

Are we positive? Is impact assessment prepared to implement positive effects requirements?



Lyle Thompson

*Associate Partner – Hatfield Consulting
Canada*

lthompson@hatfieldgroup.com

www.hatfieldgroup.com



OVERVIEW

- Overview of study completed for Impact Assessment Agency of Canada (IAAC) positive effects
- New decision making factors
- Study objectives and methods
- Policy examples and findings
- Project examples and findings
- Conclusions and recommendations





INTRODUCTION

Hatfield was established in 1974 and provides international environmental and socio-economic services for public and private sector clients.

Hatfield was retained by the IAAC to review how positive effects of major projects have been, or are being assessed, both within Canada and internationally.

- Project kicked off on December 2020 and was completed in February 2021
- Involved regular collaboration with IAAC and a Technical Advisory Committee (TAC)

NEW DECISION MAKING FACTORS

- Previous Act (CEAA 2012) only focussed on negative or adverse effects.
- New requirements under Canada's *Impact Assessment Act* which came into force in Aug. 2019.
- New focus on the “public interest” determination:
 - Contribution to sustainability (guiding principle);
 - Extent of adverse effects;
 - Implementation of mitigation;
 - Impact on Indigenous groups and their rights; and
 - Hinder or contribute to Canada's climate change commitments.



STUDY OBJECTIVES

Provide a broad inventory of positive project effects and how these have, could or should be, created, enhanced, assessed, measured and monitored.

Provide tangible examples and suggest approaches to help improve how positive effects are identified and advanced during various phases of a project.

Provide useful information to inform new guidance and training materials that support the effective assessment, measurement and monitoring of positive effects.



STUDY METHODS

- Desktop research of Canadian and international policy documents, project reports and scientific publications.
- Key interviews of project proponents, consultants and academics.
- Interview guide developed to support conversations.

POLICY EXAMPLES

Impact Assessment Act

Benefits Plan Guidelines

**British Columbia Environmental
Assessment Act**

**Fisheries and Species at
Risk Acts**

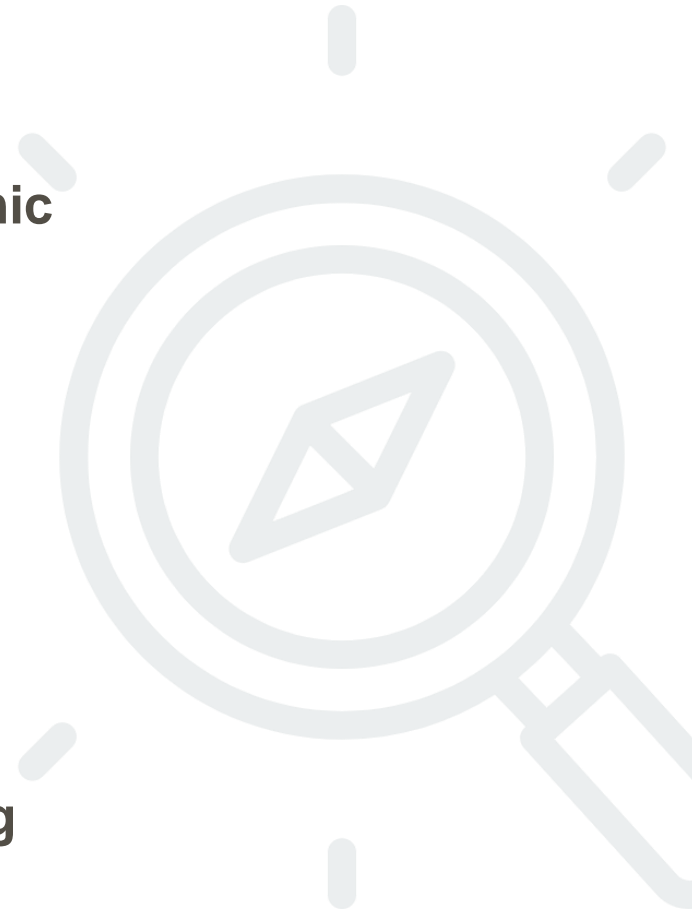
**Canada – Newfoundland and
Labrador Offshore Petroleum
Board**

**International Finance
Corporation (IFC) Guidance and
Performance Standards**



POLICY FINDINGS

- **A considerable body of knowledge and well-established methodologies exist for the assessment of adverse effects.**
- **The assessment of positive effects has focused on socio-economic dimensions, for which there are established methodologies and prescribed frameworks.**
- **Guidance on the assessment of positive effects is limited, especially regarding positive biophysical effects.**
- **Methods to assess positive effects lack consistency. Some are flexible, others are more prescriptive.**
- **Most assessment regimes do not support the effective monitoring or communication of positive effects post project approval.**



PROJECT EXAMPLES

**VANCOUVER AIRPORT
FUEL DELIVERY PROJECT**

THE MACASSA MINE

**INNERGEX RUN-OF-RIVER
HYDROELECTRIC FACILITIES**

PORT OF BRISBANE

**HIBERNIA AND HEBRON
OFFSHORE PLATFORMS**

**INDIGENOUS COMMUNITY
PROJECTS**



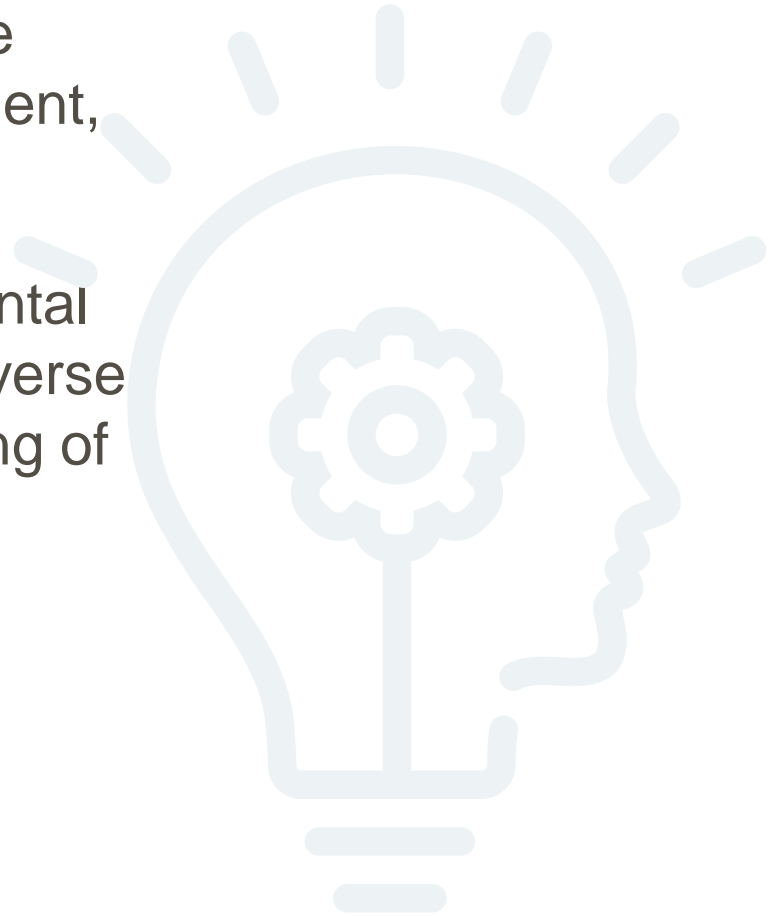
PROJECT FINDINGS

- **Early engagement on positive effects is key to:**
 1. Understand community perspectives; and
 2. Confirm regulatory expectations for their assessment and measurement.
- **The early adoption of performance tracking tools supports more accurate monitoring and reporting of performance.**
- **The focus on adverse effects means that positive effects are not part of monitoring and regulator compliance auditing.**
- **Until recently, there has been little incentive for proponents to make deliberate attempts to provide a wide range of direct or indirect positive benefits.**



CONCLUSIONS

- Focussing on positive effects is important for incentivising the incorporation of positive effects into project design, engagement, assessment and monitoring activities.
- Positive effects on ecology/biodiversity were generally incidental and, in many cases, were realized through monitoring for adverse effects rather than a focus on the management and monitoring of positive effects.



CONCLUSIONS

- Every community is unique and has its own definition of what “positive” means to them. Transparency and full disclosure are critical, including free, prior and informed consent to make sure community concerns and aspirations are heard and acted upon.
- Accurately predicting socio-economic benefits is difficult because positive effects are often unevenly distributed. Understanding the distribution of potential positive effects is further hampered by challenges associated with the lack of demographic data, and especially disaggregated data.



RECOMMENDATIONS

Further guidance is needed on how to engage Indigenous Knowledge holders in obtaining meaningful input on assessing positive effects on Indigenous culture, spirituality and Aboriginal rights in a more fulsome way.

Leverage opportunities to identify positive effects during the analysis of “alternatives to” and “alternative means” of carrying out the project, including the “do nothing” scenario.

Proponents should be encouraged to look for opportunities to create positive effects and practically extend the scope or extent of project-specific mitigation, restoration, and enhancement measures to produce net project benefits.



RECOMMENDATIONS

Proponents should be given the opportunity to modify and adapt “Benefit Plans” as a project evolves in collaboration with local communities and regulators to address new issues, changing conditions and avoid missed opportunities

Include positive effects in approval conditions and require follow-up monitoring and adaptive management, with the potential to balance adverse effects.

Compliance and enforcement reporting should include opportunities to highlight targeted and/or unexpected positive project effects to support Proponent communication and document lessons learned that could benefit other projects.



Let's continue the conversation!

Post questions and comments via chat in the IAIA22 platform.



#iaia22

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