

CUMULATIVE EFFECTS: THE NEXT ANTI-DEVELOPMENT TOOL?

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published in Far North Oil and Gas Review, Vol. 6, No. 1, Winter 2004, pp. 20-21

While embroiled in a protracted environmental assessment some years ago, a mining executive raised the alarming spectre of “cumulative effects – the next anti-development tool from the environmentalists.” His efforts to rouse the NWT Chamber of Commerce to fight this green ghoul caused him some embarrassment when he was quoted in print.

Cumulative effects assessment first crept upon the northern stage through the Canadian Environmental Assessment Act in 1992. The Act simply states that an environmental assessment must consider “cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out.”

The Ekati diamond mine narrowly escaped these new requirements. At the time, the federal Ministers promised that the mine would be reviewed “in the spirit” of the new Act. But after almost two years of review, no one emerged any wiser about cumulative effects. Faced with the prospects of a lawsuit from the World Wildlife Fund, the federal government promised a NWT Protected Area Strategy as well as a regional study jointly funded by industry, eventually called the West Kitikmeot Slave Study.

The Diavik diamond mine was the first project in the NWT that had to contend with the new cumulative effects rules. Even though it was within 50 kilometres of the Ekati mine, Diavik claimed that it would cause no significant cumulative effects, partly because it could not be certain that any additional mines would be built. Curiously, the Canadian Environmental Assessment Agency’s “Operational Policy Statement” on cumulative effects, which defined “projects that will be carried out” as projects that are both “certain” and “reasonably foreseeable”, was issued just after Diavik had entered the regulatory process.

Legally, this took Diavik off the hook from considering reasonably foreseeable projects such as the Ekati expansion, Snap Lake, Jericho and many others. Recognizing these shortcomings, the federal Ministers promised a “NWT Cumulative Effects Strategy” to be completed by March 31, 2000 and implemented the following year. Disgruntled, the Canadian Arctic Resources Committee began a lawsuit, but settled out-of-court for \$400,000 from Diavik to start their own cumulative effects research program.

By the time the DeBeers Snap Lake project was assessed this past spring, the Mackenzie Valley Resource Management Act was the new legislation on the block. All this Act says is that the Mackenzie Valley Environmental Impact Review Board must consider any “cumulative impact that is likely to result from the development in combination with other developments.”

The Snap Lake mine was approved, even though the Board concluded that the diamond fields were getting a bit crowded and that DeBeers had not considered cumulative effects adequately. As a remedy, the Board urged the territorial government to complete models for habitat loss, caribou, grizzly bears, and wolverine within two to three years so that cumulative effects could be resolved in future environmental assessments.

Almost a decade after this business started, the track record of deferring cumulative effects issues to follow-up programs is not encouraging. The NWT Protected Areas Strategy has not yet created a single protected area in the Slave Geological Province. The West Kitikmeot Slave Study produced some useful baseline data, but never actually addressed cumulative effects before it was wound down. And the grandiloquently renamed “NWT Cumulative Effects Assessment and Management Strategy and Framework” morphed into a multi-million dollar policy paper, which has yet to be approved, much less implemented.

On the oil and gas front, Paramount Resources is now undergoing a cumulative effects assessment on its extension in the Cameron Hills. In addition to numerous wells and pipelines, Paramount Resources intends to cover the whole Cameron Hills plateau with a grid of four to six metre wide seismic cut-lines at a spacing of 300 metres over a combined length of 510 kilometres. This far exceeds critical thresholds identified in northern Alberta, beyond which woodland caribou herds have irreversibly declined.

Will alternative methods such as minimum impact seismic be required? Will this assessment also result in another round of costly follow-up studies and litigation? And what about the new federal Species at Risk Act, which will prohibit the destruction of woodland caribou “residences” starting June 1, 2004?

At a much larger scale, the Mackenzie Valley Pipeline will be scrutinized for cumulative effects under both the Mackenzie Valley Resource Management Act and the Canadian Environmental Assessment Act. In addition to the proposed gas fields in the Delta, it is “reasonably foreseeable” that the pipeline will induce further petroleum extraction throughout the valley.

Yet government agencies do not even have accurate maps and databases of past and existing land use activities. No cumulative effects thresholds have been defined through land use plans or other mechanisms. The establishment of a network of protected areas in the Mackenzie Valley has barely started. There is also the prospect of multiple users competing for the same land base in the not too distant future. Al-Pac learned this harsh lesson in northern Alberta when they discovered that the oil and gas industry was eating up their annual allowable cut.

Cumulative effects assessment is not an anti-development tool or environmental bogeyman – it has never stopped a project and is very unlikely to do so. But unless both government and industry start taking it seriously, they can be assured that prolonged approvals, costly studies, and legal risks will result.