

**POLICY FOR MITIGATING IMPACTS ON ENVIRONMENTAL VALUES
(ENVIRONMENTAL MITIGATION POLICY)**

May 13, 2014 – WORKING DOCUMENT

TABLE OF CONTENTS

<u>Topic</u>	<u>Page</u>
1. Purpose	1
2. Definitions	2
3. Relationship to Existing Legislation	3
4. Application of the Policy	3
5. Data and Information	3
6. Mitigation Hierarchy	4
7. Mitigation Process	4

*Note: The Environmental Mitigation Policy and associated Procedures are working documents and subject to change. See:
<http://www.env.gov.bc.ca/emop>*

1. Purpose

- 1.1 The Policy and associated Procedures are intended to support provincial staff, as well as proponents, when:
 - a. There is an identified need for mitigation under existing legislation, or
 - b. A proponent voluntarily assumes responsibility for mitigation measures.
- 1.2 Achieving the Province’s goals for economic prosperity and environmental sustainability requires consideration and integration of environmental, social, and economic values in the decision-making process for the natural resource sector. This Policy is intended to support the environmental aspects of timely, informed, and transparent decisions.
- 1.3 The document *Procedures for Mitigating Impacts on Environmental Values* (“Procedures”) contains the recommended approaches and guidance for implementing this Policy.
- 1.4 The Policy and Procedures are primarily intended to improve the quality, transparency, and consistency of information to support existing decision-making processes for mitigating impacts on environmental values and associated components in four areas:

- a. Identification of environmental values and associated components;
- b. Assessment of impacts on environmental values and associated components;
- c. Application of the mitigation hierarchy to develop mitigation measures; and
- d. Preparation of mitigation plans.

2. Definitions

“area of influence” means the extent of the direct and indirect impact(s) to the environmental value(s) and associated components beyond the footprint of the project or activity. It may be defined at a local, subregional, or regional scale, depending on the ecological scale of the processes affecting the environmental value(s).

“environmental component” (“component”) means an attribute of the natural resource system that is measured, managed, and maintained, to ensure the integrity and well-being of the environmental value with which the component is associated.

“environmental value” means an element of the natural environment that the people and Government of British Columbia care about and see as important for assuring the integrity and well-being of the province’s ecological systems over time.

“in-lieu payment” means a payment made by a person proposing a project or activity, to fund offsetting measures (conservation offsetting mechanisms) that will be carried out by the Province or by a third party.

“mitigation hierarchy” means the order of priority for selection of mitigation measures.

“mitigation measure” means a tangible conservation action taken to avoid, minimize, restore on-site, or offset impacts on environmental values and associated components, resulting from a project or activity.

“mitigation plan” means the proponent’s commitment to mitigation and monitoring including the specific measures that will be carried out.

“offset” means to counteract, or make up for, an impact on an environmental component that cannot be adequately addressed through other mitigation measures in the hierarchy. .

“project footprint” (“footprint”) means the area directly impacted by a project or activity.

“proponent” means, for purposes of this Policy, a person or organization who proposes to undertake a project or activity.

“residual impact before offset” means an impact that adversely affects one or more environmental components, and remains, or is predicted to remain, after efforts to “minimize” and/or “restore on-site”. Residual impact, used alone, means the adverse effects that remain or are predicted to remain after all mitigation measures are applied.

3. Relationship to Existing Legislation

- 3.1 This Policy does not convey legal authority. It supports and does not replace existing legislation or any other legal requirement.
- 3.2 Any mitigation measures will be carried out in accordance with the relevant legislation, conditions of the approval document, and/or other legal requirements that apply to the particular project or activity.

4. Application of the Policy

- 4.1 The Policy may apply for mitigation of impacts on environmental values and associated components:
 - a. For new authorizations or amendments to existing authorizations.
 - b. On lands where a statutory decision or authorization from the Province is required.
 - c. When provincial staff are asked to provide guidance, advice, or recommendations related to the application of mitigation.
- 4.2 The ultimate decision as to which mitigation measures will apply, where these mitigation measures will apply, and what amount and type(s) of mitigation will be needed (i.e., the acceptability of the residual impacts), rests with the statutory decision-maker.
- 4.3 The responsibility for mitigating impacts on environmental values and associated components, and for any associated implementation costs and payments, rests with the proponent carrying out a project or activity that would potentially result in an impact on one or more environmental values or associated components.
- 4.4 Mitigation measures do not include actions carried out by the Province in the normal course of conservation and natural resource management.

5. Data and Information

- 5.1 The best available data and information should be used when applying this Policy and the associated Procedures.
- 5.2 New data collected, as well as value-added analysis of existing data, should be made available to the Province.
- 5.3 Data and information will be collected, formatted, submitted, reported, stored, and shared in accordance with provincial standards, and where these do not exist, will be guided by best management practices.
- 5.4 Data and information will be freely available and open in accordance with provincial legislation and policy.

6. Mitigation Hierarchy

- 6.1 The mitigation hierarchy and the corresponding types of mitigation measures to be applied under this Policy are outlined here, in order of priority. All feasible measures should be considered and applied at one level before moving to the next.
- a. avoid impacts on environmental values and associated components.
 - b. minimize impacts on environmental values and associated components.
 - c. restore on-site the environmental values and associated components that have been impacted.
 - d. offset impacts on environmental values and associated components.
- 6.2 Considerations made in moving from one level of the hierarchy to the next should be documented in a detailed mitigation plan.

7. Mitigation Process

- 7.1 The general process for applying this Policy includes:
- a. identification of the footprint and area of influence of the proposed project or activity and priority environmental values and associated components;
 - b. assessment of potential impacts on environmental values and associated components;
 - c. application of the mitigation hierarchy and consideration and selection of measures to avoid, minimize, and restore on-site;
 - d. assessment of the ecological equivalency of any remaining impacts and consideration and selection of measures to offset impacts on environmental values and associated components;
 - e. development of a monitoring plan to assess and demonstrate implementation and report effectiveness of mitigation;
 - f. implementation of the mitigation measures; and
 - g. monitoring of implementation and effectiveness of mitigation measures.
- 7.2 A mitigation plan should be developed to:
- a. provide an overview description of the proposed project or activity;
 - b. transparently and defensibly describe how mitigation will be applied (as outlined in section 7.1 of this Policy);
 - c. describe how uncertainties will be considered and addressed; and
 - d. state commitments for the implementation of mitigation measures.
- 7.3 An in-lieu payment from a proponent, to fund implementation of offsets by the Province or a third party in accordance with provincial financial procedures, may be appropriate under certain circumstances.