

Confronting Already Significant Existing Cumulative Effects



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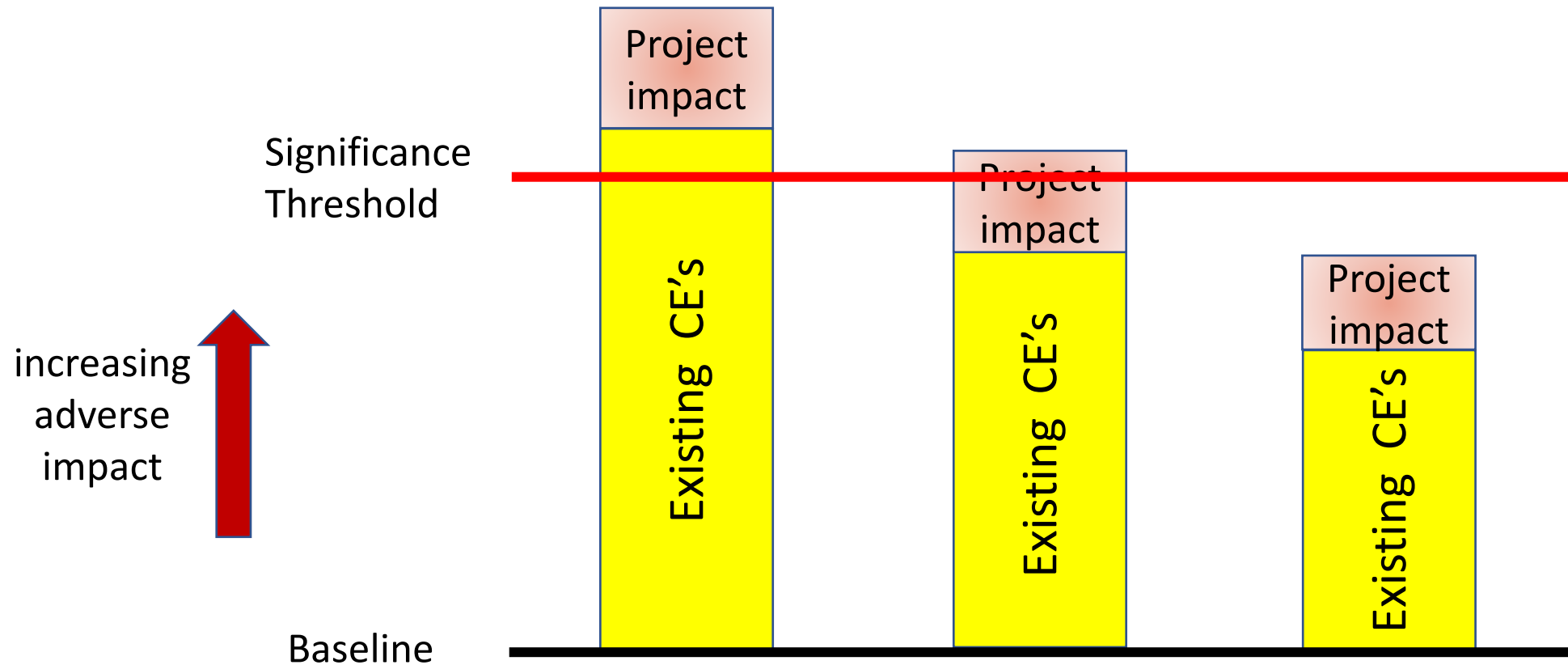
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Disclosure, Scope, Assumptions

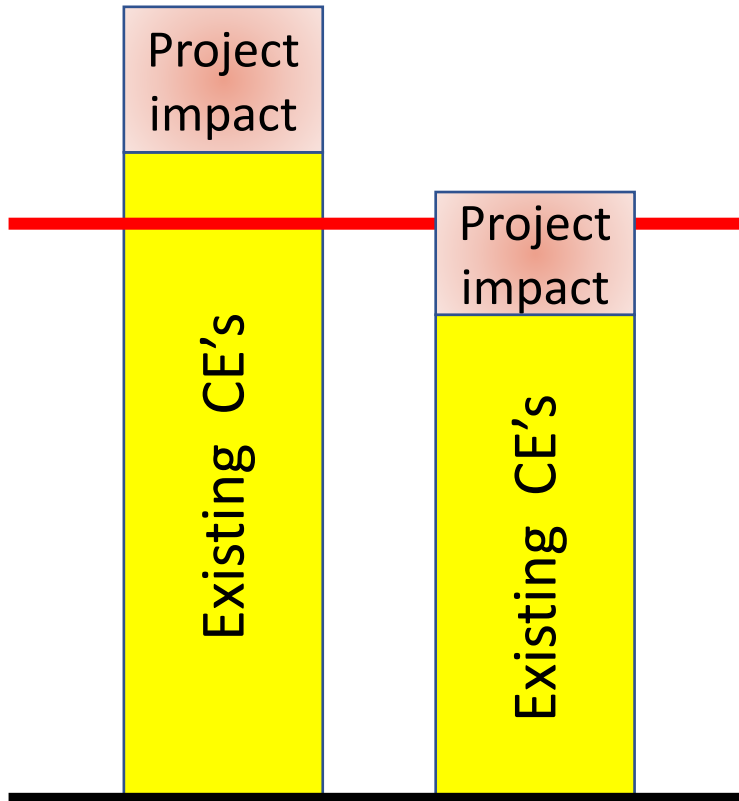


- Assumptions:
 - Demand for projects will continue
 - Existing CEs & need for restoration
 - Project based IAs, CEs Assessment, and Significance
 - Projects with significant adverse impacts will continue to be approved

Existing Cumulative Impacts & Project Contributions



Question: are existing CE's already significant (or not)?



- The project “is likely to cause significant cumulative adverse effects... in combination with other physical activities that have been or will be carried out” - Murray River EA rpt (2016)
- “The project, in combination with other existing, approved, and planned projects, is likely to result in significant adverse cumulative environmental effects...” – Teck Frontier JRP (2019)
- “the Project alone would not cause a significant adverse effect... but is likely to cause a significant adverse cumulative environmental effect in combination with the effects of past losses... and future effects” – Milton Logistics Hub (2020)

Determining Significance of CE's in Already Affected Areas for EAs (CEA Agency 2018)

	Significant	Not Significant
Approved	<ul style="list-style-type: none">- Jackpine- Murray River	<ul style="list-style-type: none">- Joslyn N- NGTL NWML
Denied	<ul style="list-style-type: none">- EnCana Suffield- New Prosperity	

“practitioners identified challenges related to determining the significance of cumulative effects in already disturbed areas and mitigating project effects in this context. To date, the Agency has not articulated expectations in relation (to this).”

Good examples

- “the cumulative impact of existing human activities is already significant and adverse. The project contribution is modest..., but it does make the effect (slightly) worse.” – EnCana Suffield JRP (2009)
- “The project, therefore, has the potential to make an incremental contribution to already existing significant adverse cumulative effects to woodland caribou.” – Teck Frontier JRP (2019)
- “no party disputes that there are already significant existing cumulative effects...; and no party disputes that, without sufficient and effective mitigation, the Project has the potential to further contribute to cumulative effects. ... disagreement in this EA is around what Westcoast is responsible (for)...” – Wyndwood (NEB 2017)

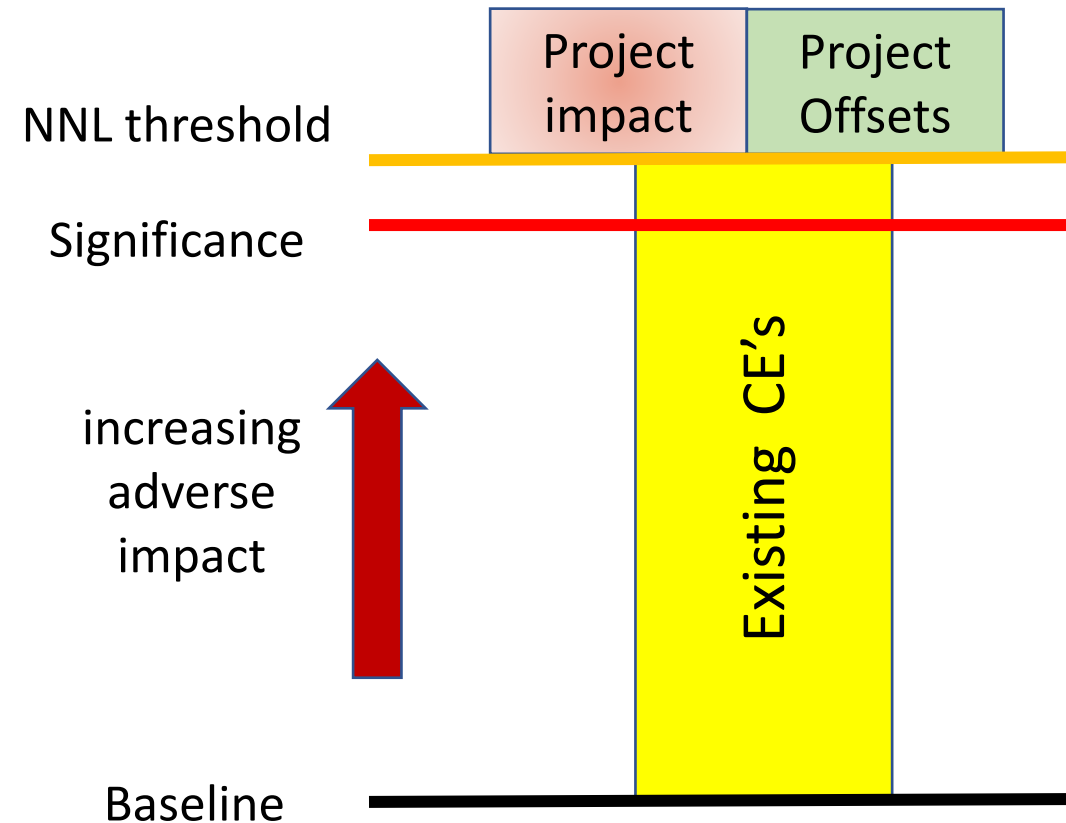
1. clear finding on Significance of existing CE's;

“Cumulative effects require cumulative solutions.”

- “The involvement of several organizations (EnCana, DND, researchers, gov’t) follows a principle that cumulative effects require cumulative solutions.” – EnCana Suffield JRP 2009
- “... cumulative effects require cumulative solutions. ... they are not going to be resolved by any one party. ... the EA is responsible to ensure that the proposed project does not add any new contribution to cumulative effects. (and) ... past contributions are best addressed through the appropriate government agencies responsible” – Wyndwood (NEB, 2017)

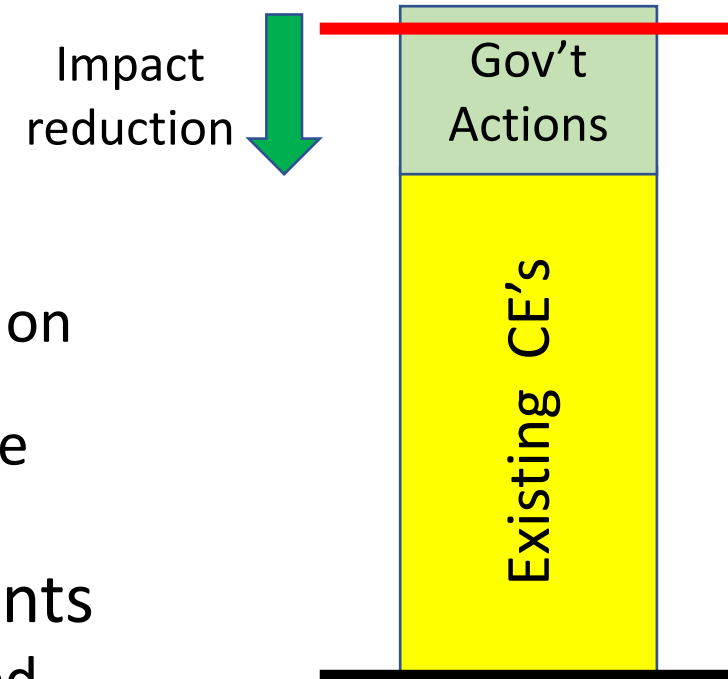
2. Already significant existing CE's - Project Contribution & Proponent Responsibility

- No Net Loss (NNL)
i.e., no further
incremental
contribution to
existing impacts
- Offsets required



3. Already significant existing CE's - Government Responsibility – Issues

- Fiduciary responsibility; Public Trust doctrine
- Actions to reduce existing CE's
- Concerns with Government
 - “Unfortunately, the record of governments in delivering on their expressed commitments, and indeed their legal obligations, does not engender confidence.” – Mackenzie Gas JRP 2009
- Need for effective recommendations for Governments
 - Mackenzie Gas JRP: 115 (of 176) recommendations to fed. and terr. Gov'ts
 - Governments' Response
 - 88 accepted or “intent accepted”
 - 27 not accepted: 20 out of scope; 7 did not agree with



Conclusions

- Make unambiguous statement on the significance of existing CE's
- If existing CE's are already significant:
 - require proponent offsetting of relevant project residual impacts
 - make recommendations to gov'ts on reducing existing cumulative impacts
- Make clear statement on the relative direction of project contributions after mitigation (including offsets)
- Guidance

Let's continue the conversation!

Post questions and comments via chat in the IAIA22 platform.



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