

## The Inextricable Linkages between EA and Social Acceptance

*How has social acceptance been taken into  
account in Quebec and how it shapes the EA  
public participation approach.*



**October 2016**

MONTREAL – VANCOUVER – TORONTO  
QUEBEC – ROUYN-NORANDA – SAGUENAY – SHERBROOKE

# PRESENTATION OUTLINE – QUEBEC

- **About Us**

*Transfer Environment & Society (TES)*

- **Historical Background of Social Acceptance in EA**

*Defining Social Acceptance, the BAPE and decisions based on lack of Social Acceptance*

- **Need for Clarity in including Social Acceptance in EA**

*Ministry of Energy and Natural Resources Survey of new expectations and inclusion in the regulatory framework*

- **Ways Forward to Effective Public Participation**

*Beyond regulations: How can the EA be an instrument for decision-making...with Communities?*

# HISTORICAL BACKGROUND OF SOCIAL ACCEPTANCE IN EA

## DEFINING SOCIAL ACCEPTANCE

“ The outcomes of a process by which the concerned parties build together minimal conditions to put in place ”

- Caron Malenfant et Conraud, 2009

“ ... process whose ultimate goal is not to get the project accepted, but rather to achieve an acceptable project by responding to communities' development aspirations ”

- Savard, 2013

“ It is a representation of the quality of the trust relation between the organization and the community, throughout the evolution of the project cycle ”

- Thomson 2013

### Framework to Assess Social Acceptance



Source: Transfer Environment & Society adapted with CMM 2010, UQAR 2009

# HISTORICAL BACKGROUND OF SOCIAL ACCEPTANCE IN EAS

## *BAPE : INCLUSION OF SOCIAL ACCEPTANCE IN RECOMMENDATION TO MINISTER*

### What is the BAPE?



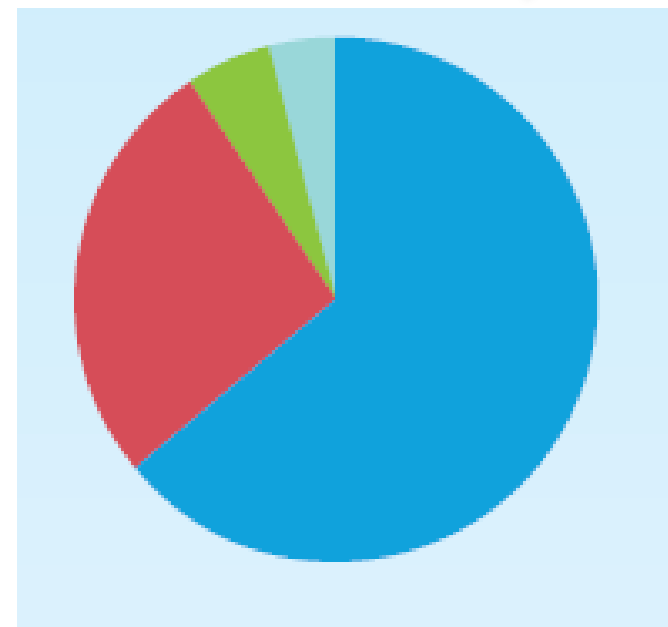
**Bureau  
d'audiences publiques  
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**Québec** 

[www.bape.gouv.qc.ca](http://www.bape.gouv.qc.ca)

### Types of Assignments

1. **Information and Consultation – 64%:** 15 to 20 each year, Information Session Only
2. **Public Hearing Inquiry – 26%:** 5 to 10 each year; requires a justified request. In 2016, Malartic Expansion approved with social acceptance conditions.
3. **Mediation Inquiry – 6%:** 3 each year, Example: Highways (2) with expropriation
4. **Public Inquiry and Generic Audience – 4%:** Strategic industry-level assessment. Ex: Shale Gas and Uranium Industries



Source: Statistics, 2010, updated 2016 BAPE Website.

### Decisions based on lack of social acceptance

- Most BAPE recommendations have been **favorable with conditions**
- **The main reason for few refusals?** Proponents withdraw their project to avoid media attention around the BAPE. Ex: Wind Farm Projects (3 withdrawals in 5 years)
  - Two projects **were rejected based on lack of social acceptance**:
    - Strateco's Matoush Project (Minister's Notice)
    - Venterra's St-Valérien wind farm (BAPE recommended to withdraw).
  - **Political decision** – No political overturn, but additional delays or BAPE avoidance.





### Social Acceptance Processes Challenged

- **Credibility of the BAPE** - Still high (e.g. Shale Gas), but challenged, (e.g. no BAPE for Port Daniel and limited BAPE for Energy East)
- **Credibility of Proponents** – Variable, engaging to promote the project versus gathering social conditions of acceptance
- **Lack of Regulatory Framework to Social Acceptance** has legal effects:
  - 3 class actions have been authorized (2016) by Quebec Superior Court, legally based on “neighborhood nuisances”
  - Strateco’s uranium project filed legal pursuit against Quebec Government





# NEED FOR CLARITY FOR INCLUDING SOCIAL ACCEPTANCE IN EA

## MERN'S GREEN PAPER— ADDRESSING EXPECTATIONS

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

### ► GREEN PAPER

#### **GUIDELINE 1**

MAKE THE MERN'S ROLES AND RESPONSIBILITIES IN THE AREA  
OF LAND USE PLANNING AND LAND MANAGEMENT BETTER KNOWN .....

#### **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 .....

#### **GUIDELINE 3**

ESTABLISH PREDICTABLE INFORMATION AND CONSULTATION PROCESSES  
AT ALL PROJECT STAGES.....

#### **GUIDELINE 4**

PROMOTE THE SHARING OF BENEFITS FROM ENERGY  
AND MINING DEVELOPMENT PROJECTS WITH HOST COMMUNITIES .....

#### **GUIDELINE 5**

ENHANCE THE MERN'S ABILITY TO ANALYZE THE IMPACTS,  
ECONOMIC BENEFITS AND REPERCUSSIONS OF PROJECTS  
BY TAKING SOCIAL ACCEPTABILITY FACTORS INTO ACCOUNT .....

## NEED FOR CLARITY FOR INCLUDING SOCIAL ACCEPTANCE IN EA *INTEGRATION INTO REGULATIONS?*

- **Quebec New Mining Law** – Monitoring Committees, Limitations for Expropriation, Consultation for mining closure, Consultation at Exploration
- **Quebec New Hydrocarbons Law** – Limited inclusion of social acceptance in its regulatory framework (like the old Mining Law)
- **New Environmental Law** – Different processes for different levels of risk, how is it modulated for social acceptance?
- **MERN's Green Paper**– Guidelines and Intentions, but a clearer description of population's expectations
- **Municipal Buffer Zone** – case-by-case regulations, e.g. potable water protection/hydrocarbon wells, windfarms and landfills. Nothing for mining.
- **Exclusion Zones in Regional-level Land Planning** – planned in the general law, but not yet in a regulation.

# BEYOND REGULATIONS

## *HOW CAN THE EA BE AN INSTRUMENT FOR DECISION-MAKING...WITH COMMUNITIES?*

- **Component Value** - Public involved in component valuing process including perceived risk and priority concerns.
- **Timing** - Public participation to prepare EA is good but too late; best would be at scenario analysis, e.g. world bank and hydropower dams
- **Effective Participation for Hostility** - In high levels of hostility, standard public relations simply does not work; only increasing participation level can reduce fear, anger and move to a fruitful dialogue.
- **Social Acceptance Conditions and Agreements** – Legitimate and representative platforms are required to provide and maintain the Social Licence to Operate and to determine the right social conditions.
- **Incentives to respond to Expectations and Regulations:** Important to resolve the conflict before the BAPE and also meet participation expectations.

# Thank you!

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