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Environmental Mitigation Policy Overview

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<http://www.env.gov.bc.ca/emop/>



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Target Audience:

- provincial NRS staff - guidance for providing best scientific and technical information, advice, and recommendations on environmental values
- decision-makers – decision support tool
- proponents – guidance for developing mitigation plans



Legislative Framework

- Enabling natural resource statutes and their subordinate regulations
 - *Mines Act*
 - *Oil and Gas Activities Act*
 - *Land Act*
 - *Forest Act* [pertinent FRPA sections]
 - *Water Act* → *Water Sustainability Act* *
 - *Transportation Act*
 - *Environmental Assessment Act*
 - *Environmental Management Act*
 - *Special Approp. & Accts. Act / Park Act* *

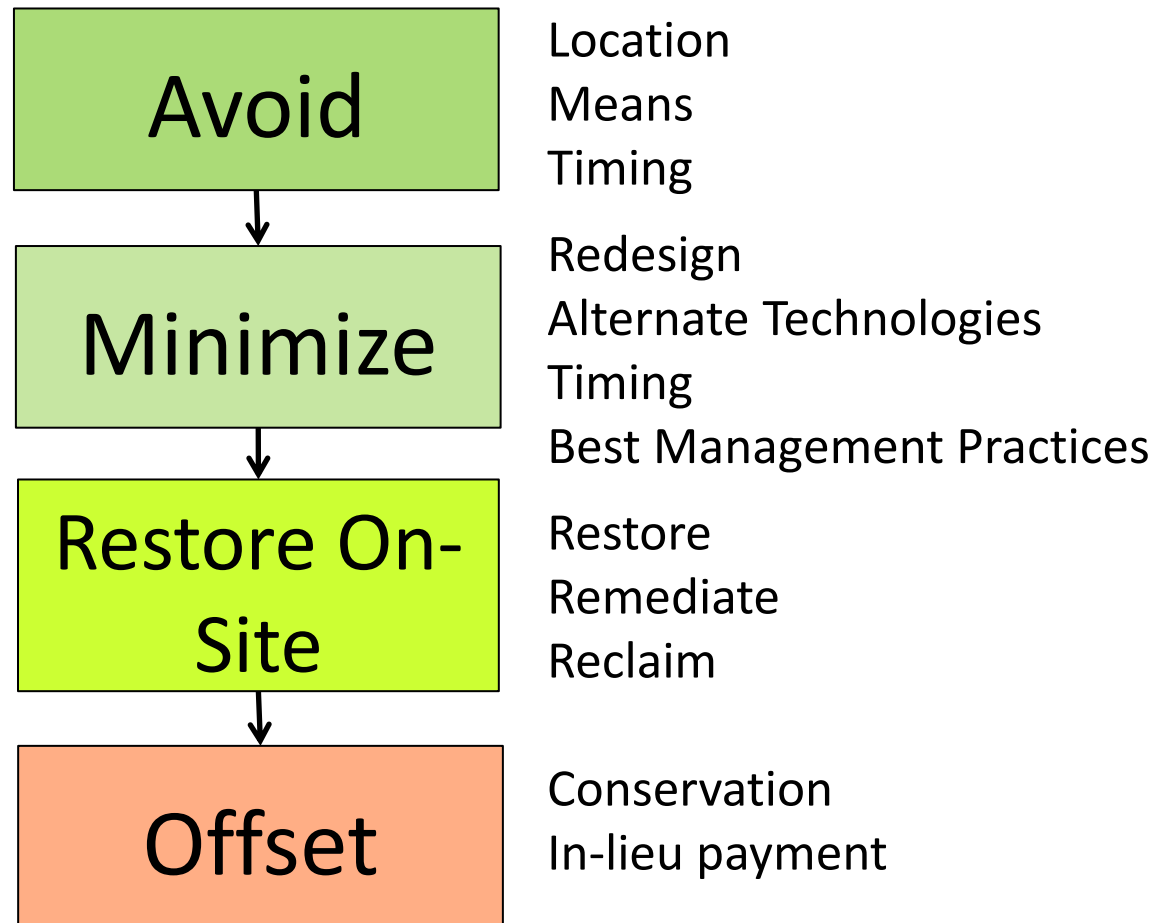


Legislative Framework

- Many decision points provide discretion to the statutory decision maker – may consider mitigation options and attach mitigation terms or conditions to authorizations.
- *Environmental Assessment Act*, *Environmental Management Act* and *Land Act* enable offsite offsetting (land tenuring policies for clean energy).
- Possible to require preparation of mitigation plan – a mitigation plan may specify voluntary offset measures
- Complexities



Mitigation Hierarchy





OFFSETTING: Principles

(conservation activities OR in-lieu payments)

- **Last resort** in mitigation hierarchy.
- Offset measures deliver tangible, measurable **on-the-ground outcomes** to make up for impacts to an environmental value; conservation measure is **linked** to the predicted impact.
- Measures are **additive /incremental** to activities planned or underway.
- **Like-for-like** and on-site or in-proximity measures are considered first.
- **Responsibility** for offsets rests with the proponent.
- Offset measures are **secured for duration** of the impact.
- Must clearly define the **residual impact before offset** - allows for (1) assessment of **risk** and (2) determination of the **ecological equivalency** of the residual impact. [similarity between the environmental value/component and the offset]



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Application Criteria

- Application by:
 - Willing proponents: e.g. social license, FN interests
 - Government:
 - Focused on major projects or EA projects
 - Can remove barriers in decision process
 - FN interest or legal obligation
 - Significant value, current condition, anticipated trend – linked to cumulative effects
 - Adapted into other agencies' policy frameworks



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Trial Application

- Peace Northern Caribou
 - Innergex IPPs (TSB & Upper Lillooet)
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- ✓ identified efficiencies
 - ✓ resolved decision barriers
 - ✓ applied as a First Nations accommodation tool
 - ✓ created high-level of support both internal & external



Current Application

- Recent/Current application includes:
 - Multiple EAO applications
 - Coastal GasLinks pipeline
 - KSM mine (gold, copper, silver, molybdenum)
 - Spectra Energy Westcoast Connector pipeline
 - TransCanada (Prince Rupert Gas Transmission)
 - Sub-threshold application
 - BC Parks Stawamish Chief gondola



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Current developments:

- Integration with NR sector initiatives, legislation and policy including:
 - Cumulative Effects, NRS Referrals, Area Based Analysis, *Water Sustainability Act*
 - Developing:
 - Envir Mgt Act - FN accommodation policy; offset in waste discharge permits
 - Oil & Gas Activities Act - offset provisions
 - policy advice - costing in-lieu payments



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Key take-away points

- Endorsed by the Natural Resource Board for implementation across the NR sector
- No new legal requirements; supports existing legislation; not no-net-loss policy
- Voluntary for proponents
- Guidance for mitigation planning; a decision support tool; key principles = abide by the mitigation hierarchy, link mitigation to the impact
- Evolving.

More Information:

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