

Ministry of Environment Social License within Environmental Assessment Decision Making

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Social License with EA - Overview

- Social and Regulatory Licenses
- Roles and Responsibilities
- The EA Process
- Case Studies
- Looking Ahead

Social and Regulatory License

- Social license generally refers to acceptance or approval of a project, or ongoing activities, by impacted stakeholders
- Regulatory license is the approval to proceed with a project or activity under legislation or regulations
- Social license is gained through “full-circle” open engagement with impacted communities and stakeholders

Social License, Proponents & Government

- Social license is increasingly viewed as a requirement for proponents and government
- Proponents seek social license to legitimize presence and activity from a community perspective
- Governments seek social license to gain public confidence that regulatory processes protect the public interest

(Source: Yates & Horvath, 2013)

EA Process and Social License

- The Ministry of Environment (ministry) provides guidance on the EA process and proponent requirements
- Public review period mandated by *The Environmental Assessment Act* (the Act)
- Studies, public hearings, and terms and conditions of decisions
- Direct interaction with ministry staff
- All help to build and sustain social license for the EA process and related decisions

EA process and Social License – Guidance

- Providing guidance through improved awareness of the EA process and how decisions are made under the Act helps build and sustain social license for government
- Providing guidance on the merits of early and ongoing engagement and best practices helps build social license for proponents

EA Process and Social License – Public Review

- A mandatory public review period under the Act, which can be 30 to 60 days, includes:
 - Proponents providing all project information
 - Ministry providing technical review comments
 - Making public aware of the review period and locations to review the materials
- Written comments may be submitted to the ministry by fax, regular mail or email
- Ensuring public access to information and opportunity to comment builds social licence

EA Process and Social License – Decision Making

- Prior to making a decision on the environmental acceptability of the project:
 - Information provided by the proponent and public is forwarded to the Minister
 - The Minister considers if additional studies or further public participation is warranted

EA Process and Social License – Decision Making

- When making a decision to approve a development under the Act:
 - The Minister is able to place any terms and conditions required to protect the public interest and address specific concerns
 - The ministry notifies the general public and those that made comment during the review period of the decision and the reasons for the decision
- Facilitates social license by demonstrating the public interest has been protected, the public was heard, and the decision is based on sound rationale

EA Process and Social License – Contact

- Engagement is ongoing through the project's lifecycle with proponents reporting to the ministry and public
 - Reporting requirements of EA and other regulatory approvals, community based committees
- Proponents and the public may contact the ministry regarding the EA process, other regulatory processes, and/or a project
 - Online customer service inquiry portal, regular mail, email, phone
- Ensuring projects meet conditions, and making the ministry available to answer questions helps create social license for the regulatory process

Case Studies of the EA Process and Gaining Social License

Case Study #1: Fortune Minerals Ltd., Metals Processing Facility near Langham, SK

- Technical review showed the project to be technically sound
- Proponent engagement with local communities and government sparse; focused on business/technical aspects
- High level of opposition and concern about impacts from local, national, and international interests
- EA Branch undertook activities to build social license in review process and decision making
- Demonstrates importance of on-going engagement

Case Study #2: Western Potash, Milestone Project

- 2.8 million tonne/yr solution potash mine near Lajord, SK
- Proponent undertook an extensive engagement program
- Low overall concern from the public regarding the project
- EA Branch used approval conditions to build social license for review process and decisions
 - requirement of Development Plan Agreement between proponent and RM to address concerns
- Demonstrates how engagement can help build social license for proponents and government

Social Media and Social License

- Social license is dynamic and changing how proponents and governments can obtain it
- Information is spreading faster and farther than ever before through multiple sources
- Interest and engagement coming from beyond local communities
- Type of information posted by external interests may be based on unchecked information or opinion

Social License in EA – Looking Ahead

- Development of public engagement strategy
 - Foster engagement in the EA process through improved information access and feedback systems
- Updated online resources and guidance on the EA process and best practices
 - Increased awareness and understanding of the EA process and how to participate
 - Encourage proponents to incorporate ongoing engagement into project planning and operations
- Supports government social licence and guides proponents on how to create social licence

In Closing

- Social license differs from regulatory licenses in being intangible community support for proponents or government
- The ministry provides guidance, legislative review, and approval conditions that foster social license for the EA process and decision making
- Social license is continually evolving with social media playing a large role in how social license is gained or lost
- The ministry is developing new strategies and processes to facilitate engagement and to better create social licence for government and proponents

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