

Cumulative Effects: Whose Responsibility Is It Anyway?



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Cumulative Effects Management in BC: Shared Responsibilities & Emerging Pressures



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[BC Energy Regulator \(BCER\)](#)

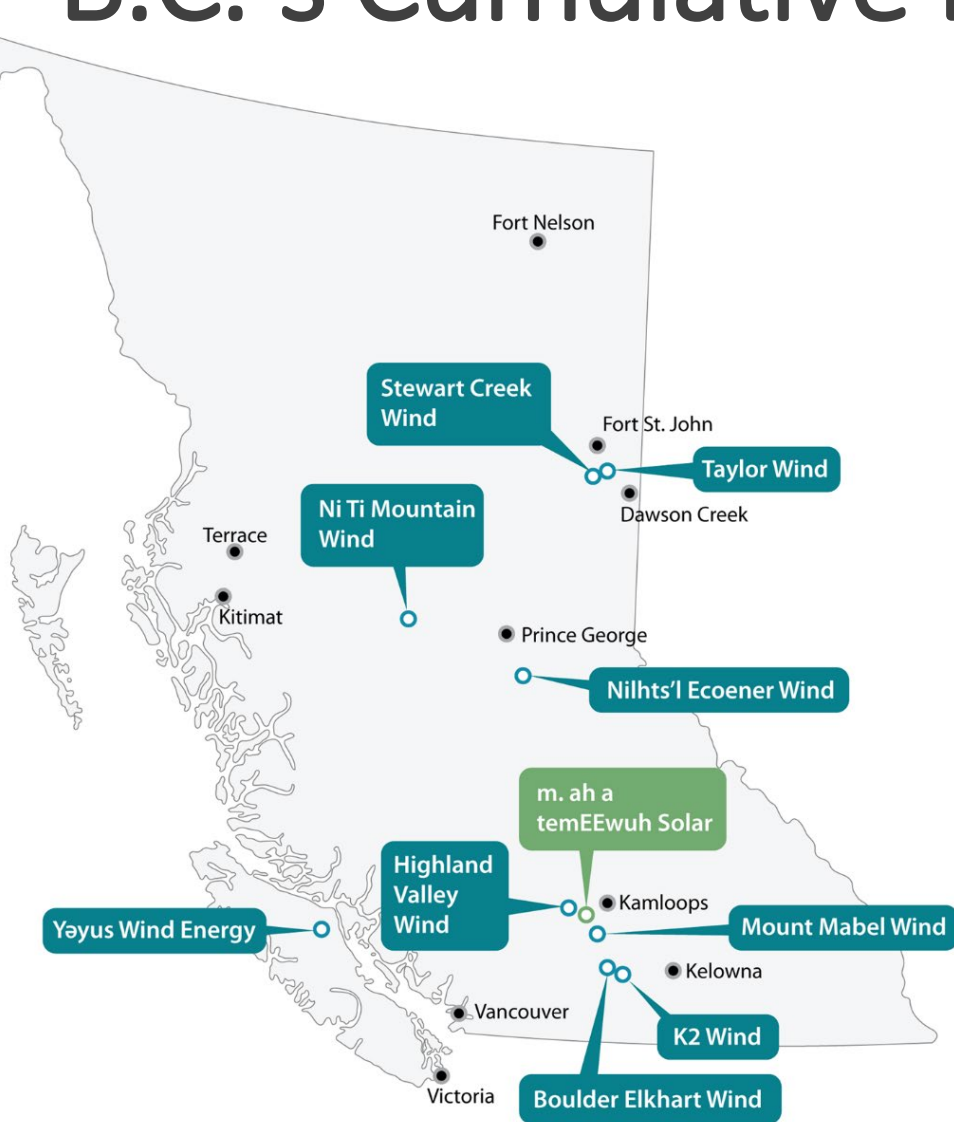


The BC Energy Regulator & expanded mandate

- Provincial regulator of British Columbia's energy resources
- One window lifecycle regulator, from application to restoration
- Historic permitting focus: NE BC oil & gas, & pipelines, facilities
- Two mandate expansions in three years
 - 2023: hydrogen, ammonia and methanol
 - 2025: wind, solar, some transmission lines

B.C.'s Cumulative Effects Management Context

- Supreme Court decision: *Yahey vs. BC* 2021
- Initiatives to reduce CE: offsetting, watershed & regional planning, setbacks, protections, restoration, disturbance fees, legal order
- New renewable energy responsibilities
- BCER mandate direction to accelerate permitting



Managing cumulative effects of BC's renewable sector

- **Province:** land use direction, values-based assessment data
- **BCER:** review & determination, consideration of any effects on FN rights, life-cycle oversight
- Regulatory requirements:
 - **Proponent** pre-engagement with First Nations
 - **Proponent** submits cumulative impacts assessment
 - Informed by Indigenous Knowledge
 - Impacts of other industrial and commercial activities
 - Describes how disturbance was minimized
 - Environmental Management Program, permit conditions





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Cumulative Effects Approach - s̓əwaθən məsteyəx^w



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<https://tsawwassenfirstnation.com/>



s̓c̓awaθ̓an məsteyəx̓^w

We are s̓c̓awaθ̓an məsteyəx̓^w (Tsawwassen People – ‘People facing the sea’) - also known as Salmon people

We are an urban Nation, 40 km south of Vancouver in southwest corner of what is now known as British Columbia

The STAŁ ƏW (Fraser River) is our lifeblood, and the Salish Sea provided for us

Of the over 200 First Nations communities in BC, s̓c̓awaθ̓an məsteyəx̓^w is one of only eight modern Treaty Nations

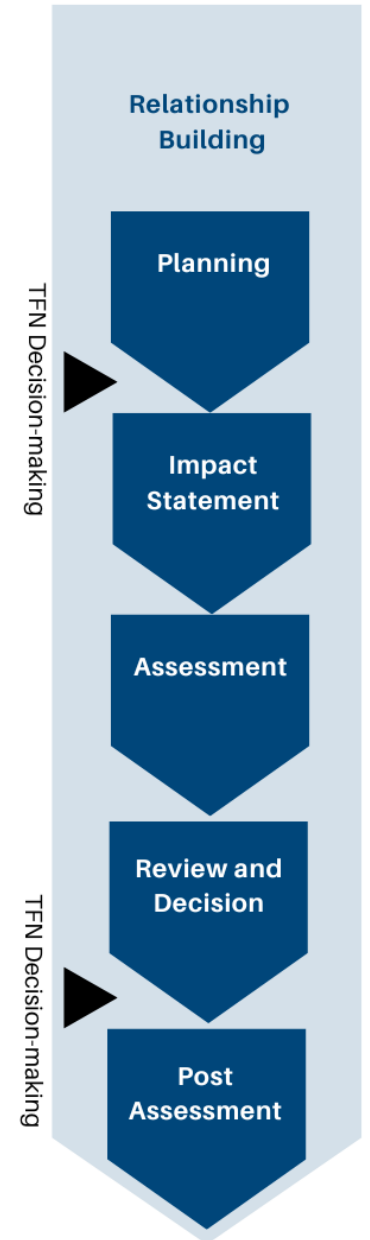


TFN Role

Assess impacts to TFN from cumulative effects and express expectations for Crown and proponents

- TFN Impact Assessment Framework
 - Four treaty objectives, Healthy Future for Future Generations considers cumulative effects
 - Engagement Principles include commitment to and collaborate on mitigation for cumulative effects to achieve consent and moving past “agreeing to disagree”
 - TFN’s cumulative effects assessment is applied to the project as a whole
 - TFN assesses whether a project supports TFN’s aspired conditions for meaningful and full expression of rights

Point a finger at proponents and Crown to remind them of their responsibilities



Crown Role

Thinks their role is to keep saying yes to projects.

Address and manage cumulative effects, including existing/historic cumulative effects and setting thresholds (no thresholds in TFN territory; everything feels over threshold).

Contribute funding (preferably to First Nations-led organizations) to help address cumulative effects.

Require projects to generate a net positive environmental effects.

Develop regulations to address effects of projects constructed before many environmental regulations existed.



Proponent Role

LISTEN TO TFN'S CONCERNS about cumulative effects. TFN has been around for a while...

Conduct studies to predict how project contributes to existing cumulative effects.

Design projects to provide a net benefit, avoid the position that economic benefits outweigh other adverse effects.

Design monitoring programs to confirm how project contributes to existing cumulative effects.

Stop blaming Crown's mismanagement and take responsibility for project's contributions to cumulative effects.





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The Cumulative Crunch: Sharing Responsibility in Northern Canadian CEA



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Mike Settington

Roles

- Professional Biologist (RPBio, CWB)
- Senior Biologist / Director EDI (Yukon, Canada)
- 30 years experience in northern & western Canadian projects



Recent Canadian CEA Experience

Arctic Transportation: Migratory caribou focus

Mining Project: Mountain caribou focus

Territorial Highway: Boreal caribou focus

Land Use Planning: Yukon and Nunavut

Cumulative Governance Accountability

Current Limitations

Proponent-led assessments are often *perceived* as narrow or biased and overlook Indigenous values and broader regulatory concerns.

Government Role

The “state” is best positioned to lead regional land-use planning and define environmental thresholds in collaboration with Indigenous communities.

The Integrated Model

A dual-track approach where the government sets the regional framework while proponents manage project-specific impacts.

Strategic Outcome

This collaborative structure can ensure resource development remains within sustainable limits while balancing environmental and economic goals.



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Who does what in CEA? Reflections from Australia



Jenny Pope

*Integral Sustainability and North-West University
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Introducing Jenny Pope



Roles:

- Director Integral Sustainability, Western Australia
- Extra-ordinary Professor in Environmental Management, North-West University, South Africa
- Adjunct Professor of Sustainability in Mining, Murdoch University, Western Australia
- Fellow, University of Cambridge Institute for Sustainability Leadership, UK
- Former Member, Environmental Protection Authority (EPA), Western Australia 2018-2023

Recent CEA experience:

- Research project on the application of regional cumulative effects assessment and management for mine closure [CRC TiME] 2021-24
- Developed the EPA's Guideline for Cumulative Impact Assessment (for project proponents) [WA EPA] 2024-25
- Research project on best practice regulation and assessment of cumulative effects for large-scale renewable projects [Australian Department of Climate Change, Energy, the Environment and Water] 2025
- Advised Queensland Government on incorporating CEA into bioregional planning

The current situation in Australia

- Like Canada, Australia generally takes a ‘leave it to proponents’ approach, but CEA is much less well established in Australian practice
- Some strategic offsets funds exist to help mitigate cumulative effects
- Pilot studies currently underway for ‘bioregional plans’ under the federal legislation, which are supposed to deal better with cumulative effects than project level assessment
 - But evidence so far suggests this won’t happen automatically – requires that CEA is integrated into plan development
- Some proponents are conducting their own regional-scale ‘strategic assessments’, i.e. not waiting for government
- Proponents are concerned about:
 - Additional burden of work to conduct CEA
 - Lack of availability of data, including from other proponents
 - But conversely, being required to share their own data (commercial in confidence)
 - A lack of clear thresholds
 - Decision-makers potentially refusing approval on grounds that their proposal causes the threshold to be exceeded
- Indigenous-led CEA being discussed (drawing on Canadian experiences) but not yet happening

The potential role of Government

Government has a role to play to support proponents and deliver better CEA:

- Developing bioregional plans and conducting strategic assessments that provide guidance to future project proponents
- Establishing clear thresholds for evaluating significance of cumulative impacts
- Curating data collected through baseline studies and monitoring programmes
- Providing/specifying tools to predict cumulative effects and promote a consistent approach
- Regional scale monitoring programmes
- Regional-scale offsets and conservation projects

Government also needs to take primary responsibility for the impacts of other pressures and threats (apart from projects) such as climate change adaptation, invasive species



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