



The Indigenous Centre for Cumulative Effects

Guide to Cumulative Effects Requirements Across Canada

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Executive Summary

The Guide to Cumulative Effects Requirements Across Canada (the Guide) is part of an effort by the Indigenous Centre for Cumulative Effects (ICCE) to provide technical value to Indigenous communities through relevant guidance documents. ICCE was formed in 2019 as a not-for-profit focused on building and enhancing the technical and scientific capacity of Indigenous communities for work on cumulative effects.

The Guide will support Indigenous practitioners working with federal, territorial, provincial, or Indigenous regulatory processes. Its contents include all legislative, policy, Treaty, and planning Instruments that outline cumulative effects requirements in jurisdictions across Canada. It is organized by jurisdiction and includes a simple reference system so requirements related to cumulative effects assessment, management, monitoring, mitigation, and Indigenous engagement can easily be identified. The Guide includes contextual information, references to where requirements are found within the Instruments as well as how multiple Instruments may work together to form a cumulative effects requirement. Practitioners can utilize as much or as little of this information as needed or can simply access the Instruments identified through links or URLs provided in the Guide.

The Guide also identifies jurisdictions where Instruments create a framework that can be used for cumulative effects assessment or management but do not yet include formal requirements regarding cumulative effects. These include impact assessment processes, land use plans, and Indigenous environmental protection laws. As more jurisdictions in Canada face the effects of numerous stressors on Indigenous cultures and territories, it is expected that they will create more requirements using existing legislative, policy, or planning Instruments. It may be useful for Indigenous practitioners to see where the opportunities exist in jurisdictions without clear and effective cumulative effects requirements.

The Indigenous Centre for Cumulative Effects hopes that this Guide will be a useful and powerful tool to support Indigenous communities in understanding the existing cumulative effects requirements in their territories, guiding their interactions with governments and project proponents, and assessing whether they should work with other jurisdictions to develop stronger cumulative effects management frameworks.

Executive Summary.....	2
1. Introduction and Context.....	6
1.1 Purpose of the Guide	6
1.2 About ICCE	6
1.3 Development of - and Limitations of - the Guide	6
1.4 Organization of The Guide	8
2. What are Cumulative Effects?.....	10
2.1 A Definition of Cumulative Effects.....	10
2.2 How are Cumulative Effects Generally Assessed and Managed in Canada?.....	11
3. How to Use the Guide	13
4. Cumulative Effects Requirements by Jurisdiction	14
4.1 Canada.....	14
<i>Impact Assessment Act</i>	15
<i>Canadian Energy Regulator Act</i>	17
<i>Oceans Act</i>	19
<i>Fisheries Act</i>	20
<i>Canada Water Act</i>	21
Federal Policy on Wetland Conservation.....	22
4.2 Indigenous.....	23
Nunatsiavut: Labrador Inuit Land Claims Agreement.....	25
Nunatsiavut: <i>Environmental Protection Act</i>	27
Labrador Innu Land Claims Agreement-in-Principle.....	29
Eeyou Marine Region Agreement.....	31
Nunavik Inuit Land Claims Agreement.....	33
Miawpukek First Nation Self-Government Agreement-in-Principle.....	35
Sioux Valley Dakota Nation Tripartite Agreement.....	37
Opaskwayak Cree Nation Land Law for Land Use and Community Plan including Natural Resources.....	38
Comprehensive Agreement-in-Principle between The Meadow Lake First Nations and Her Majesty the Queen in Right of Canada	39
Framework Agreement on First Nation Land Management.....	41
First Nations Final Agreements in British Columbia	42
Metlakatla Cumulative Effects Monitoring Program.....	43
4.3 Yukon.....	44
Yukon First Nations Umbrella Final Agreement	45
<i>Yukon Environmental and Socio-economic Assessment Act</i>	47

Yukon Regional Land Use Plans	49
Yukon <i>Environment Act</i>	51
Yukon Water Strategy and Action Plan.....	52
4.4 Northwest Territories.....	53
Gwich'in Comprehensive Land Claim Agreement	54
Gwich'in Land Use Plan.....	56
Sahtu Dene and Métis Comprehensive Land Claim Agreement.....	58
Sahtu Land Use Plan	60
Tlicho Land Claims and Self-Government Agreement.....	62
Tlicho Land Use Plan	64
<i>Mackenzie Valley Resource Management Act</i>	65
Northwest Territories Cumulative Impact Monitoring Program	67
Inuvialuit Final Agreement.....	69
Inuvialuit Settlement Region Community Conservation Plans.....	71
Deh Cho Draft Land Use Plan.....	73
Northwest Territories Water Stewardship Strategy Action Plan.....	75
4.5 Nunavut.....	77
Nunavut Agreement	78
<i>Nunavut Planning and Project Assessment Act</i>	80
Nunavut Regional Land Use Plans	82
4.6 Newfoundland and Labrador	84
Government of Newfoundland and Labrador <i>Environmental Protection Act</i>	85
New Brunswick <i>Clean Environment Act</i>	87
New Brunswick Wetlands Conservation Policy	89
Integrated Watershed Management Plan for the Shediac Bay Watershed	90
4.8 Prince Edward Island.....	91
Prince Edward Island <i>Environmental Protection Act</i>	92
A Wetland Conservation Policy for Prince Edward Island	93
Prince Edward Island <i>Water Act</i>	94
4.9 Nova Scotia.....	95
Nova Scotia <i>Environment Act</i>	96
Nova Scotia <i>Environmental Goals and Climate Change Reduction Act</i>	98
Nova Scotia Wetlands Conservation Policy	99
Plan of Action in Response to the Study on Cumulative Environmental Effects of Surface Coal Mines in Cape Breton Regional Municipality	100

4.10 Québec	101
<i>Québec Environment Quality Act</i> Title I.....	102
<i>Québec Environment Quality Act</i> Title II.....	105
<i>Québec Water Strategy 2018-2030</i>	108
<i>Québec Act to affirm the collective nature of water resources and to promote better governance of water and associated environments</i>	109
4.11 Great Lakes Region.....	110
Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement	111
4.12 Ontario	113
<i>Ontario Environmental Assessment Act</i>	114
<i>Ontario Water Resources Act</i>	116
<i>Ontario Great Lakes Protection Act</i>	118
A Wetland Conservation Strategy for Ontario.....	120
Lake Simcoe Protection Plan.....	121
<i>Ontario Far North Act</i> Land Use Plans	122
<i>Ontario Planning Act</i>	124
4.13 Manitoba	126
<i>Manitoba Environment Act</i>	127
<i>Manitoba Planning Act</i>	128
<i>Manitoba Water Rights Act</i>	129
4.14 Saskatchewan.....	130
<i>Saskatchewan Environmental Assessment Act</i>	131
Saskatchewan Treaty Land Entitlement Framework Agreement	133
Saskatchewan Regional Land Use Plans	135
Great Sand Hills Regional Environmental Study	137
4.15 Alberta.....	139
<i>Alberta Environmental Protection and Enhancement Act</i>	140
<i>Alberta Land Stewardship Act</i> Land Use Plans.....	142
Alberta Wetland Policy	144
4.16 British Columbia	145
British Columbia <i>Environmental Assessment Act</i>	146
British Columbia Cumulative Effects Framework Interim Policy	148
Modernizing Land Use Planning in British Columbia	150
Yahey v. British Columbia	152
Marine Plan Partnership for the North Pacific Coast Regional Action Framework.....	154

1. Introduction and Context

1.1 Purpose of the Guide

This Guide to Cumulative Effects Requirements Across Canada (the Guide) is a compilation of requirements related to cumulative effects assessment, management, monitoring, and mitigation as well as Indigenous engagement across jurisdictions in Canada. The requirements include obligations for development proponents, commitments made by governments, and duties for parties involved in decision-making or data collection. Requirements are expressed through legislation, policies, agreements, land and water use plans, Treaty, and court decisions. Collectively, each of these types of documents are called Instruments throughout this Guide. Instruments vary by federal, territorial, provincial, Indigenous, and regional jurisdictions. They are all related to land, water, and resource use.

The Guide will help Indigenous professionals, community members and other interested parties to understand requirements respecting cumulative effects across Canada. It may be especially helpful for Indigenous communities and practitioners preparing to engage with provincial, territorial, and federal governments when development projects are envisioned or planned in their territory.

The Guide provides short summaries of each of the cumulative effects requirements found in each Instrument, by jurisdiction. Each Instrument is hyperlinked in the Guide for easy electronic access. The link to each Instrument is also provided in footnotes.

1.2 About ICCE

The Indigenous Centre for Cumulative Effects (ICCE – www.icce-caec.ca) was legally incorporated as a Canadian not-for-profit organization in November 2019. ICCE’s objective is to help build and enhance the technical and scientific capacity of Indigenous communities for cumulative effects assessment, monitoring, and management, based on the values of First Nations, Métis, and Inuit communities. This will advance the protection of community lands, resources, and culture. ICCE works to establish a network of practitioners and potential partners to facilitate the sharing of information and knowledge among communities and support the development of tools, protocols and frameworks for cumulative effects assessment, monitoring, and management from an Indigenous perspective.

1.3 Development of - and Limitations of - the Guide

The first step towards completing the Guide was to collect Instruments from across Canada that communicate a requirement related to cumulative effects assessment, management, monitoring, mitigations and/or Indigenous engagement. Online legislative databases such as the [Canada Legal Information Institute¹](http://www.canlii.org/en/) (CanLII), provincial and territorial legislative gazettes, and [The First Nations Gazette²](http://www.fng.ca) provided legislative Instruments (acts and regulations). Federal, provincial, territorial, and First Nation government websites provided policies, land and water use plans, and agreements. Instruments that included clear indication of required actions or

¹ <https://www.canlii.org/en/>

² <https://fng.ca>

limitations for proponents, governments, or other parties, such as assessment boards related to cumulative effects were added to the Guide.

Limitations – Instrument Availability

This search across the internet yielded a large number of Instruments, but only those that are publicly available. This may limit the full picture of the cumulative effects assessment and management systems that exist across Canada. While legislation regarding impact assessment may not specify that a cumulative effects assessment is required, internal government policy may direct staff working on assessments to ensure that some form of cumulative effects assessment is included before a project moves through assessment stages. Legislation can contain ambiguities that result in a different application of principles depending on the government in power and individual decision-makers. In some jurisdictions, clear and current guidance or policy documents result in a thorough understanding of a requirement and how it is applied. In other jurisdictions these documents either have not been developed or are not available.

To identify any such documents and to clarify processes, part of the research method for this project included interviews with government departments involved in impact assessment or land-use decisions. Those governments, mostly provincial, that have published only limited information on how assessment or resource use legislation is applied, were contacted for more information. The resulting conversations were helpful for filling information gaps.

Limitations – Instrument Interpretation

The Guide was developed by reading and interpreting legislative Instruments. This was carried out by researchers who are highly familiar with the structure of legislation and the general structure of provincial and territorial governments. It was not carried out by researchers with legal degrees or specialized training in legislative interpretation. Most legislative Instruments included in the Guide were not highly complex. As much as possible, each requirement identified in the Guide is expressed in the exact language of the corresponding Instrument. In some cases, for the purpose of clarity and ease of communication, a summary of the exact language is provided instead, with links to the actual Instrument for the users of the Guide. This way, it is clear how the researchers are interpreting the Instruments and allows for Guide users to make their own judgements and to follow up with their own reading of the Instrument. **In no way should anything in the Guide be taken as legal advice.**

Limitations – Date of Instrument

Finally, government policies were collected as part of the research for the Guide. It is important to note that policies can change with new governments. The policies collected for this project reflect the best understanding of the direction a government takes regarding decisions and program development available at the time of collection (2021-22). **Given this ever-changing context, it is important that users of this Guide reach out to responsible authorities with questions about the applicability of cumulative effects requirements, rather than relying entirely on this Guide.**

1.4 Organization of The Guide

The Guide is organized first by jurisdiction and then by Instruments within that jurisdiction. In many cases, the interpretation of a cumulative effects requirement is best accomplished by reading several Instruments together. For example, the Saskatchewan *Environmental Assessment Act* is the genesis for the impact assessment process in Saskatchewan. The Act does not identify what the scope of an assessment must include (many other impact assessment acts in Canada include requirements for scope of assessments). However, the Government of Saskatchewan has published Technical Proposal Guidelines that state the proponent must complete a cumulative effects assessment as part of project proposal. Those Guidelines by themselves are only relevant in the context of the Act – they define how the Act is carried out by the Crown. Therefore, both the Act and the Guidelines form the requirement. In these cases where legislation requires other documents for a full understanding of a regulatory process, both the legislation and the subordinate guideline, regulation, or document are used to explain the requirement, and are presented as one Instrument entry in the Guide. The name of the legislation is identified as the primary Instrument, and the guideline as a subordinate Instrument.

At the beginning of each jurisdiction section is a summary table that lists each Instrument and the requirements contained within it. The pages that follow the summary table expand on the requirements and the regulatory or decision-making processes created by the Instrument.

For each Instrument entry, the Guide includes a standard set of information. First, there is a section explaining the *Context* of the Instrument. The context section gives background information that is helpful for understanding the requirements. It identifies when Indigenous peoples play a role in the cumulative effects assessment, management, monitoring, and/or mitigation process defined in the Instrument. The context section identifies connections to other Instruments in the Guide. Second, each Instrument is categorized by *Instrument Type*. Types include legislation, Treaty, agreement, policy, land, or water use plan, guidelines, or court decisions. It may be helpful to note that a policy is a document that describes information government will consider in its decision-making and includes actions plans and strategies. Third, the *Cumulative Effects Requirements* regarding assessment, management, monitoring, mitigation, and Indigenous engagement are presented in a table. Fourth, *Resources* and *Linked Processes* are identified, when appropriate.

Each federal, provincial, and territorial jurisdiction has impact assessment legislation, which is included in the Guide. Not all impact assessment legislation includes an explicit requirement for the consideration of cumulative effects. Regardless, those pieces of relevant legislation that do not have these explicit requirements are included in the Guide to either highlight its absence, or because future government policy may dictate that it becomes a requirement in the application of that piece of legislation. A short discussion is included about these Instruments in each jurisdictional section.

The *Cumulative Effects Requirements* table under each Instrument includes indication of assessment, management, monitoring, mitigation, and Indigenous engagement requirements. For clarity, the definitions of each of these requirements is included below.

Cumulative Effects Assessment Requirements:

Cumulative Effects Assessment Requirements are provisions that express a duty for the proponent, the Crown, or the assessment board to identify what cumulative effects are likely to occur due to project development or another land use, water use, or policy decision. Some Instruments include mechanisms for carrying out Regional Assessments, which identify the cumulative effects of development in a region. The purpose of a Regional Assessment is to help manage cumulative effects in the future.

Cumulative Effects Management Frameworks:

This Guide identifies Cumulative Effects Management Frameworks established by Instruments. For this Guide, a management framework includes clear parameters to inform decision-making – where thresholds or triggers are defined that control, minimize, or prevent unacceptable cumulative effects in a defined geographic area. Instruments that fall into this category are typically land use plans. Some land use plans reviewed for the Guide state that their purpose is to manage cumulative effects. However, they do not contain any clear actions or objectives for the management of cumulative effects. Only Instruments that outline clear frameworks for identifying an unacceptable cumulative effect during a resource use decision-making process are identified as defining a cumulative effects requirement.

Cumulative Effects Monitoring Requirements:

Cumulative Effects Monitoring Requirements are those provisions related to programs designed to observe and record impacts caused by multiple stressors on the environment and the culture and rights of Indigenous peoples. Generally, the Instruments within the Guide do not explicitly state a requirement for cumulative effects monitoring. Rather, the Instruments state a requirement for – or the option to require – monitoring or follow-up programs to observe and document project effects.

The monitoring requirements identified in the Guide are based on an assumption that if an Instrument requires the identification of cumulative effects as part of the scope of an impact assessment and then requires the identification of effects monitoring and follow-up programs, then those monitoring and follow-up programs would capture cumulative effects.

Cumulative Effects Mitigation Requirements:

Cumulative Effects Mitigation Requirements are those related to actions or programs that reduce the magnitude of cumulative effects. The Instruments within the Guide largely do not explicitly state a requirement for cumulative effects mitigations. Rather, they state a requirement for programs or actions that will mitigate effects associated with the project.

The mitigation requirements identified in the Guide are based on an assumption that if an Instrument requires the identification of cumulative effects as part of the scope of an impact assessment and then requires the identification of actions to mitigate effects, then those actions would, in part, mitigate cumulative effects.

Indigenous Engagement Requirements:

Indigenous Engagement Requirements include any requirements to consult or include affected Indigenous groups during a process that includes the consideration of cumulative effects. Indigenous engagement requirements identify when Indigenous knowledge must be sought or considered during a decision-making or data collection process. Many Indigenous engagement requirements identified in the Guide state that advisory boards related to regulatory processes must include members from affected Indigenous communities. Other requirements state that proponents or governments must engage with affected Indigenous communities at various stages of a process.

2. What are Cumulative Effects?

2.1 A Definition of Cumulative Effects

Generally, each jurisdiction has developed its own definition of cumulative effects. While wording varies, the intent and meaning is consistent. The definition of cumulative effects given by the Nunavut Impact Review Board in its [Terminology and Definitions Guide](#)³ is found within the definition of Impacts (pg. 14-15 of the Terminology and Definitions Guide):

The accumulation of changes to the environment caused by human activities (e.g., past, existing and proposed activities, including activities associated with the project under assessment). These changes occur over space and time and can be brought about by environmental effects that are additive or interactive.

The [Metlakatla Cumulative Effects Monitoring Program](#)⁴ defines cumulative effects as:

Changes to the environment or human well-being from past, present, and future development projects and human activities.

The Canadian Council of Ministers of the Environment (CCME) published a document entitled [Canada-wide Definitions and Principles for Cumulative Effects](#).⁵ This document defines cumulative effects as

A change in the environment caused by multiple interactions among human activities and natural processes that accumulate across space and time.

The CCME definition outlines a definitional difference across Canadian jurisdictions. Some jurisdictions such as British Columbia (Cumulative Effects Framework Interim Policy; see pg. 145 of this Guide) include human-caused stresses *and* natural processes as relevant for identifying cumulative effects. Other regulatory processes, such as the assessment process carried out by the Yukon Environmental Assessment Board, and the Nunavut Impact Review Board only consider human activities and projects to be relevant for identifying cumulative effects (YESAB Cumulative Effects Bulletin; see pg. 45 of this Guide).

It is beyond the scope of this Guide to discuss how these differences in definitions affect the outcome of any cumulative effects requirement.

³ <https://www.nirb.ca/publications/guides/2/181218-NIRB%20Terminology%20and%20Definitions%20Guide-FINAL-FMAE.pdf>

⁴ <http://metlakatlacem.ca/definitions/>

⁵ <https://ccme.ca/en/res/cedefinitionsandprinciples1.0e.pdf>

2.2 How are Cumulative Effects Generally Assessed and Managed in Canada?

There are three main types of Instruments used in the assessment and management of cumulative effects in Canada: impact assessment processes, water and wetlands legislation and policy, and regional land use or watershed plans.

Impact Assessment

Much of the identification and management of cumulative effects across jurisdictions in Canada occurs through environmental/socio-economic impact assessment processes.⁶ These processes are created through legislation that gives either government or an independent body management authority. They define the effects of a project and require proponents or other parties to mitigate and create follow-up monitoring programs to ensure mitigations are effective.

In the territories – the Yukon, Northwest Territories, and Nunavut – the impact assessment process is carried out by independent boards with Indigenous membership. These “Northern” boards ensure that proponents (the party that wants to undertake the project) meet the requirements of the impact assessment process and make recommendations to the regulator or other decision-maker on whether a project should be carried out and under what conditions. These Northern boards require cumulative effects assessments because the assessment legislation identifies that cumulative effects are a necessary matter of concern. Northern Québec (area defined by the James Bay and Northern Québec Agreement; see pg. 102 of this Guide) also has two independent assessment boards for projects that fall within their jurisdiction.

In the provinces, provincial governments manage the impact assessment process. In these jurisdictions, cumulative effects assessment requirements vary. Some legislation states what the scope of the assessment needs to include. Some legislation leaves it entirely up to the Minister, who decides if a cumulative effects assessment is necessary, based on the characteristics of the project.

Water and Wetlands Legislation and Policy

Legislation regulating the use of water and wetlands also includes requirements for cumulative effects assessment in decision-making processes. Because most waterbodies have multiple users, the cumulative effects on water quality and quantity have been written into many regulatory frameworks regarding water use. More recently, governments have been recognizing the important value of wetlands and are utilizing legislation or policy to slow or stop the loss of wetland functions by setting thresholds for wetland loss. This is consistent with cumulative effects management frameworks found in regional land use plans.

Land Use and Watershed Plans

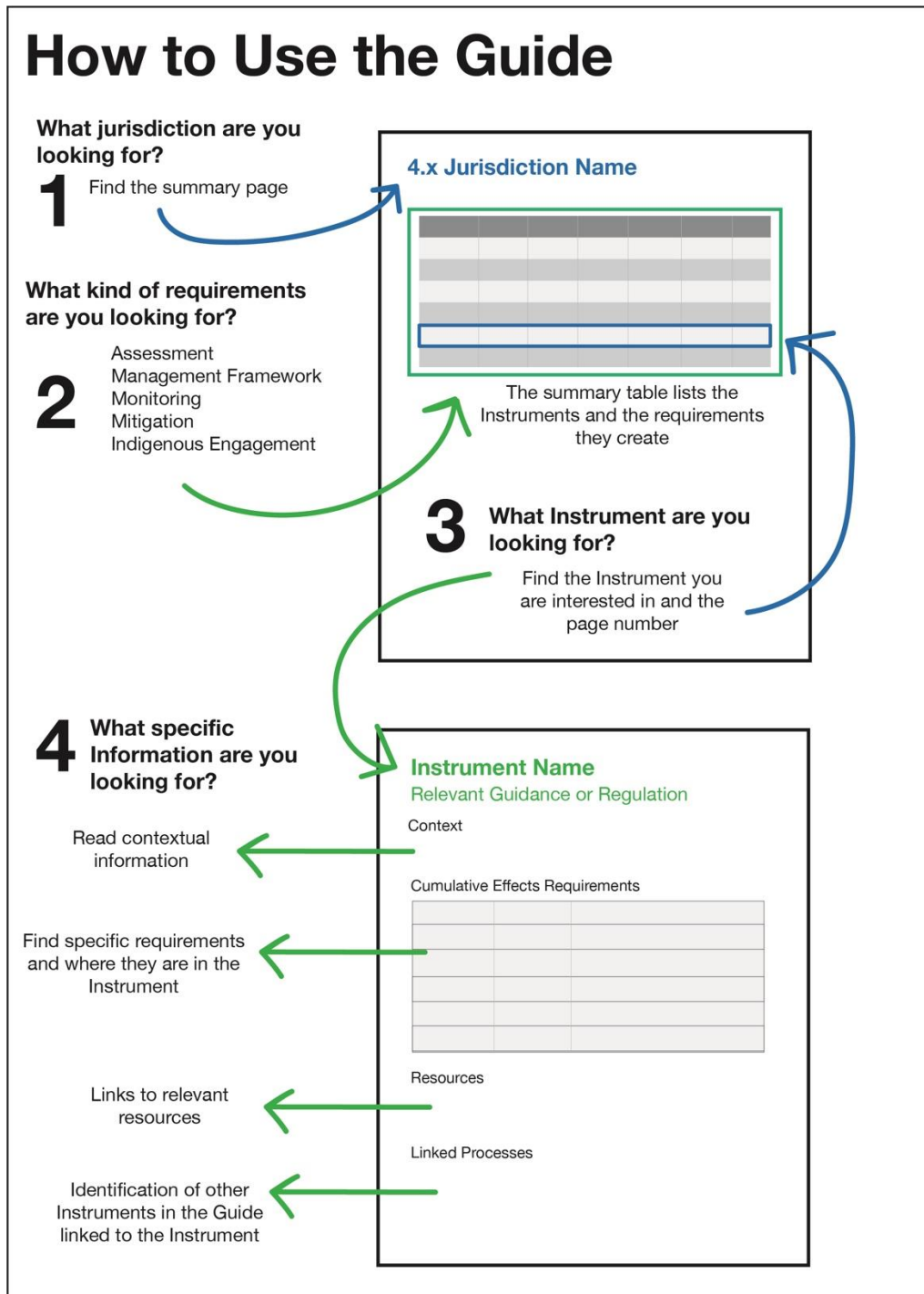
Regional land use and watershed plans are used in many jurisdictions to manage cumulative effects by defining measurable indicators for cumulative effects and thresholds in defined land use zones. These indicators and thresholds are used during regulatory decisions.

⁶ The terms “impact/impacts” and “effect/effects” mean the same thing in this document and in environmental impact assessment in general.

Land use and watershed plans can be powerful Instruments for the management of cumulative effects. This power, however, depends on their mandate and application. Many land use plans in Canada state that an objective of the plan is to address cumulative effects in the planning area but do not explain how the plan will address those effects in a systematic way. Many others do not acknowledge cumulative effects at all. The land use plans that provide clear direction for decision-making, for example, that the percentage of linear disturbance in a planning unit cannot breach an explicit threshold, are the ones that are highlighted as a cumulative effects management framework. Land use plans that state they will incorporate monitoring data into the development of thresholds or other management tools are also included in this Guide.

3. How to Use the Guide

The figure below provides a general overview of the structure of this Guide and how it is meant to be used. The summary table underneath each jurisdiction-header indicates the cumulative effects requirements expressed by each Instrument with an “x” in the appropriate cell. The cumulative effects requirements table under each Instrument-header indicates the cumulative effects requirement expressed in the Instrument.



4. Cumulative Effects Requirements by Jurisdiction

4.1 Canada

An important piece of context for the federal jurisdiction is that the [Government of Canada has committed to renewing the relationship with Indigenous peoples](#).⁷ This renewed relationship will be based on a recognition of rights, respect, co-operation, and partnership. Therefore, Canada has committed to Indigenous engagement across all regulatory and decision-making processes.

Federal Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
<i>Impact Assessment Act (2019)</i>	x		x	x	x	13
<i>Canadian Energy Regulator Act (2019)</i>	x				x	15
<i>Oceans Act Regulations (1996)</i>	x					17
<i>Fisheries Act (2019)</i>	x				x	18
<i>Canada Water Act (1985)</i>						19
<i>The Federal Policy on Wetland Conservation (1991)</i>		x				20

⁷ <https://www.rcaanc-cirnac.gc.ca/eng/1307644732392/1609248890929>

Impact Assessment Act

Context

The 2019 [Impact Assessment Act](#)⁸ (IAA) outlines the federal impact assessment process carried out by the Impact Assessment Agency of Canada. The 2019 Act replaced the 2012 *Canadian Environmental Assessment Act*. The IAA now requires mandatory consideration and protection of Indigenous knowledge during assessment, a broader required scope of assessment to include social effects, the creation of a single Agency to lead assessments, and a mandatory early planning and engagement phase.

Section 22 of the IAA states that factors to be considered in an assessment include any cumulative effects that are likely to result from the project.

Section 6 of the IAA states that two purposes of the Act are to (1) encourage the assessment of the cumulative effects of physical activities in a region and to (2) encourage the assessment of federal policies, plans, or programs. These two matters are addressed through the development of Regional Assessments (sections 92-93) and the development of Strategic Assessments (section 95), respectively. Regional Assessments are conducted in areas where anticipated future development is expected to cause an adverse cumulative effect (though the term ‘cumulative effects’ is not explicitly used in this section of the Act). The outcome of the Regional Assessment informs planning and management of those cumulative effects as well as future impact assessments in the area.

One Regional Assessment has been completed under the Act: the [Regional Assessment of Offshore Oil and Gas Exploratory Drilling East of Newfoundland and Labrador](#).⁹ Two others are in progress: the [Regional Assessment of the St. Lawrence River Area](#)¹⁰ and the [Regional Assessment in the Ring of Fire Area](#).¹¹

Type of Instrument

Legislation

Cumulative Effects Requirements

IAA	Description of Requirements
Assessment	s 22(1)(a)(ii) The impact assessment of a designated project, whether it is conducted by the Agency or a review panel, must take into account any cumulative effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out s 92 – 93 The Minister may establish a committee – or authorize the Agency – to conduct a regional assessment of the effects of existing or future physical activities carried out in a region entirely or partially on federal lands.
Management Framework	-

⁸ <https://laws.justice.gc.ca/eng/acts/I-2.75/index.html>

⁹ <https://iaac-aeic.gc.ca/050/evaluations/proj/80156>

¹⁰ <https://iaac-aeic.gc.ca/050/evaluations/proj/80913?culture=en-CA>

¹¹ <https://iaac-aeic.gc.ca/050/evaluations/proj/80468>

IAA	Description of Requirements
Monitoring	s 22(1)(k) The impact assessment of a designated project, whether it is conducted by the Agency or a review panel, must take into account the requirements of the follow-up program in respect of the designated project*
Mitigation	s 22(1)(b) The impact assessment of a designated project, whether it is conducted by the Agency or a review panel, must take into account mitigation measures that are technically and economically feasible.
Indigenous Engagement	<p>s 22(1)(g) The impact assessment of a designated project, whether it is conducted by the Agency or a review panel, must take into account Indigenous knowledge provided with respect to the designated project; (l) considerations related to Indigenous cultures raised with respect to the designated project.</p> <p>s 102(2) any regional or strategic assessment report must include how Indigenous knowledge provided with respect to the assessment was taken into account.</p>

*Where “follow-up program” is defined as a program for verifying the accuracy of the impact assessment and determining the effectiveness of any mitigation measures.

Resources

- [Impact Assessment Agency of Canada webpage](#)¹²
- [Impact Assessment Act Policy and Guidance webpage](#)¹³
- [Tailored Impact Statement Guidelines Template for Designated Projects](#)¹⁴
- [Policy Context: Indigenous Participation in Impact Assessment](#)¹⁵
- [Impact Assessment Act and CEEA 2012 Comparison](#)¹⁶
- [Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012](#)¹⁷ – many provincial assessment processes recommend this document for guidance on cumulative effects assessments.

¹² <https://www.canada.ca/en/impact-assessment-agency.html>

¹³ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance.html>

¹⁴ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/tailored-impact-statement-guidelines-projects-impact-assessment-nuclear-safety-act.html>

¹⁵ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/policy-indigenous-participation-ia.html>

¹⁶ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/impact-assessment-act-and-ceea-2012-comparison.html>

¹⁷ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceea2012.html>

Canadian Energy Regulator Act

Context

The 2019 [Canadian Energy Regulator Act](#)¹⁸ (CERA) establishes the regulatory system for energy matters, including the construction, operation, and abandonment of pipelines and powerlines as well as off-shore energy projects. The Act establishes the Canadian Energy Regulator (CER) which includes a Commission – a quasi-judicial body – and an Indigenous Advisory Committee, the latter of which advises the CER Board of Directors on how to enhance the involvement of Indigenous peoples with respect to energy projects.

At least one of the seven full-time commissioners of the Commission must be an Indigenous person. The Commission makes recommendations to the responsible Minister regarding whether a certificate should be issued to authorize a project and under what conditions. The Act states that in making those recommendations, the Commission must consider the environmental effects of the project, including any cumulative environmental effects.

Type of Instrument

Legislation

Cumulative Effects Requirements

CERA	Description of Requirements
Assessment	<p>s 183(2)(a) When making a recommendation respecting a certificate authorizing a pipeline, the Commission must take into account the environmental effects, including any cumulative environmental effects.</p> <p>s 262(2)(a) When making a recommendation respecting a certificate authorizing an International Power Line, the Commission must take into account the environmental effects, including any cumulative environmental effects.</p> <p>s 298(3)(a) When making a recommendation respecting a certificate authorizing an Offshore Renewable Energy Project or Power Line, the Commission must take into account the environmental effects, including any cumulative environmental effects.</p>
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	<p>s 26(1)-(2) The Regulator will have a Commission with up to seven full-time commissioners. At least one of the full-time commissioners must be an Indigenous person.</p> <p>s 183(2)(d)-(e) When making a recommendation respecting a certificate authorizing a pipeline, the Commission must take into account the interests and concerns of the Indigenous peoples of Canada, including with respect to their current use of lands and resources for traditional purposes; the effects on the rights of the Indigenous peoples of Canada.</p> <p>s 262(2)(d)-(e) When making a recommendation respecting a certificate authorizing an International Power Line, the Commission must take into account the interests and concerns of</p>

¹⁸ <https://laws-lois.justice.gc.ca/eng/acts/C-15.1/>

CERA	Description of Requirements
	<p>the Indigenous peoples of Canada, including with respect to their current use of lands and resources for traditional purposes; the effects on the rights of the Indigenous peoples of Canada.</p> <p>s 298(3)(d)-(e) When making a recommendation respecting a certificate authorizing Offshore Renewable Energy Project or Power Line, the Commission must take into account the interests and concerns of the Indigenous peoples of Canada, including with respect to their current use of lands and resources for traditional purposes; the effects on the rights of the Indigenous peoples of Canada.</p>

Resources

- [Canada Energy Regulator website](https://www.cer-rec.gc.ca/en/index.html)¹⁹

Linked Processes

- [Impact Assessment Act](https://laws.justice.gc.ca/eng/acts/I-2.75/index.html)²⁰ (2019; see pg. 13 of this Guide)

¹⁹ <https://www.cer-rec.gc.ca/en/index.html>

²⁰ <https://laws.justice.gc.ca/eng/acts/I-2.75/index.html>

Oceans Act

Regulations made under section 35(3)

Context

The 1996 [Oceans Act](#)²¹ was enacted to protect the marine environment through integrated management plans and designation of Marine Protected Areas. Marine Protected Areas, established by regulation through section 35(3) of the Act, receive special protection through the prohibition of activities determined by the responsible Minister. There are currently [12 Regulations](#)²² that establish Marine Protected Areas.

Though the Act does not include requirements respecting cumulative effects assessment, management, monitoring, or mitigation, the Regulations respecting Marine Protected Areas do. The Regulations respecting each Marine Protected Area state that a person may submit an activity plan to carry out scientific research, monitoring, restoration, educational or commercial tourism activity in the Marine Protected Area. Before the Minister can approve the plan, the Minister must consider the cumulative effects of the activities.

Type of Instrument

Legislation

Cumulative Effects Requirements

Regulations made under section 35(3) of the <i>Oceans Act</i>	Description of Requirements
Assessment	s 10 Minister must not approve an activity plan if the cumulative environmental effects of the proposed activity are likely to adversely impact the biological, chemical, or oceanographic processes that maintain or enhance the biodiversity, habitat, or ecosystem function in the Marine Protected Areas.
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	-

²¹ <https://laws-lois.justice.gc.ca/eng/acts/o-2.4/>

²² <https://laws-lois.justice.gc.ca/eng/acts/o-2.4/>

Fisheries Act

Context

The 2019 [Fisheries Act](#)²³ provides a framework for management of fisheries and conservation of fish and fish habitat, including the prevention of pollution.

Section 34.4(4) states the Minister may make regulations prescribing the activities that may occur despite their effects to fish and fish habitat. Section 34.1(1), however, states that before making such a regulation, the Minister must consider the cumulative effects of those activities. Section 2.4 requires that all decisions related to the Act be made with the consideration of Indigenous rights.

Type of Instrument

Legislation

Cumulative Effects Requirements

Fisheries Act	Description of Requirements
Assessment	s 10 Minister must not approve an activity plan if the cumulative environmental effects of the proposed activity are likely to adversely impact the biological, chemical, or oceanographic processes that maintain or enhance the biodiversity, habitat, or ecosystem function in the Marine Protected Areas. s 34.4(4) Before a regulation can be made prescribing activities that may occur despite their effects to fish and fish habitat, the Minister must consider the cumulative effects of those activities.
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	s 2.4 When making a decision under this Act, the Minister shall consider any adverse effects that the decision may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> .

Resources

- [Introducing Canada's modernized Fisheries Act](#)²⁴

²³ <https://laws-lois.justice.gc.ca/eng/acts/f-14/>

²⁴ <https://www.dfo-mpo.gc.ca/campaign-campagne/fisheries-act-loi-sur-les-peches/introduction-eng.html>

Canada Water Act

The [Canada Water Act](#)²⁵ (CWA) provides for the management of water resources in Canada, including research, planning, and implementation of programs relating to the conservation, development, and utilization of water resources. The Act identifies that demands on water resources, and pollution in water resources throughout Canada, are rapidly increasing and that informed water quality and quantity management is needed in critical areas.

The CWA does not explicitly state a cumulative effects requirement. It does, however, create a mechanism for creating comprehensive water resource management programs by agreement between the federal government and provincial governments. Because waterbodies are collective resources, utilized by numerous parties across large regions, issues of water quality and quantity are, by nature, caused by an accumulation of stresses. Therefore, effective water management programs likely fit into the category of cumulative effects management frameworks.

According to the [Canada Water Act Annual Report for 2017 to 2018](#),²⁶ the implementation of the Act has led to initiatives that collect information on the cumulative effects of stressors on water quality in the Great Lakes, the Gulf of Maine, Atlantic Ecosystems, and the Arctic/Athabasca Watershed. There is no indication that management frameworks have been created to support water use decisions based on indicators of significant cumulative effects. Agreements made under the CWA include hydrometric agreements, water quality monitoring agreements, and agreements to create interjurisdictional water boards.

The provisions of the CWA do not fit into the categories of cumulative effects requirements within the Guide. This instrument is included because the CWA could lead to comprehensive regional water resource management programs that contain cumulative effects management frameworks in the future.

Resources

- [Water governance: federal policy and legislation webpage](#)²⁷

²⁵ <https://laws-lois.justice.gc.ca/eng/acts/c-11/FullText.html>

²⁶ <https://www.canada.ca/en/environment-climate-change/services/water-overview/publications/canada-water-act-2017-2018.html>

²⁷ <https://www.canada.ca/en/environment-climate-change/services/water-overview/governance-legislation/federal-policy.html>

Federal Policy on Wetland Conservation

Context

The 1991 [Federal Policy on Wetland Conservation](#)²⁸ identifies that wetland management is a significant land use issue across Canada. It describes Canada's obligations under the [Ramsar Convention](#),²⁹ an international Treaty that recognizes the international importance of wetlands as diverse and productive ecosystems and focuses on identifying and protecting Wetlands of International Importance. In signing the Ramsar Convention, Canada committed to establishing wetland conservation policies.

The Policy states a goal of no net loss of wetland functions on all federal lands and waters. While not explicitly stated, the Policy is a type of cumulative effects management framework with a specific focus on wetland function. Canada recognizes that valuable wetland functions are lost because of incremental damage occurring across the province. By setting a standard of "no net loss", Canada has established a threshold for wetland function, which is the state of wetland function when the policy came into place in 1991.

Cumulative Effects Requirements

Federal Policy on Wetland Conservation	Description of Requirements
Assessment	-
Management Framework	Strategy 2. Commit all federal departments to the goal of no net loss of wetland functions (i) on federal lands and waters, (ii) in areas affected by the implantation of federal programs where the continuing loss or degradation of wetlands has reached critical levels, and (iii) where federal activities affect wetlands designated as ecologically or socio-economically important to a region.
Monitoring	-
Mitigation	-
Indigenous Engagement	-

²⁸ <https://publications.gc.ca/collections/Collection/CW66-116-1991E.pdf>

²⁹ <https://www.ramsar.org/about/the-convention-on-wetlands-and-its-mission>

4.2 Indigenous

The following Instruments describe impact assessment processes that are managed by Indigenous governments on Indigenous lands. The Nunatsiavut *Environmental Protection Act* (see pg. 25 of this Guide) is the only Indigenous law in the Guide that has resulted in the implementation of a fully-Indigenous impact assessment process.

Some of these agreements have not yet created cumulative effects requirements but set up the framework to do so. The Framework Agreement on First Nation Land Management and the First Nations Final Agreements in British Columbia both state that signatory Nations can create laws respecting environmental protection and/or environmental assessment. To date there have been no such laws written. However, in the future, these Instruments could lead to cumulative effects assessment, monitoring, and mitigation requirements on signatory-Nation lands, so have been included here despite not yet having specific cumulative effects requirements.

Two of these agreements, the Eeyou Marine Region Agreement (2010) and the Nunavik Inuit Land Claims Agreement (2007), establish impact review boards to assess the impacts of activities in marine offshore areas in the northern part of Québec. While these are co-management boards where Indigenous and Crown representatives work together, the Agreements are added to this section because their respective boards manage impact assessment processes that are wholly separate from the impact assessment processes in Crown jurisdictions.

Indigenous Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
Labrador Inuit Land Claims Agreement (2005)	x		x	x	x	23
Nunatsiavut <i>Environmental Protection Act</i> (2012)	x		x	x	x	25
Labrador Innu Land Claims Agreement-in-Principle (2011)	x		x	x	x	27
Eeyou Marine Region Agreement (2010)	x		x	x	x	29
Nunavik Inuit Land Claims Agreement (2007)	x		x	x	x	31

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
Miawpukek First Nation Agreement-in-Principle (2013)	x		x	x	x	33
Sioux Valley Dakota Nation Agreement (2013)	x		x	x	x	35
Opaskwayak Cree Nation Land Law (2009)		x				36
Meadow Lake Agreement-in-Principle (2001)	x		x	x	x	37
Framework Agreement on First Nation Land Management (1996)						39
First Nations Final Agreements in BC						40
Metlakatla Cumulative Effects Management Program			x			41

Nunatsiavut: Labrador Inuit Land Claims Agreement

Context

The 2005 [Labrador Inuit Land Claims Agreement](#)³⁰ (LILCA) is a land claim agreement between the Labrador Inuit and the Crown. It sets out the land use planning and development assessment processes within the Labrador Inuit Settlement Area.

Chapter 10 of the Agreement establishes a Regional Planning Authority that will direct the process of land use planning. The Draft Labrador Inuit Settlement Area Land Use Plan was developed in 2011, though it has not yet been approved by the Government of Newfoundland and Labrador and was not available for review. There is no requirement for cumulative effects to be considered or utilized in the development of the land use plan. Despite this, the final plan may outline a framework that will effectively manage cumulative effects through indicators and thresholds or some other means.

Chapter 11 of the Agreement gives the Labrador Inuit authority to make laws regarding environmental assessment on Labrador Inuit Settlement Lands. Since the signing of the Land Claims Agreement, the Nunatsiavut Government has written and implemented its own Environmental Review process (see pg. 25 of this Guide). The Agreement states that environmental assessments, whether conducted through the Nunatsiavut Government, The Government of Newfoundland and Labrador, or Canada, must consider any cumulative Environmental Effects likely to occur in relation to the proposed project.

Instrument Type

Treaty

Cumulative Effects Requirements

LILCA	Description of Requirements
Assessment	s 11.2.10(e) an Environmental Assessment of a Project shall consider and where appropriate take account of... any cumulative Environmental Effects that are likely to occur in combination with other undertakings, projects, works or activities that have been or will be carried out.
Management Framework	-
Monitoring	s 11.2.10(l) an Environmental Assessment of a Project shall consider and where appropriate take account of... the need for and requirements of a Follow-up Program in respect of the Project. Part 11.7 A the Nunatsiavut Government can create Follow-Up Programs to ensure that Mitigations are implemented, subject to the extent of their powers.
Mitigation	s 11.2.10(j) an Environmental Assessment of a Project shall consider and where appropriate take account of... measures that are technically and economically feasible and that would Mitigate any significant adverse Environmental Effects of the Project.
Indigenous Engagement	Part 11.5 contains several requirements for the provincial government to consult with the Labrador Inuit when carrying out assessments under the <i>Environmental Protection Act</i> . 11.5.3 requires that membership of any board, tribunal, or public review panel assessing a project on Labrador Inuit Lands must be appointed jointly by the Nunatsiavut Government and the Provincial Authority.

³⁰ <https://www.nunatsiavut.com/labrador-inuit-land-claims-agreement-3/>

LILCA	Description of Requirements
	<p>Part 11.6 contains several requirements for Canada to consult with the Labrador Inuit when carrying out assessments under the <i>Canadian Environmental Assessment Act</i>. 11.6.3 requires that any review panel established must either include a nominee of the Nunatsiavut Government or must be selected from a list that includes candidates nominated by the Nunatsiavut Government.</p>

Resources

- [Nunatsiavut Government](https://www.nunatsiavut.com)³¹

Linked Processes

- [Government of Newfoundland and Labrador Environmental Assessment Division](https://www.gov.nl.ca/ecc/env-assessment/)³²
- [Impact Assessment Agency of Canada](https://www.canada.ca/en/impact-assessment-agency.html)³³ (see pg. 13 of this Guide)

³¹ <https://www.nunatsiavut.com>

³² <https://www.gov.nl.ca/ecc/env-assessment/>

³³ <https://www.canada.ca/en/impact-assessment-agency.html>

Nunatsiavut: *Environmental Protection Act* and Environmental Review Regulations

Context

The [Nunatsiavut Environmental Protection Act](#)³⁴ (EPA) and the corresponding [Environmental Review Regulations](#)³⁵ (ERR) describe an environmental review process for proposed initiatives (where “initiative” is defined as a proposed undertaking, project, work, or activity) on Labrador Inuit Lands. This process is run entirely by the Nunatsiavut Government Minister of Lands and Natural Resources. The Nunatsiavut Assembly or the Minister of Lands and Natural Resources makes the final decision regarding whether and how an initiative may be carried out.

Both the Act and the Regulations include requirements for cumulative effects assessment. The Act has a Schedule that lists all required information for an environmental review. This includes the requirement that the Minister consider cumulative environmental effects, the need for follow-up (monitoring) programs, and mitigations. The Regulations state that the proponent must provide information on monitoring and mitigation of environmental effects, and information on cumulative environmental effects.

Type of Instrument

Legislation

Cumulative Effects Requirements

Nunatsiavut EPA and ERR	Description of Requirements
Assessment	<p>Schedule to the Act – Matters to be Included in an Environmental Review. As part of the environmental review of an initiative due consideration shall be given but not be limited to... (5) any cumulative environmental effects that are likely to occur in combination with other undertakings, projects, works or initiatives that have been or will be carried out.</p> <p>Regulations s 27 To register an initiative, the proponent must provide (p) identification and description of the cumulative Environmental Effects of the initiative.</p>
Management Framework	-
Monitoring	Schedule to the Act – Matters to be Included in an Environmental Review. As part of the environmental review of an initiative, due consideration shall be given but not be limited to...(12) the need for a requirements of a Follow-up Program in respect of the initiative.
Mitigation	Schedule to the Act – Matters to be Included in an Environmental Review. As part of the environmental review of an initiative due consideration shall be given but not be limited to...(10) measures that are technically and economically feasible and that would Mitigate any significant adverse environmental effects of the initiative.
Indigenous Engagement	Act s 4.8.4 The Minister of Lands and Natural Resources of the Nunatsiavut Government must elicit Inuit knowledge from the Inuit for purposes of integrating Inuit knowledge, culture and

³⁴ <https://www.nunatsiavut.com/government/government-legislation/>

³⁵ <https://www.nunatsiavut.com/government/government-legislation/>

Nunatsiavut EPA and ERR	Description of Requirements
	<p>values into decisions to be made by the Nunatsiavut Government with respect to initiatives and the significance of their environmental effects.</p> <p>Act s 4.12.6 a Committee established by the Nunatsiavut Assembly to conduct a detailed review must consult the Inuit, and collect Inuit knowledge before providing views and recommendations to the Nunatsiavut Assembly.</p>

Resources

- [Nunatsiavut Government](#)³⁶
- [Nunatsiavut Government Environmental Reviews Page](#)³⁷

Linked Processes

- [Government of Newfoundland and Labrador Environmental Assessment Division](#)³⁸
- [Impact Assessment Agency of Canada](#)³⁹ (see pg. 13 of this Guide)

³⁶ <https://www.nunatsiavut.com>

³⁷ <https://nunatsiavut.files.com/f/8bfa459114805a94/Environmental%20Reviews>

³⁸ <https://www.gov.nl.ca/ecc/env-assessment/>

³⁹ <https://www.canada.ca/en/impact-assessment-agency.html>

Labrador Innu Land Claims Agreement-in-Principle

Context

The 2011 [Labrador Innu Land Claims Agreement-in-Principle](#)⁴⁰ (LILCAP) outlines the preliminary provisions of what will become a final land claims agreement between the Innu Nation and the Crown. Chapter 14 of the Agreement-in-Principle defines how the Innu Nation will participate in federal (see pg. 13 of this Guide) and provincial (Newfoundland and Labrador; see pg. 84 of this Guide) environmental assessment processes. It also sets up the authority for the Innu Nation to develop their own environmental assessment process on their lands. Chapter 15 outlines a process for land use planning. The Crown will be required to consider any future land use plan when carrying out any responsibilities within the Labrador Innu Settlement Area.

While the Government of Newfoundland and Labrador *Environmental Protection Act* (see pg. 84 of this Guide) does not require cumulative effects to be considered in assessment, mitigation, or monitoring activities, the Labrador Innu Land Claims Agreement-in-Principle does. The Agreement-in-Principle states that matters considered in an environmental assessment within the Labrador Innu Settlement Area must include cumulative effects.

As this instrument is an agreement-in-principle and not a full land claims agreement, the requirements listed below are not yet binding. However, they do outline anticipated Crown and Innu Nation Responsibilities once negotiations are complete.

Instrument Type

Agreement-in-Principle

Cumulative Effects Requirements

LILCAP	Description of Requirements
Assessment	14.3.1(e) Matters to be considered in an Environmental Assessment include any Environmental Effects of the Project... including any cumulative Environmental Effects that are likely to occur in combination with other undertakings, projects, works, structures, or activities that have been or will be carried out.
Management Framework	-
Monitoring	14.3.1(l) an Environmental Assessment of a Project shall consider and where appropriate take account of... the need for and requirements of a Follow-up Program in respect of the Project. Part 14.8 A project that is allowed to proceed subject to Mitigation measures, the Innu Government can create Follow-Up Programs and ensure that Mitigations are implemented, subject to the extent of their powers.
Mitigation	14.3.1(j) Matters to be considered in an Environmental Assessment include measures that are technically and economically feasible and that would Mitigate adverse Environmental Effects of the Project.
Indigenous Engagement	14.3.1(n) Matters to be considered in an Environmental Assessment include Innu environmental knowledge collected by or at the behest of the Innu Government where provided to the Proponent by the Innu Government.

⁴⁰ <https://www.rcaanc-cirnac.gc.ca/eng/1331835963520/1529421504762>

LILCAP	Description of Requirements
	14.5.5 – 14.5.6, 14.6.3 Innu Government will have opportunity to nominate members to a board, tribunal or public review panel that is tasked with carrying out an assessment within the Labrador Innu Settlement Area.

Resources

- [Innu Nation](https://www.innu.ca)⁴¹

Linked Processes

- [Government of Newfoundland and Labrador Environmental Assessment Division](https://www.gov.nl.ca/ecc/env-assessment/)⁴²
- [Impact Assessment Agency of Canada](https://www.canada.ca/en/impact-assessment-agency.html)⁴³ (see pg. 13 of this Guide)

⁴¹ <https://www.innu.ca>

⁴² <https://www.gov.nl.ca/ecc/env-assessment/>

⁴³ <https://www.canada.ca/en/impact-assessment-agency.html>

Eeyou Marine Region Agreement

Context

The 2010 [Eeyou Marine Region Agreement](#)⁴⁴ (EMRA) is a Treaty between the Crees of Eeyou Istchee and the Crown. Chapter 8 of the Agreement establishes the Eeyou Marine Region Planning Commission (EMRPC), which is responsible for developing a land use plan for the Eeyou Marine Region, to direct short-term and long-term development in the region. All projects must conform to the approved land use plan. If a project does not conform, the proponent must apply to the appropriate Minister for exemption. To date, there have not been any land use plans developed.

Chapter 18 of the Agreement establishes the Eeyou Marine Region Impact Review Board (EMRIRB), which is responsible for carrying out the development impact assessment process in the region. The EMRIRB screens project proposals to determine whether a review is required; defines the extent of the impacts; reviews ecosystem and socio-economic impacts of project proposals; advises the federal Minister or Nunavut Minister on whether projects should proceed and under what conditions; and monitors projects (s 18.2.2). The EMRIRB is composed of five members, two of which are nominated by the Grand Council of the Crees Designated Organization, one nominated by Canada, and one nominated by the government of Nunavut

The Agreement does not specify that cumulative effects of proposed projects must be assessed or mitigated, but there is a provision that monitoring programs be developed with consideration related to cumulative impacts. Additionally, the EMRPC has the authority to refer a project to the EMRIRB for screening if there are concerns regarding cumulative effects of that project.

Instrument Type

Treaty

Cumulative Effects Requirements

EMRA	Description of Requirements
Assessment	s 18.3.3 The EMRPC can refer a project that is otherwise exempt from screening to the EMRIRB if there is concern respecting the cumulative impact of the Project Proposal in relation to other development activities in a planning region.
Management Framework	-
Monitoring	s 18.7.1- s 18.7.3 Monitoring programs established in relation to project conditions may specify responsibilities for the Proponent, the EMRIRB or Government. The monitoring programs may include considerations related to cumulative impacts.
Mitigation	s 18.5.2 where appropriate, an impact statement shall contain the following... steps which the Proponent proposes to take including any contingency plans, to avoid and mitigate adverse impacts.
Indigenous Engagement	8.4.5 half of the EMRPC shall be members nominated by the Grand Councils of the Crees Designated Organization. 8.4.4 the EMRPC shall solicit opinions from Cree Bands, Cree community residents, and others about planning objectives, goals and options for the region.

⁴⁴ https://www.eeyoumarineregion.ca/wp-content/uploads/2016/03/eeyou_marine_region_agreement.pdf

EMRA	Description of Requirements
	<p>18.2.6 The EMRIRB shall have five members, two of which are nominated by the Grand Councils of the Crees Designated Organization.</p> <p>18.6.2 when a project is reviewed by a federal assessment panel, twenty-five percent of the panel should be members nominated by the Grand Councils of the Crees Designated Organization.</p>

Resources

- [Eeyou Marine Planning Commission](#)⁴⁵
- [Eeyou Marine Region Impact Review Board](#)⁴⁶

Linked Processes

- In the Eeyou Marine Region, the Crees of Eeyou Istchee have areas of equal use and occupancy with the Inuit of Nunavut. In the Eeyou Marine Region, the Crees of Eeyou Istchee also have jointly owned areas with the Inuit of Nunavik, in these transboundary areas, other institutions such as the [Nunavut Impact Review Board](#) (see pg. 76 of this Guide) and the [Nunavik Marine Region Impact Review Board](#) (see pg. 31 of this Guide) also have mandates/responsibilities.
- [Impact Assessment Agency of Canada](#)⁴⁷ (see pg. 13 of this Guide)

⁴⁵ <https://www.eeyoumarineregion.ca/planning-commission/>

⁴⁶ <https://www.eeyoumarineregion.ca/impact-review-board/>

⁴⁷ <https://www.canada.ca/en/impact-assessment-agency.html>

Nunavik Inuit Land Claims Agreement and Guidance

Context

The 2007 [Nunavik Inuit Land Claims Agreement](#)⁴⁸ (NILCA) is a Treaty between the Nunavik Inuit and the Crown. Article 6 of the Agreement establishes the Nunavik Marine Region Planning Commission (NMRPC), which is responsible for developing a land use plan for the Nunavik Marine Region to direct short-term and long-term development in the region. All projects must conform to the approved land use plan. If a project does not conform, the proponent must apply to the appropriate Minister for exemption. To date, there have not been any land use plans developed.

Article 7 of the Agreement establishes the Nunavik Marine Region Impact Review Board (NMRIRB), which is responsible for carrying out the “development impact assessment process” in the region. The NMRIRB screens project proposals to determine whether a review is required; defines the extent of the impacts; reviews ecosystem and socio-economic impacts of project proposals; advises the federal Minister or Nunavut Minister on whether projects should proceed and under what conditions; and monitors projects. The NMRIRB is composed of five members, two of which are nominated by the Makivik Designated Organization, one nominated by Canada, and one nominated by the government of Nunavut.

The Agreement does not specify that cumulative effects of proposed projects must be assessed or mitigated. However, the NMRIRB has published a document outlining Project Specific Information Requirements ([Part B Form](#))⁴⁹ that includes a requirement for a Proponent to discuss cumulative impacts the project may interact with. Additionally, the NMRPC has the authority to refer a project to the NMRIRB for screening if there are concerns regarding cumulative effects of that project.

Type of Instrument

Treaty and Guidance

Cumulative Effects Requirements

NILCA and Guidance (Form B)	Description of Requirements
Assessment	<p>NILCA s 7.3.3 The NMRPC can refer a project that is otherwise exempt from screening to the NMRIRB if there is concern respecting the cumulative impact of the project proposal in relation to other development activities in a planning region.</p> <p>Guidance Form B, Part 6 – Discuss how the effects of this project interact with the effects of relevant past, present and reasonably foreseeable projects in a regional context.</p>
Management Framework	-
Monitoring	<p>NILCA s 7.5.2 (g) an impact statement prepared by the proponent shall contain information on the monitoring program the proponent proposes to establish with respect to ecosystem and socio-economic impacts.</p>

⁴⁸ <https://www.rcaanc-cirnac.gc.ca/eng/1320425236476/1551119558759>

⁴⁹ <https://www.nmrirb.ca/wp-content/uploads/2021/07/FormB.pdf>

NILCA and Guidance (Form B)	Description of Requirements
Mitigation	<p>NILCA s 7.5.2(d) where appropriate, an impact statement shall contain information on steps which the proponent proposes to take including any contingency plans, to avoid and mitigate adverse impacts.</p>
Indigenous Engagement	<p>NILCA s 6.4.5 half of the NMRPC shall be members nominated by the Makivik Designated Organization.</p> <p>NILCA s 6.4.4 the NMRPC shall solicit opinions from municipalities, residents and others about planning objectives, goals, and options for the region.</p> <p>NILCA s 7.2.6 the NMRIRB shall have five members, two of which are nominated by the Makivik Designated Organization.</p> <p>NILCA s 7.6.2 when a project is reviewed by a federal assessment panel, 25% of the panel should be members nominated by the Makivik Designated Organization.</p>

Resources

- [Nunavik Marine Region Planning Commission](http://www.nmrpc.ca)⁵⁰
- [Nunavik Marine Region Impact Review Board](https://www.nmrirb.ca)⁵¹
- [Kativik Environmental Advisory Committee: Impact Assessment in Nunavik](https://keac-ccek.org/en/impact-assessment-in-nunavik/)⁵²

Linked Processes

- In the Nunavik Marine Region, the Inuit of Nunavik have areas of equal use and occupancy with the Inuit of Nunavut. In the Nunavik Marine Region, the Inuit of Nunavik also have jointly owned areas with the Crees of Eeyou Itschee, in these transboundary areas, other institutions such as the [Nunavut Impact Review Board](#) (see pg. 76 of this Guide) and the [Eeyou Marine Region Impact Review Board](#) (see pg. 29 of this Guide) also have mandates/responsibilities.
- [Impact Assessment Agency of Canada](https://www.canada.ca/en/impact-assessment-agency.html)⁵³ (see pg. 13 of this Guide)

⁵⁰ <http://www.nmrpc.ca>

⁵¹ <https://www.nmrirb.ca>

⁵² <https://keac-ccek.org/en/impact-assessment-in-nunavik/>

⁵³ <https://www.canada.ca/en/impact-assessment-agency.html>

Miawpukek First Nation Self-Government Agreement-in-Principle

Context

The 2013 [Miawpukek First Nation Self-Government Agreement-in-Principle](#)⁵⁴ (MFNSAP) outlines the preliminary provisions of what will become a final land claims agreement between the Miawpukek First Nation and the Crown. Chapter 16 of the Agreement-in-Principle defines how the Innu Nation will participate in federal (see pg. 13 of this Guide) and provincial (Newfoundland and Labrador; see pg. 83 of this Guide) environmental assessment processes. It also sets up the authority for the Innu Nation to develop their own environmental assessment process on their lands.

The Government of Newfoundland and Labrador *Environmental Protection Act* (2002; see pg. 83 of this Guide) does not require cumulative effects to be considered in assessment, mitigation, or monitoring activities. The Agreement-in-Principle states that the Miawpukek Government can make laws that require consideration of cumulative Environmental Effects in any Environmental Assessment process taking place on Miawpukek Lands.

As this instrument is an agreement-in-principle and not a full land claims agreement, the requirements listed below are subject to completion of a Final Land Claims Agreement as well as the creation of Miawpukek Law.

Instrument Type

Agreement-in-Principle

Cumulative Effects Requirements

MFNSAP	Description of Requirements
Assessment	s 16.12 b) Miawpukek Law regarding Environmental Assessment will provide at a minimum that the following factors are taken into consideration in the Environmental Assessment: i) Any 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.
Management Framework	-
Monitoring	s 16.12 c) where a project is [likely to have] significant adverse Environmental Effects, Miawpukek Law will provide for the consideration of the following additional factors... iii) the need for, and the requirements of, any follow-up program in respect of the Project.
Mitigation	s 16.12 b) Miawpukek Law made pursuant to 16.8 will provide at a minimum that the following factors are taken into consideration in the Environmental Assessment: iv) measures that are technically and economically feasible and that would mitigate any significant adverse Environmental Effects of the Project.
Indigenous Engagement	s 16.19 and 16.21 includes provisions requiring a federal authority to consult Miawpukek First Nation if a project is expected to have a significant impact on Miawpukek First Nation Lands or rights. s 16.22 -16.23 Miawpukek First Nation has ability to participate in federal panel reviews

⁵⁴ https://publications.gc.ca/collections/collection_2016/aanc-inac/R32-283-2013-eng.pdf

Resources

- [Miawpukek First Nation](#)⁵⁵

Linked Processes

- [Government of Newfoundland and Labrador Environmental Assessment Division](#)⁵⁶
- [Impact Assessment Agency of Canada](#)⁵⁷ (see pg. 13 of this Guide)

⁵⁵ <https://www.mfngov.ca>

⁵⁶ <https://www.gov.nl.ca/ecc/env-assessment/>

⁵⁷ <https://www.canada.ca/en/impact-assessment-agency.html>

Sioux Valley Dakota Nation Tripartite Agreement

Context

The 2013 [Sioux Valley Dakota Nation Tripartite Agreement](#)⁵⁸ is between the Sioux Valley Dakota Nation, Manitoba, and Canada. The Agreement outlines Sioux Valley Dakota Nation authority for making laws on their land, including laws regarding the environmental assessment of undertakings, works or physical activities on Sioux Valley Dakota Nation Lands.

Schedule B of the Agreement outlines the matters that will be provided for in a Sioux Valley Dakota Nation Law dealing with the environmental assessment of Projects on Sioux Valley Dakota Nation Lands. Section 3.01 of Schedule B states that cumulative Environmental Effects of the project will be considered as well as mitigations and follow-up actions. Schedule B also outlines the process for environmental assessment that will be enacted through a Sioux Valley Dakota Nation Law.

In 2014 the *Sioux Valley Governance Act* was passed, which allows the Nation to pass its own laws. No Sioux Valley Dakota Nation Laws regarding environmental assessment were found on either through the [First Nations Gazette](#)⁵⁹ or the [Sioux Valley Dakota Nation](#)⁶⁰ website.

Type of Instrument

Agreement

Cumulative Effects Requirements

Sioux Valley Dakota Nation Tripartite Agreement	Description of Requirements
Assessment	Schedule B section 3.01 where an environmental assessment of a Project is required, the following factors will be considered: (a) the Environmental Effects of the Project, including the cumulative effect of all Environmental Effects that are likely to result from the Project and other existing, or expected new, Projects.
Management Framework	-
Monitoring	Schedule B section 3.01 where an environmental assessment of a Project is required, the following factors will be considered (e) if the Project is likely to have significant harmful Environmental Effects: (iii) the need for, and the requirements of, any follow-up actions regarding the Project.
Mitigation	Schedule B section 3.01 where an environmental assessment of a Project is required, the following factors will be considered (d) any change or work that is technically and economically possible to reduce, or avoid, any significant harmful Environmental Effects of the Project.

⁵⁸

<https://www.gov.mb.ca/inr/resources/pubs/sioux%20valley%20dakota%20nation%20tripartite%20agreement%20%28a%202013%29.pdf>

⁵⁹ <https://fng.ca/>

⁶⁰ <https://svdngovernance.com>

Sioux Valley Dakota Nation Tripartite Agreement	Description of Requirements
Indigenous Engagement	As this agreement results in laws made and carried out by the Sioux Valley Dakota Nation, it is assumed that the laws will inherently reflect the interests of the Nation.

Opaskwayak Cree Nation Land Law for Land Use and Community Plan including Natural Resources

Context

The 2009 [Opaskwayak Cree Nation Land Law for Land Use and Community Plan Including Natural Resources](#) (OCN Land Law) was made under the authority of the Framework Agreement on First Nation Land Management. The Law provides the community with a set of planning policies, procedures, and regulations that must be followed during any development within Opaskwayak Creek Lands.

Section 5.3 of the Law states that cumulative effects of developments within flood hazard areas must remain within limits specified in regulations or policies. While the First Nations Gazette has no record of such regulations, this provision in the Law identifies that a cumulative effects management framework for development in flood hazard areas may be created in the future.

Cumulative Effects Requirements

OCN Land Law	Description of Requirements
Assessment	-
Management Framework	section 5.3 B.(2) a) Any development in flood hazard areas should only be allowed if the cumulative effects of all foreseeable development in the flood prone area is within limits specified in the regulations or policies.
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Linked Processes

- [Framework Agreement on First Nation Land Management](#) (see pg. 39 of this Guide)

Comprehensive Agreement-in-Principle between The Meadow Lake First Nations and Her Majesty the Queen in Right of Canada

Context

The 2001 [Comprehensive Agreement-in-Principle between the Meadow Lake First Nations](#)⁶¹ (CAPMLFN) and the Crown outlines Meadow Lake First Nations authority for making laws on Meadow Lake First Nations Lands. Section 22.03 includes laws regarding the environmental assessment of projects on Meadow Lake First Nations Lands. The section states that an MLFN law regarding environmental assessment will include several requirements, including the consideration of any cumulative Environmental Effects likely to result from a Project in combination with other Projects that have been or will be carried out.

The Agreement also outlines requirements for Meadow Lake First Nations and Saskatchewan to consult one another when Projects assessed under their respective legislation are likely to affect the other party. The same is true for Meadow Lake First Nations and Canada.

This Agreement is an Agreement-in-Principle, which is written before a Final Self-Government Agreement. The Final Self-Government Agreement has not been signed and Meadow Lakes First Nations Laws have not been enacted.

Type of Instrument

Agreement-in-Principle

Cumulative Effects Requirements

CAPMLFN	Description of Requirements
Assessment	s 22.03(5)(i) A MLFN Law enacted in accordance with subsection (1) will provide at minimum (a) that the following factors are taken into consideration in the environmental assessment of a Project: Environmental Effects, including any cumulative Environmental Effects.
Management Framework	-
Monitoring	s 22.03(5)(i) A MLFN Law enacted in accordance with subsection (1) will provide at minimum (b) that the following factors are taken into account where a Project is likely to have significant adverse Environmental Effects (iii) the need for, and the requirement of, any follow-up program in respect of the project.
Mitigation	s 22.03(5)(i) A MLFN Law enacted in accordance with subsection (1) will provide at minimum (a) that the following factors are taken into consideration in the environmental assessment of a Project: (iv) measures to mitigate any significant adverse Environmental Effects.
Indigenous Engagement	s 22.03(9) where a Project is subject to <i>CEAA</i> but will have significant Environmental Effects on MLFN lands, Canada will consult with MLFN and provide MLFN an opportunity to participate in the process. (10) where Canada establishes a review body, MLFN can nominate a member of the body unless it is a decision-making body. s 22.03(11) where a Project is subject to the <i>Environmental Assessment Act</i> and is expected to have a significant impact on MLFN lands, MLFN will receive notice an environmental impact

⁶¹ <https://www.rcaanc-cirnac.gc.ca/eng/1100100031905/1529430078346>

CAPMLFN	Description of Requirements
	assessment is being conducted, will receive the Review and Statement, will receive notice of meetings and the Minister will accept and consider any MLFN submissions.

Linked Processes

- [Saskatchewan Environmental Assessment Act](#)⁶² (see pg. 128 of this Guide)
- [Impact Assessment Agency of Canada](#)⁶³ (see pg. 13 of this Guide)

⁶² <https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment/environmental-assessment-process>

⁶³ <https://www.canada.ca/en/impact-assessment-agency.html>

Framework Agreement on First Nation Land Management

Context

The 1996 [Framework Agreement on First Nation Land Management](#)⁶⁴ gives signatory-First-Nations full law-making authority on their reserve lands, environment, and natural resources through the ratification of a Land Code. The First Nations who sign the Agreement opt out of the 44 land-related sections of the *Indian Act*.

The Framework Agreement does not include requirements for the assessment, management, monitoring, or mitigation of cumulative effects on First-Nation lands. However, it does set up the tools that can lead to these requirements on First-Nations lands in the future.

Section 25 of the Agreement is in respect of environmental assessment process on First-Nation lands. It states that a First Nation will develop an environmental assessment process consistent with requirements of the *Canadian Environmental Assessment Act (2012)*. Because the *Impact Assessment Act* replaced CEAA (see pg. 13 of this Guide), the requirements of IAA 2019 would likely apply here. The requirements of IAA include the consideration of cumulative effects in any assessment.

A search on The First Nations Gazette, which publishes First-Nation laws yielded no laws regarding environmental assessment on First-Nation lands.

As of March 4, 2022, 194 First Nations have signed the Framework Agreement on First Nation Land Management.

Resources

- [First Nations Land Management Resource Centre](#)⁶⁵

⁶⁴ <https://labrc.com/framework-agreement/>

⁶⁵ <https://labrc.com>

First Nations Final Agreements in British Columbia

Context

Treaties between First Nations, British Columbia, and Canada result in First Nation self-government and the ability to manage lands and resources. Environmental Assessment and protection are common topics discussed during Treaty negotiations. Seven First Nations have signed a Final Agreement within the British Columbia Treaty Commission process. One Treaty was negotiated outside of this process.

The Final Agreements do not include requirements for the assessment, management, monitoring, or mitigation of cumulative effects. However, they do set up the tools that can lead to these requirements on First Nations lands in the future. All these Treaties include statements that the signatory Nation can make laws on their lands. The [Maa-nulth First Nations Final Agreement](#)⁶⁶ (2009) states that each Maa-nulth First Nation Government may make laws to protect, preserve, and conserve the Environment. [The Nisga'a Final Agreement](#)⁶⁷ (1999) and the [Tla'amin Final Agreement](#)⁶⁸ (2014) specify that their respective governments may make laws respecting environmental assessment. These First Nations have not yet enacted laws respecting environmental assessment for projects on their lands. Forthcoming laws may include cumulative effects requirements.

Nations with Final Agreements in B.C. also have land use plans. Only the [Nisga'a Land Use Plan](#)⁶⁹ (2002) includes a requirement that land use decisions take into account cumulative effects of that use.

Resources

- [BC Treaty Commission](#)⁷⁰
- [BC Treaty Commission Negotiation Update webpage](#)⁷¹
- [B.C. government First Nations in Treaty Process webpage](#)⁷²

Linked Processes

- [British Columbia Environmental Assessment Act](#)⁷³ (2018; see pg. 143 of this Guide)
- [Impact Assessment Agency of Canada](#)⁷⁴ (see pg. 13 of this Guide)

⁶⁶ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/first-nations-a-z-listing/maa-nulth-first-nations>

⁶⁷ <https://www.rcaanc-cirnac.gc.ca/eng/1100100031292/1542998607479>

⁶⁸ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/first-nations-a-z-listing/tla-amin-nation-sliammon-first-nation>

⁶⁹ <https://www.nisgaanation.ca/land-use-plan>

⁷⁰ <https://www.bctreaty.ca>

⁷¹ <https://www.bctreaty.ca/negotiation-update>

⁷² <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/first-nations-in-treaty-process>

⁷³ <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18051>

⁷⁴ <https://www.canada.ca/en/impact-assessment-agency.html>

Metlakatla Cumulative Effects Monitoring Program

Context

The [Metlakatla Cumulative Effects Monitoring Program](#)⁷⁵ (Metlakatla CEM Program) is a system developed to monitor the status of priority Metlakatla values and respond to cumulative change occurring in Metlakatla Traditional Territory over time.

Through community engagement, Metlakatla selected 10 priority values in the areas of cultural identity, social/health, environment, economic prosperity, and governance. Four of these values became the focus of a pilot project: food, social, and ceremonial activity; housing; butter clam; and employment.

A management framework for each priority value was developed, including a broad desired goal, and a set of tiered management zones and triggers. Management triggers and actions provide decision-makers with clear information about when and what kind of action should be taken to manage the condition of priority values.

Cumulative Effects Requirements

Metlakatla CEM Program	Description of Requirements
Assessment	-
Management Framework	A broad desired goal for each priority value was developed, as well as a set of tiered management zones, triggers, and actions to manage the condition of priority values.
Monitoring	-
Mitigation	-
Indigenous Engagement	Priority values were identified through extensive community engagement. The CEM provides information to Metlakatla leadership and managers for decision-making.

Resources

- The Metlakatla CEM Program consulted Antoniuk, Kennett, Aumann, Weber, Schuetz, McMnus, McKinnon and Manuel's (2009) [Valued Component Thresholds \(Management Objectives\) Project](#)⁷⁶ when developing management zones, triggers, and actions.

⁷⁵ <http://metlakatlacem.ca>

⁷⁶ <https://www.esrfunds.org/sites/www.esrfunds.org/files/publications/ESRF172-Antoniuk-et-al.pdf>

4.3 Yukon

Yukon Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
Yukon First Nations Umbrella Final Agreement (1990)	x		x	x	x	43
<i>Yukon Environmental and Socio-economic Assessment Act (2003)</i>	x		x	x	x	45
Yukon Regional Land Use Plans		x	x	x	x	47
<i>Yukon Environment Act (2002)</i>		x			x	49
Yukon Water Strategy and Action Plan (2018)		x		x	x	50

Yukon First Nations Umbrella Final Agreement

Context

The 1990 [Umbrella Final Agreement](#)⁷⁷ (UFA) provides the framework for all First Nation land claims agreements in the Yukon Territory. Chapter 12 of the UFA outlines the “development assessment process” for all lands within Yukon, to be conducted by a Yukon Development Assessment Board (YDAB). This means that Chapter 12 requires the formation of a board that will conduct impact assessments on proposed developments. Within Chapter 12 is the statement that studies of environmental or socio-economic effects that are cumulative regionally or over time are to be part of the development assessment process. Chapter 12 also identifies that YDAB will have the ability to recommend effects monitoring and to consider effects mitigations. The implementation of Chapter 12 of the UFA resulted in the creation of the Yukon Environmental and Socio-economic Assessment Board (YESAB).

Chapter 11 of the UFA outlines a regional land use planning process. While the UFA does not identify that cumulative effects are to be considered in land use planning, the land use plans that are developed with respect to Chapter 11 of the UFA create a cumulative effects management framework (see pg. 47 of this Guide).

[To date, 11 of the 14 Yukon First Nations have signed Final Agreements.](#)⁷⁸

Type of Instrument

Treaty Framework

Cumulative Effects Requirements

UFA	Description of Requirements
Assessment	s 12.4.2 (f) studies of environmental or socio-economic effects that are cumulative regionally or over time are matters subject to the development assessment process.
Management Frameworks	-
Monitoring	s 12.8.1.3 YDAB may recommend to a Decision Body that effects monitoring be undertaken. s 12.11.1.3 A panel established by YDAB may recommend to a Decision Body that effects monitoring be undertaken.
Mitigation	s 12.4.2.6 YDAB shall consider measures for mitigation of and compensation for significant adverse environmental or socio-economic effects.
Indigenous Engagement	s 12.4.2.1 -12.4.2.3 YDAB shall consider the need to protect the special relationship between First Nations and the Yukon wilderness environment; the need to protect the cultures, traditions, health and lifestyles of the First Nations; and the need to protect the rights of First Nations people pursuant to the settlement agreements. s 12.13.3 Government and the Yukon First Nation shall consult with each other before issuing a Decision Document for a project where both are Decision Bodies.

⁷⁷ <https://cyfn.ca/agreements/umbrella-final-agreement/>

⁷⁸ <https://yukon.ca/en/your-government/about-yukon/find-out-about-yukon-first-nations>

Linked Processes

- Chapter 11 of the [UFA](#)⁷⁹ is carried out by Regional Planning Commissions supported by the [Yukon Land Use Planning Council](#)⁸⁰ (see pg. 47 of this Guide).
- Chapter 12 of the UFA is carried out by the [Yukon Environmental and Socio-economic Assessment Board](#)⁸¹ (see pg. 45 of this Guide).

⁷⁹ <https://cyfn.ca/agreements/umbrella-final-agreement/>

⁸⁰ <https://planyukon.ca>

⁸¹ <https://www.yesab.ca>

Yukon Environmental and Socio-economic Assessment Act

Context

The 2003 [Yukon Environmental and Socio-economic Assessment Act](#)⁸² (YESAA) outlines the environmental and socio-economic assessment process that applies to all federal, territorial, First Nation, and private lands in the Yukon and is carried out by the Yukon Environmental and Socio-economic Assessment Board (YESAB). YESAB membership is, in part, determined by the Council of Yukon First Nations. YESAB recommends to the regulator (Decision Body) whether to allow a project to proceed and under what conditions. Depending on what land the project is on, the Decision Body is the federal, territorial, or First Nation government. Assessments are carried out under one of three levels of detail: Designated Office Assessment, Executive Committee Screening, Panel Review.

The origins of YESAA (2013) are in Chapter 12 of the Yukon First Nations Umbrella Final Agreement (1990; see pg. 43 of this Guide).

Type of Instrument

Legislation

Cumulative Effects Requirements

YESAA	Description of Requirements
Assessment	s 42(1)(d) YESAB must consider the significance of any adverse cumulative environmental or socio-economic effects that have occurred or may occur in connection with the project.
Management Framework	-
Monitoring	s 42 (1) (d.2) YESAB must consider the need for effects monitoring. s 110 (1) YESAB can recommend effects monitoring be conducted in respect of the project.
Mitigation	s 42 (1) (f) YESAB must consider any mitigations to reduce significant adverse environmental or socio-economic effects. s 50(2) Proponent is required to include mitigations in a proposal.
Indigenous Engagement	s 42(1) YESAB must consider the rights of Yukon First Nations under Final Agreements and the special relationship between First Nations and the wilderness as well as culture, traditions, health, and lifestyles of Yukon First Nations people. s 50(3) before submitting a proposal to the Executive Committee, the proponent must consult any First Nation in whose territory the project is located. s 57(4) Executive Committee must seek views and information from affected First Nations. s 74(2) Decision Body must consult affected First Nations without a Final Agreement in place before issuing a Decision Document.

⁸² <https://www.yesab.ca/the-assessment-process/act-regs-rules-flow-charts>

Resources

- [YESAB's Environmental and Socio-economic Assessment Methodology Information Bulletin \(2021\)](#)⁸³
- [Consideration of Cumulative Effects in YESAB Assessments Information Bulletin \(2020\)](#)⁸⁴
- [Consideration of Aboriginal and Final Agreement Rights in YESAB Assessments Information Bulletin \(2018\)](#)⁸⁵
- [Assessable Activities, Exceptions and Executive Committee Projects Regulations \(2005\)](#)⁸⁶
- [Council of Yukon First Nations](#)⁸⁷

Linked Processes

- Projects on the Yukon North Slope are also subject to the assessment process outlined by the [Inuvialuit Settlement Agreement](#)⁸⁸ (1984, pg. 67 of this Guide), managed by the [Environmental Impact Review Board](#).⁸⁹
- Projects submitted to YESAB must conform to approved Regional Land Use Plans (pg. 47 of this Guide).

⁸³ <https://www.yesab.ca/the-assessment-process/act-regs-rules-flow-charts>

⁸⁴ <https://www.yesab.ca/the-assessment-process/act-regs-rules-flow-charts>

⁸⁵ <https://www.yesab.ca/the-assessment-process/act-regs-rules-flow-charts>

⁸⁶ <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-379/index.html>

⁸⁷ <https://cyfn.ca>

⁸⁸ <https://irc.inuvialuit.com/about-irc/inuvialuit-final-agreement>

⁸⁹ <https://eirb.ca>

Yukon Regional Land Use Plans

Context

Yukon Regional Land Use Plans are tied to Chapter 11 of the Yukon First Nations Umbrella Final Agreement (see pg. 43 of this Guide) and are written into each [First Nation's Final Agreement](#).⁹⁰ While Chapter 11 of the UFA does not specifically state that cumulative effects must be considered in the development of the plan, the two plans that are now being implemented and the one plan in draft form all include cumulative effects indicators for monitoring cumulative effects of land use. The land use plans identify cumulative effects thresholds for zones within the region. Thresholds are set to protect valued components. Projects submitted to YESAB must conform to approved land use plans. The Regional Planning Commission conducts the conformity checks.

Each plan is developed by a Regional Planning Commission nominated by the Government of Yukon and the First Nations in the region. Plans implemented or in draft form include:

- [North Yukon Land Use Plan: Nichih Gwanal'in – Looking Forward \(2009\)](#)⁹¹
Vuntut Gwitchin and Yukon governments
- [Peel Watershed Regional Land Use Plan \(2019\)](#)⁹²
Na-Cho Nyäk Dun, Gwich'in Tribal Council, Vuntut Gwitchin, Tr'ondëk Hwëch'in and Yukon governments
- [Draft Dawson Regional Plan \(2021\)](#)⁹³
Tr'ondëk Hwëch'in and Yukon governments

Type of Instrument

Land Use Plan

Cumulative Effects Requirements

Yukon Regional LUPs	Description of Requirement
Assessment	-
Management Framework	Each plan utilizes cumulative effects indicators and thresholds for landscape zones based on regional valued components. When a proposal is submitted to YESAB to undergo assessment (see pg. 47 of this Guide), the Regional Planning Commission checks to make sure the project conforms with the approved land use plan and the cumulative effects thresholds.
Monitoring	Each plan includes provisions for monitoring disturbance and recovery of the land within land management units.
Mitigation	Each land use plan outlines management strategies that include appropriate mitigations for disturbances.
Indigenous Engagement	Each Regional Planning Commission is comprised of members nominated by First Nations governments within the planning region as well as the Government of Yukon.

⁹⁰ <https://cyfn.ca/nations/>

⁹¹ <https://nypc.planyukon.ca>

⁹² <https://peel.planyukon.ca>

⁹³ <https://dawson.planyukon.ca>

Resources

- [Yukon Land Use Planning Council](#)⁹⁴

Linked Processes

- Projects submitted to the [Yukon Environmental and Socio-economic Assessment Board](#)⁹⁵ (see pg. 45 of this Guide) must conform to approved Regional Land Use Plans.

⁹⁴ <https://planyukon.ca>

⁹⁵ <https://www.yesab.ca/>

Yukon Environment Act

Context

The 2002 [Yukon Environment Act](#)⁹⁶ outlines Yukon’s regulatory scheme regarding activities and substances that negatively affect the environment. It also describes administrative responsibilities and powers held by the Government of Yukon Minister of Environment. The Act states the Minister must prepare and submit a State of the Environment Report every three years. This report must identify any emerging issues related to cumulative effects.

Type of Instrument

Legislation

Cumulative Effects Requirements

Yukon Environment Act	Description of Requirements
Assessment	-
Management Framework	s 48 Minister to prepare and submit to the Legislative Assembly a Yukon State of the Environment Report every three years. It shall contain present baseline information, incorporate traditional knowledge of Yukon First Nation members, establish indicators of impairment, identify emerging problems, especially those involving long-term and cumulative effects.
Monitoring	-
Mitigation	-
Indigenous Engagement	s 48(2)(b) the State of the Environment Report must incorporate traditional knowledge of Yukon First Nation members as it relates to the environment.

Resources

- [Yukon State of the Environment Reports](#)⁹⁷

⁹⁶ <https://laws.yukon.ca/cms/>

⁹⁷ <https://yukon.ca/en/state-environment>

Yukon Water Strategy and Action Plan

Context

The 2018 [Yukon Water Strategy and Action Plan](#)⁹⁸ describes the Yukon Government’s (YG) approach to water management decisions. The Yukon Water Strategy and Action Plan was written to help the YG make informed water management decisions to maintain the quality, quantity, and health of water while allowing for sustainable use. The Action Plan includes several commitments made by YG to manage, monitor, and work towards mitigating cumulative effects.

Type of Instrument

Policy

Cumulative Effects Requirements

Yukon Water Strategy and Action Plan	Description of Requirements
Assessment	-
Management Framework	YG will anticipate future changes in water quality, quantity, and needs due to development, cumulative effects, climate change, and population growth. (pg. 12)
Monitoring	YG committed to monitoring cumulative impacts on water quality, quantity, and rate of flow at the watershed scale. (pg. 25)
Mitigation	YG committed to providing adequate climate change and cumulative effects information to YESAB (see pg. 45 of this Guide) and the Yukon Water Board to inform their recommendations about water use mitigations and decisions. (pg. 25)
Indigenous Engagement	YG committed to communicating more with First Nation governments regarding water issues in their traditional territories.

Resources

- [Yukon Water](#)⁹⁹ – website that provides information about Yukon’s water resources and how water is used, managed, and monitored.

⁹⁸ <https://yukon.ca/en/water-nature-water-people-yukon-water-strategy-and-action-plan>

⁹⁹ <https://yukonwater.ca>

4.4 Northwest Territories

Northwest Territories Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
Gwich'in Comprehensive Land Claim Agreement (1992)	x		x		x	52
Gwich'in Land Use Plan (2003)			x		x	54
Sahtu Dene and Métis Comprehensive Land Claim Agreement (1993)	x		x		x	56
Sahtu Land Use Plan (2013)			x	x	x	58
Tlicho Land Claims Agreement (2003)	x		x		x	60
Tlicho Land Use Plan (2013)	x	x	x		x	62
<i>Mackenzie Valley Resources Management Act (1998)</i>	x		x	x	x	63
NWT CIMP (1999)			x		x	65
Inuvialuit Final Agreement (1984)	x			x	x	67
Inuvialuit Settlement Region Conservation Plans (2016)		x	x		x	69
Deh Cho Draft Land Use Plan (2006)	x	x	x	x	x	71
NWT Water Stewardship Strategy Action Plan (2021)	x	x	x		x	73

Gwich'in Comprehensive Land Claim Agreement

Context

The 1992 [Gwich'in Comprehensive Land Claim Agreement](#)¹⁰⁰ is a modern Treaty, between the Gwich'in and the Government of Canada. Chapter 24 of the Agreement includes the framework for an integrated system of land and water management in the Mackenzie River Valley. This includes an environmental impact assessment and review process (s 24.3), and a land use planning process (s 24.2).

The implementation of s 24.3 of the Agreement resulted in the development of the Mackenzie Valley Environmental Impact Review Board (see pg. 63 of this Guide), which is used to assess individual and cumulative effects of proposed projects throughout the Mackenzie Valley.

While s 24.2 does not include a requirement for cumulative effects to be considered in the development of the land use plan, the resulting Gwich'in Land Use Plan utilizes cumulative effects monitoring data to develop and update recommendations (see pg. 54 of this Guide).

Type of Instrument

Treaty

Cumulative Effects Requirements

Gwich'in Comprehensive Land Claim Agreement	Description of Requirements
Assessment	s 24.3.3(b) Legislation shall provide that a development proposal otherwise exempt from assessment may be assessed if the Review Board considers it to be of special environmental concern by reason of its cumulative effects or otherwise.
Management Framework	-
Monitoring	s 24.4(a) the legislation that implements the provisions of Chapter 24 shall provide for a method of monitoring the cumulative impact of land and water uses on the environment in the Mackenzie Valley, and for periodic, independent, environmental audits which shall be made public.
Mitigation	-
Indigenous Engagement	<p>s 24.3.2 (b) The Review Board shall have equal membership from nominees of Aboriginal groups and of government. No less than one member of the Board shall be a nominee of the Gwich'in Tribal Council.</p> <p>s 24.2.2 The Planning Board shall have equal membership from nominees of the Gwich'in Tribal Council and of government.</p>

¹⁰⁰ https://www.eia.gov.nt.ca/sites/eia/files/gwichin_comprehensive_land_claim.pdf

Resources

- [Gwich'in Tribal Council](#)¹⁰¹
- [Government of Northwest Territories Executive and Indigenous Affairs](#)¹⁰²

Linked Processes

- [Mackenzie Valley Environmental Impact Review Board](#)¹⁰³ (see pg. 63 of this Guide)
- [Gwich'in Land and Water Board](#)¹⁰⁴
- [Mackenzie Valley Land and Water Board](#)¹⁰⁵
- [Gwich'in Land Use Plan](#)¹⁰⁶ (see pg. 54 of this Guide)

¹⁰¹ <https://www.gwichintribal.ca>

¹⁰² <https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements/gwichin>

¹⁰³ <https://reviewboard.ca/>

¹⁰⁴ <https://glwb.com>

¹⁰⁵ <https://mvlwb.com>

¹⁰⁶ <https://www.gwichinplanning.nt.ca/landUsePlan.html>

Gwich'in Land Use Plan

Context

The 2003 [Gwich'in Land Use Plan](#)¹⁰⁷ is tied to Chapter 24 of the Gwich'in Comprehensive Land Claim Agreement (1992; see pg. 52 of this Guide). The Plan was developed by the Gwich'in Land Use Planning Board. At least two of the five members are nominated by the Gwich'in Tribal Council.

While Chapter 24 of the Agreement does not specifically state that cumulative effects must be considered in the development of the plan, the 2003 Gwich'in Land Use Plan references the Cumulative Impact Monitoring Program (CIMP) that was designed for the whole of the NWT. The Plan states that the findings of CIMP will be integrated into the recommendations of the plan during each five-year review. The most recent update available at the time of writing was in 2015.

All regulatory authorities are obligated to carry out their powers in accordance with the Gwich'in Land Use Plan.

Type of Instrument

Land Use Plan

Cumulative Effects Requirements

Gwich'in Land Use Plan	Description of Requirements
Assessment	-
Management Framework	-
Monitoring	The Planning Board shall review the findings of the Cumulative Impact Monitoring Program with respect to land, water and air during each five year review of the Gwich'in Land Use Plan, and will integrate the Program's recommendations into the Plan. (pg. 157)
Mitigation	-
Indigenous Engagement	The Planning Board recommends that the Cumulative Impact Monitoring Program: i) deal with land, water and air quality concerns of all four settlement area communities; and ii) involve communities in the actual monitoring of land, water and air resources. (pg. 157) The Gwich'in Land Use Planning Board includes members nominated by the Gwich'in Tribal Council. (pg. 157)

¹⁰⁷ <https://www.gwichinplanning.nt.ca/landUsePlan.html>

Resources

- [Gwich'in Land Use Planning Board](#)¹⁰⁸

Linked Processes

- [NWT Cumulative Impact Monitoring Program](#)¹⁰⁹
- [Mackenzie Valley Environmental Impact Review Board](#)¹¹⁰ (see pg. 63 of this Guide)
- [Gwich'in Land and Water Board](#)¹¹¹
- [Mackenzie Valley Land and Water Board](#)¹¹²

¹⁰⁸ <https://www.gwichinplanning.nt.ca/who.html>

¹⁰⁹ <https://www.enr.gov.nt.ca/en/services/nwt-cumulative-impact-monitoring-program-nwt-cimp>

¹¹⁰ <https://reviewboard.ca/>

¹¹¹ <https://glwb.com>

¹¹² <https://mvlwb.com>

Sahtu Dene and Métis Comprehensive Land Claim Agreement

Context

The 1993 [Sahtu Dene and Métis Comprehensive Land Claim Agreement](#)¹¹³ is a modern Treaty, between the Sahtu Dene and Métis and the Crown. Chapter 25 of the Agreement includes the framework for an integrated system of land and water management in the Mackenzie River Valley. This includes an environmental impact assessment and review process that includes a consideration of cumulative effects (s 25.3) and a land use planning process (s 25.2).

The implementation of s 25.3 of the Agreement resulted in the development of the Mackenzie Valley Environmental Impact Review Board (see pg. 63 of this Guide), which is used to assess individual and cumulative effects of proposed projects throughout the Mackenzie Valley.

While s 25.2 of the Agreement does not include a requirement for cumulative effects to be considered in the development of the land use plan, the resulting Sahtu Land Use Plan utilizes cumulative effects monitoring data to develop and update recommendations (see pg. 58 of this Guide).

Type of Instrument

Treaty

Cumulative Effects Requirements

Sahtu Dene and Métis Comprehensive Land Claim Agreement	Description of Requirements
Assessment	s 25.3.3(b) Legislation shall provide that a development proposal otherwise exempt from assessment may be assessed if the Review Board considers it to be of special environmental concern by reason of its cumulative effects or otherwise.
Management Framework	-
Monitoring	s 25.1.4(a) the legislation that implements the provisions of Chapter 24 shall provide for a method of monitoring the cumulative impact of land and water uses on the environment in the Mackenzie Valley, and for periodic, independent, environmental audits which shall be made public.
Mitigation	-
Indigenous Engagement	s 25.3.2(b) The Review Board shall have equal membership from nominees of Aboriginal groups and of government. No less than one member of the Board shall be a nominee of the Sahtu Tribal Council. s 25.4.7 The Planning Board shall have equal membership from nominees of the Sahtu Tribal Council and of government.

¹¹³ <https://www.deline.ca/wp-content/uploads/2016/10/sahtu-dene-and-metis-comprehensive-land-claim-agreement.pdf>

Resources

- [Government of Northwest Territories Executive and Indigenous Affairs](#)¹¹⁴

Linked Processes

- [Mackenzie Valley Environmental Impact Review Board](#)¹¹⁵ (see pg. 63 of this Guide)
- [Sahtu Land and Water Board](#)¹¹⁶
- [Mackenzie Valley Land and Water Board](#)¹¹⁷
- [Sahtu Land Use Plan](#)¹¹⁸ (see pg. 58 of this Guide)

¹¹⁴ <https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements/sahtu-dene-and-3>

¹¹⁵ <https://reviewboard.ca>

¹¹⁶ <https://slwb.com>

¹¹⁷ <https://mvlwb.com>

¹¹⁸ <https://sahtulanduseplan.org>

Sahtu Land Use Plan

Context

The 2013 [Sahtu Land Use Plan](https://sahtulanduseplan.org/plan)¹¹⁹ is tied to Chapter 25 of the Sahtu Dene and Métis Comprehensive Land Claim Agreement (1993; see pg. 56 of this Guide). The Plan outlines a vision and goals for the conservation, development, and use of land within the Sahtu Settlement Area. It provides direction to achieve the vision and goals through Conformity Requirements. The Plan includes goals to consider and mitigate long-term cumulative impacts, and to build on the Northwest Territories Cumulative Impact Monitoring Program (CIMP).

The Sahtu Land Use Plan was developed by the Sahtu Land Use Planning Board. Members of the Planning Board are nominated by the Sahtu Secretariat Incorporated, the Government of Northwest Territories, and the Government of Canada.

All regulatory authorities are obligated to carry out their powers in accordance with the Sahtu Land Use Plan.

Instrument Type

Land Use Plan

Cumulative Effects Requirements

Sahtu Land Use Plan	Description of Requirements
Assessment	-
Management Framework	-
Monitoring	Goals – Build on the Cumulative Impact Monitoring Program (CIMP) to develop a research and monitoring program necessary to understand and monitor the ecological and cultural integrity of the Sahtu Settlement Area. (pg. 13)
Mitigation	Goals – Consider and mitigation long-term cumulative impacts to land and water from land use activities. (pg. 13)
Indigenous Engagement	The Sahtu Land Use Planning Board includes members nominated by the Sahtu Secretariat Incorporated. Sahtu communities were involved in all aspects of the development of the plan.

¹¹⁹ <https://sahtulanduseplan.org/plan>

Resources

- [Sahtu Land Use Planning Board](#)¹²⁰

Linked Processes

- [NWT Cumulative Impact Monitoring Program](#)¹²¹
- [Mackenzie Valley Environmental Impact Review Board](#)¹²² (see pg. 63 of this Guide)
- [Sahtu Land and Water Board](#)¹²³
- [Mackenzie Valley Land and Water Board](#)¹²⁴

¹²⁰ <https://sahtulanduseplan.org/about-us>

¹²¹ <https://www.enr.gov.nt.ca/en/services/nwt-cumulative-impact-monitoring-program-nwt-cimp>

¹²² <https://reviewboard.ca>

¹²³ <https://slwb.com>

¹²⁴ <https://mvlwb.com>

Tlicho Land Claims and Self-Government Agreement

Context

The 2003 [Tlicho Land Claims and Self-Government Agreement](#)¹²⁵ is a modern Treaty, between the Tlicho and the Crown. It is the first combined comprehensive land claim and self-government agreement in the Northwest Territories. Chapter 22 of the Agreement includes the framework for an integrated system of land and water management in the Mackenzie River Valley. This includes an environmental impact assessment and review process that includes a consideration of cumulative effects (s 22.2), and a land use planning process (s 22.5).

While s 22.2 does not include a requirement for cumulative effects to be considered in the development of the land use plan, the resulting Tlicho Land Use Plan utilizes cumulative effects monitoring data to develop and update recommendations (see pg. 62 of this Guide).

Instrument Type

Treaty

Cumulative Effects Requirements

Tlicho Land Claims and Self-Government Agreement	Description of Requirements
Assessment	s 22.2.8 Legislation shall provide that a development proposal otherwise exempt from assessment may be assessed if the Review Board considers it to be of special environmental concern by reason of its cumulative effects or otherwise.
Management Framework	-
Monitoring	s 22.1.10 the legislation that implements the provisions of Chapter 22 shall provide for a method of monitoring the cumulative impact of the uses of land and water and deposits of waste on the environment in the Mackenzie Valley.
Mitigation	-
Indigenous Engagement	<p>s 22.1.11 If any body is established by legislation to carry out monitoring under 22.1.10, the Tlicho Government shall be entitled to a meaningful role in that body.</p> <p>s 22.1.12 if monitoring functions are carried out in Wek'eezhii by a department of government, the department shall do so in consultation with the Tlicho Government.</p> <p>s 22.2.3 At least one member of the Mackenzie Valley Environmental Impact Review Board shall be a nominee of the Tlicho Government.</p> <p>22.2.6 When MVEIRB panel conducts a review, Tlicho Government is entitled to nominate members of the panel.</p> <p>s 22.2.13 The Minister must consult Tlicho Government before making decisions regarding environmental assessments on Tlicho lands.</p>

¹²⁵ https://www.eia.gov.nt.ca/sites/eia/files/tlicho_land_claims_and_self-government_agreement.pdf

Tlicho Land Claims and Self-Government Agreement	Description of Requirements
	s 25.4.7 The Planning Board shall have equal membership from nominees of the Sahtu Tribal Council and of government.

Resources

- [Government of Northwest Territories Executive and Indigenous Affairs](#)¹²⁶

Linked Processes

- [Mackenzie Valley Environmental Impact Review Board](#)¹²⁷ (see pg. 63 of this Guide)
- [Wek'eezhii Land and Water Board](#)¹²⁸
- [Mackenzie Valley Land and Water Board](#)¹²⁹
- [Tlicho Land Use Plan](#)¹³⁰ (see pg. 62 of this Guide)

¹²⁶ <https://www.eia.gov.nt.ca/en/priorities/concluding-and-implementing-land-claim-and-self-government-agreements/tlicho>

¹²⁷ <https://reviewboard.ca/>

¹²⁸ <https://wlwb.ca>

¹²⁹ <https://mvlwb.com>

¹³⁰ https://tlicho.ca/sites/default/files/105-LandUsePlan_FINAL%20VERSION%5b2%5d.pdf

Tlicho Land Use Plan

Context

The 2013 [Tlicho Land Use Plan](#)¹³¹ is tied to Chapter 22 of the Tlicho Land Claims and Self-Government Agreement (2003; see pg. 60 of this Guide). It was developed by the Tlicho Government.

The Plan includes several goals and Directives regarding the management, assessment, monitoring, and mitigation of cumulative effects.

Instrument Type

Land Use Plan

Cumulative Effects Requirements

Tlicho Land Use Plan	Description of Requirements
Assessment	Land Protection Directive 6.3.A the Tlicho Government will seek opportunities to work in partnership to develop a cumulative effects monitoring, assessment and management framework for valued ecosystem components. (pg. 48)
Management Framework	The Tlicho Government shall limit the number of resources projects occurring at one time in order to limit impacts on wildlife and wildlife habitat; biophysical environment; Tlicho citizens; Tlicho traditional land uses; and Tlicho culture and way of life. Decisions about the said limit will consider the cumulative effects monitoring, assessment and management framework referred to in Land Protection Directive 6.3.A. (pg. 48) Land Protection Directive 6.3.A The Tlicho Government will seek opportunities to work in partnership to develop a cumulative effects monitoring, assessment and management framework for valued ecosystem components. (pg. 48)
Monitoring	Land Protection Directive 6.3.A The Tlicho Government will seek opportunities to work in partnership to develop a cumulative effects monitoring, assessment and management framework for valued ecosystem components. (pg. 48)
Mitigation	-
Indigenous Engagement	Tlicho communities were involved in all aspects of the development of the plan. (pg. 17) Community engagement will be an important element in the process of proposals review. (pg. 52)

Resources

- [Tlicho Government](#)¹³²

Linked Processes

- [Wek'eezhii Land and Water Board](#)¹³³

¹³¹ <https://tlicho.ca/government/departments/culture-lands-protection/lands-protection>

¹³² <https://tlicho.ca/government/departments/culture-lands-protection/lands-protection>

¹³³ <https://wlwb.ca>

Mackenzie Valley Resource Management Act

Context

The 1998 [Mackenzie Valley Resource Management Act](#)¹³⁴ (MVRMA) established the [Mackenzie Valley Environmental Impact Assessment Review Board](#)¹³⁵ (MVEIRB) to carry out the environmental impact assessment process in the Mackenzie Valley. It also establishes Land and Water Boards to issue, amend, and renew licenses. The Act was a result of land claims agreements in the Northwest Territories (see pg. 51 of this Guide). MVEIRB conducts assessments and appoints an environmental impact review panel to complete a more focused study of issues raised during the environmental assessment process, when appropriate. MVEIRB recommends to the Government of Northwest Territories whether a project should proceed and under what conditions. MVEIRB is required to consider cumulative impacts of developments and the need for mitigation measures.

The Act states that consideration of cumulative effects must be included in any environmental assessment or environmental impact review.

Instrument Type

Legislation

Cumulative Effects Requirements

MVRMA	Description of Requirements
Assessment	s 117(2)(a) every environmental assessment and environmental impact review shall include the consideration of any cumulative impact likely to result from the development in combination with other developments.
Management Framework	-
Monitoring	s 146 the responsible authority shall analyze scientific data, traditional knowledge and other pertinent information for the purpose of monitoring the cumulative impact on the environment of concurrent and sequential uses of land and water and deposits of waste in the Mackenzie Valley.
Mitigation	s 117(2)(d) every environmental assessment and environmental impact review shall consider the need for mitigative or remedial measures related to significant adverse impacts on the environment.
Indigenous Engagement	There are a number of provisions related to Indigenous engagement and consultation as well as the use of Indigenous Knowledge throughout the Act, including: s 112(2) One half of the members of the MVEIRB shall be appointed on the nomination of First Nations and the Tlicho Government, including at least one nominated by the Gwich'in First Nation, one nominated by the Sahtu First Nation and one nominated by the Tlicho Government. s 60.1(b) in exercising its powers, a board shall consider any traditional knowledge and scientific information that is made available to it.

¹³⁴ https://reviewboard.ca/process_information/legislation_and_regulation

¹³⁵ <https://reviewboard.ca>

Resources

- [Mackenzie Valley Environmental Impact Assessment Review Board](#)¹³⁶
- [Environmental Impact Assessment Guidelines \(2004\)](#)¹³⁷ – sets out an overall framework that explains how the environmental impact assessment process works. The document includes sections on Cumulative Effects Assessment expectations and an Appendix with Additional Cumulative Effects Guidance.
- [Guidelines for Incorporating Traditional Knowledge in Environmental Impact Assessment \(2005\)](#)¹³⁸

Linked Processes

- [Mackenzie Valley Land and Water Board](#)¹³⁹
- [Wek'eezhii Land and Water Board](#)¹⁴⁰
- [Sahtu Land and Water Board](#)¹⁴¹
- [Gwich'in Land and Water Board](#)¹⁴²

¹³⁶ <https://reviewboard.ca/>

¹³⁷ https://reviewboard.ca/process_information/guidance_documentation/guidelines

¹³⁸ https://reviewboard.ca/process_information/guidance_documentation/guidelines

¹³⁹ <https://mvlwb.com>

¹⁴⁰ <https://wlwb.ca>

¹⁴¹ <https://slwb.com>

¹⁴² <https://glwb.com>

Northwest Territories Cumulative Impact Monitoring Program

Context

The [Northwest Territories Cumulative Impact Monitoring Program](#)¹⁴³ (NWT CIMP) was created in 1999 to fulfill s146 of the *Mackenzie Valley Resources Management Act* (1998; see pg. 63 of this Guide). The purpose of NWT CIMP is to support resource management decisions through the collection, analysis and reporting of information respecting environmental conditions. For this reason, NWT CIMP focuses on monitoring priorities of co-management boards including the Mackenzie Valley Environmental Review Board (see pg. 63 of this Guide), the Land and Water Boards, Renewable Resources Boards, and Land Use Planning Boards in the Mackenzie Valley.

Cumulative impact monitoring under NWT CIMP includes measurements of both human disturbance and natural changes. The requirements in the table below identify commitments the NWT CIMP has made through Principles published on the [NWT CIMP website](#).¹⁴⁴

Cumulative Effects Requirements

NWT CIMP	Description of Requirements
Assessment	-
Management Framework	-
Monitoring	<p>Principle 1 – Focus on monitoring cumulative impacts that are relevant to decisions about land and water use in the NWT.</p> <p>Principle 2 – Cumulative impact monitoring includes measuring both human disturbance and natural changes.</p> <p>Principle 3 – Support effects and stressor-based cumulative impact monitoring approaches to generate the information that decision-makers require.</p>
Mitigation	-
Indigenous Engagement	<p>Principle 5 – Strong partnership approach to ensure success. Indigenous governments and organizations are involved in all aspects of the program.</p> <p>Principle 6 – Science and Indigenous Knowledge are equally valuable sources of monitoring information and data.</p>

¹⁴³ <https://www.enr.gov.nt.ca/en/services/nwt-cumulative-impact-monitoring-program-nwt-cimp>

¹⁴⁴ <https://www.enr.gov.nt.ca/en/services/nwt-cumulative-impact-monitoring-program-nwt-cimp/about-us>

Resources

- [NWT Discovery Portal](#)¹⁴⁵ – online source of environmental monitoring knowledge administered by NWT CIMP.
- [NWT CIMP Action Plan](#)¹⁴⁶

Linked Processes

- [Gwich'in Comprehensive Land Claim Agreement](#)¹⁴⁷ (1992; see pg. 52 of this Guide)
- [Sahtu Dene and Métis Comprehensive Land Claim Agreement](#)¹⁴⁸ (1993; see pg. 56 of this Guide)
- [Tlicho Land Claims Agreement](#)¹⁴⁹ (2003; see pg. 60 of this Guide)
- [Mackenzie Valley Resources Management Act](#)¹⁵⁰ (1998; see pg. 63 of this Guide)
- [Inuvialuit Final Agreement](#)¹⁵¹ (1984; see pg. 67 of this Guide) – a 2003 Memorandum of Understanding with the [Inuvialuit Game Council](#)¹⁵² formally includes the Inuvialuit Settlement Region in NWT CIMP (from pg. 8 of the NWT CIMP Action Plan).

¹⁴⁵ <https://nwt.discoveryportal.enr.gov.nt.ca/geoportal/catalog/main/home.page>

¹⁴⁶ https://www.enr.gov.nt.ca/sites/enr/files/resources/2021-25_nwt_cimp_action_plan_final_dec2021.pdf

¹⁴⁷ https://www.eia.gov.nt.ca/sites/eia/files/gwichin_comprehensive_land_claim.pdf

¹⁴⁸ <https://www.deline.ca/wp-content/uploads/2016/10/sahtu-dene-and-metis-comprehensive-land-claim-agreement.pdf>

¹⁴⁹ https://www.eia.gov.nt.ca/sites/eia/files/tlicho_land_claims_and_self-government_agreement.pdf

¹⁵⁰ https://reviewboard.ca/process_information/legislation_and_regulation

¹⁵¹ <https://irc.inuvialuit.com/about-irc/inuvialuit-final-agreement>

¹⁵² <https://www.jointsecretariat.ca/inuvialuit-game-council>

Inuvialuit Final Agreement And Environmental Impact Review Guidelines

Context

The 1984 [Inuvialuit Final Agreement](#)¹⁵³ is a modern Treaty between the Inuvialuit and the Crown. Chapter 11 of the Agreement sets up the Environmental Impact Screening Committee and the Environmental Impact Review Board. The Screening Committee determines if a project should undergo a review by the Environmental Impact Review Board and makes a recommendation to the government authority responsible for authorizing the project. The Environmental Impact Review Board makes recommendations to the government authority regarding if and how a project should proceed.

The Inuvialuit Final Agreement does not include specific requirements for the consideration of cumulative effects during environmental impact assessment. The 2011 Environmental Impact Review Board [Environmental Impact Review Guidelines](#),¹⁵⁴ however, include requirements for a developer to assess cumulative impacts associated with the project. This assessment must include effects on present and future Inuvialuit harvesting that results from changes to wildlife and wildlife habitat.

The Guidelines also note that communities in the Inuvialuit Settlement Region have created Community Conservation Plans to manage cumulative effects through land use decisions (see pg. 69 of this Guide)

Instrument Type

Treaty and Guidelines

Cumulative Effects Requirements

Inuvialuit Final Agreement and Guidelines	Description of Requirements
Assessment	Guidelines: A Developer is expected to assess the cumulative effects associated with the proposed development, including any cumulative effects on present and future Inuvialuit harvesting. (pg. 25)
Management Framework	-
Monitoring	-
Mitigation	Guidelines: A cumulative effects assessment should demonstrate that any long-term cumulative effects are adequately considered and successfully mitigated. (pg. 25)
Indigenous Engagement	<p>Guidelines: A Developer is expected to demonstrate how Traditional Knowledge was used to influence the planning, design, and implementation phases of their proposed development. (pg. 25)</p> <p>Guidelines: The Developer is expected to conduct engagement and consultation with all affected Parties. (pg. 36)</p>

¹⁵³ <https://irc.inuvialuit.com/about-irc/inuvialuit-final-agreement>

¹⁵⁴ <https://eirb.ca/guidance-documents/>

Inuvialuit Final Agreement and Guidelines	Description of Requirements
	<p>Agreement: s 11(9) of the Inuvialuit Final Agreement states that of seven members on the Environmental Impact Screening Committee, three are to be appointed by the Inuvialuit.</p> <p>Agreement: s 11(22) of the Inuvialuit Final Agreement states that of seven members on the Environmental Impact Review Board, three are to be appointed by the Inuvialuit.</p>

Resources

- [Inuvialuit Regional Corporation](https://irc.inuvialuit.com)¹⁵⁵
- [Environmental Impact Review Board](https://eirb.ca)¹⁵⁶
- [Environmental Impact Screening Committee](http://www.screeningcommittee.ca)¹⁵⁷

Linked Processes

- [Inuvialuit Settlement Region Community Conservation Plans](https://www.jointsecretariat.ca/community-conservation-plan)¹⁵⁸
- Projects on the Yukon North Slope are also subject to the assessment process outlined by the [Yukon Environmental and Socio-economic Assessment Act \(2003\)](https://laws-lois.justice.gc.ca/eng/acts/Y-2.2/FullText.html)¹⁵⁹ (pg. 45 of this Guide).

¹⁵⁵ <https://irc.inuvialuit.com>

¹⁵⁶ <https://eirb.ca>

¹⁵⁷ <http://www.screeningcommittee.ca>

¹⁵⁸ <https://www.jointsecretariat.ca/community-conservation-plan>

¹⁵⁹ <https://laws-lois.justice.gc.ca/eng/acts/Y-2.2/FullText.html>

Inuvialuit Settlement Region Community Conservation Plans

Context

In 2016 each of the six Inuvialuit communities in the Inuvialuit Settlement Region has developed a [Community Conservation Plan](#).¹⁶⁰ The Plans outline community goals and strategies for conserving and managing resources within each planning area. They are prepared by each Community Hunters and Trappers Committee, the Community Corporation, the Wildlife Management Advisory Council in the Northwest Territories, the Fisheries Joint Management Committee, and the Joint Secretariat.

A main goal of the Plans is to manage cumulative impacts for the protection of community values and resources. Lands and waters in the community planning area are designated into categories according to the significance and sensitivity of cultural or renewable resources present.

It is mandatory that the Community Conservation Plans are consulted when a project is proposed to the Environmental Impact Screening Committee (see pg. 67 of this Guide), to the Inuvialuit Land Administration, or to the Government of Northwest Territories Department of Lands.

Instrument Type

Land Use Plan

Cumulative Effects Requirements

Inuvialuit Settlement Region Community Conservation Plans	Description of Requirements
Assessment	-
Management Framework	Section 4.3 Describes a method for adjusting the designated Categories of land in proportion to new developments. Lands will be designated for higher protection as developments occur.
Monitoring	Section 4.3 states that monitoring activities are a necessary part of cumulative effects management. Section 4.4 states that a monitoring system may be developed with industry, transportation companies, and local tourist operators to help identify a need for increased regulations.
Mitigation	-
Indigenous Engagement	Section 4.2 The process for land use decisions is led by the community, as represented by the Community Hunters and Trappers Committee and the Community Corporation.

¹⁶⁰ <https://www.jointsecretariat.ca/community-conservation-plan>

Resources

- [Joint Secretariat – Inuvialuit Settlement Region](#)¹⁶¹

Linked Processes

- [Environmental Impact Review Board](#)¹⁶²
- [Environmental Impact Screening Committee](#)¹⁶³
- [Inuvialuit Land Administration](#)¹⁶⁴ (ILA) – the division of the Inuvialuit Regional Corporation responsible for managing and administering Inuvialuit owned lands in the Inuvialuit Settlement Region. The ILA reviews and approves applications for land use, monitors land use, and ensures Inuvialuit benefit from development projects.
- [Government of Northwest Territories Department of Lands](#)¹⁶⁵

¹⁶¹ <https://www.jointsecretariat.ca>

¹⁶² <https://eirb.ca>

¹⁶³ <http://www.screeningcommittee.ca>

¹⁶⁴ <https://irc.inuvialuit.com/lands/inuvialuit-land-administration>

¹⁶⁵ <https://www.lands.gov.nt.ca/en>

Deh Cho Draft Land Use Plan

Context

The 2006 [Deh Cho Draft Land Use Plan](#)¹⁶⁶ was developed by the Deh Cho Land Use Planning Committee, which was established in 2001 through the Deh Cho Interim Measures Agreement. The Deh Cho Interim Measures Agreement does not directly address impact assessment or the consideration of cumulative effects in impact assessment. It does, however, allow for the Deh Cho First Nations to nominate a member for appointment to the Mackenzie Valley Environmental Impact Review Board (see pg. 63 of this Guide).

The Plan includes four cumulative effects indicators and thresholds for lands zoned as Special Management and General Use. The indicators and thresholds were established by considering effects on Boreal woodland caribou and grizzly bear, as they are considered highly sensitive terrestrial species.

The Land Use Planning Committee has five members – one representative from each of the Government of Canada and the Government of the Northwest Territories, two representatives from the Dehcho First Nations, and the chair, who is chosen by the other four members.

All land use decisions within the land use planning area must consider the cumulative effects thresholds.

Instrument Type

Land Use Plan

Cumulative Effects Requirements

Deh Cho Draft Land Use Plan	Description of Requirements
Assessment	Conformity Requirement #24(2) The Committee will conduct a cumulative effects assessment on each application for a new land use permit or water licence as per the Guidelines for Cumulative Effects Indicators and Thresholds... and will forward the results to the MVLWB, MVEIRB, and other Responsible Authorities for their consideration within existing regulatory timeframes.
Management Framework	Conformity Requirement #24, Table 2 and Table 3, defines Cumulative Effects Indicators and Thresholds for Special Management and General Use Zones.
Monitoring	Action #10 Responsible Authorities, in consultation with Dehcho First Nation(s), the Committee, industry, and other planning partners will make best efforts to develop habitat monitoring and assessment programs to monitor the success of the Guidelines for Cumulative Effects Indicators and Thresholds and provide a basis for adaptive management.
Mitigation	The Plan instructs Responsible Authorities to require mitigations for specific types of projects but does not include a requirement regarding mitigation in the section on cumulative effects.
Indigenous Engagement	The Committee developed the Plan and maintains a role in implementation. Dehcho communities were involved in all aspects of the development of the plan.

¹⁶⁶ <http://www.dehcholands.org/docs.htm>

Resources

- [Deh Cho Land Use Planning Committee](#)¹⁶⁷
- [Deh Cho Interim Measures Agreement](#)¹⁶⁸
- [Deh Cho First Nations](#)¹⁶⁹

Linked Processes

- [Mackenzie Valley Environmental Impact Assessment Review Board](#)¹⁷⁰
- [Mackenzie Valley Land and Water Board](#)¹⁷¹

¹⁶⁷ <http://www.dehcholands.org/home.htm>

¹⁶⁸ <https://dehcho.org/negotiations/agreements/>

¹⁶⁹ <https://dehcho.org>

¹⁷⁰ <https://reviewboard.ca/>

¹⁷¹ <https://mvlwb.com>

Northwest Territories Water Stewardship Strategy Action Plan

Context

The [2021-2025 NWT Water Stewardship Strategy Action Plan](#)¹⁷² is the third in series of five-year action plans guiding the implementation of the Government of the Northwest Territories (GNWT) Water Strategy. The Action Plan was developed by the Water Stewardship Strategy Indigenous Steering Committee and a multi-stakeholder water partner committee. The Action Plan includes Keys to Success, Action Items, and performance indicators.

Chapter 2 of the Action Plan outlines how GNWT will work with partners to collaboratively develop and implement research and monitoring programs that will inform decision-making. Action Items include the development of a GNWT Cumulative Impact Framework (CIF), development of regulatory board cumulative effects assessment guidelines, and funding cumulative impact monitoring and research projects.

Type of Instrument

Policy

Cumulative Effects Requirements

NWT Water Strategy Action Plan	Description of Requirements
Assessment	Pg. 30 Key to Success 2.1D, Action Item 3, Regulatory boards consider and assess methods and approaches to assess cumulative effects.
Management Framework	Pg. 30 Key to Success 2.1D, Action Item 5, Assess opportunities to establish protocols for regional analysis to detect cumulative impacts.
Monitoring	<p>Pg. 30 Key to Success 2.1D, Action Item 1, Work with key decision-makers and the NWT CIMP Steering Committee to develop detailed cumulative impact monitoring priorities for water and fish in in 2021-2025.</p> <p>Pg. 30 Key to Success 2.1D, Action Item 2, Continue to fund water partners to undertake cumulative impact monitoring and research projects, with reporting requirements.</p> <p>Pg. 30 Key to Success 2.1D, Action Item 4, Develop a Government of Northwest Territories Cumulative Impacts Framework (CIF). The Framework will outline the steps to monitor and predict cumulative impacts.</p>
Mitigation	-
Indigenous Engagement	Pg. 30 Key to Success 2.1D, Action Item 1, Identify opportunities to include Indigenous and local knowledge relevant to cumulative impact monitoring.

¹⁷² <https://www.nwtwaterstewardship.ca/en/nwt-water-stewardship-strategy-action-plan-2021-2025>

Resources

- [NWT Water Stewardship Strategy](#)¹⁷³
- [NWT Cumulative Impact Monitoring Program](#)¹⁷⁴
- [NWT Water Stewardship Indigenous Steering Committee](#)¹⁷⁵

Linked Processes

- [Mackenzie Valley Environmental Impact Assessment Review Board](#)¹⁷⁶
- [Mackenzie Valley Land and Water Board](#)¹⁷⁷
- [Wek'eezhii Land and Water Board](#)¹⁷⁸
- [Sahtu Land and Water Board](#)¹⁷⁹
- [Gwich'in Land and Water Board](#)¹⁸⁰

¹⁷³ <https://www.nwtwaterstewardship.ca/en/water-stewardship-strategy>

¹⁷⁴ <https://www.enr.gov.nt.ca/en/services/nwt-cumulative-impact-monitoring-program-nwt-cimp>

¹⁷⁵ <https://www.nwtwaterstewardship.ca/en/indigenous-steering-committee>

¹⁷⁶ <https://reviewboard.ca/>

¹⁷⁷ <https://mvlwb.com>

¹⁷⁸ <https://wlwb.ca>

¹⁷⁹ <https://slwb.com>

¹⁸⁰ <https://glwb.com>

4.5 Nunavut

Nunavut Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
Nunavut Agreement (1993)	x				x	76
<i>Nunavut Planning and Project Assessment Act (2013)</i>	x		x	x	x	78
Nunavut Regional Land Use Plans	x				x	80

Nunavut Agreement

Context

The 1993 [Nunavut Agreement](#)¹⁸¹ (NA) is a land claim agreement between the Inuit of the Nunavut Settlement Area and the Crown. It sets out the land use planning and development assessment processes within the Nunavut Settlement Area and establishes the Nunavut Impact Review Board (NIRB), the Nunavut Planning Commission (NPC), and the Nunavut Water Board (NWB). The land use planning and development assessment process is implemented through the *Nunavut Planning and Project Assessment Act* (2013; see pg. 78 of this Guide).

The Agreement describes how the NIRB will screen, review, consider ecosystem and socio-economic impacts, determine whether proposals should proceed and under what terms and conditions, and then report its determination to the federal or territorial Ministers. It gives responsibility to the NIRB for monitoring projects if NIRB project certificates provide for monitoring programs. Ultimately, the federal or territorial Minister is responsible for the decision-making.

The Agreement does not specify that the NIRB must consider cumulative effects. However, it does have provisions that allow the NPC to refer proposals to the NIRB if there are concerns regarding cumulative effects with respect to the proposed project. The NPC is responsible for developing a land use plan to guide and direct short-term and long-term development in the Nunavut Settlement Area.

Type of Instrument

Treaty

Cumulative Effects Requirements

NA	Description of Requirements
Assessment	<p>12.3.3 The NPC may refer a project proposal falling within Schedule 12-1 to NIRB for screening, where the NPC has concerns respecting the cumulative impact of that project proposal in relation to other development activities in a planning region. Schedule 12-1 lists the types of projects exempt from screening.</p> <p>13.4.4 Where the NPC has concerns respecting the cumulative impact of development activities in a planning region, it may refer water applications to NIRB for screening even though the application falls within Schedule 12-1.</p>
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	<p>11.4.5 The size and makeup of membership of the NPC may vary, but at least half are nominated by the Designated Inuit Organization.</p> <p>12.2.6 NIRB is a board of nine members, four of whom are nominated by the Designated Inuit Organization.</p>

¹⁸¹ <https://nlca.tunnngavik.com>

NA	Description of Requirements
	13.3.1 The NWB has nine members, four of whom are nominated by the Designated Inuit Organization.

Resources

- [Nunavut Tunngavik](https://www.tunngavik.com/about/)¹⁸² ensures that the commitments made under the Nunavut Agreement are carried out.
- [Nunavut Planning and Project Assessment Act](https://www.nunavut.ca/legislation/)¹⁸³

Linked Processes

- [Nunavut Impact Review Board](https://www.nirb.ca/)¹⁸⁴
- [Nunavut Planning Commission](https://www.nunavut.ca/legislation/)¹⁸⁵
- [Nunavut Water Board](https://www.nwb-oen.ca/)¹⁸⁶

¹⁸² <https://www.tunngavik.com/about/>

¹⁸³ <https://www.nirb.ca/legislation>

¹⁸⁴ <https://www.nirb.ca>

¹⁸⁵ <https://www.nunavut.ca>

¹⁸⁶ <https://www.nwb-oen.ca>

Nunavut Planning and Project Assessment Act and Proponent’s Guide

Context

The 2013 [Nunavut Planning and Project Assessment Act](#)¹⁸⁷ (NPPAA) gives the Nunavut Impact Review Board (NIRB) and the Nunavut Planning Commission (NPC) the authority to carry out the mandates established in the Nunavut Agreement (1993; see pg. 76 of this Guide). The NIRB screens project proposals and determines if a review is required. The Act states that NIRB must consider cumulative ecosystem and socio-economic impacts when conducting a review and that cumulative effects must be taken into account during the determination of the significance of effects.

The NIRB has published a [Proponent’s Guide](#)¹⁸⁸ that identifies the submission requirements for proponents. The proponent must identify potential cumulative effects of the proposed project when submitting an application for screening.

Land Use Planning is carried out by the NPC. There is no requirement regarding the consideration of cumulative effects for land use planning in Nunavut, but the resulting land use plans do include cumulative effects requirements (see pg. 80 of this Guide). The NPC monitors projects to make sure they conform to land use plans.

Type of Instrument

Legislation and Guidelines

Cumulative Effects Requirements

NPPAA and Guide	Description of Requirements
Assessment	<p>NPPAA s 80(1) if a project is exempt from screening and the NPC has concerns about any cumulative ecosystemic and socio-economic impacts resulting from the project, it must send the project proposal to the NIRB for screening.</p> <p>NPPAA s 90 in determining the significance of effects, the NIRB must take into account cumulative effects.</p> <p>NPPAA s 103(1)(f) in conducting a review of the project, the NIRB must consider cumulative ecosystemic and socio-economic effects.</p> <p>NPPAA s 122(1)(f) in conducting a review of a project, a federal environmental assessment panel must take into account cumulative effects.</p> <p>NPPAA s NIRB Proponent’s Guide pg. 122 The Proponent’s impact statement must include a comprehensive examination of cumulative effects.</p>
Management Framework	-

¹⁸⁷ <https://www.nirb.ca/legislation>

¹⁸⁸ <https://www.nirb.ca/content/guides>

NPPAA and Guide	Description of Requirements
Monitoring	<p>NPPAA s 103(1)(k) in conducting a review of the project, the NIRB must consider any monitoring program of the project’s ecosystemic and socio-economic impacts that should be established</p> <p>NPPAA s 135 The responsible Minister may require the establishment of a monitoring program of the project’s ecosystemic and socio-economic impacts.</p>
Mitigation	<p>NPPAA 103(1)(h) in conducting a review of the project, the NIRB must consider any measures that should be taken to avoid and mitigate adverse ecosystemic and socio-economic impacts.</p> <p>NIRB Proponent’s Guide – A Proponent’s Impact Statement must include details about mitigation measures.</p>
Indigenous Engagement	<p>NPPAA s 11(2)(c) one half of the members of the Nunavut Planning Commission must be appointed on the nomination of a Designated Inuit Organization.</p> <p>NPPAA s 19(2)(b) Four members of the NIRB must be from a Designated Inuit Organization.</p> <p>NPPAA s 26(3)(b) Inuit must have full opportunity to appear at a NIRB public hearing.</p> <p>NIRB Proponent’s Guide – A proponent must state whether, and how Inuit Qaujimaningit, Inuit Qaujimajatuqangit or other traditional knowledge was used to identify potential environmental and socio-economic effects, cumulative effects, and mitigation measures and potential residual impacts.</p>

Resources

- [Nunavut Impact Review Board](https://www.nirb.ca)¹⁸⁹

Linked Processes

- [Nunavut Planning Commission](https://www.nunavut.ca)¹⁹⁰
- [Nunavut Water Board](https://www.nwb-oen.ca)¹⁹¹

¹⁸⁹ <https://www.nirb.ca>

¹⁹⁰ <https://www.nunavut.ca>

¹⁹¹ <https://www.nwb-oen.ca>

Nunavut Regional Land Use Plans

Context

Two regional land use plans have been developed and approved in Nunavut. These are the [Keewatin Regional Land Use Plan](#)¹⁹² (2000) and the [North Baffin Regional Land Use Plan](#)¹⁹³ (2000). Both plans include cumulative effects and ecosystem monitoring provisions as well as requirements that proponents complete cumulative effects assessments in certain areas for specified types of projects. Specifically, both plans state that proponents wishing to develop transportation and/or communications corridors within the respective regions must identify cumulative effects associated with the preferred route.

The North Baffin Regional Land Use Plan (2000) and the Keewatin Regional Land Use Plan (2000) identify that Canada and the Nunavut Planning Commission will complete the design and implementation of a general monitoring program as outlined in the Nunavut Agreement (s 12.7.6). The Nunavut General Monitoring Plan (NGMP) creates a mechanism to collect and analyze information on the long-term conditions of Nunavut's environment.

The Plans include cumulative effects assessment requirements and a cumulative effects management framework for caribou. Monitoring is carried out through the Nunavut General Monitoring Plan, which will be used to update the Nunavut Land Use Plan

Once the [Nunavut Land Use Plan](#),¹⁹⁴ which is now in draft form (2021), is approved, the Keewatin and North Baffin Regional Land Use Plans will be repealed. Information from the NGMP will be utilized in the periodic review of the Nunavut Land Use Plan.

Type of Instrument

Land Use Plan

Cumulative Effects Requirements

Nunavut Regional LUPs	Description of Requirements
Assessment	<p>All land use plans state that proposed linear infrastructure must undergo a cumulative effects assessment. The draft Nunavut Land Use Plan (2021) states that this requirement is only relevant for areas designated for Limited Use.</p> <p>The Keewatin Regional Land Use Plan states in 2.12 that the possible cumulative impacts of additional hydroelectric power development in Manitoba, Ontario, and Québec on the ecosystems of Hudson Bay, James Bay, and Hudson Strait must be examined before more hydroelectric development proceeds in the Keewatin Region.</p> <p>The Nunavut Planning Commission can refer a project that is otherwise exempt from screening to the Nunavut Impact Review Board if there is concern that the project will contribute to cumulative effects.</p>

¹⁹² <https://www.nunavut.ca/land-use-plans/keewatin-regional-land-use-plan>

¹⁹³ <https://www.nunavut.ca/land-use-plans/north-baffin-region-land-use-plan>

¹⁹⁴ <https://www.nunavut.ca/land-use-plans/draft-nunavut-land-use-plan>

Management Framework	Appendix E of both approved plans include measures to manage cumulative effects to caribou.
Monitoring	The Nunavut General Monitoring Plan was developed and information from it will be used to update the Nunavut Land Use Plan, once that plan is approved.
Mitigation	-
Indigenous Engagement	Fifty percent of the members of the NPC are nominees of a Designated Inuit Organization.

Resources

- [Nunavut Planning Commission](https://www.nunavut.ca)¹⁹⁵
- [Nunavut General Monitoring Plan](https://www.ngmp.ca)¹⁹⁶

Linked Processes

- [Nunavut Impact Review Board](https://www.nirb.ca)¹⁹⁷

¹⁹⁵ <https://www.nunavut.ca>

¹⁹⁶ <https://www.ngmp.ca>

¹⁹⁷ <https://www.nirb.ca>

4.6 Newfoundland and Labrador

The Government of Newfoundland and Labrador completes impact assessments under the authority granted by their *Environmental Protection Act*. There are currently no cumulative effects requirements documented in connection with this act.

Newfoundland and Labrador Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
GNL <i>Environmental Protection Act</i> (2002)						83

Government of Newfoundland and Labrador *Environmental Protection Act* and Environmental Assessment Regulations

Context

The 2002 Government of Newfoundland and Labrador [Environmental Protection Act](#)¹⁹⁸ (EPA) and the 2003 [Environmental Assessment Regulations](#)¹⁹⁹ under that Act outline the environmental assessment process in Newfoundland and Labrador. There are no requirements within these legislative Instruments regarding cumulative effects assessment, management, monitoring, or mitigation.

The legislation includes mechanisms for the Government of Newfoundland and Labrador (GNL) to define the scope of an assessment. Through these mechanisms, GNL could require assessments to include the consideration of cumulative effects in assessment, mitigation, and monitoring. The Environmental Assessment Regulations state in section 5 that proponent guidelines for an environmental preview report or an environmental impact statement will be developed by an assessment committee made up of federal or provincial government staff. There is no indication that Indigenous people have a role in creating these guidelines. In section 8, the regulations state that the guidelines must include a requirement that the proponent describe significant environmental effects. There is, however, no requirement that the guidelines include a consideration of cumulative effects.

In 2020, the Government of Newfoundland and Labrador completed a review of their environmental assessment legislation. They published a [“What We Heard”](#)²⁰⁰ document describing public comment received during that review. Many respondents stated that the legislation should be updated to specifically include requirements for the assessment of cumulative effects. The document identifies that 75% of respondents support legislation that will allow for completion of regional environmental assessments to assess cumulative effects and key environmental considerations on a regional scale.

Resources

- [Government of Newfoundland and Labrador Environmental Assessment Division](#)²⁰¹

¹⁹⁸ <https://www.assembly.nl.ca/legislation/sr/statutes/e14-2.htm>

¹⁹⁹ <https://www.assembly.nl.ca/Legislation/sr/Regulations/rc030054.htm>

²⁰⁰ <https://www.gov.nl.ca/ecc/env-assessment/>

²⁰¹ <https://www.gov.nl.ca/ecc/env-assessment/>

4.7 New Brunswick

New Brunswick Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
NB Clean Environment Act (1987)	x					85
NB Wetlands Conservation Policy (2002)		x				87
Integrated Watershed Management Plan for the Shediac Bay Watershed (2021-2031)		x	x		x	88

New Brunswick *Clean Environment Act* And Environmental Impact Assessment Regulation, Water Quality Regulation, and Guidelines

Context

The 1987 New Brunswick [Environmental Impact Assessment Regulation](#)²⁰² under the [Clean Environment Act](#)²⁰³ establishes the Environmental Impact Assessment (EIA) process in the province. There are no requirements within this legislative instrument regarding cumulative effects assessment, management, monitoring, or mitigation. The Regulation describes requirements to engage with the public, but there are no specific requirements regarding Indigenous consultation.

In general, cumulative effects assessment, management, monitoring, and mitigation requirements are project-specific in New Brunswick, and not found in legislative Instruments or policy Instruments that are publicly available. The *Environmental Impact Assessment Regulation* (1987) requires that a proponent follow guidelines developed through a public review process led by the Minister of Environment and Climate Change (9(1) – 9(2)). According to discussions with Government of New Brunswick staff, proponents may be required by the Minister to conduct an explicit cumulative effects assessment based on the specific context (pers. comm, Environmental Impact Assessment Branch, Government of New Brunswick, March 2, 2022).

There is one requirement identified through publicly available documents regarding cumulative effects assessment within the New Brunswick Regulatory regime. The 1982 [Water Quality Regulation](#)²⁰⁴ (WQR) states that certain projects require an approval of the supply and quality of water (s 3(5)). Proponents are required to submit a Water Supply Source Assessment (WSSA) as part of their application material as part of the EIA process. The New Brunswick Department of Environment and Local Government published a set of [guidelines for completing a WSSA](#).²⁰⁵ These guidelines state that a WSSA hydrogeological assessment report requires an assessment of cumulative impacts on local water sources.

The Guide to Environmental Impact Assessment in New Brunswick encourages proponents to consult First Nation's early in the EIA process.

²⁰² <https://laws.gnb.ca/en/showdoc/cr/87-83>

²⁰³ <https://www.canlii.org/en/nb/laws/stat/rsnb-1973-c-c-6/latest/rsnb-1973-c-c-6.html>

²⁰⁴ <https://laws.gnb.ca/en/showdoc/cr/82-126>

²⁰⁵ <https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/EIA-EIE/WaterSupplyAssessmentGuidelines.pdf>

Instrument Type

Legislation

Cumulative Effects Requirements

NB WQR and Guidelines for WSSA	Description of Requirements
Assessment	Guidelines for WSSA – Proponents must complete a hydrogeological assessment that includes 4.4.2 an evaluation of the cumulative effect of all water withdrawals on the aquifer and the potential for effects on surface waters.
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Resources

- [Government of New Brunswick Department of Environment and Local Government](https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html)²⁰⁶
- [A Guide to Environmental Impact Assessment in New Brunswick](https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html)²⁰⁷
- [A Guide for Proponents on Engaging Aboriginal Peoples](https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html)²⁰⁸
- [Water Supply Source Assessment Guidelines](https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html)²⁰⁹

²⁰⁶ https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html

²⁰⁷ https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html

²⁰⁸ https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html

²⁰⁹ https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html

New Brunswick Wetlands Conservation Policy

Context

The 2002 [New Brunswick Wetlands Conservation Policy](#)²¹⁰ was put in place to manage human activity on or near wetlands. The goals of the policy include prevention of the loss of Provincially Significant Wetland habitat and “no net loss” of wetland function for all other wetlands.

While not explicitly stated, the Policy is a type of cumulative effects management framework with a specific focus on wetland function. The Government of New Brunswick recognizes that valuable wetland functions are lost because of incremental damage occurring across the province. By setting a standard of “no net loss”, the Government of New Brunswick has established a threshold for wetland function, which is the state of wetland function when the policy came into place in 2002.

Cumulative Effects Requirements

NB Wetland Conservation Policy	Description of Requirements
Assessment	-
Management Framework	Policy Statements – The Government of New Brunswick will prevent the loss of Provincially Significant Wetland habitat and achieve the goal of no net loss of wetland function for all other wetlands. (pg. 3)
Monitoring*	-
Mitigation*	-
Indigenous Engagement	-

Resources

- [Government of New Brunswick Department of Environment and Local Government wetlands webpage](#)²¹¹

Linked Processes

- [Environmental Assessment under the New Brunswick Clean Environment Act](#)²¹² (see pg. 85 of the Guide)

²¹⁰ <https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/wetlands.html>

²¹¹ <https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/wetlands.html>

²¹² https://www2.gnb.ca/content/gnb/en/departments/elg/environment/content/environmental_impactassessment.html

Integrated Watershed Management Plan for the Shediac Bay Watershed

Context

The [Integrated Watershed Management Plan for the Shediac Bay Watershed](https://www2.gnb.ca/content/gnb/en/corporate/promo/ParleeBeach/shediacbay_watershed_management_plan.html)²¹³ is a collaborative plan developed by the Government of New Brunswick, members of academia, members of non-governmental organizations, and members of Indigenous Nations. It was initiated primarily in response to water quality issues at Parlee Beach, which is highly valued by all parties. First Nations identified that stormwater, agricultural activities, municipal water use, and land development were all contributing to the problem.

The plan is not regulatory in nature, but the Government of New Brunswick has committed to action items, which will help to achieve the goals of protecting and improving water quality, improving stormwater and wastewater management, protecting coastal areas, and engaging in education, awareness and education.

Under Goal 2 of the Plan—Protect and Improve Water and Habitat Quality—are several actions that will result in thresholds for pollutants that will help manage cumulative effects throughout the watershed. Knowledge of the state of the watershed will be improved through monitoring and collection of Indigenous knowledge.

Cumulative Effects Requirements

Shediac Bay Watershed Mgmt Plan	Description of Requirements
Assessment	-
Management Framework	Goal 2, Action 6 – Develop feasible nutrient reduction goals and plans. Goal 2, Action 7 – Develop achievable <i>E. coli</i> and Enterococcus reduction goals.
Monitoring	Goal 2, Action 9 – Continue and improve the SBWA long-term water quality monitoring program.
Mitigation	-
Indigenous Engagement	The participation of Mi'gma'we'l Tplu'taqnn Inc. and the First Nation Communities of Fort Folly, Buctouche and Indian Island was an integral component of the development of the plan. (pg. 26) Goal 2, Action 5 – Gather Indigenous knowledge in the Shediac Bay Watershed.

²¹³ https://www2.gnb.ca/content/gnb/en/corporate/promo/ParleeBeach/shediacbay_watershed_management_plan.html

4.8 Prince Edward Island

The Government of Prince Edward Island completes impact assessment under the authority granted by their *Environmental Protection Act* (1989). There are currently no cumulative effects requirements documented in connection with this Act.

Prince Edward Island Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
PEI <i>Environmental Protection Act</i> (1989)						90
PEI Wetland Conservation Policy (2007)		x				91
PEI <i>Water Act</i> (2021)	x	x				92

Prince Edward Island *Environmental Protection Act* and Guidelines

Context

The 1989 Prince Edward Island [Environmental Protection Act](#)²¹⁴ establishes that a person can initiate an undertaking only with approval from the Minister of Environment, Energy and Climate Action. The term “undertaking” has a specific definition within the *Environmental Protection Act*, but generally it is a development that is likely to cause an effect to the environment. The Minister determines if an Environmental Impact Assessment (EIA) is required for that undertaking and what the scope of that EIA will be. The Act does not state any requirements for the scope of the EIA, nor how the Minister will determine that scope.

[The Prince Edward Island Environmental Impact Assessment Guidelines](#)²¹⁵ (revised January 2010) outline the information required to initiate the EIA process. These guidelines do not include any requirements regarding cumulative effects assessment, management, monitoring, or mitigations. There are also no requirements respecting engagement with Indigenous Nations.

Instrument Type

Legislation

Resources

- [Government of Prince Edward Island Environmental Impact Assessment Review](#)²¹⁶

²¹⁴ <https://www.princeedwardisland.ca/en/legislation/environmental-protection-act>

²¹⁵ <https://www.princeedwardisland.ca/en/information/environment-water-and-climate-change/environmental-impact-assessment-eia-review>

²¹⁶ <https://www.princeedwardisland.ca/en/information/environment-water-and-climate-change/environmental-impact-assessment-eia-review>

A Wetland Conservation Policy for Prince Edward Island

Context

While relatively old, the 2007 [Wetland Conservation Policy for Prince Edward Island](#)²¹⁷ is intended to acknowledge the importance of maintaining wetland functions across a landscape. Prior to the policy, permitted development activities resulted in degradation and loss of wetlands. Proponents were asked to minimize damage, but not compensate for loss of wetland function and value. The goals of the Policy are to achieve no net loss of wetlands and wetland functions on Prince Edward Island.

While not explicitly stated, the Policy is a type of cumulative effects management framework with a specific focus on wetland function. The Government of Prince Edward Island recognizes that valuable wetland functions are lost because of incremental damage occurring across the island. By setting a standard of “no net loss”, the Government of PEI has established a threshold for wetland function, which is the state of wetland function that existed in 2007. According to the Policy, since then, provincial government decisions regarding Environmental Impact Assessments and development permits have maintained that state of wetland function by requiring proponents to avoid, minimize, or compensate any wetland loss associated with their development.

Instrument Type

Policy

Cumulative Effects Requirements

PEI Wetland Conservation Policy	Description of Requirements
Assessment	-
Management Framework	Pg. 6 Goal 1: Development Control – Where developments are proposed on or adjacent to a wetland the following process of wetland mitigation will be observed: 1. Avoidance 2. Minimization 3. Compensation.
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Linked Processes

- [Government of Prince Edward Island Environmental Impact Assessment Review](#)²¹⁸

²¹⁷ https://www.princeedwardisland.ca/sites/default/files/publications/pei_wetland_policy_2007_0.pdf

²¹⁸ <https://www.princeedwardisland.ca/en/information/environment-water-and-climate-change/environmental-impact-assessment-eia-review>

Prince Edward Island *Water Act* and Water Withdrawal Regulations

Context

The 2021 Prince Edward Island [Water Act](#)²¹⁹ regulates uses of water to protect quality and quantity of water throughout the province. The 2021 [Water Withdrawal Regulations](#)²²⁰ (WWR) describe limitations on water withdrawals as well as the powers and duties held by the Minister of Environment, Energy and Climate Action in permitting water withdrawals.

The WWR states that a person must apply for a water withdrawal permit if they plan to withdraw water from a well or watercourse at a rate that exceeds 25 cubic metres per day. The Minister of Environment, Energy and Climate Action determines if the water withdrawal will have an unacceptable adverse effect by considering the cumulative effect on the watersheds of the withdrawal of water from all sources in the watershed. The WWR also defines an unacceptable adverse effect with thresholds for reduction in water flow throughout a watershed.

Type of Instrument

Legislation

Cumulative Effects Requirements

PEI WWR	Description of Requirements
Assessment	s 5(4)(a)(i) The Minister will determine whether the withdrawal of water will have an unacceptable adverse effect by considering the cumulative effect on the watersheds of the withdrawal of water from all sources within the watershed.
Management Framework	s 5(5)(a)-(b) the withdrawal of water is considered to have an unacceptable adverse effect where the cumulative effect on a watershed from the withdrawal from all sources within the watershed results in the reduction of water flow in any watercourse or wetland in the watershed by an amount greater than the amount equal to 35% of the mean base flow during August or September; or the cumulative amount of water withdrawn from a watercourse or wetland exceeds the amount equal to the difference between the monthly 70% flow duration and 70% of the median monthly flow in the watercourse or wetland.
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Resources

- [On the Level Website](#)²²¹ gives information about water supply, water demand, and monitoring programs on PEI

²¹⁹ https://www.princeedwardisland.ca/sites/default/files/legislation/w-01-1-water_act.pdf

²²⁰ https://www.princeedwardisland.ca/sites/default/files/legislation/w01-1-3-water_act_water_withdrawal_regulations.pdf

²²¹ <https://www.onthelevelpei.ca>

4.9 Nova Scotia

Nova Scotia Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
NS Environment Act (1994-95)					x	94
NS Env. Goals and Climate Change Reduction Act (2021)	x				x	96
NS Wetland Conservation Policy (2011)		x				97
Plan of Action in Response to CE in CBRM (2005)	x					98

Nova Scotia *Environment Act* and Environmental Assessment Regulations

Context

The 1994-95 Nova Scotia [Environment Act](#)²²² and the 1995 [Environmental Assessment Regulations](#)²²³ outline the environmental impact assessment process in Nova Scotia. Neither the Act nor the Regulations include requirements for cumulative effects assessment, management, monitoring, or mitigation. The Regulations do state that the scope of any environmental-assessment report will be determined by the Minister of Environment, who will consider comments from affected Indigenous people. In this way, Indigenous people could identify a need for a cumulative effects assessment. Guidelines published by the Government of Nova Scotia further outline the responsibilities and duties of both the province and the proponent to engage with Indigenous peoples in Nova Scotia.

Additionally, the [Mi'kmaq-Nova Scotia- Canada Framework Agreement](#),²²⁴ which outlines subject matters that are being negotiated as part of a resolution of issues respecting Mi'kmaq rights and title. One of the matters is Environmental Assessment and Protection.

Type of Instrument

Legislation

Cumulative Effects Requirements

Nova Scotia Environmental Assessment Regulations	Description of Requirements
Assessment	-
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	s 19(1)-(2)(e) Where an environmental-assessment report is required, the Administrator shall prepare terms of reference, which will be prepared taking into consideration comments from... any affected Aboriginal people or cultural community.

²²² <https://novascotia.ca/nse/ea/legislation.asp>

²²³ <https://novascotia.ca/nse/ea/legislation.asp>

²²⁴ <https://novascotia.ca/abor/office/what-we-do/negotiations/>

Resources

- [Nova Scotia Environmental Assessment Branch](#)²²⁵
- [A Proponents Guide to Environmental Assessment](#)²²⁶
- [Government of Nova Scotia Policy and Guidelines: Consultation with the Mi'kmaq of Nova Scotia](#)²²⁷
- [Proponent's Guide: Consultation with the Mi'kmaq of Nova Scotia](#)²²⁸
- [Additional Guides regarding environmental assessment in Nova Scotia](#)²²⁹

²²⁵ <https://novascotia.ca/nse/ea/>

²²⁶ <https://novascotia.ca/nse/ea/docs/ea.guide-proponents.pdf>

²²⁷ <https://novascotia.ca/abor/office/what-we-do/consultation/>

²²⁸ <https://novascotia.ca/abor/office/what-we-do/consultation/>

²²⁹ <https://www.novascotia.ca/nse/ea/pubs.asp>

Nova Scotia Environmental Goals and Climate Change Reduction Act

Context

The 2021 [Environmental Goals and Climate Change Reduction Act](#)²³⁰ (EGCCRA) sets 28 goals to guide Nova Scotia towards environmental sustainability and a better quality of life. The Act sets greenhouse gas emission reduction targets and identifies that Nova Scotia will modernize the environmental assessment process to include the consideration of cumulative impacts as well as Netukulimk, the Mi'kmaq concept of connection and balance between the natural and human worlds. Nova Scotia has committed to completing the environmental assessment modernization goals by 2024.

Type of Instrument

Legislation

Cumulative Effects Requirements

NS EGCCRA	Description of Requirements
Assessment	s 12 The Government's goal with respect to environmental assessments is to modernize the environmental assessment process by 2024 taking into consideration cumulative impacts; diversity, equity and inclusion; independent review; Netukulimk; and climate change.
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	s 12 The Government's goal with respect to environmental assessments is to modernize the environmental assessment process by 2024 taking into consideration cumulative impacts; diversity, equity and inclusion; independent review; Netukulimk; and climate change.

Resources

- [News Release: Legislation to Address Climate Crisis, Guide Province to Cleaner, Sustainable Future](#)²³¹

Linked Processes

- [Nova Scotia Environmental Assessment Branch](#)²³²

²³⁰

<https://nslegislature.ca/sites/default/files/legc/statutes/environmental%20goals%20and%20climate%20change%20reduction.pdf>

²³¹ <https://novascotia.ca/news/release/?id=20211027005>

²³² <https://novascotia.ca/nse/ea/>

Nova Scotia Wetlands Conservation Policy

Context

The 2011 [Nova Scotia Wetlands Conservation Policy](#)²³³ highlights the important ecosystem functions provided by wetlands. Its objectives include a goal of no loss of Wetlands of Special Significance and no net loss in area and function for other wetlands.

While not explicitly stated, the Policy is a type of cumulative effects management framework with a specific focus on wetland function. The Government of Nova Scotia recognizes that valuable wetland functions are lost because of incremental damage occurring across the province. By setting a standard of “no net loss”, the Government of Nova Scotia has established a threshold for wetland function, which is the state of wetland function that existed in 2011. According to the Policy, provincial government development approval and regulatory decisions are made with the objective of preventing net loss of wetland functions.

Type of Instrument

Policy

Cumulative Effects Requirements

Nova Scotia Wetlands Conservation Policy	Description of Requirements
Assessment	-
Management Framework	Pg. 9 Objective 1 – To manage human activity in or near wetlands, with the goal of no loss in Wetlands of Special Significance and the goal of preventing net loss in area and function for other wetlands.
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Resources

- [Government of Nova Scotia Links to Wetland Resources](#)²³⁴

Linked Processes

- [Nova Scotia Environmental Assessment Branch](#)²³⁵

²³³ <https://novascotia.ca/nse/wetland/conservation.policy.asp>

²³⁴ <https://novascotia.ca/nse/wetland/wetland.links.asp>

²³⁵ <https://novascotia.ca/nse/ea/>

Plan of Action in Response to the Study on Cumulative Environmental Effects of Surface Coal Mines in Cape Breton Regional Municipality

Context

In 2005, due to public concerns regarding a proposed surface coal mine in the Cape Breton Regional Municipality (CBRM), Nova Scotia Department of Environment and Labour commissioned a study to investigate cumulative environmental effects in the region. The report from that study, called the Study on Cumulative Environmental Effects of Surface Coal Mines in Cape Breton Regional Municipality (currently not available online), included four recommendations for the environmental review of surface coal mining applications in the CBRM. The fourth was that Nova Scotia should require environmental assessments of CBRM surface coal mines to include an evaluation of potential cumulative environmental effects.

The Nova Scotia Department of Environment and Labour completed an [Action Plan](#) to incorporate the recommendations into the environmental assessment process. This action plan outlined policy regarding what information Nova Scotia would require during environmental assessments of proposed surface coal mines in the CBRM.

The Nova Scotia Environmental Assessment Branch committed to developing a guidance document for proponents on how to consider cumulative effects in project assessments. This guidance document is not readily available.

Type of Instrument

Policy

Cumulative Effects Requirements

Plan of Action in Response to the Study on CE of Surface Coal Mines in CBRM	Description of Requirements
Assessment	Actions to address Recommendation 4: Cumulative Effects - Nova Scotia will require environmental assessment submissions for surface coal mining projects in the CBRM to include an evaluation of potential for cumulative environmental impacts. The Environmental Assessment Branch will develop a guidance document for proponents on how to consider cumulative effects in project assessment.
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	-

4.10 Québec

The Québec *Environment Quality Act* (updated to 2021), shortened to Q-2, contains many cumulative effects requirements. To facilitate presentation of these requirements, the *Environment Quality Act* is broken into two Instruments, which is consistent with the organization of the Act. In the Act, Title I contains matters for the southern part of Québec, which includes areas south of those designated by the James Bay and Northern Québec Agreement (1975). Title II of the Act contains matters for the northern part of Québec, which are the areas designated by the James Bay and Northern Québec Agreement (1975).

Québec Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
Q-2, Title I	x				x	100
Q-2, Title II	x			x	x	102
Québec Water Strategy (2018)	x					105
Act to Affirm the Collective Nature of Water Resources (2021)		x				106

Québec *Environment Quality Act* Title I and Regulations respecting the environmental impact assessment and review of certain projects; and Proponent Guidance Documents

Context

Title I of the Québec *Environment Quality Act*²³⁶ (Q-2) establishes a process for environmental impact assessment in southern Québec (south of the area that is subject to the James Bay and Northern Québec Agreement (1975)). This is outlined in Chapter IV, Division II, section 4. The Act gives the Minister of the Environment authority to determine the scope of an Environmental Impact Statement through a Minister's Directive and to require a proponent to submit any information, study, or engage in research on any matter necessary to understand impacts of a project. The *Directive pour la réalisation d'une étude d'impacts sur l'environnement*²³⁷ (Minister's Directive) identifies that the proponent of a project is required to identify valued components for an in-depth cumulative effects assessment.

The *Regulations respecting the environmental impact assessment and review of certain projects*²³⁸ includes a list of required information to be included in an environmental impact assessment. This list does not include cumulative effects, but does include the identification of environment, social, and economic issues, particularly those raised by the public and "Native communities concerned" (s 5(3)). *Guidance*²³⁹ published by the Government of Québec identifies expectations for proponent engagement with Indigenous communities when projects are subject to the environmental impact assessment and review procedure in southern Québec (EIARP).

Title I of the Québec *Environment Quality Act* also includes a water management protocol for the St. Lawrence River Basin, as mandated by the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement (see pg. 108 of this Guide). This part of the Act (Chapter IV, Division V) prohibits large water withdrawals from the St. Lawrence River Basin that result in significant adverse individual or cumulative effects. The Act does not define a threshold for significant adverse effects.

²³⁶ <https://www.legisquebec.gouv.qc.ca/en/document/cs/q-2>

²³⁷ <https://www.environnement.gouv.qc.ca/evaluations/directive-etude-impact/directive-realisation-etude-impact.pdf>

²³⁸ <https://www.legisquebec.gouv.qc.ca/en/document/cr/Q-2,%20r.%202023.1?&target=>; notably, this regulation replaced Q-2, r 23, which in Division III did specify that and EIA may deal with cumulative effects (s 3(c)).

²³⁹ <https://www.environnement.gouv.qc.ca/evaluations/documents/guide-demarche-autochtones-initiateur-projet-en.pdf>

Type of Instrument

Legislation

Cumulative Effects Requirements

Q-2 Title I, Q-2 r. 23.1, and Minister's Directive	Description of Requirements
Assessment	<p>Minister's Directive: s 2.6.5 The proponent of a project subject to the EIARP must choose and justify valued components for an in-depth cumulative effects assessment. The assessment should include any valued components at risk from potential cumulative effects as well as indicators of those effects.</p> <p>Q-2 s 31.92 a water withdrawal out of the St. Lawrence Basin that is an average of 379,000 litres per day, for municipal waterworks is authorized only if (3) the transfer would result in no significant individual or cumulative adverse impacts on the quantity or quality of waters and water-dependent natural resources</p> <p>Q-2 s 31.95 A new withdrawal from the Basin that is not transferred out of the Basin that involves an average quantity or use of 379,000 litres per day or more may be authorized if it does not result in significant individual or cumulative adverse impacts on waters or water-dependent resources in the Basin.</p> <p>Q-2 s 31.102 Minister must conduct an assessment every five years of the cumulative impacts of water withdrawals and consumptive uses in the St. Lawrence River Basin on the Basin ecosystem in accordance with the requirements of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement.</p>
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	<p>Q-2, r. 23.1 s 5(3) In addition to any other element the Minister's directive may require, an environmental impact assessment statement must contain... identification of the main environmental, social and economic issues... in particular those raised by the public and the Native communities concerned.</p>

Resources

- [Environmental Impact Assessment and Review Procedure applied in Southern Québec](#)²⁴⁰
- [Guide on the information and consultation process carried out with Aboriginal communities by the proponent of a project subject to the environmental impact assessment and review procedure](#)²⁴¹
- [Directives regarding the Environmental Impact Assessment and Review Procedure for specific projects](#)²⁴²

Linked Processes

- [Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement](#)²⁴³ (see pg. 108 of this Guide)

²⁴⁰ <https://www.environnement.gouv.qc.ca/evaluations/procedure.htm>

²⁴¹ <https://www.environnement.gouv.qc.ca/evaluations/documents/guide-demarche-autochtones-initiateur-projet-en.pdf>

²⁴² <https://www.environnement.gouv.qc.ca/evaluations/publicat.htm>

²⁴³ https://gsgp.org/media/nvzkrpyv/great_lakes-st_lawrence_river_basin_sustainable_water_resources_agreement.pdf

Québec *Environment Quality Act* Title II and Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec

Context

Title II of the Québec [Environment Quality Act](#)²⁴⁴ (Q-2) establishes a process for environmental and social impact assessment (ESIA) in the Territory of James Bay and Northern Québec. Title II outlines provisions applicable to the James Bay Region South of the 55th Parallel, with respect to the Cree Nation Government Lands defined in the James Bay and Northern Québec Agreement, Chapter 22. Separately, Title II outlines provisions applicable to the territory located North of the 55th Parallel, with respect to the Kativik Regional Government Lands defined in the James Bay and Northern Québec Agreement, Chapter 23.

The ESIA process created in Title II allows for Indigenous involvement in each step. For the Territory South of the 55th Parallel, the Act sets up the James Bay Advisory Committee, Evaluating Committee, and Review Committee all of which have advisory roles to the Minister in the environmental impact assessment process. The Cree Nation Government appoints members to each of these committees. The Evaluating Committee makes recommendations to the Minister regarding the type of assessment statement and the scope of the assessment statement that must be prepared by the proponent. The Review Committee recommends to the Minister whether a project should be authorized and under what conditions. When a project falls on Cree lands, the Cree administrator is the decision-maker.

Similarly, in the Territory North of the 55th Parallel, Title II sets up the Kativik Environmental Advisory Committee, and the Kativik Environmental Quality Commission. The Kativik Regional Government appoints members to each of these groups. The Minister determines the scope and contents of an environmental and social impact assessment statement by consulting with the Commission. The Commission evaluates the impact assessment statement and makes a recommendation regarding whether a project should be authorized and under what conditions.

Within Title II there is no requirement that cumulative effects are assessed, managed, monitored or mitigated. Title II does give the Government authority to make regulations to identify required information to be considered in an assessment. Section 5 of the [Regulation respecting the environmental and social impact assessment and review procedure applicable to the territory of James Bay and Northern Québec](#)²⁴⁵ (Q-2 r 25) states that for any ESIA carried out in the Territory South of the 55th Parallel, the impact statement must include an evaluation of cumulative environmental and social impacts. [The Regulation respecting the environmental impact assessment and review applicable to a part of the northeastern Québec region](#)²⁴⁶ (Q-2 r.24), states that section 5 of Q-2 r. 25 applies to the deMoineir region of the Naskapi Cree as well.

²⁴⁴ <https://www.legisquebec.gouv.qc.ca/en/document/cs/q-2>

²⁴⁵ <https://www.legisquebec.gouv.qc.ca/en/document/cr/Q-2,%20r.%2025%20/>

²⁴⁶ <https://www.legisquebec.gouv.qc.ca/en/document/cr/Q-2,%20r.%2024%20/>

Type of Instrument

Legislation

Cumulative Effects Requirements

Q-2 Title II, Q-2 r. 25, Q-2 r.24	Description of Requirements
Assessment	<p>Q-2 r.25 s 5(d) any environmental and social impact statement drawn up pursuant to section 160 of the Act must include at least the following elements... an evaluation of the impact which the project is likely to have on the environment and the social milieu... including direct, indirect, cumulative, long and short term, reversible and irreversible, local, regional and national effects which are likely to take place at various states of the carrying out of the project...</p> <p>Q-2 r. 24 s 3 states that s 5 of Q-2, r. 25 also applies to the northeastern Québec region, which is the deMoinier region of the Naskapi Cree.</p>
Management Framework	-
Monitoring	-
Mitigation	<p>Q-2 r.25 s 5(f) any environmental and social impact statement drawn up pursuant to section 160 of the Act must include at least the following elements... a description and evaluation of mitigation measures to minimize negative effects of the project on the environment and social milieu.</p> <p>Q-2 r. 24 s 3 states that s 5 of Q-2, r. 25 also applies to the northeastern Québec region, which is the deMoinier region of the Naskapi Cree.</p> <p><i>While not explicitly stated, these measures may include mitigations for cumulative environmental or social effects.</i></p>
Indigenous Engagement	<p>Q-2 s 134-135 the James Bay Advisory Committee on the Environment is created; four of 13 members are appointed by the Cree Nation Government.</p> <p>Q-2 s 148-149 the Evaluating Committee is created; two of the six members are appointed by the Cree Nation Government.</p> <p>Q-2 s 151 the Review Committee is created; two of the five members are appointed by the Cree Nation Government.</p> <p>Q-2 s 169-170 the Kativik Environmental Advisory Committee is created; three of the nine members are appointed by the Kativik Regional Government.</p> <p>Q-2 s 181-182 the Kativik Environmental Quality Commission is created; four of the nine members are appointed by the Kativik Regional Government.</p>

Resources

- [James Bay and Northern Québec Agreement \(1975\)](#)²⁴⁷
- [Cree Nation Government ESIA process page](#)²⁴⁸
- [James Bay Advisory Committee on the Environment](#)²⁴⁹
- [Project-Related Public Participation and Engagement in the James Bay Territory](#)²⁵⁰
- [Evaluating Committee](#)²⁵¹
- [The Environmental and Social Impact Review Committee](#)²⁵²
- [Kativik Environmental Advisory Committee](#)²⁵³
- [Kativik Environmental Quality Commission](#)²⁵⁴
- [Government of Québec Environmental Assessment of Northern Projects](#)²⁵⁵

²⁴⁷ <https://www.rcaanc-cirnac.gc.ca/eng/1407867973532/1542984538197>

²⁴⁸ <https://www.cngov.ca/environment/environmental-social-impact-assessment/>

²⁴⁹ <https://www.ccebj-jbace.ca/en/>

²⁵⁰ https://www.ccebj-jbace.ca/images/documents/public_participation/JBACE-BP-PP-Guide-8x11-final.pdf

²⁵¹ <https://comev.ca/cr/a-propos/liste-membres/>

²⁵² <https://comexqc.ca/en/>

²⁵³ <https://www.environnement.gouv.qc.ca/evaluations/keac.htm>

²⁵⁴ <https://www.keqc-cqek.ca/en/>

²⁵⁵ <https://www.environnement.gouv.qc.ca/evaluations/mil-nordique/index-en.htm#regimes>

Québec Water Strategy 2018-2030

Context

The 2018 [Québec Water Strategy](#)²⁵⁶ outlines the priorities of the province with respect to management of water resources. Priority 5 is for Québec to promote sustainable water use. In the section describing Priority 5, Québec recognizes that water withdrawals have cumulative effects on the environment and other water users. The Water Strategy and its [Action Plan](#)²⁵⁷ do not outline any actions related to cumulative impacts, but does state that cumulative impacts are managed through authorizations granted through the [Water Withdrawal and Protection Regulation](#)²⁵⁸ (q-2, r. 35.2) under the [Environment Quality Act](#)²⁵⁹.

The Regulation does not describe how Québec considers cumulative effects when authorizing a water withdrawal, but the Water Strategy implies that an assessment will occur during the regulatory process. This is consistent with the Minister's Directive respecting information requirements for the environmental assessment process in the southern part of Québec (see pg. 100 of this Guide).

Type of Instrument

Policy

Cumulative Effects Requirements

Québec Water Strategy	Description of Requirements
Assessment	Pg. 42 The government must ensure that withdrawals do not exceed capacity and have relatively little impact on the environment and water users. To account for cumulative impacts, the <i>Environment Quality Act</i> and the Water Withdrawal and Protection Regulation, require authorization for all withdrawals over 75,000 litres per day. For authorization to be granted, water must remain available and withdrawals must not jeopardize water use or ecosystem health.
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Resources

- [Québec Ministère de l'Environnement et de la Lutte contre les changements climatiques](#)²⁶⁰

²⁵⁶ <https://www.environnement.gouv.qc.ca/eau/strategie-quebecoise/strategie2018-2030-en.pdf>

²⁵⁷ <https://www.environnement.gouv.qc.ca/eau/strategie-quebecoise/plan-action2018-2030-en.pdf>

²⁵⁸ <https://www.legisquebec.gouv.qc.ca/en/document/cr/Q-2,%20r.%2035.2>

²⁵⁹ <https://www.legisquebec.gouv.qc.ca/en/document/cs/q-2>

²⁶⁰ <https://www.environnement.gouv.qc.ca/eau/strategie-quebecoise/index-en.asp>

Québec Act to affirm the collective nature of water resources and to promote better governance of water and associated environments

Context

The [Act to affirm the collective nature of water resources and to promote better governance of water and associated environments](#)²⁶¹ outlines the importance of wetlands and water as collective resources. It requires the development of regional wetlands and bodies of water plan that encourage achievement of “no net loss” of wetlands and bodies of water. This requirement recognizes that valuable wetland functions are lost because of incremental damage occurring across the province.

While not explicitly stated, the Act outlines a type of cumulative effects management framework with a specific focus on wetland function within regions. By setting a standard of “no net loss”, Québec has established a threshold for wetland function, which is the state of wetland function existing in 2021. A regional plan is required to identify wetlands and bodies of water within the region, identify those that are of special conservation interest, and identify areas where wetlands or bodies of water could be created. The resulting plan is also required to identify wetlands that should be subject to special regulations such that they are used in a sustainable way.

Type of Instrument

Legislation

Cumulative Effects Requirements

Québec Act to Affirm the Collective Nature of Water Resources	Description of Requirements
Assessment	-
Management Framework	s 15 A regional county municipality must develop and implement a regional wetlands and bodies of water for its entire territory... 15.4 a draft regional plan must include measures that achieve no net loss of wetlands and bodies of water.
Monitoring	-
Mitigation	-
Indigenous Engagement	-

²⁶¹ <https://www.legisquebec.gouv.qc.ca/en/document/cs/C-6.2>

4.11 Great Lakes Region

The Great Lakes Region is identified as a jurisdiction for cumulative effects requirements because the region is subject to the Great Lakes – St. Lawrence River Basin Agreement (2005). This agreement outlines responsibilities and duties for provinces and states within the international Great Lakes – St. Lawrence River Basin that include cumulative effects assessment and management, as well as Indigenous engagement. The provisions within the agreement are met by provisions within the *Québec Environment Quality Act* (1972; see pg. 100 of this Guide) and the *Ontario Water Resources Act* (1990; see pg. 113 of this Guide)

Great Lakes Region Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
Great Lakes – St. Lawrence River Basin Agreement (2005)	x	x			x	108

Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement

Context

The 2005 [Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement](#)²⁶² (SWRA) is between the Premiers of Provinces and Governors of States within the Great Lakes – St. Lawrence River Basin (Basin). The Agreement provides a framework for each Province and State to manage and protect waters within the Basin. It commits these ‘Parties’ to manage water resources within their own jurisdiction to a certain standard and to form a [Regional Body](#)²⁶³ out of the Governors or Premiers of the Parties, or a person designated by them. The Regional Body conducts Regional Reviews when they are triggered by the Agreement and work with the Compact Council to conduct cumulative impact assessments of withdrawals, diversions, and consumptive uses within the Basin.

The States that are party to the Agreement include: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin. The provinces that are party to the SWRA include Ontario and Québec.

The Agreement is an extension of [The Great Lakes Charter](#)²⁶⁴ (1985) and its [Annex](#)²⁶⁵ (2001). These documents outlined the initial principles under which water resources within the Basin would be managed.

Instrument Type

International Agreement

Cumulative Effects Requirements

SWRA	Description of Requirements
Assessment	Article 209 Part 3 – The Parties shall collectively conduct a periodic assessment of the cumulative impacts of withdrawals, diversions and consumptive uses from the Waters of the Basin within a specified timeframe.
Management	Article 201 Part 4d – Diversions shall not result in significant individual or cumulative adverse effects to the quantity or quality of water or water dependent natural resources in the Basin. Article 203 Part 2 – Withdrawals and consumptive uses shall not result in significant individual or cumulative adverse effects to the quantity or quality of water or water dependent natural resources in the Basin.
Monitoring	-
Mitigation	-
Indigenous Engagement	Article 504 – Appropriate consultation with First Nations (Canada) or federal recognized Tribes (United States) must occur regarding proposals undergoing Regional Review. The Regional Body must consider the comments from First Nations and federal recognized Tribes.

²⁶² https://gsgp.org/media/nvzkrpyv/great_lakes-st_lawrence_river_basin_sustainable_water_resources_agreement.pdf

²⁶³ <https://www.glsregionalbody.org/>

²⁶⁴ <https://gsgp.org/media/j1zcl0x2/greatlakescharter.pdf>

²⁶⁵ https://www.michigan.gov/documents/deq/deq-ogl-Annex2001_260204_7.pdf

Resources

- [Great Lakes St. Lawrence Governors & Premiers](https://gsgp.org)²⁶⁶
- [Great Lakes – St. Lawrence River Water Resources Regional Body](https://www.glsregionalbody.org)²⁶⁷

Linked Processes

- [Québec Environment Quality Act](https://www.legisquebec.gouv.qc.ca/en/document/cs/q-2)²⁶⁸ (1972; see pg. 100 of this Guide)
- [Ontario Water Resources Act](https://www.ontario.ca/laws/statute/90o40)²⁶⁹ (1990; see pg. 113 of this Guide)

²⁶⁶ <https://gsgp.org>

²⁶⁷ <https://www.glsregionalbody.org>

²⁶⁸ <https://www.legisquebec.gouv.qc.ca/en/document/cs/q-2>

²⁶⁹ <https://www.ontario.ca/laws/statute/90o40>

4.12 Ontario

Ontario Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
ON Env. Assessment Act (1990)	x		x	x	x	111
ON Water Resources Act (1990)	x		x	x		113
ON Great Lakes Protection Act (2015)		x	x	x	x	115
ON Wetland Conservation Strategy		x			x	117
Lake Simcoe Protection Plan		x				118
ON Far North Act (2010) Land Use Plans		x			x	119
ON Planning Act (1990)		x			x	121

Ontario *Environmental Assessment Act* and Code of Practice: Preparing and Reviewing Environmental Assessments in Ontario

Context

The 1990 Ontario [Environmental Assessment Act](#)²⁷⁰ (EAA) outlines the environmental assessment processes for various classes of activities (called “undertakings”) in Ontario. The Minister of Environment, Conservation and Parks is responsible for the administration of the act and determines the scope of an assessment by approving a Terms of Reference (TOR) proposed by the Proponent. The Proponent develops the TOR after consultation with interested persons. The Act does not include any specific provisions regarding Indigenous engagement. The Act does not state that cumulative effects must be assessed, monitored, or mitigated through this process.

The [Ontario Code of Practice: Preparing and reviewing environmental assessments in Ontario](#)²⁷¹ outlines the Ministry of the Environment and Climate Change’s expectations for environmental assessments. It was developed in consultation with government agencies, academics, assessment practitioners, environmental groups, industry associations, professional associations, and proponents. The Code of Practice encourages proponents to include information about potential cumulative effects of the project in combination with past, present and future activities, where possible. The Code of Practice also states that consultation with potentially affected Aboriginal communities is a requirement.

The Code of Practice includes the Ministry’s Statement of Environmental Values found in the 1993 *Environmental Bill of Rights*. The Statement of Environmental Values is considered in any environmentally significant decision made by the government. One of the Guiding Principles in the Statement is that

The ministry considers the cumulative effects on the environment: the interdependence of air, land, water and living organisms; and the relationships among the environment, the economy and society.

Type of Instrument

Legislation and Guidance

Cumulative Effects Requirements

ON EAA and Code of Practice	Description of Requirements
Assessment	Code of Practice: section 3.3 proponents are encouraged to include information about potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities where possible.
Management Framework	-
Monitoring	Environmental Assessment Act: 9(1)(b)(iii) The Minister may give approval to proceed subject to conditions the Minister considers necessary, including monitoring programs related to the undertaking.

²⁷⁰ <https://www.ontario.ca/laws/statute/90e18>

²⁷¹ <https://www.ontario.ca/document/preparing-and-reviewing-environmental-assessments-ontario-0>

ON EAA and Code of Practice	Description of Requirements
	Code of Practice: section 4.3.5 The environmental assessment is required to include a monitoring framework that will be carried out if the undertaking is approved.
Mitigation	Environmental Assessment Act: 9(1)(b)(ii) The Minister may give approval to proceed subject to conditions the Minister considers necessary, including works or actions to prevent, mitigate or remedy effects of the undertaking on the environment. Code of Practice: section 3.3 Proponents are encouraged to provide information on impact mitigation measures.
Indigenous Engagement	Code of Practice: section 4.1.1 Consultation with potentially affected Aboriginal communities is required.

Resources

- [Government of Ontario Preparing environmental assessments webpage](https://www.ontario.ca/page/preparing-environmental-assessments)²⁷²
- [Statement of Environmental Values: Ministry of the Environment and Climate Change](https://ero.ontario.ca/page/sevs/statement-environmental-values-ministry-environment-and-climate-change)²⁷³
- [Environmental Bill of Rights](https://www.ontario.ca/page/environmental-bill-rights)²⁷⁴
- [Information on Ontario's duty to consult Aboriginal Peoples](https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario)²⁷⁵

²⁷² <https://www.ontario.ca/page/preparing-environmental-assessments>

²⁷³ <https://ero.ontario.ca/page/sevs/statement-environmental-values-ministry-environment-and-climate-change>

²⁷⁴ <https://www.ontario.ca/page/environmental-bill-rights>

²⁷⁵ <https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario>

Ontario Water Resources Act

Context

The 1990 [Ontario Water Resources Act](#)²⁷⁶ manages water use and discharges to ensure the sustainable use of waters and long-term promotion of a healthy environment. The Act includes provisions for surface waters and groundwaters.

Section 34 of the Act includes provisions that align with the Great Lakes – St. Lawrence River Basin Sustainable Water Resources Agreement (2005; see pg. 108 of this Guide). Water transfers outside of the Great Lakes watersheds are prohibited if they result cumulative impacts to the quantity or quality of water or water-dependent natural resources.

Type of Instrument

Legislation

Cumulative Effects Requirements

Ontario Water Resources Act	Description of Requirements
Assessment	<p>s 34.6 (3) 4 water shall not be transferred out of the Great Lakes watersheds unless the transfer does not result in any significant individual or cumulative adverse impacts on the quantity or quality of the waters, or the water-dependent natural resources of the Great Lakes – St. Lawrence River Basin, considering the potential cumulative impacts of any precedent-setting consequences associated with the transfer.</p> <p>s 34.6 (4) If an assessment of cumulative impacts is prepared under Article 209 of the Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement of 2005, the Minister shall publish the assessment in the environmental registry established under section 5 of the <i>Environmental Bill of Rights, 1993</i>.</p>
Management Framework	-
Monitoring	s 34.7 (2) (c) if a permit issued under section 34.1 authorizes the taking of water from a Great Lakes watershed, the Director may include terms and conditions in the permit governing monitoring and reporting of amount that the water is transferred, the rate at which the water is transferred, the use and conservation of transferred water, and the effects on water quantity and quality.
Mitigation	S 34.7 (2) (a-b) if a permit issued under section 34.1 authorizes the taking of water from a Great Lakes watershed, the Director may include terms and conditions in the permit governing the transfer of water and the return of that water.
Indigenous Engagement	-

²⁷⁶ <https://www.ontario.ca/laws/statute/90o40>

Resources

- [Ontario's water quantity management program](#)²⁷⁷
- [Information on Ontario's duty to consult Aboriginal Peoples](#)²⁷⁸

Linked Processes

- [Great Lakes- St. Lawrence River Basin Sustainable Water Resources Agreement](#)²⁷⁹ (2005; see pg. 108 of this Guide)

²⁷⁷ <https://www.ontario.ca/page/ontarios-water-quantity-management-program>

²⁷⁸ <https://www.ontario.ca/page/duty-consult-aboriginal-peoples-ontario>

²⁷⁹ https://gsgp.org/media/nvzkrpyv/great_lakes-st_lawrence_river_basin_sustainable_water_resources_agreement.pdf

Ontario *Great Lakes Protection Act* and Ontario’s Great Lakes Strategy

Context

The 2015 [Great Lakes Protection Act](#)²⁸⁰ (GLPA) acknowledges that the health of the Great Lakes – St. Lawrence River Basin is tied to the health and well-being of everyone living in Ontario. The Act aims to protect and restore watersheds, wetlands, beaches, shorelines, and coastal areas of the Basin by establishing the Great Lakes Guardians’ council to help carry out the purposes of the Act; require the Minister to maintain Ontario’s Great Lakes Strategy; establish qualitative or quantitative targets; and establish a process for initiative proposals related to the Act.

Part III of the Act establishes [Ontario’s Great Lakes Strategy](#)²⁸¹ (GLS). The Strategy sets out the principles that are intended to guide decisions under the Act, including principles reflecting an ecosystem approach that includes the consideration of cumulative stresses and impacts. The Strategy itself is identified as “the roadmap that sets a vision, goals and priorities to help restore, protect and conserve the Great Lakes” (title on the Great Lakes Strategy website). It is grounded in the observed cumulative impacts of development within the Great Lakes Basin. The Strategy identifies six goals with related actions. Actions under the goals have characteristics of management, mitigations, and monitoring and include actions for Indigenous engagement. The table below gives general examples of these actions that fit into the categories of management, monitoring, mitigation, and Indigenous engagement; these are not exhaustive.

Type of Instrument

Legislation and Policy

Cumulative Effects Requirements

ON Great Lakes Strategy	Description of Requirements
Assessment	-
Management Framework	Great Lakes Strategy Goal 2: Protecting Water for Human Ecological Health – Actions include improved water quantity management.
Monitoring	Great Lakes Strategy Goal 5: Enhancing Understanding and Adaptation – Actions include implementing research and monitoring programs, improve understanding of sources and pathways of non-point source pollution, and improving existing monitoring networks to detect climate change.
Mitigation	Great Lakes Strategy Goal 2: Protecting Water for Human and Ecological Health; Goal 3: Improving Wetlands, Beaches and Coastal Areas; Goal 4: Protecting Habitats and Species - Actions include improving stormwater management, reducing toxic chemicals in waterbodies, and supporting community work on habitat and native species protection.
Indigenous Engagement	Great Lakes Strategy Goal 1: Engaging and Empowering Communities – Actions include funding First Nation and Métis Guardian programs and creating partnerships with First Nation and Métis communities and organizations.

²⁸⁰ <https://www.ontario.ca/laws/statute/15g24>

²⁸¹ <https://www.ontario.ca/page/ontarios-great-lakes-strategy>

Resources

- [Great Lakes Guardians' Council](#)²⁸² – includes Great Lakes Ministers, municipal representatives and First Nations and Métis representatives.

Linked Processes

- [Great Lakes- St. Lawrence River Basin Sustainable Water Resources Agreement](#)²⁸³ (2005; see pg. 108 of this Guide)

²⁸² <https://www.ontario.ca/page/great-lakes-guardians-council>

²⁸³ https://gsgp.org/media/nvzkrpyv/great_lakes-st_lawrence_river_basin_sustainable_water_resources_agreement.pdf

A Wetland Conservation Strategy for Ontario

Context

Ontario’s [Wetland Conservation Strategy](#)²⁸⁴ describes actions the Ontario government is currently taking or will take to conserve wetlands in the province. The Strategy includes two targets respecting wetland area and function. The first, that the net loss of wetland area and function is halted by 2025 where wetland loss has been the greatest. The second, that there is a net gain in wetland area and function where wetland loss has been the greatest. The areas where the policy will be applied (“where wetland loss has been the greatest”) will be determined through wetland inventory work. This is not a true “no net loss” policy because it does not include all wetlands across the jurisdiction. The Strategy indicates this will apply generally in Southern Ontario (south of and east of the Shield; pg. 40). Action 2 of the Strategy includes the commitment to create a “no net loss” policy for Ontario’s wetlands.

While not explicitly stated, a “no net loss” policy is a cumulative effects management framework with a specific focus on wetland function. Such a policy recognizes that valuable wetland functions are lost because of incremental damage occurring across the province. By setting a standard of “no net loss”, Ontario established a threshold for wetland function, which is the baseline year of 2010.

The Strategy recognizes that First Nation and Métis people are important partners in wetland management.

Type of Instrument

Policy

A Wetland Conservation Strategy for Ontario	Description of Requirements
Assessment	-
Management Framework	<p>Pg. 39 By 2025, the net loss of wetland area and function is halted where wetland loss has been the greatest.</p> <p>Pg. 39 By 2030, a net gain in wetland area and function is achieved where wetland loss has been the greatest.</p> <p>Pg. 42 Ontario will create a no net loss policy for Ontario’s wetlands.</p>
Monitoring	-
Mitigation	-
Indigenous Engagement	Pg. 20 First Nation and Métis people are important partners in wetland management. Local and traditional ecological knowledge can substantially contribute to effective wetland management practices.

Resources

- [Government of Ontario Wetland conservation webpage](#)²⁸⁵

²⁸⁴ https://files.ontario.ca/mnr_17-075_wetlandstrategy_final_en-accessible.pdf

²⁸⁵ <https://www.ontario.ca/page/wetland-conservation>

Lake Simcoe Protection Plan

Context

The 1990 [Lake Simcoe Protection Plan](#)²⁸⁶ is a watershed-based legislated plan prepared and approved under the [Lake Simcoe Protection Act](#)²⁸⁷ (2008). The Act and the Plan were established to protect and restore the ecological health of the Lake Simcoe watershed. The Plan recognizes that the Lake Simcoe watershed has been affected by excessive phosphorus, pollutants, invasive species, climate change and other pressures from human activities.

The Plan states that it is built on an ecosystem approach that acknowledges all areas within the watershed as an interconnected system. To understand the effects on the system, the plan uses best available science and a consideration of cumulative impacts. The approach used in the Plan was referenced in Ontario's Great Lakes Strategy (see pg. 115 of this Guide) as a model that could be used to manage cumulative effects in the Great Lakes. The Plan identifies key targets, policies, and indicators for protecting valued ecosystem components in the watershed.

Type of Instrument

Watershed Plan

Cumulative Effects Requirements

ON Lake Simcoe Protection Plan	Description of Requirements
Assessment	-
Management Framework	The Plan includes indicators, policies, and thresholds for achieving goals to improve and protect aquatic life, water quality and quantity, shorelines, and natural heritage and to address other threats such as invasive species.
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Resources

- [Lake Simcoe Science Committee](#)²⁸⁸
- [Lake Simcoe Coordinating Committee](#)²⁸⁹
- [Lake Simcoe Fish Community Objectives](#)²⁹⁰

²⁸⁶ <https://www.ontario.ca/document/lake-simcoe-protection-plan>

²⁸⁷ <https://www.ontario.ca/laws/statute/08123>

²⁸⁸ <https://www.pas.gov.on.ca/Home/Agency/224>

²⁸⁹ <https://www.pas.gov.on.ca/Home/Agency/223>

²⁹⁰ <https://docs.ontario.ca/documents/2640/stdprod-093556.pdf>

Ontario *Far North Act* Land Use Plans

Context

The 2010 Ontario [Far North Act](#)²⁹¹ establishes joint planning processes between the First Nations in the area defined as the “Far North” and Ontario. The “Far North” is defined in section 2 of the Act as a specific area of land north of several parks and Forest Management Units, including Woodland Caribou Provincial Park, Red Lake Forest, Trout Lake Forest, Wabakimi Provincial Park, Ogoki Forest, Kenogami Forest, among others. The objectives for planning under the Act include a significant role for First Nations; protection of areas of cultural values and ecological systems; maintenance of biological diversity, ecological processes, and ecological functions; and sustainable development that benefits the First Nations.

Seven or more First Nations in the Far North can work with the responsible Minister to establish a joint body to advise on land use planning and issue Far North policy statements. These policy statements can be related to several matters, including ecological systems, processes, and functions; considering cumulative effects; and climate change adaptation and mitigation.

A single First Nation in the Far North can work with the Minister to develop a Terms of Reference and complete a land use plan. Five Plans have been completed under this Act. Of these five, three state that cumulative effects will be considered in all land use decisions. One, the [Cat Lake and Slate Falls First Nations community-based land use plan](#)²⁹² states that information on cumulative effects will be utilized for decisions regarding watershed protection, and access and infrastructure development. The Plan states that a Strategic Access Planning Approach, based on consideration of cumulative effects, will be utilized for road development decisions. The Strategic Access Planning Approach was not available for review.

Nine Terms of Reference have been approved for planning yet to occur.

Type of Instrument

Legislation and Land Use Plan

Cumulative Effects Requirements

Land Use Plans under Ontario <i>Far North Act</i>	Description of Requirements
Assessment	-
Management Framework	<p>Act s 7. (1) – Seven or more First Nations can establish a joint body with the Minister to (7) develop policy statements related to ecological systems, processes, and functions; including considerations for cumulative effects; and for climate change adaptation and mitigation.</p> <p>Cat Lake and Slate Falls First Nation community-based land use plan – A Strategic Access Planning Approach will be adopted for decision-making with respect to road access. It will take into consideration the cumulative effects of road building.</p>
Monitoring	-

²⁹¹ <https://www.ontario.ca/laws/statute/10f18>

²⁹² <https://www.ontario.ca/page/cat-lake-and-slate-falls-first-nations-community-based-land-use-plan>

Land Use Plans under Ontario Far North Act	Description of Requirements
Mitigation	-
Indigenous Engagement	<p>Act s 5 – An objective for land use planning in the Far North is for First Nations to have a significant role in planning.</p> <p>Act s 6 - First Nations may contribute their traditional knowledge and perspectives on protection and conservation for the purposes of land use planning.</p>

Resources

- [Land use planning process in the Far North](https://www.ontario.ca/page/land-use-planning-process-far-north)²⁹³: the process for developing community based land use plans in the Far North of Ontario.

²⁹³ <https://www.ontario.ca/page/land-use-planning-process-far-north>

Ontario *Planning Act* and Provincial Policy Statement

Context

The 1990 Ontario [Planning Act](#)²⁹⁴ provides for a planning process led by the province to promote sustainable economic development in a healthy natural environment. The Act states that matters to be considered include protection of ecological systems and agricultural resources, and conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest, among many other matters. The management of cumulative effects is not mentioned in the Act. Section 3 of the Act states that the Minister may issue policy statements on matters related to municipal planning that are of provincial interest.

In 2020, the Minister issued a [Policy Statement](#)²⁹⁵ under section 3 of the Act that includes numerous policies providing overall direction on land use planning decisions made by municipalities, planning boards, the province, or a commission or agency of the government. The Statement identifies that to address cumulative effects to water quality and quantity, planning should occur at the watershed scale.

The [Greenbelt Plan](#)²⁹⁶ (2017), the [Niagara Escarpment Plan](#)²⁹⁷ (2017), the [Oak Ridges Moraine Conservation Plan](#)²⁹⁸ (2017), and the [Growth Plan for the Greater Golden Horseshoe](#)²⁹⁹ (2020) all identify the concept of watershed planning for the protection of water quality, specifically with respect to stormwater planning. These are large regional plans that provide direction to smaller planning authorities. While none of these plans include indicators or thresholds related to cumulative effects, the smaller plans that fall under them may.

Type of Instrument

Policy and Land Use Plan

Cumulative Effects Requirements

Ontario Provincial Policy Statement	Description of Requirements
Assessment	-
Management Framework	s 2.2.1a) Planning authorities shall protect, improve, or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development.
Monitoring	-
Mitigation	-
Indigenous Engagement	s 1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.

²⁹⁴ <https://www.ontario.ca/laws/statute/90p13>

²⁹⁵ <https://www.ontario.ca/page/provincial-policy-statement-2020>

²⁹⁶ <https://files.ontario.ca/greenbelt-plan-2017-en.pdf>

²⁹⁷ https://files.ontario.ca/appendix_-_niagara_escarpment_plan_2017_-_oc-10262017.pdf

²⁹⁸ <https://files.ontario.ca/oak-ridges-moraine-conservation-plan-2017.pdf>

²⁹⁹ <https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf>

Resources

- [Land use planning in Ontario](https://www.ontario.ca/page/land-use-planning)³⁰⁰

³⁰⁰ <https://www.ontario.ca/page/land-use-planning>

4.13 Manitoba

The Government of Manitoba completes impact assessment under the authority granted by the *Environment Act* (1988). There are currently no cumulative effects requirements documented in connection with this Act.

Manitoba Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
MB <i>Env. Act</i> (1988)						124
MB <i>Planning Act</i> (2005)	x					125
MB <i>Water Rights Act</i> (2019)		x				126

Manitoba *Environment Act*

Context

The 1988 [Environment Act](#)³⁰¹ describes the environmental protection and management system in Manitoba. The Act creates an environmental assessment procedure for projects likely to have significant effects on the environment. The assessment process is the responsibility of the Environmental Approvals Branch within the Government of Manitoba. The Government of Manitoba determines the scope of the assessment by issuing guidelines and instructions proponents must follow when completing the assessment and carrying out public consultation. These guidelines are project specific and there is nothing in the Act that prescribes what matters must be included. Therefore, there is no requirement in the Act regarding cumulative effects assessment, mitigation, or monitoring. There is also no requirement for Indigenous engagement within the Act.

Manitoba's [Environment Act Proposal Report Guidelines](#)³⁰² outline requirements for Environmental Assessment Reports. These general guidelines do not specify that cumulative effects must be considered in assessment, monitoring, or mitigation. They do specify that the proponent must identify potential impacts of the development on Indigenous communities.

Section 41(1) of the Act states that regulations may be made that restrict or limit the number and types of developments that may cause adverse cumulative effects that may be permitted to be constructed or operated in the province. No such regulations have been made.

Resources

- [Government of Manitoba Department of Environment, Climate and Parks Environmental Assessment and Licensing](#)³⁰³

³⁰¹ <https://web2.gov.mb.ca/laws/statutes/ccsm/e125e.php>

³⁰² https://www.gov.mb.ca/sd/pubs/environmental-approvals/eap_report_guidelines.pdf

³⁰³ https://www.gov.mb.ca/sd/permits_licenses_approvals/eal/index.html

Manitoba *Planning Act* and Provincial Planning Regulation

Context

The 2005 [Planning Act](#)³⁰⁴ authorizes the Government of Manitoba to establish provincial land use policies to guide sustainable land use and development in Manitoba, to authorize planning districts to develop regional strategies, and to designate special planning areas. The Act does not require any consideration of cumulative effects for these activities.

Part 3 of the 2011 [Provincial Planning Regulation](#)³⁰⁵ (PPR) made under the Act is a set of Provincial Land Use Policies that direct land use planning across the province. Under the Settlement Area Policies that aim to promote Sustainable Rural Development is a requirement that a cumulative effects assessment must be carried out before any new or expanded rural residential or cottage development can occur. This is the only policy that requires a consideration of cumulative effects in land use decisions.

Type of Instrument

Legislation

Cumulative Effects Requirements

MB <i>Planning Act</i> and PPR	Description of Requirements
Assessment	s 2.3.3 When considering establishing a new—or expanding an existing—rural residential or cottage development, the cumulative impacts of the development must be assessed to demonstrate that the additional development will not negatively impact existing rural residential and cottage development... lead to the evolution of a new urban centre; or detract from the natural or rural character that attracted development to the area.
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Resources

- [Planning Policies and Legislation in Manitoba](#)³⁰⁶

³⁰⁴ <https://web2.gov.mb.ca/laws/statutes/ccsm/p080e.php>

³⁰⁵ https://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=81/2011

³⁰⁶ https://www.gov.mb.ca/mr/land_use_dev/about_planning.html

Manitoba *Water Rights Act*

Context

The 2019 [Water Rights Act](#)³⁰⁷ establishes a “no net loss” for wetland function across the province. If proponents plan to destroy wetlands through development or draining, they will have to restore wetlands elsewhere.

While not explicitly stated, a “no net loss” policy is a cumulative effects management framework with a specific focus on wetland function. Such a policy recognizes that valuable wetland functions are lost because of incremental damage occurring across the province. By setting a standard of “no net loss”, Manitoba establishes a threshold for wetland function, which is the state of wetland function across the province when the Act came into effect in 2019.

Cumulative Effects Requirements

MB <i>Water Rights Act</i>	Description of Requirements
Assessment	-
Management Framework	s 5.1(1)-(2) Before the minister issues a licence that authorizes activities that would result in the loss or alteration of a prescribed class of wetland, the applicant must have taken one of the following actions to ensure that there is no net loss of wetland benefits: (a) pay a specified amount to the Manitoba Habitat Heritage Foundation or another organization designated by the minister for the purposes of restoring or enhancing a wetland in another location; (b) restore or enhance a wetland in a location specified or approved by the minister.
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Resources

- The [Manitoba Habitat Heritage Corporation](#)³⁰⁸ works in partnership with Manitoba landowners to maintain and enhance fish and wildlife habitat.

³⁰⁷ <https://web2.gov.mb.ca/laws/statutes/ccsm/w080e.php>

³⁰⁸ <https://www.mhhc.mb.ca/about-us/>

4.14 Saskatchewan

Saskatchewan Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
SK Env. Assessment Act (1980)	x		x	x	x	128
SK Treaty Land Entitlement Agreement (1992)	x				x	130
SK Regional Land Use Plans	x	x			x	132
Great Sand Hills Regional Environmental Study (2007)	x		x		x	134

Saskatchewan *Environmental Assessment Act* and Technical Proposal Guidelines

Context

The 1980 Saskatchewan [Environmental Assessment Act](#)³⁰⁹ (EAA) outlines the environmental assessment process carried out by the Government of Saskatchewan with respect to a proposed project (called an “undertaking” in the Act). The Act does not state requirements for the scope of an assessment and therefore does not specify that an assessment consider cumulative effects. The Act does give the government authority to make regulations respecting the scope of assessments and gives the responsible Minister authority to determine the scope of an assessment subject to those regulations. No regulations respecting the scope of an assessment have been made.

The Government of Saskatchewan has published the [Saskatchewan Technical Proposal Guidelines](#) (2014) and [Guidelines for the Terms of Reference and Environmental Impact Statement](#) (2021; TOR).³¹⁰ Both sets of guidelines identify that assessment of cumulative effects of the project on valued components are a required part of the assessment process. Both sets of Guidelines also discuss requirements for the identification of monitoring and mitigation programs as well as engagement with Indigenous communities.

Type of Instrument

Legislation and Guidance

Cumulative Effects Requirements

SK EAA and Guidelines	Description of Requirements
Assessment	<p>Technical Proposal Guidelines: section 3.1 Proponents should assess the cumulative impacts associated with the proposed project.</p> <p>Guidelines for TOR and EIS: section 9.3 Cumulative Effects Assessment – EIS includes discussion on how the development will contribute to cumulative environmental impacts in the short or long term. EIS includes description of the proposed approach for evaluating the cumulative impact of the development on valued components.</p>
Management Framework	-
Monitoring	<p>Technical Proposal Guidelines: section 3.4.5 Address planned programs for ongoing monitoring of mitigation practices.</p> <p>Guidelines for TOR and EIS: section 14 – Preliminary monitoring plans must be presented in the EIS. Monitoring will be required for all phases of development.</p>
Mitigation	<p>Guidelines for TOR and EIS: section 9.3 Cumulative Effects Assessment – EIS includes proposed mitigation measures to avoid, minimize or offset cumulative effects of the development.</p>

³⁰⁹ <https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment/environmental-assessment-process>

³¹⁰ <https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment/does-my-project-need-an-environmental-assessment>

Indigenous Engagement	<p>Technical Proposal Guidelines: section 3.4.8 At the technical proposal stage, interest-based engagement with First Nations and Métis can be beneficial and is strongly encouraged.</p> <p>Guidelines for TOR and EIS: section 4 Interest-Based Engagement - The Proponent is expected to share details of the development and actively solicit stakeholder and First Nations and Métis community feedback. Section 5 outlines a consultation plan.</p>
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Resources

- [Guidance documents](#)³¹¹ related to environmental assessment, including Proponent Consultation Guidelines, Technical Review Guidelines, and Guidelines for specific types of projects.
- [Government of Saskatchewan Environmental Assessment webpage](#).³¹²

³¹¹ <https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment/does-my-project-need-an-environmental-assessment>

³¹² <https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment>

Saskatchewan Treaty Land Entitlement Framework Agreement

Context

The 1992 [Saskatchewan Treaty Land Entitlement Framework Agreement](#)³¹³ (STLEFA) allows an Entitlement First Nation to sign a Treaty Land Entitlement settlement agreement with Canada and Saskatchewan to settle an outstanding Treaty Land Entitlement. A Treaty Land Entitlement resolves outstanding Crown obligations to First Nations that did not receive all the reserve land they are entitled to under Treaty. The numbered Treaties signed in what is now Saskatchewan include 2, 4, 5, 6, 8, and 10.

One of the provisions within the Agreement requires that an environmental impact assessment be carried out whenever a project is reasonably expected – in the opinion of the Entitlement First Nation – to adversely affect their common law riparian rights. The Entitlement First Nation and Canada and/or Saskatchewan will jointly review or jointly conduct an environmental impact assessment or other studies required. This provision does not explicitly state that cumulative effects will be assessed. However, any cumulative effects to water quality or quantity would be assessed or reviewed under this provision. This is due to the many connections of ground and surface water across a large landscape. Where one use of water may not cause a significant downstream effect, additional uses will further reduce quantity and quality of water downstream.

Twenty-five First Nations signed the Agreement in 1992. Since then, eight others have signed.

Instrument Type

Agreement

Cumulative Effects Requirements

STLEFA	Description of Requirements
Assessment	Section 6.06 (a) where any water project may, in the opinion of an Entitlement Band, reasonably be expected to adversely affect an Entitlement Band's common law riparian rights, the Entitlement Band and Canada and/or Saskatchewan agree to jointly review or jointly conduct any environmental impact assessments or other studies that may be required.
Management Framework	-
Monitoring	-
Mitigation	-
Indigenous Engagement	Section 6.06 (a) where any water project may, in the opinion of an Entitlement Band, reasonably be expected to adversely affect an Entitlement Band's common law riparian rights, the Entitlement Band and Canada and/or Saskatchewan agree to jointly review or jointly conduct any environmental impact assessments or other studies that may be required.

³¹³ <https://laws-lois.justice.gc.ca/eng/acts/s-4.3/page-1.html#docCont>

Resources

- [Saskatchewan Treaty Land Entitlements webpage](#)³¹⁴

Linked Processes

- [Saskatchewan Environmental Assessment Act](#)³¹⁵ (1980; see pg. 128 of this Guide)
- [Impact Assessment Agency of Canada](#)³¹⁶ (see pg. 13 of this Guide)

³¹⁴ <https://www.saskatchewan.ca/residents/first-nations-citizens/treaty-land-and-entitlements#specific-claims>

³¹⁵ <https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment/environmental-assessment-process>

³¹⁶ <https://www.canada.ca/en/impact-assessment-agency.html>

Saskatchewan Regional Land Use Plans

Context

The Government of Saskatchewan has completed [land use planning for several regions in the province](#).³¹⁷ The land use plans utilize a public process that includes the involvement of Indigenous Nations. They identify areas that should be protected from development as well as actions to take that will promote the environmental integrity of the region.

Two Regional Land Use Plans include requirements for cumulative impact assessment or management. The 2012 [Misinipiy Integrated Land Use Plan](#),³¹⁸ developed by the Saskatchewan Ministry of Environment with participation from the Lac La Ronge Indian Band, includes a provision for environmental impact assessments to consider long-term cumulative adverse effects. The 1998 [Pasquia/Porcupine Integrated Forest Land Use Management Plan](#),³¹⁹ developed by the Government of Saskatchewan with advice from an advisory committee consisting of members from area First Nations, recommends that the comprehensive watershed management plans be developed to address cumulative impacts of new and existing developments. If these management plans have been developed, they have not been publicly posted by the Government of Saskatchewan.

Type of Instrument

Land Use Plan

Cumulative Effects Requirements

Saskatchewan Regional Land Use Plans	Description of Requirements
Assessment	Misinipiy Integrated Forest Land Use Plan: section 6.1, Biodiversity – Ensure environmental impact assessments consider how long-term cumulative adverse effects of human and natural events will be minimized with respect to their impact on biodiversity.
Management Framework	Pasquia/ Porcupine Integrated Forest Land Use Plan: section 4.13, Water Management and Protection – Action: Develop comprehensive watershed management plans to ensure high water quality for domestic use, downstream users, and other users. Address cumulative impacts of new and existing developments.
Monitoring	-
Mitigation	-
Indigenous Engagement	Misinipiy Integrated Land Use Plan: section 7.2, Implementation Process – All levels of government, the general public, First Nations and Métis will be encouraged to participate throughout the land use planning process, including plan implantation, review and assessment. Pasquia/ Porcupine Integrated Forest Land Use Plan: section 4.12, Traditional Aboriginal Use – Action: Gather information from Aboriginal peoples on their knowledge and understandings about the ecosystem. Use this to enhance Saskatchewan’s current management practices.

³¹⁷ <https://publications.saskatchewan.ca/#/categories/34>

³¹⁸ <https://publications.saskatchewan.ca/#/products/77395>

³¹⁹ <https://publications.saskatchewan.ca/#/products/10879>

Linked Processes

- [Saskatchewan *Environmental Assessment Act*](#)³²⁰ (1980; see pg. 128 of this Guide)

³²⁰ <https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment/environmental-assessment-process>

Great Sand Hills Regional Environmental Study

Context

The [Great Sand Hills Regional Environmental Study](#)³²¹ (GSH RES) was undertaken to determine how human activities were affecting the ecological integrity of the Great Sand Hills Region (GSH), one of the largest remnants of native grassland in Canada. The Environmental Study was carried out by a Scientific Advisory Committee (SAC) chosen by the Minister of Environment of the Government of Saskatchewan. The final report includes a baseline assessment, an examination of the likely effects to the area under three potential development scenarios, and recommendations to preserve ecological integrity.

Several recommendations were focused on improving the environmental assessment process in Saskatchewan. The SAC identified that cumulative environmental effects were not being properly assessed through the process. Recommendations to the government included creating opportunities for joint participation of different stakeholders and First Nations in decision-making process with respect to the GSH. Recommendations also included modification of the environmental assessment process to include consideration of cumulative environmental effects of all land-use projects, and the development of stricter requirements around follow-up programs.

These recommendations were made at the request of and [approved by the Government of Saskatchewan](#).³²²

Type of Instrument

Regional Assessment

Cumulative Effects Requirements

GSH RES	Description of Requirements
Assessment	Pg. xxxvi The environmental assessment process should be modified to include consideration of the cumulative effects of all land-use projects so a realistic assessment of the impacts of human activities on the ecological capacity of GSH can be determined.
Management Framework	-
Monitoring	Pg. xxxvi For those gas development activities that trigger the full environmental impact assessment process, a formal post-approval follow-up is necessary. The objectives for a follow-up program under the Act should be to verify the proposed mitigation measures have been implemented, verifying they are working as intended, verify the accuracy of the project impact predictions, and identify and manage unanticipated environmental and socioeconomic impacts.
Mitigation	-
Indigenous Engagement	Pg. xxxv Government should promote the joint participation of different stakeholders and First Nations in the decision-making processes in regard to the GSH as a way to identify different interests and promote consensus.

³²¹ <http://www.environment.gov.sk.ca/Default.aspx?DN=4f2c7161-f0a0-45a8-8ba8-60958fb0410d>

³²² <https://www.saskatchewan.ca/government/news-and-media/2007/july/11/government-responds-to-the-great-sand-hills-regional-environmental-study>

Linked Processes

- [Saskatchewan *Environmental Assessment Act*](#)³²³ (1980; see pg. 128 of this Guide)

³²³ <https://www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-assessment/environmental-assessment-process>

4.15 Alberta

Alberta Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
<i>AB Env. Protection and Enhancement Act (2000)</i>	x		x	x	x	137
<i>AB Land Stewardship Act (2009)</i>		x	x	x	x	139
Alberta Wetland Policy (2013)		x				141

Alberta Environmental Protection and Enhancement Act and Guidance

Context

The 2000 Alberta [Environmental Protection and Enhancement Act](#)³²⁴ (EPEA) regulates the use of and effects to air, water, land, and biodiversity. Part 2 of the Act establishes the environmental assessment process for proposed activities that may cause environmental impacts. The process is carried out by the Government of Alberta.

Section 49 of the Act identifies the required contents of an environmental impact assessment report. This section states that the Report must include a description of potential cumulative environmental, social, economic, and cultural impacts of the proposed activity, “unless the Director provides otherwise”. This last phrase suggests that a Director could determine that a cumulative effects assessment is not required.

Guidance called [Cumulative Effects Assessment in Environmental Impact Assessment Reports Required under the Alberta Environmental Protection and Enhancement Act](#)³²⁵ outlines the expected scope and content for a cumulative effects assessment in environmental impact assessment reports.

The Act does not include any requirements with respect to Indigenous engagement. The Act states that all actions taken under the Act must be in accordance with any applicable *Alberta Land Stewardship Act* Regional Plan (see pg. 139 of this Guide).

Type of Instrument

Legislation

Cumulative Effects Requirements

AB EPEA	Description of Requirements
Assessment	s 49 (d) An environmental impact assessment report shall include a description of potential positive and negative environmental, social, economic and cultural impacts of the proposed activity, including cumulative, regional, temporal, and spatial considerations.
Management Framework	-
Monitoring	s 49 (i) An environmental impact assessment report shall include the plans that have been or will be developed to monitor predicted environmental impacts and the plans that have been or will be developed to monitor proposed mitigation measures.
Mitigation	s 49 (f) An environmental impact assessment report shall include the plans that have been or will be developed to mitigate the potential negative impacts identified under clause (d).
Indigenous Engagement	-

³²⁴ <https://open.alberta.ca/publications/e12>

³²⁵ <https://open.alberta.ca/publications/cumulative-effects-assessment-in-environmental-impact-assessment-reports-required-under-aepea>

Resources

- [Government of Alberta Environmental Impact Assessment webpage](#)³²⁶
- [Regional sustainable development strategy for the Athabasca Oil Sands area](#)³²⁷

Linked Processes

- [Alberta Land Stewardship Act \(2009\)](#)³²⁸ Regional Plans (see pg. 139 of this Guide)
- [Impact Assessment Agency of Canada](#)³²⁹ (see pg. 13 of this Guide)

³²⁶ <https://www.alberta.ca/environmental-impact-assessments.aspx>

³²⁷ <https://open.alberta.ca/publications/0778506800>

³²⁸ <https://open.alberta.ca/publications/a26p8>

³²⁹ <https://www.canada.ca/en/impact-assessment-agency.html>

Alberta Land Stewardship Act Land Use Plans and Alberta Land-Use Framework

Context

The 2009 [Alberta Land Stewardship Act](#)³³⁰ (ALSA) establishes the regional planning process throughout Alberta. The Act specifies that land-use objectives will be communicated through regional plans, which set or provide for effects indicators and thresholds for achieving or maintaining objectives. Land use plans also describe programs for monitoring indicators and thresholds. The general framework for each of the plans is found in the [Alberta Land-Use Framework](#)³³¹ (ALUF), which preceded the Act. The Framework contains valuable information regarding the contents of each plan and how they are to be developed.

[There are seven land planning regions identified in accordance with the Act.](#)³³² The planning regions are delineated by watersheds. Two of these seven have approved regional plans, including the [Lower Athabasca Region](#)³³³ and the [South Saskatchewan Region](#).³³⁴ The [North Saskatchewan Regional Plan](#)³³⁵ has been started but is not complete.

The Act does not specify requirements for Indigenous engagement, however, the Framework does. The two existing land use plans both indicate that First Nations were consulted during the planning process.

Type of Instrument

Legislation and Policy

Cumulative Effects Requirements

ALSA and ALUF	Description of Requirements
Assessment	-
Management Framework	<p>ALUF – Regional plans will define the cumulative effects management approach for the region and identify targets and thresholds. (pg. 26)</p> <p>ALSA section 8(2)(b) A regional plan may set or provide for one or more thresholds for the purpose of achieving or maintaining an objective for the planning region.</p>
Monitoring	<p>ALSA section 8(2)(d) A regional plan may describe or specify the monitoring required of thresholds, indicators, and policies.</p> <p>ALUF – Monitoring and evaluation system. A provincial monitoring and reporting system will be developed to ensure relevant information and ensure consistency across regional plans. (pg. 38)</p>
Mitigation	<p>ALSA section 8(2)(f) A regional plan may describe or specify the actions or measures to be taken to achieve or maintain the objects and policies in the regional plan.</p>
Indigenous Engagement	<p>ALUF – Regional plans will consider the input from First Nations, Métis communities, stakeholders, and the public. (pg. 26)</p>

³³⁰ <https://open.alberta.ca/publications/a26p8>

³³¹ <https://landuse.alberta.ca/PlanforAlberta/LanduseFramework/Pages/default.aspx>

³³² <https://landuse.alberta.ca/RegionalPlans/Pages/default.aspx>

³³³ <https://landuse.alberta.ca/RegionalPlans/LowerAthabascaRegion/Pages/default.aspx>

³³⁴ <https://landuse.alberta.ca/RegionalPlans/SouthSaskatchewanRegion/Pages/default.aspx>

³³⁵ <https://landuse.alberta.ca/RegionalPlans/NorthSaskatchewanRegion/Pages/default.aspx>

Resources

- [Alberta Environment and Parks Land-use Framework Home webpage](#)³³⁶
- [Government of Alberta Environment and land use planning webpage](#)³³⁷
- [Alberta Biodiversity Monitoring Institute](#)³³⁸
- [University of Alberta Land Institute Alberta Land Stewardship Act webpage](#)³³⁹

Linked Processes

Several acts respecting resource management decisions state that decisions must be made in accordance with the applicable Alberta Land Stewardship Act Regional Plan. These include the following acts:

- [Environmental Protection and Enhancement Act](#)³⁴⁰ (2000; see pg. 137 of this Guide);
- [Responsible Energy Development Act \(2012\)](#);³⁴¹ and
- [Alberta Water Act \(2000\)](#).³⁴²

³³⁶ <https://landuse.alberta.ca/Pages/default.aspx>

³³⁷ <https://www.alberta.ca/environment-and-land-use-planning.aspx>

³³⁸ <https://www.abmi.ca/home.html>

³³⁹ <https://www.albertalandinstitute.ca/resources/property-rights-guide/alberta-land-stewardship-act-also>

³⁴⁰ <https://open.alberta.ca/publications/e12>

³⁴¹

<https://open.alberta.ca/publications/r17p3#:~:text=The%20Responsible%20Energy%20Development%20Act,and%20coal%20projects%20in%20Alberta.>

³⁴² <https://open.alberta.ca/publications/w03>

Alberta Wetland Policy

Context

The 2013 [Alberta Wetland Policy](#)³⁴³ sets up a management framework for wetlands. Under this framework, project proponents must avoid impacts to wetlands if possible. If not possible, they must minimize effects to wetlands and then replace wetlands that have been lost. This policy is based on wetland area as opposed to wetland functions.

While not explicitly stated, the Policy is a type of cumulative effects management framework with a specific focus on wetland area. The Government of Alberta recognizes that valuable wetlands are lost because of incremental damage occurring across the province. By requiring the replacement of wetlands, the Government of Alberta has established a threshold for wetland function, which is the state of wetland function that existed in 2013, which the policy came into effect.

Type of Instrument

Policy

Cumulative Effects Requirements

Nova Scotia Wetlands Conservation Policy	Description of Requirements
Assessment	-
Management Framework	Proponents of developments must avoid impacts to wetlands on Crown lands. If that is not possible, they must minimize impacts on wetlands. If that is not possible, they must replace any wetlands lost. (pg. 14)
Monitoring	-
Mitigation	-
Indigenous Engagement	-

Resources

- [Alberta Wetland Policy Implementation webpage](#)³⁴⁴

³⁴³ <https://www.alberta.ca/alberta-wetland-policy-implementation.aspx>

³⁴⁴ <https://www.alberta.ca/alberta-wetland-policy-implementation.aspx>

4.16 British Columbia

British Columbia Cumulative Effects Requirements

	Assessment	Management Framework	Monitoring	Mitigation	Indigenous Engagement	Page
BC Env. Assessment Act (2018)	x		x	x	x	143
BC Cumulative Effects Framework Interim Policy (2016)	x	x			x	145
Modernizing Land Use Planning in BC (2021)		x			x	147
Yahey v. BC (2021)	x	x			x	149
Marine Plan Partnership Regional Action Framework (2016)	x	x			x	151

British Columbia *Environmental Assessment Act* and EAO User Guide

Context

The 2018 [British Columbia Environmental Assessment Act](#)³⁴⁵ (EAA) establishes the environmental assessment process in British Columbia, which is carried out by the British Columbia Government Environmental Assessment Office also established by the Act. The 2018 Act was enacted after an Environmental Assessment Revitalization Process. Compared to the 2002 *Environmental Assessment Act*, the 2018 Act includes changes to enhance public confidence, advance reconciliation with First Nations, and provide greater certainty of process for proponents.

Section 25 of the Act identifies matters that are required to be considered in every assessment. These matters include adverse cumulative effects and the effects of a project on Indigenous Nations and rights recognized and affirmed by section 35 of the *Constitution Act*. Monitoring and mitigation requirements are not found in this section of the Act.

The British Columbia Environmental Assessment Office (EAO) produced an [EAO User Guide](#)³⁴⁶ to provide an overview of the assessment process for proponents and participants. The User Guide expands on the section 25 cumulative effects assessment requirements within the Act and includes information on potential monitoring and mitigation requirements.

Section 1.5.1 The User Guide also identifies that the Act allows for Regional Assessments to complement provincial monitoring, land-use planning, and cumulative effects assessments. The provisions related to Regional Assessments are in section 35 of the Act. Regional Assessments can provide valuable information for future decision-making by describing the baseline state of valued components due to the cumulative effects of existing development. There have not been any regional assessments initiated under section 35 of the Act.

Type of Instrument

Legislation and Guidance

Cumulative Effects Requirements

BC EAA and EAO User Guide	Description of Requirements
Assessment	<p>Environmental Assessment Act: Section 25(2)(a) The following matters must be considered in every assessment: positive and negative direct and indirect effects of a reviewable project, including environmental, economic, social, cultural and health effects, and adverse cumulative effects.</p> <p>Environmental Assessment Act: Section 35(1)(a)-(b) The minister may direct the EAO to undertake an assessment of the environmental, economic, social, cultural and health effects of</p>

³⁴⁵ <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18051>

³⁴⁶ https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/environmental-assessments/guidance-documents/2018-act/eao_user_guide_v102_april_2021.pdf

BC EAA and EAO User Guide	Description of Requirements
	<p>any projects in a region of the province and provide a report and recommendations to the minister at the conclusion of the assessment.</p> <p>EAO User Guide: 1.5.1 Regional Assessments are enable under the Act to complement, not duplicate, provincial monitoring, land-use planning, and cumulative effects assessments.</p>
Management Framework	-
Monitoring	<p>EAO User Guide: 12.1, Mitigation Effectiveness Monitoring Reports - The EAO may require proponents to conduct effectiveness monitoring and submit effectiveness monitoring reports on a timeline specified by the EAO.</p>
Mitigation	<p>EAO User Guide: 7.5, Application Information Requirements - Standard information requirements include characterization of residual and cumulative effects including mitigations with linkages to management plans, proposed Certificate conditions, and other permitting.</p>
Indigenous Engagement	<p>Environmental Assessment Act: Section 25(1) The effects of a project on Indigenous Nations and rights recognized and affirmed by section 35 of the <i>Constitution Act, 1982</i> must be assessed in every assessment.</p> <p>EAO User Guide: 7.3, Applying Indigenous Knowledge to Process Planning. The EAO uses Indigenous knowledge, in part, to help identify issues to be addressed in the EA and to determine the likely geographic area of the impact.</p>

Resources

- [British Columbia Environmental Assessment Office webpage](https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments)³⁴⁷
- [Guidance Documents Related to Environmental Assessments under the 2018 Act](https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/guidance-documents/2018-act-guidance-materials)³⁴⁸
- [Indigenous Nation Guidance Material Related to Environmental Assessments under the 2018 Act](https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/guidance-documents/indigenous-nation-guidance-material)³⁴⁹

Linked Processes

- [Impact Assessment Agency of Canada](https://www.canada.ca/en/impact-assessment-agency.html)³⁵⁰ (see pg. 13 of this Guide)

³⁴⁷ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments>

³⁴⁸ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/guidance-documents/2018-act-guidance-materials>

³⁴⁹ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/guidance-documents/indigenous-nation-guidance-material>

³⁵⁰ <https://www.canada.ca/en/impact-assessment-agency.html>

British Columbia Cumulative Effects Framework Interim Policy

Context

The 2016 British Columbia [Cumulative Effects Framework Interim Policy](#)³⁵¹ (CEF) communicates standards and provides direction to provincial government staff and decision-makers for considering cumulative effects in individual natural resource decisions. The CEF helps the BC government to improve decision-making by ensuring a consistent regional approach is utilized to produce reliable information about the state of valued components. This information complements current land management and resource use decision-making processes, including the process established through the *Environmental Assessment Act* (2018; see pg. 143 of this Guide).

The CEF defines a systematic procedure for completing a cumulative effects assessment. The steps include selecting values, defining a standard assessment protocol, assessing the condition of the values, and report. The reporting stage includes annual reports on current conditions in a Current Condition Report as well as periodically reporting on potential future conditions and management responses through a Cumulative Effects Assessment and Management Report (CEAM). Conditions are to be reported using reference benchmarks, where applicable.

The CEF also identifies a systematic procedure on how information gained from the cumulative effects assessment should be used in management decisions. The steps include reviewing cumulative effects assessment results and identify potential responses, engage with First Nations and stakeholders on the results and potential responses, finalize a report with the responses, and notify First Nations and stakeholders of the report.

Type of Instrument

Policy

Cumulative Effects Requirements

BC CEF	Description of Requirements
Assessment	Section 6, Cumulative Effects Assessment Overview – Outlines the systematic steps involved in conduct a cumulative effects assessment for land-use decisions.
Management Framework	Section 11, Cumulative Effects Management Overview – Outlines the systematic steps involved in making management decisions using information from the cumulative effects assessment described in section 6.
Monitoring	-
Mitigation	-
Indigenous Engagement	Section 4.1, Engagement with First Nations – Opportunities for collaboration and partnership with First Nations will be explored, recognizing the shared stewardship of values and responsibility for management of cumulative effects. Unless otherwise defined through specific agreements, opportunities for engagement shall be provided at the following stages: defining Standard Assessment Protocols, initiating a regional CEAM report, reviewing draft CEAM reports.

³⁵¹ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/cumulative-effects-framework/policy>

Resources

- [Cumulative Effects Framework Overview webpage](#)³⁵²
- [Cumulative Effects Framework Guidance webpage](#)³⁵³
- [Case Studies: Consideration of cumulative effects in decision-making](#)³⁵⁴
- [Cumulative Effects Assessments by Region](#)³⁵⁵

Linked Processes

- [British Columbia *Environmental Assessment Act*](#)³⁵⁶ (2018; see pg. 143 of this Guide)
- [British Columbia Land Use Planning](#)³⁵⁷ (see pg. 147 of this Guide)

³⁵² <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/cumulative-effects-framework/overview>

³⁵³ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/cumulative-effects-framework/guidance>

³⁵⁴ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/cumulative-effects-framework/case-studies>

³⁵⁵ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/cumulative-effects-framework/regional-assessments>

³⁵⁶ <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18051>

³⁵⁷ <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/policy-guidance>

Modernizing Land Use Planning in British Columbia

Context

Regional Land Use Planning in British Columbia (BC) has been carried out for decades under varying policies and legal frameworks. Before 1992, land use planning was initiated as a response to specific resource-based conflicts and was completed by British Columbia Government staff. Between 1992 and 2008, the province worked towards a goal of completing consensus-based comprehensive land use plans for all of British Columbia. In 2008 the province decided to focus on land use planning in areas where a need was demonstrated and ended the need for consensus with stakeholders. This allowed the government to allocate resources towards consultation and engagement with First Nations.

In 2021 The BC government committed to a [new modernized land use process](#).³⁵⁸ While 90% of provincial public land is covered by existing land use plans (some of which include requirements to monitoring and manage cumulative effects), the BC government acknowledges that old land use planning policies do not address current resource management challenges. Key drivers addressed under new policies and guidance include reconciliation with Indigenous governments and the need to address cumulative effects on natural resources. Indigenous governments are now partners in planning.

[Policies and Guidance](#)³⁵⁹ that outline the modernized approach do not include explicit statements regarding cumulative effects management. However, the [Best Practices Guidance document for Writing Plan Content](#)³⁶⁰ encourages those engaged in land use planning to develop measurable objectives that are informed by cumulative effects assessments. The process of modernized land use planning is carried out within process described by the Cumulative Effects Framework (see pg. 145 of this Guide).

Type of Instrument

Policy

Cumulative Effects Requirements

Modernizing Land Use Planning in BC	Description of Requirements
Assessment	-
Management Framework	Modernizing Land Use Planning in British Columbia webpage – a key driver of the renewed approach to land use planning is the need to address cumulative effects on natural resource values.
Monitoring	-
Mitigation	-
Indigenous Engagement	Modernizing Land Use Planning in British Columbia webpage – a key driver of the renewed approach to land use planning is reconciliation with Indigenous governments and the BC government’s commitment to implement the principles of the United Nations Declaration on the

³⁵⁸ <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/modernizing-land-use-planning>

³⁵⁹ <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/policy-guidance>

³⁶⁰ https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/policies-guides/mlup_guide_writing_plan_content_2021.pdf

Modernizing Land Use Planning in BC	Description of Requirements
	Rights of Indigenous Peoples and direction provided in the BC <i>Declaration on the Rights of Indigenous Peoples Act</i> .

Resources

- [Modernizing Land Use Planning in British Columbia webpage](#)³⁶¹
- [Provincial Land Use Planning Engagement Platform](#)³⁶² – information on current land-use planning projects.
- [Indigenous Engagement Process on Modernized Land Use Planning in B.C.: Summary of “What We Heard” Report](#)³⁶³
- [Environmental Stewardship Initiative webpage](#)³⁶⁴ – a collaboration between B.C. and First Nations that results in high-quality, accessible, and trusted environmental information.
- [Collaborative Stewardship Framework webpage](#)³⁶⁵ – approach that utilizes Western and Indigenous knowledge to enhance resource decision-making.
- [Provincial Land Use Planning: Which way from here? Special Report](#)³⁶⁶ (2008) – describes the history of Land Use Planning in BC.

³⁶¹ <https://www2.gov.bc.ca/gov/content/industry/crown-land-water/land-use-planning/modernizing-land-use-planning>

³⁶² <https://landuseplanning.gov.bc.ca>

³⁶³ https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/land-use-plans-and-objectives/reports-publications/indigenous_engagement_process_mlup_wwh_report_summary_3mar2021.pdf

³⁶⁴ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/collaborative-stewardship-bc/environmental-stewardship-initiative>

³⁶⁵ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/collaborative-stewardship-bc/collaborative-stewardship-framework>

³⁶⁶ http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/450886/sr34_ml.pdf

Yahey v. British Columbia

Context

In 2015 the [Blueberry River First Nation \(BRFN\) filed a lawsuit against British Columbia](#),³⁶⁷ claiming that the cumulative effects of industrial development within their traditional territory constituted an infringement of their Treaty rights. Blueberry River First Nation is in northeast British Columbia and signatory to Treaty 8. In signing Treaty 8 in 1900, leaders were promised that they would maintain their rights to hunt, trap, and fish on the land.

Today, developments associated with oil and gas, forestry, mining, hydroelectric, and agriculture have cumulatively degraded water quality and destroyed wildlife habitat in the BRFN territory. These effects have significantly interfered with BRFN members' ability to exercise their Treaty rights.

On June 29, 2021, the BC Supreme Court declared that the BC government had breached its obligations under Treaty 8 by authorizing extensive industrial development throughout BRFN territory. The Court found that the existing regulatory framework did not effectively consider cumulative effects and that the developments authorized by BC had significantly and meaningfully diminished BRFN's Treaty rights. BC had argued that the test for the infringement of Treaty rights was evidence that the ability to hunt, trap, or fish was completely extinguished, consistent with the Supreme Court of Canada's decision in [R. v. Sparrow](#).³⁶⁸ The BC Supreme Court rejected this argument, stating that the test for infringement should not be whether the right is completely diminished, but whether it has been meaningfully affected.

The Court ordered that the parties work together to develop comprehensive and effective mechanisms to assess and manage the cumulative effects of development on BRFN rights.

Type of Instrument

Court Decision

Cumulative Effects Requirements

Yahey v. British Columbia	Description of Requirements
Assessment	[1888] 4 The parties must act with diligence to consult and negotiate for the purpose of establishing timely enforceable mechanisms to assess and manage the cumulative impact of industrial development on Blueberry's Treaty rights, and to ensure these constitutional rights are respected.
Management Framework	[1888] 4 The parties must act with diligence to consult and negotiate for the purpose of establishing timely enforceable mechanisms to assess and manage the cumulative impact of industrial development on Blueberry's Treaty rights, and to ensure these constitutional rights are respected.
Monitoring	-
Mitigation	-

³⁶⁷ <https://www.canlii.org/en/bc/bcsc/doc/2021/2021bcsc1287/2021bcsc1287.html>

³⁶⁸ <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/609/index.do>

Yahey v. British Columbia	Description of Requirements
Indigenous Engagement	[1888] 4 The parties must act with diligence to consult and negotiate for the purpose of establishing timely enforceable mechanisms to assess and manage the cumulative impact of industrial development on Blueberry’s Treaty rights, and to ensure these constitutional rights are respected.

Linked Processes

- [British Columbia Environmental Assessment Act](#)³⁶⁹ (2018; see pg. 143 of this Guide)

³⁶⁹ <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18051>

Marine Plan Partnership for the North Pacific Coast Regional Action Framework

Context

The [Marine Plan Partnership for the North Pacific Coast](http://mappocean.org)³⁷⁰ (MaPP) was started in 2011 as a collaborative partnership between the British Columbia government and 17 First Nation partners. The partners work together to complete and implement coastal and marine planning.

In 2016, MaPP partners established the [Regional Action Framework](http://mappocean.org/regional/raf/)³⁷¹ (RAF) to define Regional Actions consistent with recommendations from four sub-regional marine plans for the North Pacific Coast.

The RAF identifies three Regional Actions with respect to cumulative effects assessment. These Actions are formed around the implementation of the [draft MaPP Marine Cumulative Effects Assessment Framework](http://mappocean.org/tracking-cumulative-effects/).³⁷² The Marine Cumulative Effects Assessment Framework outlines a systematic cumulative effects assessment process that informs management decisions included in the four sub-regional marine plans. Ultimately, the RAF will lead to effective cumulative effects management in the North Pacific Coast region.

Type of Instrument

Regional Plan

Cumulative Effects Requirements

MaPP RAF	Description of Requirements
Assessment	Action 3.2a Continue to refine the draft MaPP marine cumulative effects assessment framework in collaboration with the Province of British Columbia’s cumulative effects project.
Management Framework	Action 3.2b Collaborate with sub-regions to select and implement an appropriate pilot to test the cumulative effects framework for marine uses and activities. Action 3.2c Advance dialogue on a common approach to integrate cumulative effects assessments into marine decision-making processes.
Monitoring	-
Mitigation	-
Indigenous Engagement	MaPP includes 17 First Nation partners.

³⁷⁰ <http://mappocean.org>

³⁷¹ <http://mappocean.org/regional/raf/>

³⁷² <http://mappocean.org/tracking-cumulative-effects/>

Resources

- [MaPP Study Area](#)³⁷³

Linked Processes

- [British Columbia Cumulative Effects Framework Interim Policy](#)³⁷⁴ (2016; see pg. 145 of this Guide)
- [British Columbia *Environmental Assessment Act*](#)³⁷⁵ (2018; see pg. 143 of this Guide)

³⁷³ <http://mappocean.org/about-mapp/sub-regions/>

³⁷⁴ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/cumulative-effects-framework/policy>

³⁷⁵ <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/18051>