

# Are resources sufficient for the evaluation of social impacts of resource projects? Practitioner experience in British Columbia, Canada

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## Introduction

We summarize current and evolving practice for Social Impact Assessment (SIA) in the context of the British Columbia (B.C.) environmental assessment (EA) project review process. SIA must meet regulatory requirements and should also promote sustainable, positive outcomes for resource projects and potentially affected communities. We review aspects of recent changes to impact assessment legislation in B.C and Canada and summarize some specific challenges for practical implementation of SIA.

## Regulatory Background

In BC, SIA has evolved from being something of a sidebar in the assessment process to a key area of focus. The 2018 B.C. *Environmental Assessment Act* (B.C. *EAA*, 2018) expanded the scope of SIA from the previous 2002 Act (British Columbia Environmental Assessment Office 2020b). In the same period, the 2019 Canadian *Impact Assessment Act* increased the scope of SIA in the context of the federal project review process (Impact Assessment Agency of Canada 2020). These two pieces of legislation have important implications for the conduct of SIA in BC. We discuss changes specific to the provincial regulatory framework, although much of the following discussion also applies to the guidance for SIA within a federal process.

To modernize the project review process, the B.C. *EAA*, 2018 had three main objectives:

- To advance reconciliation with Indigenous peoples and implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- To protect the environment while enabling the approval of sustainable projects
- To restore public confidence in the EA process (Ministry of Environment and Climate Change Strategy n.d.).

## Incentive for Change

Concerns about the adequacy of the EA review process in B.C. influenced the change in legislation. Prior to 2018, public confidence in the provincial and federal EA review processes was characterized as very low, attributed to a lack of transparency, accountability and credibility. Critiques of the review process describe proposed projects that had their EA applications approved, even when significant adverse effects had been predicted (e.g., (Arsenault et al. 2019; Haddock 2010; Smith, Johnston, and Askew 2018)).

Opportunities for public participation in the process were limited. Under the 2002 Act, only one formal comment period was required, although most projects had two (Table 1) (Ministry of Environment and Climate Change Strategy 2018). The opportunity for comment took place after major decisions about a project had been made (Haddock 2010; Smith, Johnston, and Askew 2018). In addition, measures proposed to mitigate potential adverse effects were often non-committal, not measurable and non-binding (Haddock 2010).

### Implications for Social Impact Assessment

The B.C. *EAA*, 2018 differs from the previous, 2002 Act in several important ways relevant to SIA (Table 1).

**Table 1 Key differences between British Columbia environmental assessment legislation from 2018 and 2002**

B.C. <i>EAA</i> , 2018	B.C. <i>EAA</i> , 2002
Analysis of both positive and negative potential effects to health, social, cultural and economic conditions	Focus on adverse potential effects only
Promotion of community benefits as primary goal of SIA	Focus on mitigation of adverse effects
Analysis of disproportionate effects on distinct human populations	N/A
Focus on early engagement. Opportunities for consultation occur through all stages of review	Fewer opportunities for engagement
Opportunity for agreement with Indigenous nations to conduct aspects of the entire EA	No formal Indigenous nation decision-making (cases of parallel review occurred)
Assessment of cultural effects and integration of Indigenous Knowledge	Consideration of Traditional Knowledge included in guidance documents
Implementation of Community Advisory Committees	N/A; in some cases, a community committee may be included as a certificate condition.
Focus on post-EA compliance and evaluation of effectiveness of mitigation.	Not specifically required. In some cases, Socio-economic Management Plans (SEMP) are included as certificate conditions.

**Sources:** (British Columbia Environmental Assessment Office 2020b; Ministry of Environment and Climate Change Strategy n.d.)

The inclusion of positive effects in the analysis reinforces the best practice of promoting community benefits as the primary goal of SIA. The analysis of disproportionate effects on distinct human populations is intended to result in a more thorough analysis, by recognizing that people may experience the potential effects of a project differently (Impact Assessment Agency of Canada 2022; Keltie Craig Consulting et al. 2021). Distinct human populations refers to groups with specific and/or multiple intersecting identity factors such as gender, age, ethnicity, geography, ability, socio-economic status and other factors that can make them more vulnerable to change (Women and Gender Equality Canada 2021). Effects can be experienced differently by different people, even at an individual or household level, and can occur across generations (British Columbia Environmental Assessment Office 2020b). A Gender-based

Analysis Plus (GBA+) approach aims to understand how systemic inequalities disproportionately affect certain groups of people (Women and Gender Equality Canada 2021).

Another notable characteristic of the 2018 Act related to SIA is that it allows the provincial government to enter into agreements with Indigenous nations to conduct any aspect of an EA, or to conduct the entire assessment on behalf of the province (substitution). In addition, it introduces the use of Community Advisory Committees to advise the B.C. EAO on the potential effects of projects on the affected community (British Columbia Environmental Assessment Office 2020b). Other relevant updates in the 2018 Act include more transparent requirements for information sharing and requirements for post-EA compliance.

### Alignment with International Standards and Best Practices

The modernization of EA legislation aligns SIA practice in B.C. more with international standards (Vanclay 2003; Esteves, Franks, and Vanclay 2012), and with other regions in Canada (MacKenzie Valley Review Board 2022; Yukon Environmental and Socio-economic Assessment Board 2022). As noted, to attain the goal of facilitating a more just and sustainable society, SIA needs to focus on promoting positive community benefits rather than simply minimizing adverse effects (Dupuy 2014). The paradigm shift to include an analysis of positive effects means that the SIA must pay greater attention to local values and consideration of local sustainability (Darling, Ogden, and Hickey 2018; Gibson 2018).

The updates to B.C. and Canadian impact assessment legislation and guidance are critical for evolution of SIA in BC; however, the practical implementation of the new requirements will be challenging. The following sections summarize some of the current challenges and opportunities for SIA under the current Act, including:

- meaningful participation in the review process
- data collection and consideration of disproportionate effects
- integration of Indigenous Knowledge
- follow-up socio-economic monitoring and adaptive management.

### Challenges for Meaningful Participation

Community participation in the review process is critical for contributing to public trust and improving transparency of the process. The B.C. *EAA*, 2018 increases the number of opportunities for participation at key points throughout the review process (Ministry of Environment and Climate Change Strategy n.d.).

Under the 2018 *Act*, the early engagement phase is intended to start meaningful engagement about a proposed project before key decisions are made. Participants in early engagement include participating Indigenous nations, local government, regulatory agencies, the public and stakeholders (British Columbia Environmental Assessment Office 2019). Early engagement provides an opportunity for participants to better understand the project and establish a foundation for the rest of the EA.

Engaging as early as possible will help to identify any existing issues in the community that could be important for the project. However, community participation is often constrained by a lack of capacity. In Yukon, the capacity of Indigenous nations to engage in projects is described as a recurring challenge for participatory effects assessment (Darling, Ogden, and Hickey 2018). In B.C., many Indigenous nations receive large numbers of requests from the provincial government on proposed projects in their territories. This can create a huge burden for a small community, who may have very limited staff and resources to review materials, as well as higher priorities for their attention (Joseph n.d.).

### Increased Scope Requires More Data

The updated 2018 *Act* recognises that social, economic, health and cultural outcomes – collectively referred as community health and wellbeing - are highly depended on each other and inter-related. These effects may be directly attributable to a project (such as direct employment) or may arise indirectly from a project's activities (such increased demand for local infrastructure or services). In addition, effects may result from project-related changes in the natural or biophysical environment, such as changes to fishing resources through alterations to fish habitat (BC EAO 2020b).

The increased scope for SIA and application of a GBA+ approach creates challenges for data collection. Additional data are needed to identify potential vulnerable populations. Best practices include gathering data from multiple different sources as well as verification through primary data collection. Program design is ideally guided by indicators that are developed through a participatory approach with the community, initiated during early engagement. Project timelines and financial constraints are often barriers to effective data collection for SIA.

Data quality and availability may be limited for small communities, due to data suppression for confidentiality. Considering local values and interests is critical to successful SIA, but may require extensive focused engagement activities and community-based research. In addition, the 2018 *Act* requires acknowledgement of uncertainties in predicted effects, which places a new emphasis on the importance of follow-up monitoring (discussed below).

### Integration of Indigenous and Local Knowledge

Both the B.C. and Canadian legislation (B.C. *EAA*, 2018 and *IAA*, 2019) require integration of Indigenous Knowledge throughout the EA, when provided by potentially affected Indigenous groups. Within the context of EAs, Indigenous Knowledge refers to a unique way of knowing that is held by Indigenous Knowledge holders, pertaining to the area where the project is proposed. Indigenous Knowledge can take many forms, including observations and direct experiences (British Columbia Environmental Assessment Office 2020a).

Indigenous nations decide whether to share Indigenous Knowledge to inform the EA. Indigenous nations may choose to either submit Indigenous Knowledge directly to the B.C. EAO, work with a proponent to integrate Indigenous Knowledge into the EA, or work with the B.C. EAO to provide general information in the EA that accurately reflects Indigenous Knowledge (British Columbia Environmental Assessment Office 2020a).

Effective integration of Indigenous Knowledge requires an understanding of the cultural context for the information, which is best approached collaboratively such as through participatory,

community-based research methods, and review and approval of the use of Indigenous Knowledge by participating Indigenous nations (Arsenault et al. 2019; Latulippe 2015). Nation-specific cultural training for proponents and contractors will help promote understanding of Indigenous Knowledge in the context of a specific project (British Columbia Environmental Assessment Office 2020a).

### Effective Follow-up Monitoring

Implementation of a socio-economic effects management plan (SEEMP) is considered a best practice for follow-up activities after an EA has been completed (Bohlken 2017; Esteves, Franks, and Vanclay 2012). Under the 2002 Act, project approvals for some of the larger, more contentious projects contained a condition for a SEEMP, and this is now required under the B.C. EAA, 2018. The SEEMP manages predicted positive and negative effects, ideally combined with a socio-economic effects monitoring program that tracks whether project effects are occurring as expected and whether applied mitigation or enhancement measures are effective. Monitoring programs also can identify any new effects and propose mitigation as a part of an adaptive management approach.

SEEMPs are post-EA certificate tools and the activities they help manage can occur in any phase of project development. To be effective, participants need to agree upon what indicators should be monitored, and the metrics for evaluation. The SEEMP should have a framework that assigns responsibility, as well as timing and partnerships needed to support activities.

### Strategies for Practical Implementation of Social Impact Assessment

In summary, practical implementation of SIA in the context of the B.C. EAA, 2018 remains challenging. Strategies to increase the robustness of SIA include the following:

- Building meaningful relationships and trust and beginning as early as possible in the review process to increase the likelihood of both regulatory and community approval.
- Community-based, participatory research to help with data collection and identifying indicators that reflect local values and interests.
- Integration of Indigenous Knowledge will require additional training for proponents and practitioners.
- Increased understanding and solutions are needed to address capacity constraints.
- Follow-up monitoring programs are essential to managing uncertainty in predicted effects and assessing effectiveness of mitigation and enhancement measures.

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