

Authorization for impact-causing mining exploration

Content of the report on the exchanges with local municipalities and Native communities

This directive takes effect on February 7, 2024. It renders null and void any previous directives on the same subject. It is adopted pursuant to sections 69, 69.1 and 69.2 of the Mining Act (CQLR, chapter M-13.1), as it was amended on April 12, 2022, by the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, Chapter 8) and the Regulation amending the Regulation respecting mineral substances other than petroleum, natural gas and brine (Regulation) that comes into force on May 6, 2024.

On February 7, 2024, the Regulation was promulgated in the Gazette officielle du Québec, making the list of impact-causing exploration works public and official, as well as the terms and conditions for the new authorization for impact-causing mining exploration (ATI). Section 12 of the Regulation sets out the conditions for issuing an ATI:

“12. The Minister issues an authorization for impact-causing exploration work where, in addition to the conditions provided for in the first paragraph of section 69 of the Act, as replaced by section 44 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), a claim holder meets the following conditions:

(1) has gathered the questions, requests and comments of the local municipalities and the Native communities concerned, where applicable, and has provided answers; and

(2) files an application on the form supplied by the Minister for that purpose and includes the following information:

- a) the alphanumeric code identifying the claim situated on the land on which the work is to be carried out;
- b) the applicant's name, address and telephone number;
- c) a detailed description of each work operation concerned, including in particular:
 - i. the nature of the work and the method of carrying it out;
 - ii. the area concerned and the volume of mineral substances to be extracted, where applicable;
 - iii. the number of drill-holes planned, where applicable;
- d) the planned duration of the work and the time of year during which the work will be carried out;
- e) information on the geometrical location and attributes of the geographical entities making it possible to delimit the zone of interest where the work will be carried out;
- f) a report on the exchanges with the local municipalities and the Native communities, where applicable, that indicates in particular the questions, requests and comments received and the answers of the claim holder;**
- g) where an authorization is required for the carrying out of bulk sampling, the application must include, in addition to what is provided for in the first paragraph,
 - i. a description of the preparatory work that has been carried out;
 - ii. the objective of the bulk sampling;
 - iii. an estimate of the resources and mineral substance reserves situated on the land that is subject to the claim covered;
 - iv. a summary description of the proposed restoration measures. ”

The claim holder must accompany his or her ATI application with a report of exchanges with local municipalities and Native communities, as applicable (report of exchanges). He or she must be as transparent in his or her report as in discussions with the local community by presenting the proposed impact-causing work and answering questions within his or her responsibility.

The report of exchanges must:

- report all questions asked to the proponent on proposed impact-causing exploration, requests and comments received through the exchanges;
- report on the claim holder's responses to questions, requests and comments from the local community;
- be accountable for the genuine willingness to consider the concerns and needs expressed by the host community. The report shall identify any changes that the claim holder has already made or plans to make to its project as a result of comments received from the local community and the proposed mitigation measures, if any. If no modification or mitigation is required, the claim holder should explain why;
- include the following information:
 - date, time and location of each exchange, if applicable;
 - contacted entities (municipalities, regional county municipalities (RCMs), Native communities or other);
 - entities participating in the exchange (municipalities, RCMs, Native communities or other);
 - method of communication (in-person, virtual, etc.).

The report on exchanges is not an accurate transcript of what was said. Instead, it provides a sufficiently detailed summary of the views and concerns expressed by the local community and the claim holder. It must include the exchange summary table as follows:

Organization/contact	Questions, requests or comments raised	Response from claim holder	Mitigation measures
Example: Citizen (without naming)			
Name of Native community			
Name of RCM			
Name of municipality			

As a document that will be made public, the report on exchanges must not contain any confidential information that could harm privacy (e.g., information that identifies or can identify a particular individual, such as name, address, telephone number, email address, etc.).

The claim holder must make every effort to establish a communication bridge with the local community. In the event that attempts to contact the local municipality or Native community concerned are unsuccessful, the holder of the claim should contact the ministère des Ressources naturelles et des Forêts at the following address: ati@mrfn.gouv.qc.ca.

For more information, you may contact the Centre de services des mines at services.mines@mrfn.gouv.qc.ca.