



# Good practices guide for project promoters and local actors, and legal obligations of monitoring committees

Preliminary version – May 2018

Interim assessment of the consultation  
version July 2018



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## 1. INTRODUCTION

As a result of its guidelines on social acceptability, the Ministère de l'Énergie et des Ressources naturelles (MERN) has made a commitment to increase support of promoters and local stakeholders by, among other things, developing Best Practices guides (guideline 3, action 5).

The guide under preparation focuses on the establishment and functioning of a monitoring committee (the Guide). The first part of the document presents best practices for the establishment and functioning of a monitoring committee and the second part relates to the legal obligations to which mining lease holders, and petroleum exploration, production and storage permit holders are subject under the Mining Act.

A preliminary version of the document, titled *Establishment and functioning of a monitoring committee – Guide to best practices for project initiators and local players and legal obligations relating to monitoring committees – preliminary version – May 2018*, was submitted for public consultation during June 2018. The purpose of the consultation exercise was to collect suggestions and opinions from the public in general and organizations in particular, on the content of the proposed guide.

The goal of this report is to provide an interim assessment of the consultation by presenting a reminder of the terms of the consultation as well as information on the resulting participation and topics raised by participants. The final report of the consultation will be released when the final version of the Guide is published.

## 2. THE CONSULTATION PROCESS

The public consultation on the Guide was conducted through the MERN's website and by email discussions; no public meetings were held. However, on request from several organizations, telephone discussions took place.

The principal information elements, i.e. the announcement text, the consultation introductory text as well as the Guide, were disseminated both in French and English, the latter in particular to organizations and communities where English is the language of use.

### 2.1 Announcement

The public consultation was announced on May 28, 2018, on the home page of the MERN's website, in the Events section. Important dates, the content and purpose of the document and the purpose of the consultation were briefly described.

An information email was also sent to 53 targeted organizations and individuals from the following sectors:

- Business associations;
- Consulting firms;
- Aboriginal organizations;

- Municipal and regional authorities;
- Consultative organizations;
- Environmental groups;
- Community stakeholders;
- Research and training centres;
- Land users;
- Business community.

On June 7, 2018, a second email was sent to three additional organizations, bringing the number of organizations and individuals specifically informed of the forthcoming consultation to 56.

## 2.2 Launch and terms of participation

The public consultation was launched on June 4 by putting the Guide online on the MERN's website as well as a text outlining the scope of the document, the target clientele of the Guide, a brief description of the term "monitoring committee" as adopted by the MERN, some questions to direct reflection and, finally, the terms of participating in the consultation. On June 5, MERN distributed a press release. Messages were also published on Facebook – MERN, Facebook Québec-Mines and on the MERN Twitter account.

Participants were invited to send their requests for information as well as their comments and suggestions by June 29, 2018, by email to [consultation.gcs@mern.gouv.qc.ca](mailto:consultation.gcs@mern.gouv.qc.ca) or by mail to:

Major Project Coordination and Economic Impact Analysis Office  
Ministère de l'Énergie et des Ressources naturelles  
5700, 4<sup>e</sup> Avenue Ouest  
Bureau C-422  
Québec (Québec) G1H 6R1

It was mentioned that the briefs and a summary of messages received would be made public unless otherwise requested by their authors. All briefs and comments received were released within a few days of the end of the consultation period.

## 3. PARTICIPATION AND PRELIMINARY RESULTS

MERN received four requests for information as well as eleven briefs and other comments.

### *Requests for information*

All requests for information came from business associations or the business community. Three of them resulted in telephone meetings, which lasted about one hour and took place on June 13, 14 and 21, 2018.

### *Briefs and other comments*

The Guide was generally well received by participants. However, two organizations expressed significant reservations regarding the usefulness of a monitoring committee, in the format proposed.

Participants made several comments and suggestions to expand the content of the Guide and discussed practically all topics.

### **Mandate and role**

There were many comments on the role and mandates of the monitoring committee, the decision-making method, the role of the initiator in decision-making, the role and skills of the facilitator as well as the extent of influence of members in decision-making.

### **Composition and operation**

Elements relating to the composition and operation were discussed, such as the local and regional stakeholders to be considered for participation, the balance of power among stakeholders, costs associated with establishing and operation of the monitoring committee, external communications, the flexibility and adaptability required and finally the balance between transparency and confidentiality.

### **Scope of the Guide and the place of monitoring committees**

Organizations transmitted suggestions regarding the place that a monitoring committee should occupy in environmental governance. Comments were also made on the impact of the Guide on the ministry and the government and its complementarity with regard to environmental assessment procedures and the legal framework in effect.

### **Document format**

Some organizations asked that the Guide be reorganized to highlight legal obligations first and then best practices.

### **Networking**

Finally, suggestions were made regarding the need for networking of existing and forthcoming monitoring committees, and the role that the MERN could play.

Comments and suggestions expressed by participants will be analyzed in detail and taken into account in the revision of the document. The results of this analysis as well as the follow-up to be given to the suggestions received will be presented in the final version of the consultation report.

## **4. NEXT STEPS**

During the summer of 2018, comments and suggestions from participants will be analyzed in detail and taken into account in the revision of the Guide. A consultation of MERN's governmental partners, on a new version of the document, will follow in the fall of 2018.

Release of the final version of the Guide as well as the final report of the public consultation are planned for the winter of 2018-2019.