

## CONSULTATIONS CONDUCTED BY THE PROPONENT: EXPECTATIONS OF THE REVIEW COMMITTEE

### Introduction

All environmental assessment procedures include phases of consultation, whether these are conducted by the proponent or by the government agencies tasked with their implementation. The social and environmental impacts assessment process for the James Bay region adheres to this formula.

The Environmental and Social Impacts Review Committee (COMEX) recognizes that there can be a great deal of disparity in the approaches taken by various proponents when it comes to their consultations with the communities. In addition, the conclusions the proponents ultimately present sometimes differ from what was experienced or perceived by the communities or individuals involved in the consultation sessions, which in some cases leads to incorrect conclusions about the content of the consultations. Finally, there is occasionally confusion about the purpose and meaning of the consultations conducted by proponents in comparison to those carried out by the COMEX.

The purpose of this document is to clarify the needs and expectations of the COMEX so that during its project review, it can properly assess all information gathered during consultations held by the proponent.

It is not the responsibility of the COMEX to intervene directly in any consultations conducted by a proponent in the course of preparing its impact assessment. The Review Committee does not participate in or decree a framework for how these consultations are handled. However, the impact assessment Directive issued by the Provincial or Regional Administrator imposes a duty to obtain results regarding the content of the consultations and how this information is to be taken into account in the impact assessment to be submitted to the COMEX.

The COMEX would like to point out that in the territory covered by the Agreement, the obligation to consult is both a legal requirement and a matter of common sense, and thus the Committee places a strong emphasis on the rigor with which these consultations are conducted.

## **Consultations by the proponent**

It is good planning practice for the proponent to schedule its consultations with its target audiences early in the development of the project, as this can better define the project that will ultimately be subject to the assessment process.

Unlike later consultations that can leave local populations with the impression that the project is a *fait accompli*, the interests of the proponent and of communities are best served when the proponent institutes a voluntary and proactive consultation process well before the project enters the environmental assessment process mandated by law.

Moreover, individuals and communities expect to be informed about projects planned for their area so that they are able to contribute their knowledge and state their expectations and opinions regarding the positive and negative impacts of these projects.

In any event, the proponent must adhere to the instructions in the Impacts Assessment Directive issued by the provincial or regional administrator. In accordance with the recommendations of the Evaluating Committee (COMEV), the Directive outlines the requirements of consultation activities with communities, groups and individuals.

It is on the basis of that Directive that the Review Committee judges the quality of the impact assessment.

### *It is the expectation of the COMEX that the proponent and their consultants will:*

- Identify the appropriate contacts at the community, political, association and individual level
- Define and explain the methodology used for consultations to the target audiences as well as in the documents provided to the Administrator
- Organize the consultations: specify the purpose and the topics; select the location(s) and dates; explain the consultation plan – this step can be accomplished in collaboration with local stakeholders
- Identify the translation requirements, the types of documents needed and the most appropriate communication methods for the people/groups to be consulted
- If necessary, provide support to the communities so that they can participate fully in the consultations
- Prepare documents tailored to the topics of discussion and the audiences, making sure that the documents are understandable, especially by translating them with particular attention to the technical terms used
- Set a schedule that allows the target audiences sufficient time to familiarize themselves with the documents

- Collect information about the natural and social environment, being sure to address all concerns raised by stakeholders
- Pay particular attention to traditional knowledge and include this information in the assessment of the project's impacts
- Verify the contents of the final report on the consultations with the people/groups consulted
- Ensure the results of the consultations are featured in the impacts assessment
- Keep notes, make recordings and maintain a list of all meetings

The COMEX expects the proponent to support its consultant(s) throughout these operations and ensure that they are able to communicate appropriately.

*The Review Committee expects all parties consulted to:*

- Accept requests for consultations with openness
- Become familiar with the documents provided
- Participate in the meetings to the extent possible
- Provide the proponent with feedback of some kind
- Check that the information delivered at the consultations was properly recorded

*Role of the Review Committee (in consultations conducted by proponents)*

- Ensure that the proponent has met the expectations of the COMEX
- Confirm that the results of consultations with populations and communities are included in the documents submitted to the Administrator

## **Conclusion**

The various consultations that take place as part of the social and environmental assessment of a project are part of the public participation process established by the COMEX and explained in a directive published on the COMEX website ([www.comexqc.ca/participation-publique/procedures-consultation](http://www.comexqc.ca/participation-publique/procedures-consultation)). However, because projects are so diverse both in nature and with respect to their social and environmental contexts, the COMEX and the public at large cannot expect that each proponent will adopt precisely the same methods for conducting their consultations.

It is nonetheless the responsibility of the proponent to adopt a thorough and respectful approach towards all parties involved in the process. The proponent's documents should clearly reflect the methodology used, as well as the results of the consultations, and demonstrate that these results are adequately reflected in their environmental and social impacts assessment.