

**Total Impact: Our Collective Footprint  
Yukon Land Use Planning Council  
March 12-13, 2019 Kwanlin Dun Cultural Centre**

**Panel 3 – The Governance Challenge**

**Talking Points – Tim Smith**

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Duinker and Grieg (2006) – *Impotence of Cumulative Effects Assessment in Canada*

1. Trying to conduct CEA within a project-level assessment framework
  - Assessment legislation in Canada, including YESAA, is project oriented; and project-level assessment has encouraged a “view of the world through a project lens”.
  - CEA, however, demands a values-centred or systems approach.
  - Individual projects often contribute minimally to the overall stress on a given value. Consequently, we need to situate those projects in their larger context. Project-level assessment, while it does have a vital role to play, does not enable us to fully take account of cumulative effects.
  - The expectation or belief that a sole reliance on project-level assessment can adequately address cumulative effects, when it is ill-suited to do so, is simply folly; convenient for some, perhaps, but folly nonetheless.
  - Good CEA demands good baseline information, an understanding of ecological thresholds or socio-economic and socio-cultural tolerances, and follow up monitoring to prove up mitigation and track trends in the condition of a value. None of this falls squarely in the domain of YESAB or project-level assessment.
  - Fortunately, in Yukon and elsewhere in the North, project assessment is situated in land claims agreements that envision a relationship between land use planning and project assessment and arguably between assessment and regulatory decision making and monitoring.
  - Now, planning can provide a vision, identify objectives and strategies for land and resource management, describe the condition or state of values, propose thresholds and establish allowable uses and activities, all of which can

provide important if not essential benchmarks for the consideration of cumulative effects when reviewing individual project proposals. Additionally, verifying that a project conforms to a plan can give a proponent a greater degree of certainty that the outcomes of assessment and regulatory review will lead to an authorization and avoid the expenditure of scarce resources on non-starters. That's looking upstream of assessment in the governance continuum.

- Looking downstream, follow-up monitoring, the domain of government or proponents, can validate or disprove assumptions made and accepted during planning or assessment. Without it adaptive management is meaningless and we learn little about the effectiveness of required mitigation measures.
- The problem is we have few plans in place and despite the best of intentions, planning is a long and arduous process while development is real time. So, in the absence of planning, we turn to a project-level assessment framework to fulfil the expectations and promise of CEA and either feel complacent about or frustrated and disappointed with the results.
- While we have compliance monitoring programs and some robust resource assessments, there are significant gaps; and monitoring information, particularly at a regional scale or values-centred, isn't always available to inform or support assessments.

## 2. Separating cumulative effects from project-specific impacts

- While cumulative effects *assessment* may not be a good fit with project-level assessment, that does not mean that good project-level assessment practice shouldn't be informed by the consideration of cumulative impacts. It should and it must under YESAA.
- Conventionally, however, assessment methodologies have tended to approach CEAs separately almost as a codicil to project effects analysis. Our assessment reports, for example, will include a separate section dedicated to cumulative effects that examines the "residual effects of the project being

assessed” in combination with the effects of other past, present or likely future projects.

- Duinker and Grieg conclude that it is wrong to isolate and look at the effects of an individual project separately because they do not occur in isolation of other stressors.
- In practice, however, YESAB assessors take more of systems approach, to the extent that they can with the information available, and situate a project in the context of combined stresses on given values. The manner in which southern lakes caribou herds have been dealt with in several assessments are good examples of this.
- Interestingly enough, recent analysis regarding the unique way in which cumulative effects are referenced in YESAA, relative to other assessment legislation, may lead us to rethink our current methodology and confirm practice that will align more closely with the recommendations of Duinker and Grieg and the reality of many of our assessments currently.

#### Potential remedies

- CCME RSEA Framework (2009)
  - o Tiered assessment
  - o Surrogate for planning – while some parallels with planning, it is an analytical framework, not a decision-making framework
- Gaining currency in other jurisdictions. We see provisions for regional assessment being built into the proposed *Impact Assessment Act* federally (Bill C-69) and into Bill 51, British Columbia’s EA Revitalization Initiative. The Nunavut Impact Review Board has been asked to undertake a SEA or regional assessment of hydrocarbon development in Davis Strait and Baffin Bay. CEAA is conducting a similar collaborative exercise in the Newfoundland and Labrador offshore. The concept is gaining currency.
- The concept is not new. Informally there are examples dating back to the seventies (Bronson and Noble 2008)

- There are existing, and one might argue, underutilized tools in YESAA: s. 112 (cumulative effects studies), s. 110 (follow up monitoring), and s. 103 (assessment of plans)