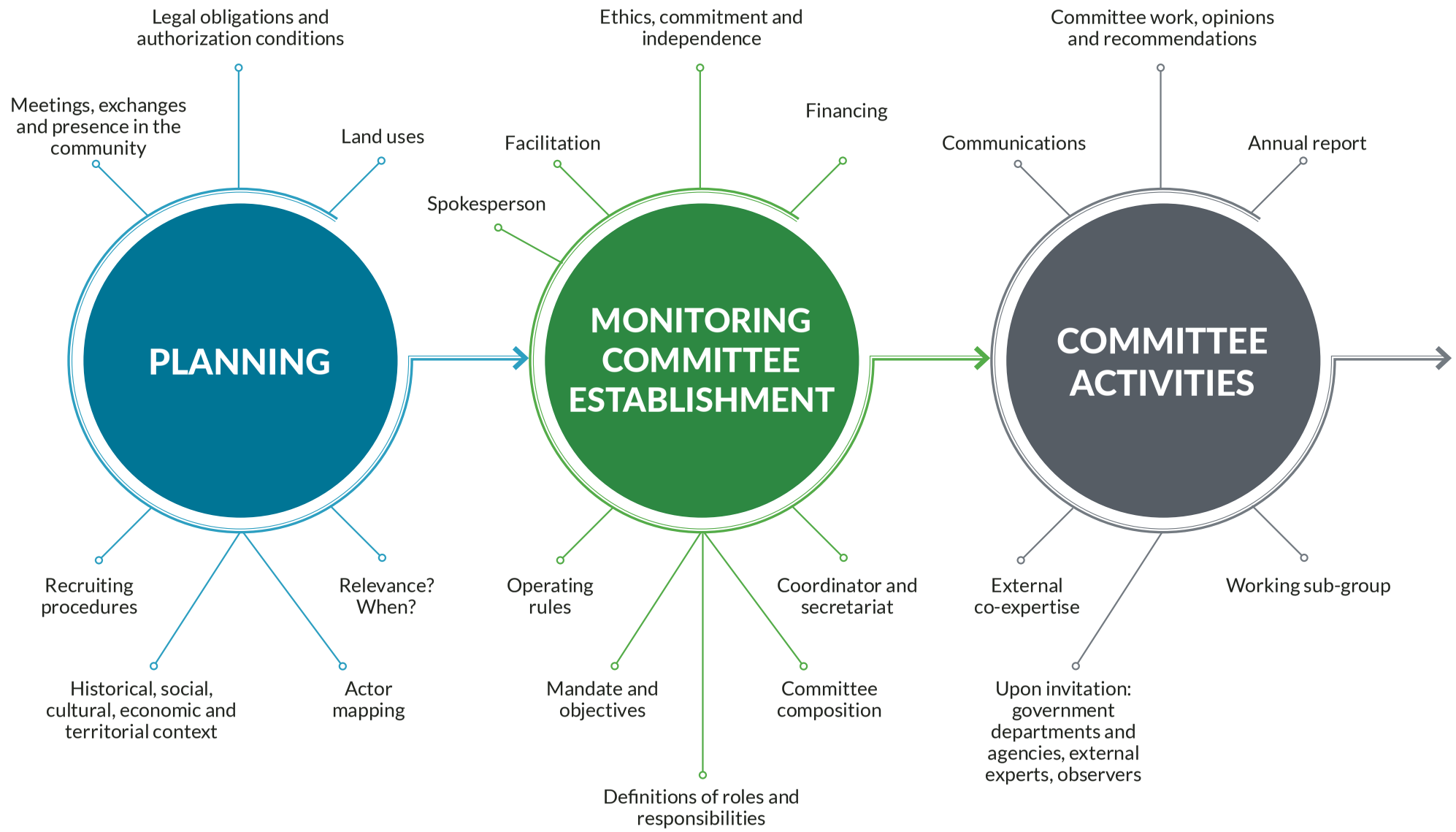
> *188. A monetary administrative penalty of $500 in the case of a natural person and $2,500 in any other case may be imposed on any person who contravenes section 28, [. . .], of sections [. . .] 55, [. . .].*

> *200. Anyone who contravenes section 28 [. . .], of sections [. . .] 55, [. . .] is guilty of an offence and is liable to a fine of $2,500 to $250,000 in the case of a natural person and $7,500 to $1,500,000 in any other case.*

Transitional measures

Section 279 of the Act also provides that in the event of non-compliance with the obligation to establish the monitoring committee referred to in section 28 of the Act within 90 days of the coming into force of the Petroleum Resources Act, sections 188 and 200 of the Act are applicable.

SUMMARY OF THE MAIN ELEMENTS COVERED IN THE GUIDE



Transparency Openness Commitment

Glossary

This glossary provides definitions of different terms used by MERN in the context of this guide.

Term/expression	Definition
Social acceptability[27]	The result of a collective judgment about a project, policy or plan. This judgment may change over time and is influenced by a combination of factors
Local actor	Any person, group of persons, company or organization concerned, interested or likely to be influenced, positively or negatively, by a project, including representatives of the municipal environment and Aboriginal communities
Actor mapping	Portrait of the actors and nature of the links, positive or negative, that they maintain between them
Monitoring committee	A concertation body bringing together the promoter and local actors concerned or interested in a project in order to reach consensus solutions on issues defined by the community
Local community	All persons who reside in a community on the given territory such as a local municipality, an Indian reserve, Indian settlement or Category I land under northern agreements
Consultation	Process of exchange between several people of different interests in order to obtain proposals or consensual positions
Consensus	Agreement reached by a set of people, which is acceptable to them
Targeted consultation	Consultation with individuals, groups of individuals, companies or organizations chosen on the basis of their interest, expertise, involvement or role in the community
Public consultation	Open consultation carried out in such a way as to allow any person to participate in it in order to obtain his or her opinion on a specific subject
Local authority	Municipal or band council bringing together elected officials

27 Definition of the concept of social acceptability used by MERN in its work on social acceptability.

Term/expression	Definition
Northern environment	See “Territory under agreement”
Level of participation	Scale of citizen participation including information, consultation and active participation
Public participation	All processes and activities related to information, consultation and active participation that integrate the concerns, needs and values of participants into decision-making
Project phase	The status of a project from design, development, analysis and assessment, construction, commissioning and activity to site closure
Southern Québec	Portion of the territory of Québec that is located south of the agreement territory
Promoter	Organization, private, public or community, that wishes to carry out a project in a given territory
Territory under agreement	Territory for the application of the James Bay and Northern Québec Agreement and the Northeastern Québec Agreement

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Appendix 1
Social acceptability and scales of citizen participation

Within MERN's approach to define guidelines, social acceptability is comparable to the notion of sustainable development, as seen through the eyes of a community. The concept of social acceptability can relate to several of the principles of sustainable development, such as access to knowledge, health and quality of life, participation and commitment, economic efficiency or environmental protection.

Social acceptability results from the collective judgment of a project, plan or policy. This judgment may change over time and is influenced by a combination of factors.

A positive reception of land development projects and mineral and energy resources by local communities will be fostered by the promoter taking into account the factors that influence this social acceptability (see Figure 4).

Figure 4. Factors influencing social acceptability
Sources: adapted from Yelle (2013) and Stankey & Shindler (2006)

All these factors contribute to influencing the social acceptability of a project by a community. More specifically, a frank and open dialogue between the various actors will support the establishment of trust in the promoter and institutions, exchanges on perceived or actual risks and uncertainties as well as participation in decision-making.

Promoters wishing to undertake exchanges with the local community are encouraged to do so as early as possible in the project development process. These exchanges should continue at all phases of the project.

Arnstein's (1969) work on the scale of citizen participation serves as reference. Since then, the eight levels of Arnstein's citizen participation scale have been adopted by the scientific community and public administrations, which have grouped them into three levels of participation: information, consultation and active participation.

MELCC has presented a definition of information and consultation in its guide on consultation.[28]

- **Information:** A process by which project initiators disseminate information about their company, their intentions and the project they propose, including risks and potential impacts (positive and negative), to enable actors to acquire an overview of the project.
- **Consultation:** A process by which project initiators listen to actors to identify their concerns, suggestions, expectations and perceptions about the project and to obtain information about the host communities, in order to take these elements into consideration, as much as possible, during the planning and implementation of the project.

The notion of active participation can be defined as follows:

- **Active participation:** Form of participation that includes the various actors in the community in decision-making, based on exchanges between the project promoter and these actors. This relationship recognizes that participants have the opportunity to propose options and guide dialogue, although the responsibility for the decision rests with the promoter.[29]

Monitoring committees offer local actors the opportunity to become involved in an active participation process that is beneficial to both the promoter and local communities.

28 MDDELCC, 2018.

29 Adapted from: Gouvernement du Québec, 2017b.

Appendix 2
Examples of monitoring committee composition

The following examples are fictitious. The composition of each monitoring committee should be adapted according to the nature of the project, the portrait of the local community, the geographical and territorial context as well as the actors involved and the issues raised by the project.

Table 9. Fictional example 1: Mining project near an urban area

Members	Number of members
Promoter	1 or 2 members
Municipal sector (local municipality and host RCM)	1 or 2 members
Aboriginal community	2 or 3 members
Citizen (residents, neighbours)	2 or 3 members
Land users	2 or 3 members
Socio-economic groups (business, economic development, trade unions)	2 or 3 members
Environmental organizations (local committees, national and regional organizations, basin councils)	2 or 3 members
Community environment (youth, seniors, NPOs)	2 or 3 members
Teaching and research	1 member

Table 10. Fictional example 2: hydroelectric power plant or community wind farm

Members	Number of members
Promoter[30] (partner companies, limited partnership, municipal authority, band council)	5 members
Socio-economic groups (business, economic development, trade unions)	2 or 3 members
Environmental organizations	3 members
Land users	2 or 3 members
Teaching and research	2 members
Aboriginal community	2 or 3 members
Tourism, culture and heritage	1 member
Citizen	1 or 2 members

30 In a small hydroelectric or community wind farm project, the promoter's representatives on the monitoring committee may be from the municipal or regional community, partner companies, a band council or the limited partnership created for the project.

Appendix 3
Example of typical monitoring committee's operating rules

It is the committee's responsibility to develop its operating rules and to ensure that everyone voluntarily adheres to them.

EXAMPLES OF MONITORING COMMITTEE OPERATING RULES

- An average of four meetings per year (one per season)
- Special meetings as required or requested by the promoter, the promoter's representative or the other members
- Meeting on the municipality's territory, in the promoter's premises or in a neutral location (community room)
- Quorum: half of the members and one representative per category
- Possibility of substitutes appointed by members who:
  - may attend meetings as an observer with the member
  - replace the member when he/she is absent
  - are on the mailing list
- Observers admitted except during confidential exchanges
- Agenda sent in advance, with the convening of the meeting
- Topics of the exchanges determined by the members:
  - proposed by the promoter's representative or other members
  - presentations prepared by the promoters and invited resource persons, depending on the subject matter
  - Open, honest, courteous and respectful exchanges and dialogue
- Needs for experts suggested by the committee, approved by the promoter, jointly recruited and supervised (co-expertise)
- Last meeting report sent in advance and approved at meetings
- Welcome and integration of new members
- Two-year term of office for members, renewable
- Replacement in the event of repeated, unmotivated absences
- Attendance and status of observers

Appendix 4
Work tools

To support the proper functioning of a monitoring committee, here are some work tools that can be useful for preparing and holding meetings as well as for welcoming new members.

DOCUMENTATION

- Updated list of members
- Constitution document
- Members' workbook (for the training and welcoming of new members)
- Basic information (company, business card, etc.)
- List of main topics
- Annual calendar of meetings
- Any necessary information related to the mandate

MEETING PREPARATION

- Invitation (letter and e-mail)
- Draft meeting report (previous meeting)
- Proposal for an agenda

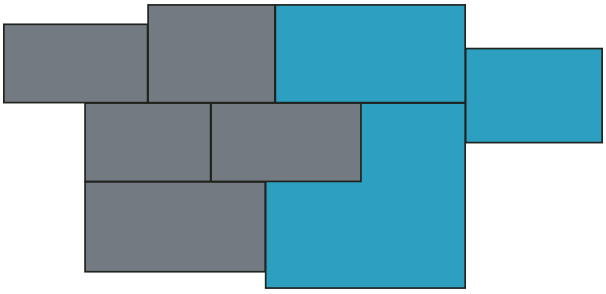
HOLDING OF MEETING

- Attendance sheet
- Documentation on the main topic (presentations, reports, plan, etc.)
- Non-nominative meeting report
- Meeting follow-up document
- Records (complaints, events, projects)

Appendix 5
Examples of contiguous petroleum licences

EXAMPLE 1 – GROUP OF EIGHT LICENCES UNDER TWO MONITORING COMMITTEES

- The five grey licences are contiguous, only one monitoring committee may be set up for the latter
- The three blue licences are contiguous, only one monitoring committee may be set up for the latter.

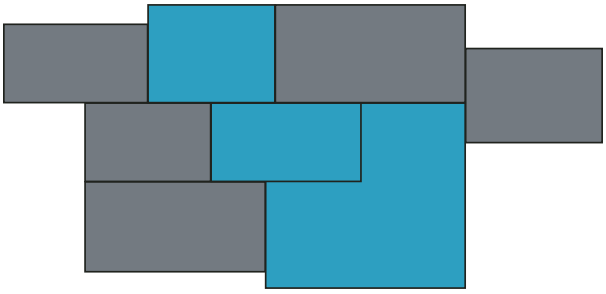


Licences belonging to holder no. 1

Licences belonging to holder no. 2

EXAMPLE 2 – GROUP OF EIGHT LICENCES UNDER THREE MONITORING COMMITTEES

- All grey licences are not contiguous. At least two monitoring committees must be set up for the latter
- The three blue licences are contiguous, only one committee may be formed for the latter



Licences belonging to holder no. 1

Licences belonging to holder no. 2

Énergie et Ressources naturelles
Québec

A10-04a-1909