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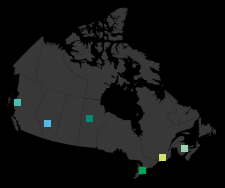
THE ROLE OF COMMUNITIES IN ENERGY DECISION-MAKING

Wind Farm



Case Study
St-Valentin
Québec

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St-Valentin Case Study

The case study concerns a wind farm project by TransAlta in the municipality of St-Valentin, situated south of Montréal near the border with Vermont. The project was to generate 51.8 MW, using 19 turbines of 2 MW each and six turbines of 2.3 MW. Twenty-eight potential sites were under consideration. Six public organizations were involved in the regulatory process: 1) the Government of Québec initiated the call for proponents (power target and price); 2) Hydro-Québec was responsible for selection; 3) the MDDECCL (Quebec's Environmental Department) was to conduct the Environmental Impact Assessment (EIA) for each proposal; 4) the *Bureau d'audiences publiques sur l'environnement* (BAPE) was to lead public hearings; 5) the Québec government was to provide final authorization; and 6) the Québec Energy Board was to approve the contracts between Hydro-Québec (HQ) and the private proponents. In July 2011, the government rejected the project (BAPE, 2011a). The project was off the list of Hydro-Québec selected projects for the second call for proponents (2005-2007).

The community

St-Valentin is a municipality with approximately 500 inhabitants; its area is 39.5 square kilometres and it is situated at 58 kilometres southeast from Montréal in the Montérégie region, in the Haut-Richelieu MRC[1] (the centre municipality is St-Jean, with 95,000 inhabitants). It is the smallest municipality of the 14 that compose the MRC (See Exhibit 1). The main economic activity is agriculture. Its large and flat lands are among the better areas in Québec for agricultural production and further development is allowed on only two per cent of the lands. St-Valentin is situated along the Richelieu River. The nearby municipality of St-Paul-de-l'île-aux-Noix is called "the nautical capital of Québec" because it has a marina on Lake Champlain, which provides water access to the United States.

The St-Valentin area has a significant presence of European families (Dutch, Swiss, German) who have immigrated since 1970 to cultivate the land. They are owners of large lands and doing good business. In addition to the farm population, some residents commute to work in Montréal and others are retired professionals who are drawn to the beauty of the countryside and the Richelieu River/Lake Champlain. Some locations also offer views of the Adirondack Mountains in the U.S.

[1] *Municipalité régionale de compté* (MRC): group of municipalities with some responsibilities especially on land planning and urbanism. It is Quebec's regional level. The chief of the MRC is the prefect, a mayor elected by the MRC's mayors.

The Richelieu's south region (except for St-Jean) is at 90 per cent agricultural production capacity. Few new jobs have been created and it has been marked by different projects or events throughout the last few years. In the 1990s, the population rejected a mega-pig farm project in the face of strong opposition. One wind farm was built by Kruger Inc. in St-Rémi, one was proposed by TCI Energy in St-Jacques-le-Mineur, but not built, and a third project is awaiting a decision in St-Cyprien-de-Napierville. It was proposed by Mohawk business, *Énergies durables Kahnawà:ke* (EDK)[2]. Attitudes are mixed: some citizens see these projects as creators of economic activity, and revenues sources for municipalities and farmers. Others see them as incompatible with agriculture development and tourism/recreation activities. As this study will show, it is of some significance that the MRC prefect, St-Jean's mayor, was the "strong man" of the region for many years. He is very close to the Liberal Party of Québec (he was a candidate in 1998).

The project

To understand the project's story, it is important to know the context of Québec's wind farm sector development. The St-Valentin project was proposed under the second call for tenders launched by Hydro-Québec in 2005. A previous call for tenders was to develop the wind sector and the industry (construction of turbines) in the Gaspésie region, an objective identified in Québec's energy policy (1996-2006) to encourage diversification of Québec's energy production.

The first projects that have been implemented in Gaspésie took an "over-the-counter" approach. In 2003, the government decided to call for tenders instead[3]. The first call was for a total of 1,000 MW capacity, exclusively for the Gaspésie and Matanie regions. Eight projects were accepted by HQ, subject to the government's approval. The second call (2005-2007) was for a total of 2,000 MW spread over the province. In 2008, Hydro-Québec announced a list of 15 projects, including St-Valentin[4] (see Exhibit 3). The development of the wind farm sector in Québec has to be understood well beyond the choice for renewable energy or diversity of production sources or even lucrative exportation market for the US. The government saw the

[2] It is a very controversial project. In the third call for tenders, specifically for community project (municipality or First Nations) where the Mohawks Nation aimed to realize a project outside the reserve even though they did not have the support of the municipality concerned, St-Cyprien-de-Napierville. http://www.bape.gouv.qc.ca/sections/rapports/publications/bape318.pdf.

[3] This decision was based on an advice from the Energy Board of Québec.

[4] A third call for tenders of 500 MW was launched in 2009, reserved for community projects (250 MW for municipalities and MRCs and 250 MW for First Nations). In 2010, HQ announced a list of 11 projects retained for the first 250 MW (municipalities, for a total of 267.4 MW) and only one project for the second 250 MW (First Nations for a total of 24 MW). In 2013, a fourth call for tenders was organized by HQ for 450 MW (300 MW for Gaspésie, 150 MW, everywhere else in Québec) with the addition of an "over-the-counter" project with a First Nations community. Each project must be under the control of communities (50 per cent or more). In 2014, Hydro-Québec announced three projects for a total of 446.4 MW. Source : http://mern.gouv.qc.ca/energie/eolien/eolien-projets.jsp

primary reason to have wind farm sector as a way to drive regional economic development in Gaspésie. This required an important legal modification to the mandate of Québec's energy board (*la Régie de l'énergie*), which required competitive bidding for all sectors, including hydroelectricity (Prémont, 2014)[5]. The decision to use the wind farms sector as a job creator for this region was strongly political. It was promoted by Nathalie Normandeau, a member of the National Assembly of Québec, former MP of the Bonaventure district (Gaspésie) and who exercised a lot of ministerial functions during the 2000s[6].

The St-Valentin project was a $150-million wind farm to be built over 15 months, with energy production of 51.8 MW from 25 turbines (19 of 2 MW and 6 of 2.3 MW). It was to be situated in the limits of the municipal territory (see Exhibit 2). Four turbines were planned in St-Paul-de-l'île-aux-Noix. The project was to produce power for both local use and export. A power line was also planned to connect the wind farm with the electricity network. Sixty per cent of the project's cost was to be spent in Québec (based on an agreement with HQ). Of that portion, 30 per cent was to spent in Gaspésie and Matane (for turbine production). An estimated 65-100 jobs were to be created during the construction, and six jobs after completion. Seventeen landowners and two municipalities would receive a share of the $750,000/year in royalties. This represents a 13 per cent increase in revenues for St-Valentin. For St-Paul de l'Île-aux-Noix, the revenue would represent a one per cent increase in its revenues of $3 million/year (although no agreement has been signed because the municipality opposed it). Potential royalties for the landowners were estimated to be at least $5000/year.

The St-Valentin project was promoted in 2006 through meetings with municipalities and landowners. The last signatures from landowners authorizing the installation of turbines on their land were obtained in 2007. In May 2008, Hydro-Québec announced the results of the second wave of projects and St-Valentin was on the list. An environmental impact assessment (EIA) was done from 2008 to 2010. After the information and consultation period on the EIA report, 43 requests for public hearings were filed. The minister mandated BAPE to assess the project (February-June 2011); public hearings were held in March and April 2011, and the report released in June. In August, Nathalie Normandeau, deputy premier and minister of

[5] The windfarm electricity price was not competitive with the hydroelectricity price and HQ was against the development of windfarm sector.

[6] Elected in 1998, she was immediately appointed Minister: Minister of Tourism (2003-2005), Minister of Municipal Affairs (2005-2009), deputy premier from April 2007 to 2011. She was also Minister of Natural Resources and Wildlife (2009-2011), Minister responsible of Plan Nord, and of course, Minister responsible for the Gaspésie–Îles-de-la-Madeleine region. In September 2011, she decided to quit politics. She was under investigation by the Elections Director of Québec in 2013 for illegal founding and by the Charbonneau Commission in 2014-2015 for having given granting subsidies to engineering consulting firms and construction businesses involved political party founding. In 2016, the Anti-corruption Unity of the Government of Québec arrests her, her Chief of Staff and members of the engineering consulting firm. http://www.assnat.qc.ca/fr/deputes/normandeau-nathalie-1063/biographie.html[7] http://www.bape.gouv.qc.ca/sections/mandats/eole_saint-valentin/documents/DA15.pdf

natural resources and wildlife, announced the project would not proceed, because the public did not accept it.

Issues

Based on a review of news coverage, the BAPE report (BAPE, 2011b) and interviews, the main issues of the project were:

1) Social acceptance: a) a perceived lack of consultation, a too-local approach for a project that has regional impact b) the two-step process and negative reaction to "flipping," or selling, the project to a larger proponent;
2) Visual impact and the incompatibility of industrial infrastructure in an agriculture and countryside context, on great lands and not so far from Montréal;
3) Impact on the developed area, Richelieu River, marina and birds.

1a) Social acceptance: the lack of consultation, a local approach for a regional project

The main problem identified by a majority of actors and the BAPE commission was the absence of social acceptance. The opposition expressed by many citizens and the mayors' coalition pushed the government to reject the project. A majority of citizens signed the petition against the project because they felt they were not consulted enough upstream. The proponent was reproached for not having consulted enough and for not being active enough in organizing meetings to address citizens' concerns about visual impacts, noise and the impact on wildlife.

> *"The problem with St-Valentin is that the proponent let the worried citizens become active opponents. If it was to remake, we would do more. We should recognize that we, in a sense, let things go a bit."* (Proponent)

> *"In the initial phases concerning the presentation of the project, the developer has presumed an acceptation (acceptance) de facto, by the community, believing that is was a simple formality, with the local authorities, for his contractual proposition (…) This situation has been translated as a business approach that had irritated some interlocutors (and) that has…gradually produced a sense of mistrust towards the developer. However, another project, situated in the next MRC, with similar geographical and socioeconomic characteristics, was not confronted with an outcry (on the level that) St-Valentin had deal with. Even if it is not the only factor that can explain the success of this project, the approach fallowed by the developer in the other one, since the first steps exchange with the community, was significantly more sensible and gave the impression of "exchange with the parties" where all the aspects of the projects, could have been examined, rather than only those imposed by the proponent of the project."* (Consultant)

The proponent was also criticized for neglecting the municipalities around St-Valentin. The proponent was accused of concentrating its efforts on the smallest municipality of the region, on the basis of an agreement with it[7] and the landowners. This was seen as a localized approach for a project that would have regional impact. A more regional approach could have been more appropriate. Regarding consultation, stakeholders interviewed for this report stated that it is essential, in this kind of project, to demonstrate that the proponent has taken into consideration the population's demands, by modifying the project, adapting it, and explaining it clearly.

> *"That is what I would say: 60 per cent of a success of a project is the work upstream, the consultation and the modification in link with the demands from people. At the limit, plan during the conception that modifications will have to be done, to show to the population that the proponent is listening. You need some slack. In St-Valentin's case, in a rural context but also developed, so close to the Richelieu River, there is not a lot of space to modify the project."* (Agent of the Department of Environment)

1b) Social acceptance: the two-step process and the "flip" effect in the case of wind farm projects

Wind farm projects must have an agreement with the electricity distributor, Hydro-Québec. To qualify for consideration in the call for tenders, a firm must show that 60-80 per cent of landowners who would have turbines installed on their land have signed an agreement supporting the project. To avoid having its project "stolen" by another firm, a firm acts secretly to obtain the agreement of the municipalities and landowners. It often does not become public until it is officially selected by Hydro-Québec. The public, however, often objects to such secrecy as a sign that "the fix is in." This has a very negative effect (Yates, 2016).

> *"Once signatures are obtained, the project secured, the proponent should open the game the most transparent that is possible, open a glass office in the middle of the village, make door-to-door, et cetera, and not wait for the Hydro-Québec announcement."* (Manager at Hydro-Québec)

A second characteristic of wind farm projects is the "flip" phenomenon. Some small firms start projects, win necessary approvals and agreements, and then "flip," or sell these projects at a high profit, and leave.

> *"The development model of wind farms sector in Quebec, corresponding with the Hydro-Québec's calls for proponents, looked like the one from the mining industry. Some little specialized firms, that we can qualify as "wind prospectors," localized the wind deposit,*

[7] http://www.bape.gouv.qc.ca/sections/mandats/eole_saint-valentin/documents/DA15.pdf

> *obtained a maximum of accepted implementation options for the turbines from the landowners (…). It rapidly came evident for all the stakeholders of this industry in Québec, that the emergence of this new renewable sector, register in a much global dynamic arising from environmental preoccupations. That would be translated eventually, by acquisitions of strategic positions from large energy producers, in link with an eventual 'carbon market' and public perception questions of the energy industry."* (Consultant)

The flip phenomenon discourages the development of strong and stable relations between stakeholders. It is also an obstacle to the development of trust between the population and the proponent.

> *"In those kinds of projects, you should not hire 'flippers' to go see the people and obtain signatures. You need to hire people from the place who know the population."* (Manager at Hydro-Québec)

> *"The first mistake in that case concerned the approach to make sign the options from the developer, directly by a guy from the place. It's a good thing to have a local contact but you need also a distance. He was visiting people he personally knew for the signatures and, in an agriculture context, everywhere is flat, so you can put a turbine anywhere. It is not a mountain environment where some emplacements are imperatives. This has caused problems towards people."* (Proponent)

> *"To proceed by relation or contact to make sign, it is not a good approach. After, it creates conflicts. Because stories exist in a village like here, some gangs, and it can amplify latter."* (MRC responsible)

2) Visual impact and the incompatibility of industrial infrastructure in an agricultural context, on productive land and in close proximity to Montréal

The second issue includes concerns over activities on the land. Farmers and other landowners highly value views of the Adirondack Mountains in the U.S. Because St-Valentin is just 40 minutes drive from Montréal, there are a significant number of "gentlemen/women farmers" and retirees who have chosen the countryside for its natural landscape. For them, wind turbines are incompatible with their life choice.

> *"The landscape was the most important opposition element: the landscape, a peaceful and quiet place, it is small, patrimonial and also agricultural. (It is populated by) retired professionals, not far from Montréal and farmers with very good conditions who don't need this kind of project. For St-Valentin's case, those were the principal reasons for the opposition, after that, the other reasons (birds, bats, etc.)"* (Proponent)

There are also a significant number of people from Europe (Swiss, German, and Dutch) who came to Canada 20-30 years ago, when the land was cheaper and now have huge, very productive lands. They don't need the "year bonus" revenue from a turbine. Those farmers view such industrial infrastructure as being in contradiction with their agriculture activities.

> *"Here, we find some farmers, originated from Europe and others from here, who are people from the land, not people from the mountain. They have a particular relation with the space. They need to see far, but more than that, the land could not be bought. The land is lent to us for next generations. The turbines do not fit with this mentality."* (Member of Don Quichotte association)

3) The heritage value, Richelieu River, marina and birds

Several elements are linked by the fact that the proposed project area is charged with different elements. First, the municipality has some houses with heritage value, well-identified by a member of the association against the project. Second, it is very close to the Richelieu River and St-Paul-de-l'île-aux-Noix, "Québec's nautical community," which has a large marina. The area also has an important migration corridor for protected birds. For all these reasons, it was difficult to site the turbines, based on the setback distancing required by the regional authority (MRC).

> *"A place a little bit lost, but it was crowded for the public hearings, the mobilization was strong! The birds and the bats inventories were being completed. Some turbines were too close from the wooded lands according to our regional criteria. Furthermore, it was a project too close to the Richelieu River, an environment with a very rich biodiversity, especially waterfowl, and with a high landscape value (The Appalachians)."* (Energy, Natural Resources and Wildlife Department)

> *"The MRC did not want wind farms but was not allowed to ban them. The governmental orientations were going against the will of the MRC. The mayors wanted to prevent. I took all possible elements to put in the regional regulation – 750 metres from all the residences… a lot of discussions with the department."* (responsible MRC)

The formal/expected process

The development of the wind energy sector, planned by Quebec's energy policies (1996-2005 and 2006-2015) had determined a general target of 4,000 MW. Because energy production is not part of the responsibilities of *la Régie de l'énergie*, the energy board of Québec (only transportation and distribution), the government fixes the number of MW required and the price[8]. Even if some wind farm projects can be decided through mutual agreement, the normal

[8] In 1996 and 2000, the government adopted some principles in the energy policy and in the Energy Board's law. An important principle was that, when the distribution branch of Hydro-Québec anticipates an energy need, the

process since 2003 has been a call for tenders. The distribution branch of Hydro-Québec organizes the call based on government demand. Private proponents find an area, sign options with landowners and municipalities, and propose projects.

After Hydro-Québec selects a project, the proponent should undertake an environmental impact assessment (EIA), following the directive furnished by the Environmental Department[9] (*Règlement sur l'évaluation et l'examen des impacts sur l'environnement* [Q-2, r. 23]). When all stakeholders have been consulted (public, private, community) and the EIA is satisfactory for the Environment Department, the EIA becomes public and can be consulted, either online or in person where the project is planned, in Montréal and Québec.

Requests for public hearings can be deposed (during 45 days). If the minister finds that the requests are not frivolous (superficial, not serious), he/she mandates the BAPE, a consultative independent public body, to conduct a public hearing (or, rarely, a mediation). The public hearings take place in two parts: the first for questions (usually a couple of days and evenings); the second for presentation of memoranda by groups and citizens in front of the commission. The presentation of memoranda, open to any participant, is under the responsibility of commissioners who have investigative power to ask questions and help people participate. At the end of the mandate, BAPE produces a detailed report covering all the aspects of the projects (100-200 pages or more), and formulates recommendations and advice. The Environment Department makes a proposal to the government based on the BAPE's report and its own analysis. The government may accept the proposal (often with conditions) or decline. Finally, the *Regie de l'énergie* authorizes the contracts between Hydro-Québec[10] and the proponents.

1. Governmental decision (MW, price and others characteristics – region, partnership)
2. Hydro-Québec organizes and selects the projects from private proponents
3. Environmental Department evaluates the EIA
4. BAPE holds public hearings and produces a report with advice for the ministry of the environment (see Exhibit 4)
5. Environment Department makes a proposal to the government
6. Government makes a decision (decree).

production arm of Hydro-Quebec as any other potential producers can answer the call for proponents. To develop the windfarm industry, the government reorganized the rules because the price of the electricity would have been too high to compete with the other sources. In that sense, the government made a strong political choice.

[9] A list established by law of 25 major projects that have to follow a formal process for EIA and eventually the object of public hearings. http://legisquebec.gouv.qc.ca/fr/ShowDoc/cr/Q-2,%20r.%2023/

[10] Hydro-Québec is a builder of dams, not of wind energy facilities.

Pre-regulatory actions by proponent

The proponent met with the municipalities and major stakeholders, met with landowners and held open houses. The proponent organized meetings with specific groups from June 2006 to May 2007: Saint-Blaise-sur-Richelieu and Saint-Valentin, Saint-Cyprien-de-Napierville and Saint-Paul-de-l'Île-aux-Noix. These groups included agriculture producers and their federation, regional/local administrations, representatives from Saint-Jean-sur-Richelieu Festival international des Montgolfier's and provincial and federal MPs.

In 2007, the proponent signed option contracts with the landowners. It negotiated royalties with St-Valentin but there was no agreement with St-Paul-de-l'île-aux-Noix. On May 7, 2007, 50 people from St-Valentin, Saint-Paul-de-l'Île-aux-Noix, Saint-Blaise-sur-Richelieu, Saint-Cyprien-de-Napierville and Lacolle attended an open house.

On Sept. 18, 2007, the proponent proposed the project to Hydro-Québec. In September 2007 and June 2008, meetings were organized with landowners. Citizens and mayors visited the TransAlta wind farm on Wolfe Island, Ont. In March 2008, the proponent met with the city. After Hydro-Québec announced in May 2008 that St-Valentin was on the list of projects retained for the second call for tenders, the proponent met with the agriculture producers' federation.

In June 2008, another open house resulted in a consensus that citizens needed more information[11]. In August, the proponent met with the Camping Gregoire campgrounds, which has two turbines nearby. From January to September 2009, meetings took place at the regional level with the MRC to set the rules of distance and activities around wind turbines. In the fall 2010, meetings took place with the agriculture producers' union, regional/municipal authorities, and the regional environmental council. The proponent met the leaders of the Don Quichotte association but could not convince them to abandon their opposition. By then, the proponent decided not to organize any other public meetings before the public hearing because it feared doing so would simply create more visibility for opponents.

> *"The opposition was increasing, the opponents didn't want to discuss. It was too late. We were afraid to pour oil on the fire. We decided to wait until the public hearings. We should have done more. More open doors, like Kruger did each month with the CEO before Hydro-Québec's decision, on the same kind of project close to this one just before.*

[11] Note that it was recognized by the proponent that the open doors were often organized at very busy moments of the year for farmers.

> *We had opted for another approach. It appeared to be done in quiet, in secret. And I think it was, in a sense, with the first developer firm."* (Proponent)

Actions of the municipality

On March 6, 2007, St-Valentin council voted to support the project. Only 10 citizens came to a public meeting St-Valentin held on July 5, which happened to be haymaking season. After another meeting on September 12, the city signed an agreement legally endorsing the project and engaged with the proponent to deliver all the authorizations needed. On September 2009, the Urbanism Consultative Committee (UCC) of St-Valentin came out in opposition to three turbines. However, when a new version of the project was presented in August 2010, none of the changes sought by the UCC was included. The power line was also unveiled at the same time. Members of the UCC formed the Don Quichotte association to fight the project (see Exhibit 5 for more dates and events) (Environnement Durable, 2010).

Perspectives and positions

The proponent perspective

The proponent recognized the consultation process could have been more open and engaging. But opposition to the project was too strong to overcome. It also could have been more proactive. The proponent felt the opponents (the farmers and the municipality St-Paul-de-L'île-aux-Noix) were wealthy enough they didn't need the project's royalties. Opponents were also well-organized.

> *"The CEO of the energy branch for Kruger was at the meetings every month, with the citizens and the mayors, (and) able to answer the demands on the spot. One meeting per month on the mic(rophone) for the project in St-Rémi. He was able to change the emplacements, to give information, to negotiate with a great flexibility. It was not our case." (Proponent)*

At the municipal level

St-Valentin favoured the project because the potential royalties, for the town and area landowners, were considerable. It could decrease the amount of taxes needed to be levied from citizens or could be the foundation of an interesting collective project. It was also a good project for the landowners, a way to consolidate their revenues on an annual basis. Citizen consultation, however, needed to be more proactive to respond to the various arguments from the opponents (concerns over health, birds, and the justification of the project). The municipality was open to informing the public and answering questions, and has ultimately accepted the verdict concerning the absence of social acceptance.

> *"The municipal council was favorable to let the enterprise proceed. Here is an opportunity. The MRC did not want it, the MRC did not help a lot of discussions, but the developer was able to deal with the regulation. A source of new energy, sustainable development, good*

> *for the environment, the municipality was for it. The opposition was about the landscape, the local patrimonial, yes, it was founded. The Vermont Mountains, we see them. The noise? I made visits everywhere else and it was not a dimension. For the (alleged) health impact . . . It became a bit emotional. At the BAPE (public hearings), it was intense. But the municipality, we were completely open. No one* criticized *us about all that we have given (information). It was $150,000 on a budget of $800,000, at least, per year. It helps besides the community activities… simply on the tax rate. But it did not work. Here, there is no possibility for development. We have a church. A large part of the farmers was favourable as crop insurance. They remake the access roads…"* (St-Valentin municipality)

St-Paul-de-l'île-aux-Noix, however, was almost totally against the project and even the principle of accepting royalties. It was a question of integrity and independence for them. The mayor did not trust the proponent; he hired a communications expert and he became well-informed, including through studies and reports he found on the Internet about various impacts of wind turbines. He was the leader of the mayors' coalition.

> *"Here, we were against it. The proponent did not say everything. I did not have confidence. It needs a third independent party to furnish information. The health questions, the wind farm syndrome, the landscape, the fears about agriculture. Away the proponent, the gifts planned in the project budget and after we own them something. They even plan this in the budget."* (former mayor, member of the coalition)

Actions by the opponents (Don Quichotte association)

Founded by former members of the UCC, the association was very active. BAPE's public hearings procedure also provided the group with momentum. The association received help from a lot of opponents with expertise: an association from the same region (*Le vent tourne*) was well-versed in opposition to these types of projects; a U.S. specialist, Nina Pierpont, author of a book, *Wind Turbine Syndrome* (2009), who also participated in the public hearings; a communications consultant (paid by the coalition municipalities against the project); the mayor of St-Jacques-le-Mineur, a retired communications expert with similar past experience; and, a retired employee of Hydro-Québec.

The forming of the Don Quichotte association triggered several strategic actions against the project. (1) a door-to-door petition harvested 59 per cent opposition to the project; (2) a weekly newsletter with a satirical cartoon told citizens the reasons for the opposition; (3) mayors in surrounding areas were approached to form a coalition against the project; (4) large opposition posters were created and distributed; (5) demonstrations by people on farm equipment; (6) radio, newspapers and internet media were targeted with messages about: the heritage aspect (the view, houses, the country style, developed area near Montréal) and the agriculture dimension (industrial infrastructures don't fit, only two per cent of the land is to be

developed, the land is to be preserved for future generations). This strategy, well-organized and implemented by specific persons with a clear allocation of tasks, was based on the knowledge of people who had been through similar experiences in the past. At the regional level, the issue of setback distancing is notable. The mayors "locked" large sections of land, leaving very few spaces for the placement of turbines.

> *"There is nothing we did not make! We had experience for hard work, seven days a week, for weeks. We were all over the place. But at the beginning, you need to give yourself legitimacy. You talk for whom? It needs a petition. The message has to be clear with not too many elements. Two good arguments, it's enough."* (Ex-mayor of the region for another project)

The outcome

The project's initial proponent, TCI, discretely gathered the number of signatures needed to qualify the project in the call for tenders. It then "flipped" the project to a much larger proponent, TransAlta, which was viewed as an "Anglo-Canadian firm from the West." There was reduced consultation with the stakeholders, allowing momentum to build for strong opposition. The BAPE's public hearings were intense; on the first evening 300 people showed up, forcing the hearing to move to a larger location. A total of 237 memorandums were produced and 82 presented during the second part of the public hearings, plus three other presentations. The BAPE's 180-page report, released in August 2011, criticized the proponent's approach (process) and the project itself (substance).

The commission's report concluded that upstream consultation from the proponent and the municipality was not adequate; it was unidirectional, not consultative enough and not transparent. It stated the project would diminish the agricultural heritage that should be protected in the region. On health risk, it found the setbacks of 750 and 1,000 metres adequate. However, it stated many potential turbine locations would need to be reviewed because the area is rich in birds and especially with a high diversity of species at risk.

The day the BAPE report was released, the government rejected the project because it did not have social acceptance. For the government, the energy project needed a positive answer from the community in terms of being a sustainable development.

Politically, the position of the Prefect of the MRC, the mayor of St-Jean le Richelieu was pivotal. He was considered the "strong man" of the region, with close ties to the Liberal Party of Quebec, and he opposed wind farms. Further, the focus was considered too local and not adequately considerate of regional implications. Based on interviews, it appears development of the wind farm sector in Quebec has been highly improvised (with very few rules, at least at the beginning), leaving bids vulnerable to pressure from members of the government. At the

end of the second call, opposition had grown, based on the experience of the first and second calls for tenders. Finally, because some projects had been accepted for the second call, the need for electricity was less crucial (HQ was by then dealing with surplus and the industry in Gaspésie was safe enough). St-Valentin's project appeared less needed.

Assessment against the frame

How did the context affect things?

1. Earlier projects in the province met difficulties and created anger and frustration. Through networking, opponents in St-Valentin learned from other experiences. A great deal of information was made available, strategic advice was given, and there was help on the field. The coalition of mayors against the project was also key in building resistance.
2. The quality of the agricultural land, the relatively good financial position of the farmers, the presence of retired professionals from nearby Montréal, the presence of farmers who had emigrated from Europe, and concerns over environmental impacts all posed challenges to the proponent.
3. By the time this project reached second call for proposals, Quebec was in a situation of surplus of energy, raising doubts about the need for the project. Combined with the advice of BAPE, the led to the government rejecting it.

Did the proponent and the public authorities clearly understand and accommodate the context and, if not, what were the consequences?

For the proponent, the answer is clearly not. All stakeholders agree the consultation from the proponent was not proactive. This could be an organizational culture issue, linked with Quebec's values in the environmental and energy sector. Several interviewees said there is a need to not just inform but meet and talk with stakeholders and citizens very early and be able to make changes on the spot. The "flip effect" also eroded confidence.

From the public authorities' perspective, there are three observations. First, development of a wind farm sector was a regional economic development issue. Secondly, the development of the wind farm sector was improvised and rushed (first projects by an over-the-counter approach), with imprecise rules at the regional level (distance, approach, negotiation, royalties). Laws were changed and basic principles (related to price competition and HQ's needs) altered for energy regulation in 1996 and 2000 to facilitate development of wind farms. Hydro-Québec was also opposed to the development of a wind farm sector[12], which suggests that it was not motivated to facilitate the development of a wind farm sector.

[12] Hydro-Québec is a dam builder. For HQ, wind farm sector is expensive, private and not necessary.

Another important issue related with the public authorities is the regulator's role. Since 2000, energy production has not been a responsibility of the Energy Board; this was a political choice made in 2000. Rather, the government makes the decisions and Hydro-Québec executes them. As a consequence, the independence and transparency needed to create trust between the public authorities and the populations around any proposed development is lacking. There is a need for independent expertise also at the production level.

Finally, BAPE is seen as a credible, independent and legitimate institution. For more than 35 years, citizens have largely trusted BAPE and its commissioners. Its reports are well-documented and the advice and recommendations are viewed as strong and founded. But the public hearings arrive late in the decision process and are very demanding for all participants and stakeholders (preparation EIA documentation, questions/answers, talk in public, preparation of memorandums). The BAPE process gives some advantage to opponents because it gives them visibility just before a decision is made and exerts pressure on the government.

Values, attitudes and interests

St-Valentin was, in a sense, a values confrontation on process and substantive dimensions. More consultation and adaptation was needed upstream, taking a regional rather than local perspective. Project flipping (sale of the project to a new proponent) also creates the impression that secret deals have been made. The approach towards royalties was viewed as "too square." Royalties and economic agreements can be counterproductive when some citizens or municipalities perceive them as a way to buy their acceptance. Countryside and heritage conservation on the one hand, and economic development with an unclear justification on the other, counteracted government pressure to proceed with the development. The strong experience and engagement of the opponents combined, the proponent's low profile and the end of the second call for tenders all contributed to the project's rejection.

Information

Because wind farms are relatively young, few people have concrete experience with this kind of project and its effects. Consequently, a lot of information – and misinformation – is spread on the Internet about wind farms' effects on health, risks and wildlife. An Environmental Impact Assessment is often highly technical and inaccessible, and sometimes distrusted because it is conducted by the proponent. Even though the population largely trusts BAPE, its role arrives very late in the process. The absence of an independent public regulator was a significant variable. The government or the proponent were not seen as neutral bodies, even by some mayors.

> *I have read a lot on Internet and books on wind farms. I have no confidence (in) the proponent, either the government. We need a third party that can give us the clear picture on the studies in this domain, because there (are) some . ... We need an organization that compiles all that to inform the citizens.* (Former mayor, member of the coalition)

Hydro-Québec is also not trusted. The "state in the state" enterprise, as organizer of the call for tenders, plays a minimal role and is limited to the economic dimension of the project (price, market and realization conditions). It does not consider the social dimension of projects at all.

> *It is the government (that) has to deal with the social acceptability question. We, our work does not concern this. Otherwise we could get a rap on the knuckles if this was part of the project selection criteria. - Manager at Hydro-Québec*

The first step in the process, with proponent quietly signing agreements, is a challenge to better and broader information diffusion.

Engagement

There were two different dynamics with principles that appear incompatible with each other: economic concerns, with commercial secret/competition versus the public desire for participative democracy with transparency/information. The two-step process amplifies this tension and creates more difficulties for the projects. Forums for the development of the wind farm sector at the provincial and regional levels were missing upstream and created more challenges at the local level. A forum before Hydro-Québec made an announcement was missing, but could have done much to foster a sense of openness and flexibility. Finally, BAPE appears to trusted, although it is late in the process, very formal and demanding.

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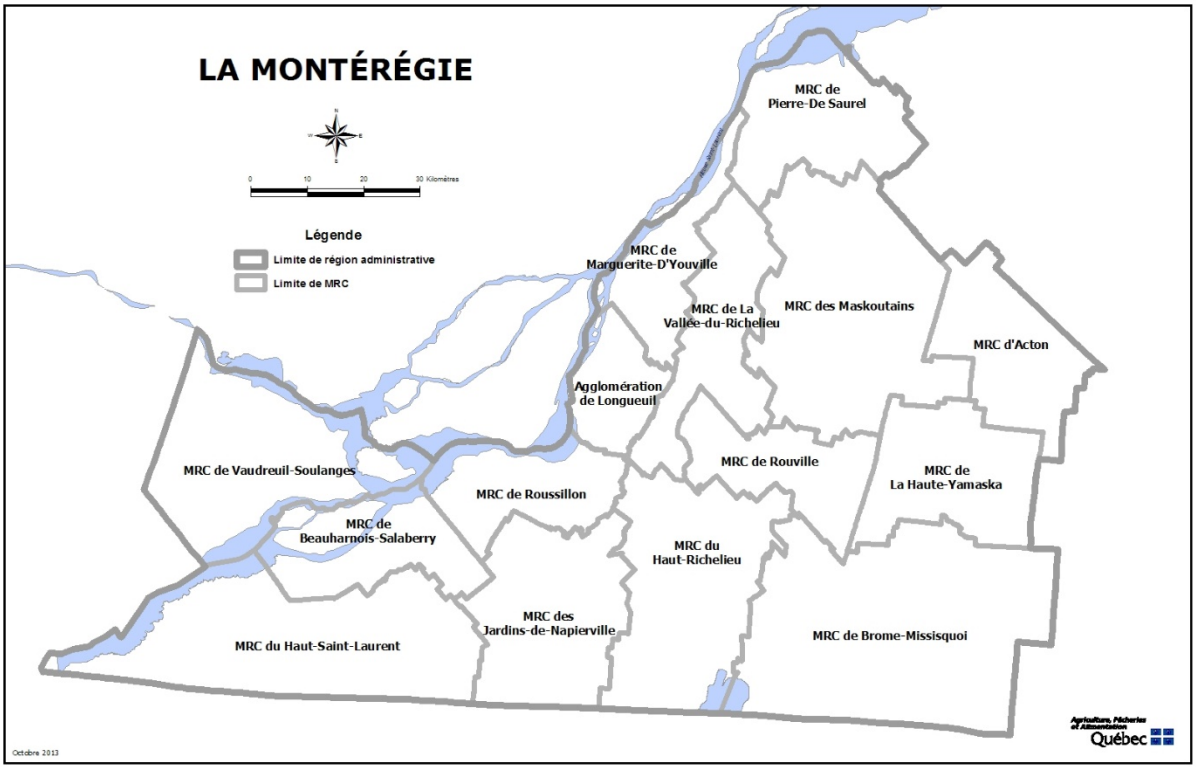
Exhibits

Exhibit 1



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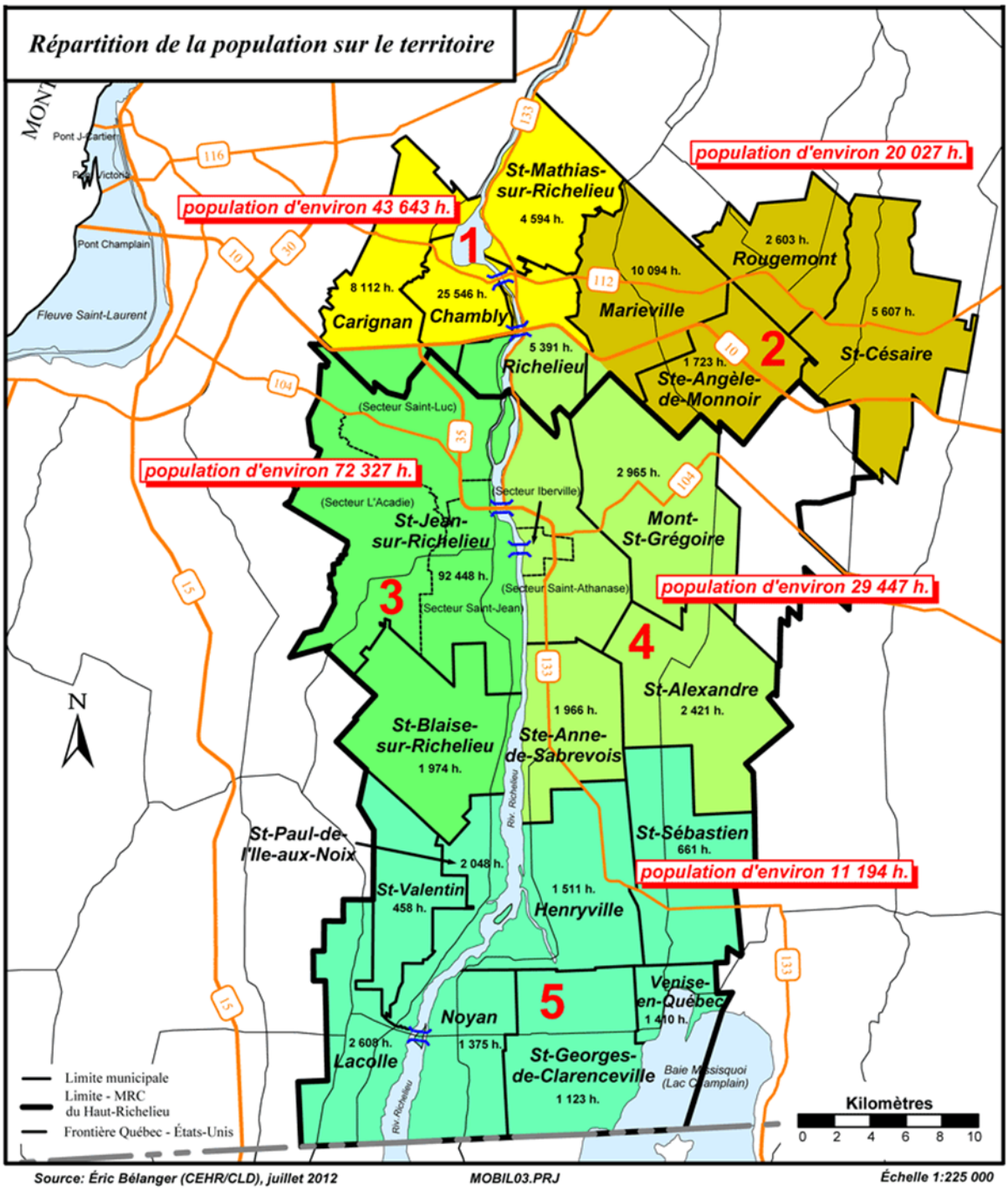
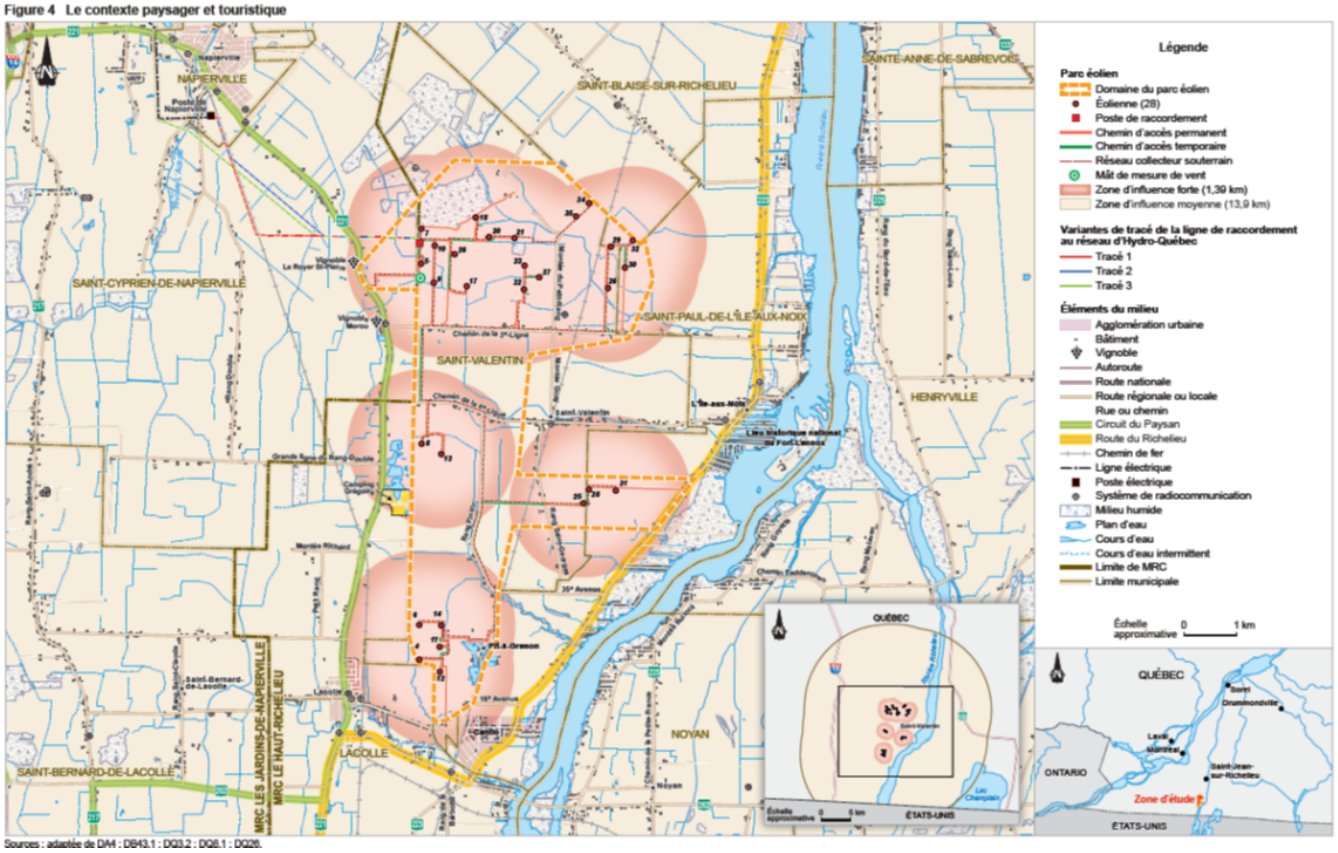

Répartition de la population sur le territoire
population d'environ 43 643 h.
population d'environ 20 027 h.
population d'environ 72 327 h.
population d'environ 29 447 h.
population d'environ 11 194 h.
1
2
3
4
5
St-Mathias-sur-Richelieu
4 594 h.
Carignan
8 112 h.
Chambly
25 546 h.
Richelieu
5 391 h.
Marieville
10 094 h.
Rougemont
2 603 h.
St-Césaire
5 607 h.
Ste-Angèle-de-Monnoir
1 723 h.
(Secteur Saint-Luc)
(Secteur L'Acadie)
St-Jean-sur-Richelieu
92 448 h.
(Secteur Saint-Jean)
(Secteur Iberville)
(Secteur Saint-Athanase)
Mont-St-Grégoire
2 965 h.
St-Alexandre
2 421 h.
St-Blaise-sur-Richelieu
1 974 h.
Ste-Anne-de-Sabrevois
1 966 h.
St-Paul-de-l'Ile-aux-Noix
2 048 h.
St-Valentin
458 h.
Henryville
1 511 h.
St-Sébastien
661 h.
Noyan
1 375 h.
Lacolle
2 608 h.
St-Georges-de-Clarenceville
1 123 h.
Venise-en-Québec
1 410 h.
Pont Champlain
Fleuve Saint-Laurent
Riv. Richelieu
Limite municipale
Limite - MRC du Haut-Richelieu
Frontière Québec - États-Unis
Kilomètres
0 2 4 6 8 10
Source: Éric Bélanger (CEHR/CLD), juillet 2012
MOBIL03.PRJ
Échelle 1:225 000

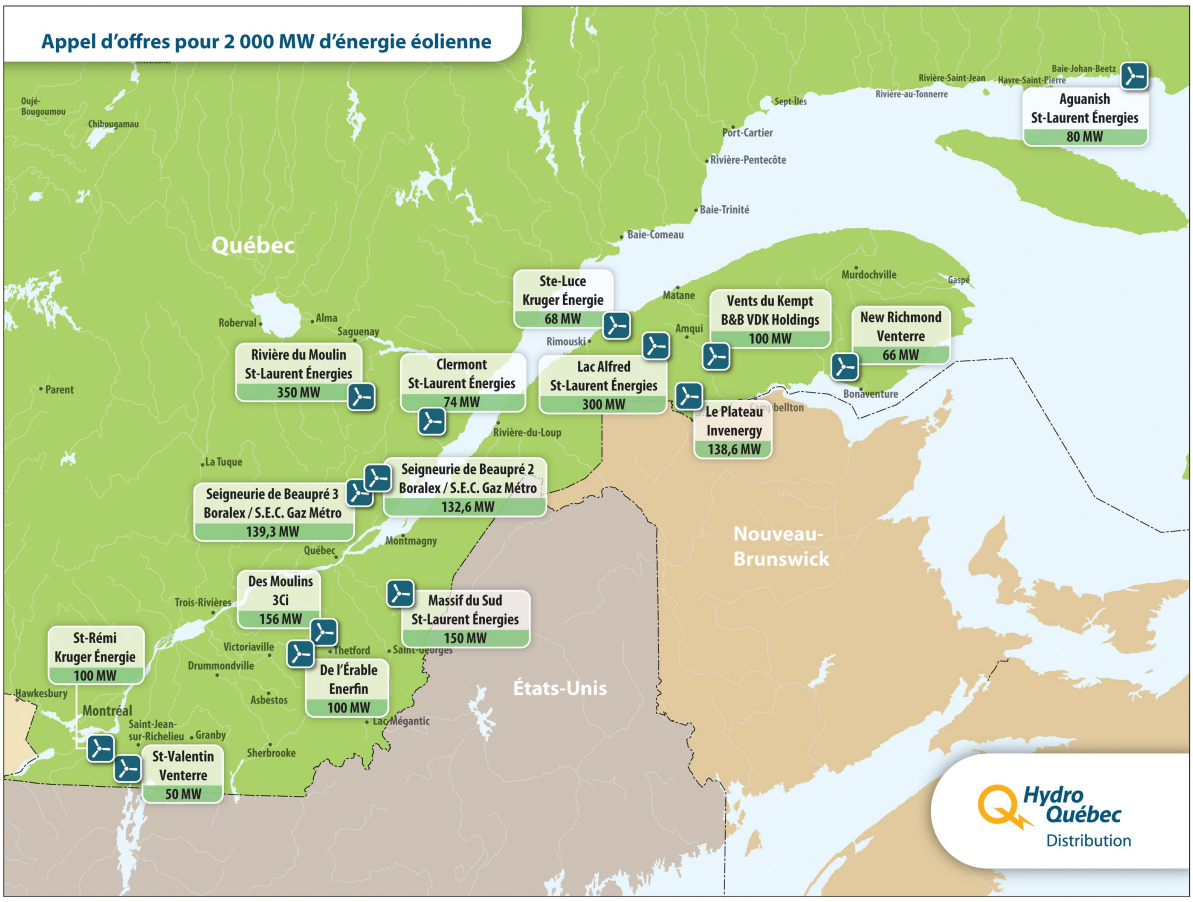
Exhibit 2

Figure 4 Le contexte paysager et touristique



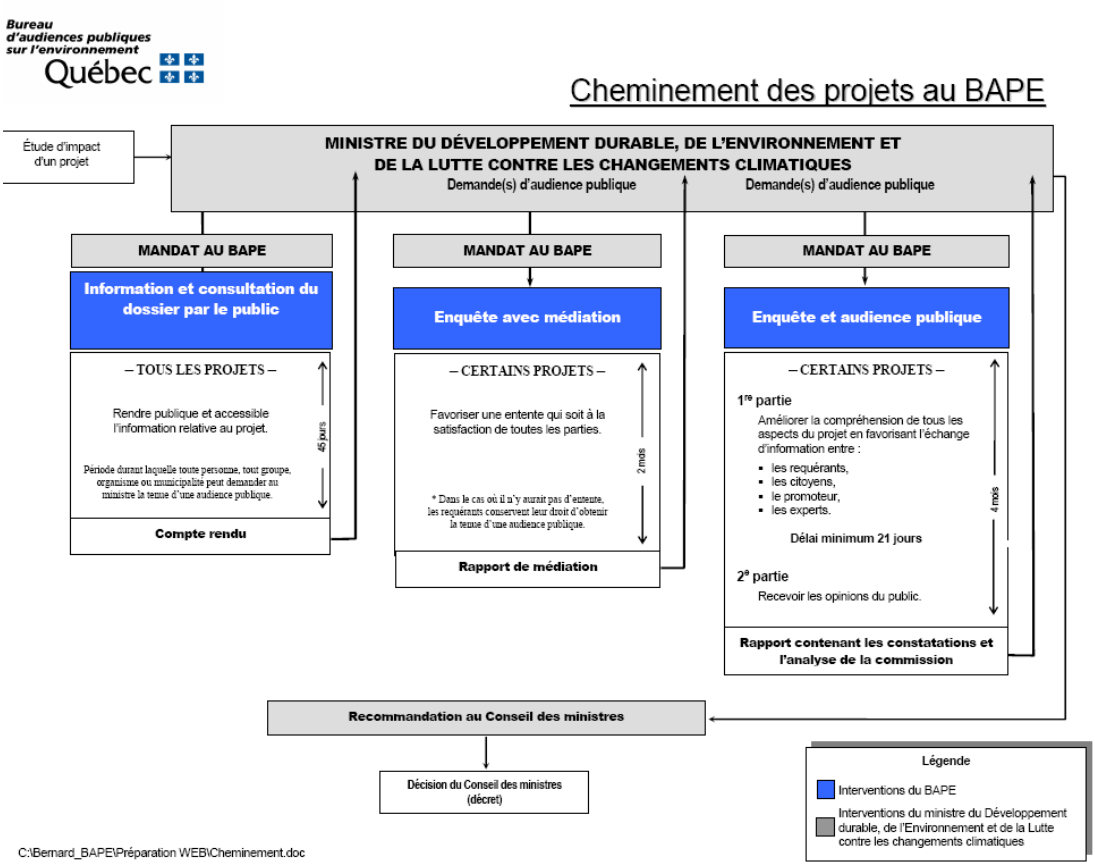
Source: p. 11 BAPE's no.279 report.

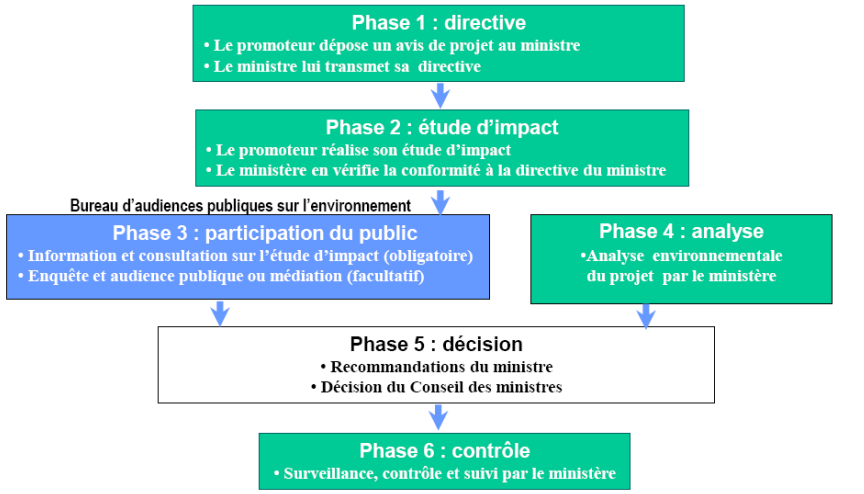
Exhibit 3



Source: https://mern.gouv.qc.ca/energie/eolien/eolien-projets.jsp

Exhibit 4





Source: http://www.bape.gouv.qc.ca/sections/documentation/sommaire.pdf

Exhibit 5

Voluntary activities initiated by the proponent:

June 2006: meetings with municipalities: Saint-Blaise-sur-Richelieu and Saint-Valentin.

March 2007: meetings with de Saint-Cyprien-de-Napierville and Saint-Paul-de-l'Île-aux-Noix

June 2006 to May 2007: Union of the agriculture producers and their federation, regional/local administration, Saint-Jean-sur-Richelieu Festival international des Montgolfier's and provincial and federal MPs.

2007: signature of option contracts between the proponent and the land owners, including the ex-mayor and 2 town councillors

March 6th 2007: St-Valentin announces that the city is for the project (resolution) and will organize a consultation.

April 3th 2007: meeting with 25 lands owners and the agriculture producers union (and the proponent)

May 7th 2007: open doors with an invitation sent to all addresses to St-Valentin, Saint-Paul-de-l'Île-aux-Noix, Saint-Blaise-sur-Richelieu, Saint-Cyprien-de-Napierville et Lacolle. 50 persons presents.

June 26th: St-Valentin announces a public assembly for July 5th (haymaking season) and mentions that the municipality is for the project and the zoning plan is already changed to welcome 23 turbines. 10 people came.

September 6th: the city announces for September 12th (still in the haymaking and harvest season) another meeting and mentions that the city knows more about the project.

September 13th, the city signs an agreement that legally engage the later with the proponent on the project (will deliver all the authorizations).

September 18Th: the proponent proposes the project to Hydro-Québec

September 2007 and June 2008: meetings with the land owners with the proponent

March 2008: meeting with the city and the proponent

May 2008: Positive answer from Hydro-Québec

May 2008: meeting with the agriculture producers Union

June 2008: Another open doors. Result: citizens need more information.

August 2008: meeting with Camping Gregoire (2 turbines near)

January-September: meetings at the regional level for the plan

September 2009: the Urbanism Consultative Committee of St-Valentin is against 3 turbines position. The city is not bounded by the advice and decides to not fallow it.

August 2010: a new version of the project is presented to the city and the committee, 4 changes of positions but not those asked by the committee. The power line is also presented (for the first time according to Don Quichotte)

September 2010: 4 members of the committee resign and form the Don Quichotte association, against the project.

Fall 2010: meetings with Union, Regional/municipal authority, regional environmental Council

According with the Bape's report, the exchanges between the proponent and the citizens were an unidirectional information approach, not a real participation to reach the social acceptability of the project.

A fallow up committee is plan and could be under the responsibility of the St-Valentin with a citizen representation of each city. An annual report (to the environmental minister), creation of a register of complaints, monthly meetings.

Source: Adapted by Louis Simard from BAPE's report no. 270 on the case

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