

Assessing Project Extensions and Amendments:

Creeping Baselines and Cumulative Baselines



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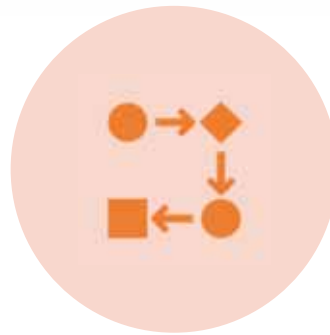
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Introduction



CASE STUDY: DIAVIK
DIAMOND MINE



SO WHAT IF PROJECTS
CHANGE?



PARTIAL SOLUTIONS



Diavik Diamond Mine

- Large diamond mine on island in Lac de Gras, NWT
- Consultations ('94-'99) informed design- No waste in culturally important lake
- Approved in 1999- Comprehensive Study
- 1999 to now- Incremental changes in:
 - ↑ surface disturbance
 - ↑ mine waste
 - ↑ rock piles
 - ↑ water
 - ↑ fuel
 - ↑ years of operation
- 2018- Major change - EA



Photo: courtesy of Diavik, [from MVEIRB Report of EA]

Diavik closure plan



Photo: courtesy of Diavik, [from MVEIRB Report of EA]



So what if projects change?



Fundamental questions

- Is this the same project?
- **How far does original social license go?**
 - Scope of consultation
- What baseline should impacts be compared to?



Original EA scope of project

- EAs typically describe the scope of the project being assessed
- Regulatory authorizations are supposed to stay in that scope
- **Difficult in practice** for small amendments, because EA scope:
 - typically lacks details
 - described proposed project, not maximum acceptable limits of development
 - may require some practical flexibility



Original scope of consultation

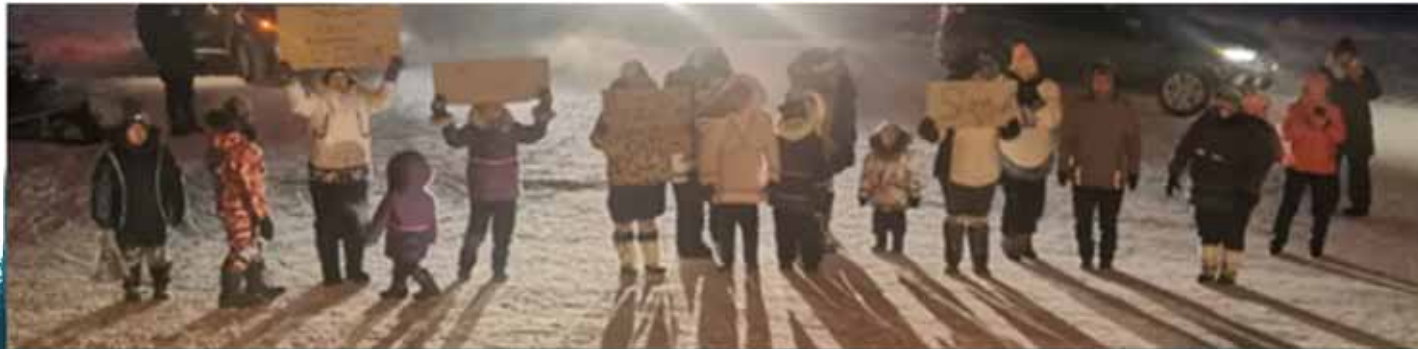


- The scope of development for amendments has implications about Indigenous rights and FPIC.
- Consulting on one thing and then doing something else is not OK
- Basis for judicial reviews:
 - Chippewa of the Thames (Thames First Nation v. Enbridge, Pipelines Inc. 2017)
 - Stellat'en First Nation and the Endako mine (Louis v. British Columbia 2013)
 - Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council 2010



Acceptability

- acceptability matters to impact significance
- initial approval + social acceptance
 - = impacts of a certain scale, duration are acceptable at that time
- **a minor change to a regulator could be a major change to others**
- incremental changes reduce trust!
- raised as an issue by Indigenous parties in 2018 Diavik EA



Acceptability

If, after years of operation, a new expansion or different undertaking is proposed:

- Is it reasonable to assume *total impact* would have originally been acceptable?
- In its entirety, would approval reflect the values of original EA and its participants?
- How much change is too much?
- When is “the essential nature” of the original gone?





Creeping Baseline
and
Landscape Amnesia

Changed landscape affects sense of place

- Indigenous Elders experienced Diavik site as a culturally important place (before mining)
- Most have since passed away



Photo: Arctic Canadian Diamond Company

Changed landscape affects sense of place

- Current generation has grown up experiencing the island as an industrial site only
- site is avoided, fades from living memory



Landscape amnesia (a.k.a. creeping baseline)

- entire frame of reference gradually fades from people's psyches
- replaced by a more recent one that minimizes relative change
- norms of acceptability morph over time
- societal standards slide
- degraded environment becomes familiar, and the pristine one gradually forgotten



Conditions and values may change over time



- Environmental, social and cultural conditions and context may have changed substantially
- Socio-economic changes may cause changes to values over time
- Values that led to original significance conclusions may have changed



Approaches to dealing with creeping baseline / landscape amnesia

- Cumulative Effects Assessment
- Traditional Knowledge



Cumulative baseline vs creeping baseline



- Cumulative effects assessment can overcome the piecemeal effect of incrementalism
 - considers *total* impact to get the right reference point (the opposite of creeping baseline!)

Cumulative
effects
baseline



Project-specific
effects
baseline



Cumulative *baseline*

- Cumulative baseline
 - is what would happen *without* the combined impacts of [the Project with other activities]
- For comparing *against* combined impacts of all incremental changes, baseline must not *include* those impacts
 - The cumulative impact **prediction must include** the cumulative effects
 - The **baseline** it is evaluated *against must not*



Cumulative baseline vs creeping baseline



- **Cumulative baseline is not a snapshot of current conditions!**
- It need to reflect conditions *prior* to cumulative effects
- Diavik EA:
 - “baseline” = environmental setting prior to diamond mine(s)
 - “background” = current environmental setting, prior to the Project
- similar distinction (but different terminology) in other EAs



Cultural camps vs. landscape amnesia

- Traditional Knowledge (TK)
 - spans generations
 - captures pre-development conditions and values
- On-the-land cultural camps enable continuous use of area
- Developer supported
- Used by harvesters, families and org's
 - TK research
 - TK education
 - Traditional land use activities



In summary...

- For amendments, consider original significance determinations (acceptability) and current values
- Don't consult on one thing and do another
- Beware of creeping baselines
- Baseline for cumulative effects must be more than current conditions



Let's continue the conversation!

Post questions and comments via chat in the IAIA22 platform.



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