Sustainability and cumulative effects assessment and the Site C case

a presentation to the
Site C Clean Energy Project Joint Review Panel
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Reports and Comments Submitted to the JRP

Relevant Submissions on behalf of the Peace Valley Landowner Association:

• ( #1644) – Framework for Sustainability-based Assessment for the Site C Joint Panel Review
• (Registry # 889 Comments on EIS and information requests
• (Registry #374) Notes on BC Hydro “Site C Clean Energy Project” – Comments re BC Hydro response to public comments on EIS Guidelines
• Comments on EIS Guidelines
Methods Matter

1. why it is important to do a sustainability-based assessment in general and in this case
2. sustainability-based assessments and key elements of a test for determining whether or not a project is in the public interest
3. why cumulative effects matter and methods for addressing them
4. challenges in managing cumulative effects
At the heart of the decision-making framework is the concept that the effects, risks and uncertainties of the Project should be fairly distributed among affected communities, jurisdictions and generations, and that the Project should result in net environmental, social and economic benefits.

(Lower Churchill Hydro-Electric Generation Project Panel Report, Appendix 8: Framework for determining whether significant adverse environmental effects are justified and whether the project should be approved”; p. 352)
Sustainability assessment: Canadian and global practice

- many applications in Canada including in environmental assessment reviews
  - Voisey’s Bay Nickel Mine and Mill
  - Whites Point Quarry
  - Kemess North Copper-Gold Mine
  - Mackenzie Gas Project
  - Lower Churchill Hydroelectric Generation Project
- International Hydropower Association’s Sustainability Protocol
- World Commission on Dams
- International Council on Mining and Minerals Sustainable Development Framework
Sustainability assessment:
Legal and Case-Specific Underpinnings

CEAA 2012
4(1)(h) to encourage federal authorities to take actions that promote sustainable development in order to achieve or maintain a healthy environment and a healthy economy...

EIS Guidelines - S. 5: “- The EIS will include a section describing the predicted environmental, economic and social benefits of the project. This information will be considered in assessing the justifiability of the significant adverse environmental effects, if necessary.” The included list of benefits includes “benefits to sustainable development”
Sustainability (sustainable development) – Key Purposes

• provide/protect viable possibilities for future generations
• recognize the interdependence of social, economic, ecological and other considerations
• reverse unsustainable trends; seek positive contribution to sustainability (not just mitigation)
• respect complexity and uncertainty
• accept limits
Sustainability assessment: key elements of application

- use “positive contribution to sustainability” as the basic criterion for evaluations and decisions
- focus on identifying the best option (compare alternatives vs trying to judge the acceptability of an individual project)
- give integrated attention to all core issues
- avoid lasting damage and identify/justify trade-offs explicitly
Generic sustainability assessment criteria adapted to the Site C Case

A suggested framework for the assessment of Site C of six criteria:

• Human/natural environment inter-dependencies
• Livelihood sufficiency and opportunity
• Community wellbeing
• Intrigenerational and intergenerational equity
• Legacy contributions
• Maximizing positive contributions and avoidance of trade-offs
Trade-off questions

- what likelihood of significant adverse effects that cannot be avoided without accepting more adverse effects elsewhere?
- any trade-offs proposed where stronger mitigation efforts would be feasible?
- any proposed trade-off that would displace significant adverse effects from the present to the future?
- what public discussion and acceptance of proposed trade-offs?
- any alternative option that avoid significant adverse effects and deliver similar positive contributions to sustainability?
Selected Legal Requirements and Guidance for Cumulative Effects Assessment

- CEAA 2012, s. 4(1)(i); s.19(1)(a) and (b)
- Cooperation Agreement and Panel TOR, Appendix 1 – p.22 – s.16
- EIS Guidelines
- Case law: egs: West Moberly, Cheviot Mine
Thinking about practices in cumulative effects assessment

- More recent thinking provides a fresh perspective on good and bad practices. For example:
Some Lessons Learned

Importance of the baseline and “getting it right”
• VCs and complexity
• Scoping the baseline:
  – past, present and future
  – area or zone of influence
• Thresholds
Cumulative effects perspectives

Effect 1

Effect 2

Effect 3

Project / Activity

Activities (not subject to EIA)

Natural drivers (stresses)

VEC Centric View

Project 1

Project 2

Project 3

Project Centric View

Project 1

Project 2

Project 3

VEC Centric View
Scoping the Past and the Present

- The 1997 Practitioners Guide on scoping
- The new normal: past effects and whether they matter will be evident in the present day baseline

- Challenges in reconstructing the past
  - Quantitative and qualitative information
  - EIS Guidelines, “narrative” reconstruction and authenticity

- Tools:
  - Qualitative research
  - Traditional and local knowledge
  - Oral history
Scoping the Future

Addressing uncertainty in the 1997 Practitioners Guide and CEAA 2007 Operational Policy

- “Certain” – The action will proceed or there is a high probability the action will proceed.
- “Reasonably Foreseeable” – The action may proceed, but there is uncertainty about this conclusion.
- “Hypothetical: - There is considerable uncertainty whether the action will proceed. The conjecture is based on currently available information.

- Level of effort criteria are specified for attention to future projects (CEAA Operational Policy 2007; p.3)
Cumulative Effects Assessment and Management

Landscape-level management challenges and instruments:

- Cumulative effects assessments and scenario-building
- Who is responsible and how prepared are they?
- Thresholds: perception, adequacy and utility
- Status and effectiveness of provincial instruments:
  - status of Fort St. John Land and Resource Management Plan and other plans
  - BC Govt: One Land Base, One Manager Approach
  - BC Govt: Cumulative Effects Assessment and Management Frmwk
- Trend data and integrated monitoring programs