

GUIDELINES OF THE MINISTÈRE DE L'ÉNERGIE  
ET DES RESSOURCES NATURELLES IN THE AREA OF  
**SOCIAL ACCEPTABILITY**







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# Message from the Minister



In Québec, as in the rest of the world, social acceptability is now acknowledged to be a key factor in the success of development projects. It has become increasingly important as a notion, and our understanding of the factors that influence social acceptability has been considerably refined since the workshop on social acceptability launched in November 2014 and the publication of a Green Paper entitled Guidelines of the Ministère de l'Énergie et des Ressources naturelles in the Area of Social Acceptability, in February 2016.

We have now reached another major milestone. Thanks to the special consultations held during consideration of the Green Paper, we are better able to make informed decisions that will reconcile economic prosperity, the interests of local communities and respect for the environment in which they live.

Broadly speaking, the consultations confirmed that the proposed guidelines meet the expectations of promoters, local actors and citizens in the communities directly concerned by development projects. However, in response to the concerns raised and the proposals heard during the parliamentary standing committee's sittings, some clarifications have been made to the means that will be used to implement the guidelines.

The ministerial guidelines set out in this document are therefore the product of several elements, including a review of the Ministry's planning and management tools begun in the fall of 2015, the concerns raised during the special consultations on the Green Paper, our capacity to listen and our intention to promote the social acceptability of development projects to the greatest possible extent in the coming decades. The foundations have therefore been laid for optimal development of energy, mineral and land resources, based on as broad a consensus as possible in the host communities.

We firmly believe that these social acceptability guidelines will be of greater benefit to the population of Québec because they are based on practices and tools that have been adjusted to reflect its expectations.

I hope you find the document interesting!

Minister of Energy and Natural Resources,  
Minister Responsible for the Plan Nord and Minister Responsible for the Côte-Nord Region

  
PIERRE ARCAND



## Introductory Note

The Ministère de l'Énergie et des Ressources naturelles (the MERN) is required to consult the Aboriginal communities and, in some circumstances, accommodate them when it is aware of an aboriginal or treaty right that is either established or claimed in a credible way, and when it is considering a measure that may potentially have a negative impact on that right.

These guidelines in the area of social acceptability do not change, replace or limit the MERN's obligations in this respect. Therefore, before issuing an authorization, the MERN will, where applicable, assess the scope of the consultation, and the process required will then be determined. The MERN's other obligations or commitments to the Aboriginal communities also remain unchanged. These guidelines do not affect any accord, agreement or contract that is duly signed and in effect. For projects located in the area covered by the Northern agreements<sup>1</sup>, the processes, mechanisms and institutions introduced by these agreements and by the Agreement on Governance in the Eeyou Istchee-James Bay Territory will take precedence.


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<sup>1</sup> The James Bay and Northern Québec Agreement and the Northeastern Québec Agreement.





# Introduction



Over the years, land and resource use has become more diverse, and growing numbers of rights and statuses have been granted. As a result, the task of harmonizing land and resource use and achieving social acceptability can be challenging, especially in a context where the potential for public land, energy and mineral resource development is significant.

Promoters want to have the best possible chance of success for their projects. At the project preparation stage, they must therefore be able to work in a predictable, profitable context where authorization processes are both transparent and efficient.

As for citizens, they want to be involved in decisions concerning projects that are likely to affect their quality of life and the quality of their environment. They want to be informed and consulted, in a transparent and constructive way, on the economic benefits of projects and on the potential environmental and social impacts. They seek structural projects whose impacts on their living environment are controlled: in other words, projects that meet their needs and are consistent with their view of development in the area in which they live.

Today, social acceptability issues affect every aspect of a project, regardless of whether it focuses on the development of oil, gas or mineral resources, wind energy, hydro-electricity, recreation and tourism or industry. To address these issues, the MERN undertook an extensive workshop on the subject of social acceptability.

In 2014 and 2015, the MERN also produced an in-depth review of its own planning and management tools and practices. The preliminary results of this review, published online in the spring of 2015, laid the foundations for a 25-meeting tour of Québec.

In early 2016, based on the outcomes from these discussions, the MERN published the guidelines it wished to apply in order to promote social acceptability of land and resource development projects. The guidelines, presented in a Green Paper tabled in the National Assembly on February 16, 2016, are as follows:

- ▲ Make the MERN's roles and responsibilities in the area of land use planning and land management better known.
- ▲ Make the mechanisms for land planning and land use harmonization contained in public land use plans more transparent, participatory and up-to-date.
- ▲ Establish predictable public participation processes at all project stages.
- ▲ Promote the sharing of benefits from energy and mining development projects with host communities.
- ▲ Enhance the MERN's ability to analyze the impacts, economic benefits and repercussions of projects by taking social acceptability factors into account.

Consultations were held on the Green Paper, and 29 individuals and organizations were heard.

Overall, the consultations, which took place in 2015 and 2016, highlighted a number of concerns, some of which were shared by a significant number of participants. The consultations also helped identify the social acceptability issues considered to be the most important by promoters, local actors and the general public.

The guidelines originally proposed in the Green Paper were generally well-received. The proposal to modernize the MERN's land and resource planning and management practices was seen as particularly innovative and inspiring, and the guidelines themselves were not called into question. The MERN therefore reiterates its commitment to them.<sup>2</sup>

With regard to the proposed actions to implement the guidelines, expectations were high among promoters and the general public alike.

For example, participants hoped that the consultations held during project preparation and implementation will be broadened to include more dialogue between local actors and promoters, as early as possible in the project process. They asked the Government to simplify and harmonize the administrative processes it uses to authorize projects while maintaining the same level of regulatory rigour, and also asked for more information on the MERN's roles and responsibilities. In addition, they felt the MERN should play a more important role in supporting local communities and promoters, and in providing a broader range of relevant, structured information on the projects and sectors concerned.

This document sets out the MERN's guidelines in the area of social acceptability and the actions it intends to take to implement them. The document also includes a glossary explaining the definitions of recurrent terms.

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<sup>2</sup> The measures proposed by Hydro-Québec, including its community relations teams, are excellent ways of promoting social acceptability. These guidelines therefore do not apply to electricity generating, transmission and distribution projects.





# GUIDELINE 1

## Make the MERN's roles and responsibilities in the area of land use planning and land management better known

The public knows little about the MERN's role and responsibilities in general, and may even perceive them to be contradictory. The MERN must therefore clarify its responsibilities in the areas of public land use planning as well as in the management, development and monitoring of public land, energy and mineral resource activities. It plays a dual role as custodian of the land and economic development agent, and is therefore involved in harmonizing uses, among other things by supporting both promoters with land and natural resource development projects and local communities living in the areas in which the projects are located.

One of the MERN's most important responsibilities is to issue rights, licences and authorizations in response to applications from promoters. Promoters and local actors are not always familiar with these processes. A clearer understanding of what is involved will help ensure a more productive dialogue between promoters and local community actors when projects are prepared, presented and implemented.

### Objectif 1 Clarify the MERN's roles and the analysis and management tools it uses, and communicate them more effectively.

The MERN will take the following actions to implement the first guideline:

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| Action 1 | Prepare and implement a communication plan to publicize the MERN's roles and responsibilities, its legislative and regulatory framework, the guidelines and public participation mechanisms in effect. |
| Action 2 | Circulate information on the analysis and authorization processes used by the MERN for land, energy and mineral resource development projects.   |



# GUIDELINE 2

## Make the mechanisms for land planning and land use harmonization contained in public land use plans (PATPs) more transparent, participatory and up-to-date

The MERN's responsibilities include protecting and maintaining the integrity of public land in Québec, managing public land by granting land rights, controlling the occupation of public land, and planning land use. For the planning and harmonization of public land use, the MERN is responsible for preparing public land use plans (PATPs) for each region, with contributions from the government departments and agencies concerned. These plans set out the protection, conservation and development guidelines and objectives for public land and natural resources that the Government intends to apply to ensure sustainable development. Regional plans for public land development (PRDTPs) are drawn up jointly by government and regional agencies, and determine where, when and how land rights can be allocated on public land. So far, recreational and tourism PRDTPs have been drawn up for eight regions of Québec, and wind energy PRDTPs for two regions.

The current PATP development process mainly involves the government departments and agencies concerned, along with regional authorities and associations, and there is little possibility for public participation. The PATP is an indispensable element in the planning process prior to the implementation of any specific development project, and the public is not familiar with it. The land use planning process forms the basis for development projects, and participation by communities and individual citizens is vital to ensure that community development issues and citizens' concerns are taken into account. To encourage participation by citizens in PATP reviews, the review process for all plans will be spread over a five-year period and will include public consultation phases.

Objectif 1 Bring planning closer to citizens.

Objectif 2 Review and improve land planning tools.



To implement the second guideline, the MERN will review the current land use planning process and will also review all PATPs over a five-year period.

Action 1	Carry out targeted consultations on the land use planning approach.
Action 2	Publish a review of the PATPs.
Action 3	Assess the need to specify the scope of public land use plans, in particular concerning activities relating to energy and mineral resources.
Action 4	Assess the feasibility of extending the scope of the PRDTPs to include energy and mining, which are currently not covered.
Action 5	Carry out specific public consultations on the proposed revised land use planning approach.
Action 6	Adopt the revised land use planning approach.
Action 7	Use the approach adopted to review all the PATPs.



# GUIDELINE 3

## Establish predictable public participation processes at all project stages

One of the measures that best fosters social acceptability is public participation in decisions concerning public policies, industrial sectors, land use planning and project development.

Participatory approaches, including information activities, consultations and active participation mechanisms, promote dialogue between promoters and local actors. They can help to establish the conditions required for projects to be structural, viable and fair, and to promote better mutual understanding through sharing of local knowledge. They also encourage more harmonious relations between promoters and local actors, among other things by providing citizens with the opportunity to be better informed and to play a greater role in the preparation and monitoring of projects in the field.

The MERN undertakes to improve its participatory approaches, make them more transparent, integrate them more fully into the decision-making process and ensure that they are harmonized throughout its organization. It also intends to make tools and services available to promoters and local actors, to support the use of good public participation practices. For example, promoters will be invited to set up public participation mechanisms in the early stages of project preparation. The MERN will also provide support for the promoters and local actors concerned.

**Objectif 1** Promote a more effective dialogue between promoters and communities.

**Objectif 2** Increase the dissemination of information on projects and ensure more accountability.

**Objectif 3** Increase the circulation of information on the energy and mining sectors.

**Objectif 4** Promote good practices by enterprises, citizens and communities in the area of social acceptability and land use harmonization.

**Objectif 5** Improve the MERN's participatory approaches.





The MERN will take the following actions to implement the third guideline:

Action 1	Support the creation and operations of monitoring committees, from the early stages of project preparation through to post-closure activities.
Action 2	Support the implementation of public consultation processes by promoters, adjusted to the nature of the project and to the needs of actors in the communities concerned.
Action 3	Circulate information on major projects.
Action 4	Increase the circulation of information on the energy and mining sectors.
Action 5	Prepare good practice guides for promoters and local actors.
Action 6	Valoriser les bonnes pratiques en les diffusant.
Action 7	Establish guidelines for promoters, indicating the type of information required to analyze their applications, in particular for the factors that influence the social acceptability of projects
Action 8	Introduce a policy for participation of local communities in the development of public land, energy and mineral resources.
Action 9	Introduce a ministerial policy for consultations with Aboriginal communities.
Action 10	Prepare and structure the introduction of a feedback mechanism in host communities to explain the terms and conditions of authorization for projects.



# GUIDELINE 4

## Promote the sharing of benefits from energy and mining development projects with host communities

Benefits and spin-offs for host communities are key elements in ensuring that the local population is receptive to a project. These benefits may include workforce training programs, hiring of local workers, purchasing of supplies from regional enterprises, advantages for the municipality, or closer partnerships between the community and the enterprise.

Similarly, mechanisms to share project spin-offs and benefits are also an important element of social acceptability. The MERN will

therefore ensure that local infrastructure investment needs are taken into account. This will require close collaboration with the other government departments involved in the infrastructure management process.

The MERN also supports the signature of agreements between promoters and local communities, and may apply the good practices and knowledge acquired from the current benefit-sharing mechanisms developed for wind farms and small-scale hydroelectric projects.

**Objectif 1** Increase the social and economic benefits for local and regional communities.

**Objectif 2** Improve the circulation of information on the contributions paid to government agencies by companies in the mining, oil and gas industries.

The MERN will take the following actions to implement the fourth guideline:

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| Action 1 | Play a role in helping to create worker training programs adapted to the citizens of the host community for a project.  |
| Action 2 | Propose benefit-sharing mechanisms for communities hosting energy or mining development projects on the territory.  |
| Action 3 | Prepare a good practice guide for partnerships between promoters and non-Aboriginal communities.  |
| Action 4 | Compile a report on the social and economic benefits derived from experiences in the wind energy and small scale hydroelectric projects.  |
| Action 5 | Publish the amounts paid by enterprises to government departments and agencies, municipalities, municipal agencies and Aboriginal communities, in accordance with the Act respecting transparency measures in the mining, oil and gas industries. |

A photograph of two workers in safety gear (hard hats and high-visibility vests) standing on a grassy ridge, looking out over a large, terraced open-pit mine. The image is partially overlaid by a blue and green geometric design.

# GUIDELINE 5

## Enhance the MERN's ability to analyze the impacts, economic benefits and repercussions of projects by taking social acceptability factors into account

Informed participation by local communities in the project preparation and monitoring process requires easy access to structured, relevant information on the proposed projects and their potential impacts and benefits for the community. The population would like consideration for the principles of sustainable development to be built into the analysis process for land and resource development projects. In addition, promoters want predictable authorization processes that are better coordinated throughout the Government apparatus and subject to less cumbersome administrative requirements. The MERN has therefore set up a Major Project and Economic Impact Analysis Office, and will also ensure that project officers are available at its regional offices to accompany and support promoters and local actors.

The new Office will coordinate the work of the MERN and the various government departments involved with major land, mining and energy resource development projects, and will circulate as much information as possible on those projects. To achieve greater consistency and a better understanding of the concerns raised in the field by potential host communities, the MERN will encourage the parties to launch earlier the activities of the committees set up by the Ministère de l'Économie, de la Science et de l'Innovation (MESI) for each land, mining and energy resource development project. It will also enhance the expertise available within the committees, to ensure that the economic benefits of projects are properly understood and that the factors influencing social acceptability are taken into account.

With regard to project analysis, the Office is responsible for analyzing the benefits and repercussions of major projects, in order to build a stock of reliable, credible information that will help

local populations to understand the projects. The Office will use information provided by promoters to analyze the benefits and repercussions of projects for the local or regional communities concerned. Its work will complement the analyses carried out by other government departments, in accordance with the current legislative and regulatory framework, including the Sustainable Development Act. The Office is also responsible for circulating the results of public economic analyses and for promoting the circulation of analyses carried out by other government departments, especially in the environmental and social sectors.

The regional project officer will help local actors to obtain information and engage in dialogue on projects, thereby helping to consolidate and coordinate the MERN's presence in the region. The officer's presence will help the MERN to play its role of supporting promoters, municipal authorities and local communities at the different stages of public participation, and in their dealings with the other government departments concerned. For example, the project officer may offer to help promoters with the task of setting up monitoring committees composed of representatives from their own organizations and local actors.

Another key element for social acceptability of natural resource development projects is the promoter's compliance with its undertaking to restore the site after the operation is terminated. The MERN will ensure that all mining companies deposit 100% of the money required to restore their sites, during the first two years of their operations. It also intends to improve the legislative and regulatory framework governing guarantees and protections for unanticipated impacts of energy projects and post-operation site restoration work.



**Objectif 1** Provide support for local communities and promoters during project development.

**Objectif 2** Increase the effectiveness, coherence and transparency of energy project monitoring and control activities.

The MERN will take the following actions to implement the fifth orientation:

Action 1	Create a Major Project and Economic Impact Analysis Office.
Action 2	In collaboration with the MESI, create and coordinate an interdepartmental panel for each major project.
Action 3	Circulate the information held by the MERN on the economic repercussions and benefits of major projects and promote the circulation of analyses carried out by other government departments, in particular for the environmental and social sectors.
Action 4	Ensure that a project officer is available at each MERN regional office to inform promoters and local actors and encourage dialogue on projects.
Action 5	Ensure that the MERN is present in the field for promoters and local authorities.
Action 6	Increase the MERN's participation in project information meetings.
Action 7	Improve the legislative and regulatory framework, in particular with regard to the guarantees and protections required to cover unexpected impacts of energy projects as well as post-operational site restoration work, and support the activities of the monitoring committees.

# Conclusion

Implementation of the actions set out in the MERN's social acceptability guidelines will help clarify the MERN's support role during the process of preparing and operationalizing projects that will become structural elements for local communities.

These actions will give citizens an opportunity to take part in the land use planning process, which serves as a foundation for regional planning. The MERN will improve its own participatory approaches, and promoters will be invited to do likewise, with the support of the MERN's regional project officers. This will facilitate dialogue between local actors and promoters.

Partnership agreements will be encouraged and supported, and the social and economic benefits of land, mineral and energy resource development projects for local and regional communities will be optimized.

Lastly, the Government's project analysis and authorization procedure will be more coherent, and promoters will be better informed about the Government's expectations and project analysis methods.

The MERN will identify methods to implement the measures announced in this document. Implementation will take place in collaboration with the government partners concerned, including the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, the MESI and the Ministère des Affaires municipales et de l'Occupation du territoire.

The success of the MERN's social acceptability guidelines will depend on the level of commitment of promoters and local actors, and their relative interest in the public participation measures offered to them.



## Glossary

### **Local actors**

Citizens, enterprises and organizations involved to a significant degree in the local community concerned, together with municipal and Aboriginal elected representatives.

### **Local community**

All the people who live together in a given area such as a local municipality, an Indian reserve, an Indian establishment or Northern Category I lands.

### **Targeted consultation**

Consultations for citizens, groups or companies and organizations, chosen according to their interests, expertise, involvement or role.

### **Public consultation**

An open consultation carried out in such a way that all citizens are able to take part, with a view to gathering their opinions on a specific subject.

### **Local authority**

A municipal council or band council composed of elected officials or their representatives.

### **Public participation**

A set of information, consultation and active participation processes and activities, to allow for consideration of the participants' concerns, needs and values in the decision-making process.

### **Promoter**

A private, public or community organization that wishes to carry out a land, energy or mineral resource development project within a given territory.





