



Cumulative Effects Framework

Assessing and Managing Cumulative Effects in British Columbia

Summary of External Stakeholders and First Nations' Feedback on the CEF Policy and Overall Framework¹

Primary Sources of Feedback

Natural Resource Sector stakeholders and associations, environmental non-governmental organizations, sector practitioners and professionals, academics, First Nations, and both federal and municipal government.

Overall Perceptions of the Draft CEF Policies

Most stakeholders believe that the draft CEF policies are a good starting point and the framework can ultimately become a useful information and communication tool for land use planning and decision-making. There were several feedback themes identified by external stakeholders where improvements to the draft policies could be considered by Government, and they are summarized below.

Governance and Program Alignment

1. Ensure that the CEF initiative is aligned with other initiatives, including CEA¹ Act, ABA, ESI, EA process, OGC, SARA, FSCS, co-location, THLB stabilizations, threats-based analysis, and land use plans and objectives. Confirm and commit that while the CEF and LNG-ESI initiatives will help to inform the MaPP Cumulative Effects Framework, and vice versa, they do not alter or derogate from BC's commitments and obligations under the NCMP to collaboratively develop and implement with First Nations the MaPP Cumulative Effects Assessment Framework within the MaPP study area.
2. Ensure coordination between different government agencies (i.e., how assessment, management and training is carried out between different working groups, committees, and regional experts) and sectors. Consider developing internal guidance, training, and decision support for SDMs early on.
3. Clarify roles of EA proponents in considering/ addressing CEAs. Clarify if there is a CE working group in the EA process.

¹ Please see the end of the appendix for a list of acronym definitions.

4. Describe by position and Ministry who is represented on various cumulative effects governance boards, including: the NRS Board, NRS ADM's Committee, CEF Strategic Leadership Team and the CE Assessment Team.
5. Include CE as part of the FSP working group work plan.

Value Selection

1. Include and assess socio-economic values, including social fairness, quality of life, health implications, and timber, early in the process to manage expectations up front and to lend to CEF credibility. Clarify how these values will be considered prior to policy implementation and what is meant by “a standard approach to assessing social and economic values”.
2. Consider climate change by adding two additional values to the CEF: (1) non-declining stores of carbon in terrestrial ecosystems (soils and biomass) at local, regional and provincial scale, and (2) ecological resilience to the effects of climate change. Perception that district managers are “hiding behind” the concept of climate change.
3. Include additional values or indicators, such as species-at-risk, fish (e.g., salmon, bull trout, eulachon), ecological systems, resilience to climate change, sensitivity to development, Aboriginal rights and traditional/ spiritual knowledge and non-timber attributes of the forest inventory, including carbon value, fuel loads/ characteristics, and wildlife habitat attributes. Consider additional values faster.
4. The initial set of values identified from the First Nations engaged in the process to date, favour inland terrestrial areas – they do not adequately capture key coastal or socioeconomic First Nations values and interests.
5. Develop a set of over-arching provincial-level values derived from principles (not necessarily defined objectives) of stewardship and sustainability that reflect a precautionary approach.
6. Clarify the implementation timeframe for other values, including what the time lag means for proponents in pre-application.
7. Clarify how regional values can differ from provincial values.
8. Do not exclude values because of a lack of data. Instead, identify opportunities for research.
9. Clarify how CEF values are different from FRPA values.
10. Clarify how integration across values will happen/ need to tell the whole story rather than address values one by one. Need to have values that are common across all of B.C. including coastal areas. Need a balance of provincial/regional value selections.
11. The current set of “core values” is incomplete because of the focus on: (a) existing objectives, (b) available data, (c) environmental (i.e., terrestrial areas), and (d) absence of socio-economic values.

CE Assessment

1. Develop monitoring procedures, including:
 - process for tracking mitigation/ restoration activities, including clear responsibilities and opportunities for the Crown, proponents, and First Nations to be involved in monitoring;

- process for incorporating mitigation/ restoration activities in CEAs, including discounting existing mitigation measures to accurately account for mitigation measures, and considering future mitigation measures in future condition analysis;
 - process for validating CEA model results, especially if model uncertainty may lead to excessive conservatism and requests for actions that are not needed or not useful; and
 - process for assessing the overall performance of the CEF in terms of expected benefits, such as streamlined decision-making.
2. Concerns about objectives:
 - Clarify objectives for values and the process for identifying them. Ensure transparency of any agreements that set policy objectives for a value;
 - Have broad objectives at the provincial level, but more specific/ community-based objectives at the regional level; and
 - Keep objectives current, sector-relevant, place-based, and clear. Consider adding temporal components to the objectives.
 3. Develop procedures for using third party data from industry (EA applications), ENGOs, First Nations, and academics for conducting assessments, including future condition scenarios.
 4. Concern about the adequacy and quality of existing data and the credibility of proponent-supplied data. The quality of the CEF products might be undermined by the quality of data. Suggestion to flag values and value components where data are not available and/ or outdated.
 5. Consider climate change effects, including how it affects management classes and triggers.
 6. Develop procedures for future condition modelling taking into account various development scenarios (uncertainties in future activities) and relying on cutting-edge independent research.
 7. Include resilience/ tolerance to risk and ecosystem services/ environmental flows in CEAs.
 8. Consider analyzing the primary causes of cumulative effects and directed actions to deal with those effects.
 9. Concern about regional boundaries for CEAs: spatial boundaries might trigger disagreements between First Nations and communities; scope of project-specific EA should consider residual impacts, range of VCs, temporal boundaries, and transboundary effects instead.
 - 10.Reconsider the definition of 'benchmark:' clarify if "scientific understanding" includes traditional and community knowledge.
 - 11.Clarify how historic-to-present impacts will be translated into the current condition assessment.
 - 12.Clarify how the CEF overcomes the "shifting baseline" problem.
 - 13.Clarify how follow-up data can replace predictive data.
 - 14.Clarify whether a proponent is required to complete a CEF assessment or if government CEF assessments already exist for an area of interest.
 - 15.Improve communications pertaining to the quality of data, uncertainty, assumptions, validation process, management interpretation, and management limits to avoid data being misused.
 - 16.Consider regional growth plans in CEAs.
 - 17.Clarify how CEAs will be made publicly available.
 - 18.Clarify how/ if the effects of projects on private land are considered.

19. For EA, clarify if CEA takes a priority if the proponent's data and conclusions are different from the CEA.

20. Clearly define scale of assessment.

CE Management

1. Concerns about management classes:

- Management classes are designed around responding to impacts rather than preventing/avoiding impacts, and thus lacks a precautionary principle. Management goal should be to restore the value to the "green" zone. Clarify if there is a response that would advise against a project to prevent harm/ clearly message if impacts are not acceptable;
- Integrate mitigation hierarchy throughout CE management classes so that the objective of each category is to bring the value back to a "standard" management class. As currently stated, values can be driven from the "standard" class to "enhanced" or "intensive" management classes;
- The issue of fairness ("first in/ last out") can arise because early proponents will not have to do a lot of mitigation whereas later proponents will face substantial mitigation requirements;
- "Green" class: does not enable management responses to prevent damage;
- "Enhanced" and "intensive" classes: may lead to unintended consequences/ encourage management towards triggers, instead of improvement of the value condition, and/ or may drive harmful development to "green" zone management places. The "enhanced" class needs to include the option of voluntary actions that result in positive impacts. The "intensive" class and the mitigation hierarchy need to expand consideration of offsetting, including private offsets and fee-simple land purchases;
- Add adaptive management to classes;
- Add temporal considerations to classes/ how often management classes and triggers will be updated;
- Clarify the criteria for management triggers: if they are scientifically-based, management-goals-based, and if they consider concerns raised by First Nations;
- Clarify how management classes will be operationalized and how the process will be different from current practice; and
- Clarify for large, linear projects, if separate CEAs need be conducted depending on the different management class boundaries they cross, or if a single CEA can be conducted for the entire project footprint.

2. Concerns about management responses:

- Include three classes of criteria in management responses: (1) broad criteria at the provincial level, (2) specific decision-making criteria based on CEAs, and (3) value-specific criteria for each region. Outline trade-off rules and legislate the criteria;
- Clarify/ develop procedures for how low likelihood, high impact events, such as fires and floods, will be addressed in CE responses;

- Clarify that management responses approved in a CEAM Report would not be retroactively imposed on any previously approved projects or existing operating projects (except requirements may change when approvals are renewed);
 - Consider temporary measures in high risk situations, if it will take a long time to implement new objectives; and
 - Clarify what is meant by management responses that include “measures,” “processes,” and “strategic direction.”
3. Concerns about government decisions:
- Clarify what types of government decisions will be influenced by CE information sector-by-sector, by lifecycle of a project (including current vs. future projects), and by legislation/ regulation/ policy. Develop operational guidance/ bulletin for considering CE in each sector and decision type, and explain how the new process will differ from the previous practices;
 - Clarify if CEAs may result in two types of government decisions, including (1) project approval, or (2) the project is stopped, at least on a temporal basis;
 - Clarify that CEAs should be considered in all new (not past) decision-making, including for small projects;
 - Both RPFs and SDMs need to be transparent about decisions and criteria for decision-making; and
 - Provide better guidance to SDMs for expectation letters to consider CE, and for foresters for how to address those expectations.
4. Concerns about reporting:
- Relate reporting to objectives and metrics, i.e., discuss results at the provincial level in terms of broad/ qualitative objectives, but have more specific management responses at the regional scale;
 - Reporting should indicate the quality of data and where more objectives need to be identified; and
 - The Auditor General's Report on cumulative effects (May 2015) recommended annual cumulative effects reporting to the Legislature; clarify how this will be addressed in the policy.
5. In the absence of CEA, a precautionary and sustainability-based approach should apply to the identification of potential cumulative effects and management objectives, using the following criteria:
- Whether biophysical systems are adequately protected;
 - Whether existing impacts are unfairly distributed among individuals, communities, regions and interests, and in particular, whether disadvantaged groups bear a disproportionate burden of impacts;
 - Whether potential impacts will be disproportionately born by future generations, without equal future benefits to those generations; and
 - Whether current decision-making trends indicate an increased risk to the sustainability of biophysical or social values.
6. Clarify how the NRPP tool will be helpful in providing CE info prior to applications and will replace Front Counter BC.

7. Provide better guidance to help frame management plans and FSPs.
8. Integrated silviculture strategies, that are TSA wide, are good place to consider, explore, understand CE for forest management planning.
9. Ensure that CE management responses and decision-making are equally applied across sectors so no single sector is placed at a competitive disadvantage.

Engagement

1. Ensure early-on, regular engagement and collaboration with First Nations (including government-to-government co-management), local communities, and industry on the selection of values, data collection, and CEF reports, including assessment reports, management responses, and monitoring.
 - The absence of sufficiently early engagement could undermine the buy-in of certain interests, especially First Nations and local communities, of the CEF products.
 - Formalize First Nations participation in key decision-making/approval and technical tables to support the assessment and management of cumulative effects, including First Nations representation on the NRS Board, the Regional Cumulative Effects Management Committees, and the CE Assessment Teams.
 - Develop a collaborative process with First Nations to understand the importance of those values that do not have existing legislation, policy and/or agreements, and to determine an objective for that value.
 - Align CEF engagement with the new MARR consultation document and align CEF approach and content.
2. Engage with local governments and the general public in the selection of values (particularly when resource development is happening in close proximity to populations of people) and CEF policy development.
3. Include academics and technical experts in CEAs to provide independent oversight.
4. Consider establishing regional multi-stakeholder standing committees or round tables to provide local input, review reports, and prioritize action.
5. Develop a consensus/ interactive model to ensure effective engagement on reporting.
6. Define the scope of necessary engagement on CEF reporting and communicate these expectations early on.
7. Seek feedback on the draft policies from all provincial ministries and federal departments to ensure full government endorsement of the document and to avoid competing expectations.
8. Public and First Nations engagement should not be part of FSP. Government should lead engagement.
9. Engage with the Federal Government on BC's CEF and the federal CEA Act to ensure that they have full appreciation of the provincial work and the two initiatives are aligned.

Addendum/ Higher Level Comments

1. Reconsider the purpose of CEA in policy from helping decision-makers to ensuring we do not irreparably harm the biodiversity of a region, and to shape an overall strategy for natural resource development pro-actively.

2. Clearly convey expectations and procedures for adaptive management/ improvement over time for the CE policy, protocols, and assessments.
3. Aim to legislate the framework so that it has triggering mechanisms to influence decision-making.
4. Suggest assessing regulations that incentivize CEs and revise them to neutralize their impact on the environment.
5. If available, include CEA information in land dispositions.

List of Acronyms

Acronym	Full Name
ABA	Area-based Analysis
ADM	Assistant Deputy Minister
CE	Cumulative Effects
CEA	Cumulative Effects Assessment
CEA Act	<i>Canadian Environmental Assessment Act</i>
CEAM	Cumulative Effects Assessment Management
CEF	Cumulative Effects Framework
EA	Environmental Assessment
ENGO	Environmental Non-Governmental Organization
ESI	Environmental Stewardship Initiative
FRPA	<i>Forest and Range Practices Act</i>
FSCS	Forest Sector Competitiveness Strategy
FSP	Forest Stewardship Plan
LNG	Liquid Natural Gas
MaPP	Marine Plan Partnership
MARR	Ministry of Aboriginal Relations and Reconciliation
NCMP	North Coast Management Plan
NRPP	Natural Resource Permitting Plan
NRS	Natural Resource Sector
OGC	Oil and Gas Commission
RPF	Registered Professional Forester
SARA	<i>Species At Risk Act</i>
SDM	Statutory Decision Maker
THLB	Timber Harvest Land Base
TSA	Timber Supply Area
VC	Valued Component