reviewboard.ca

Mackenzie Valley Review Board

The Significance Spectrum

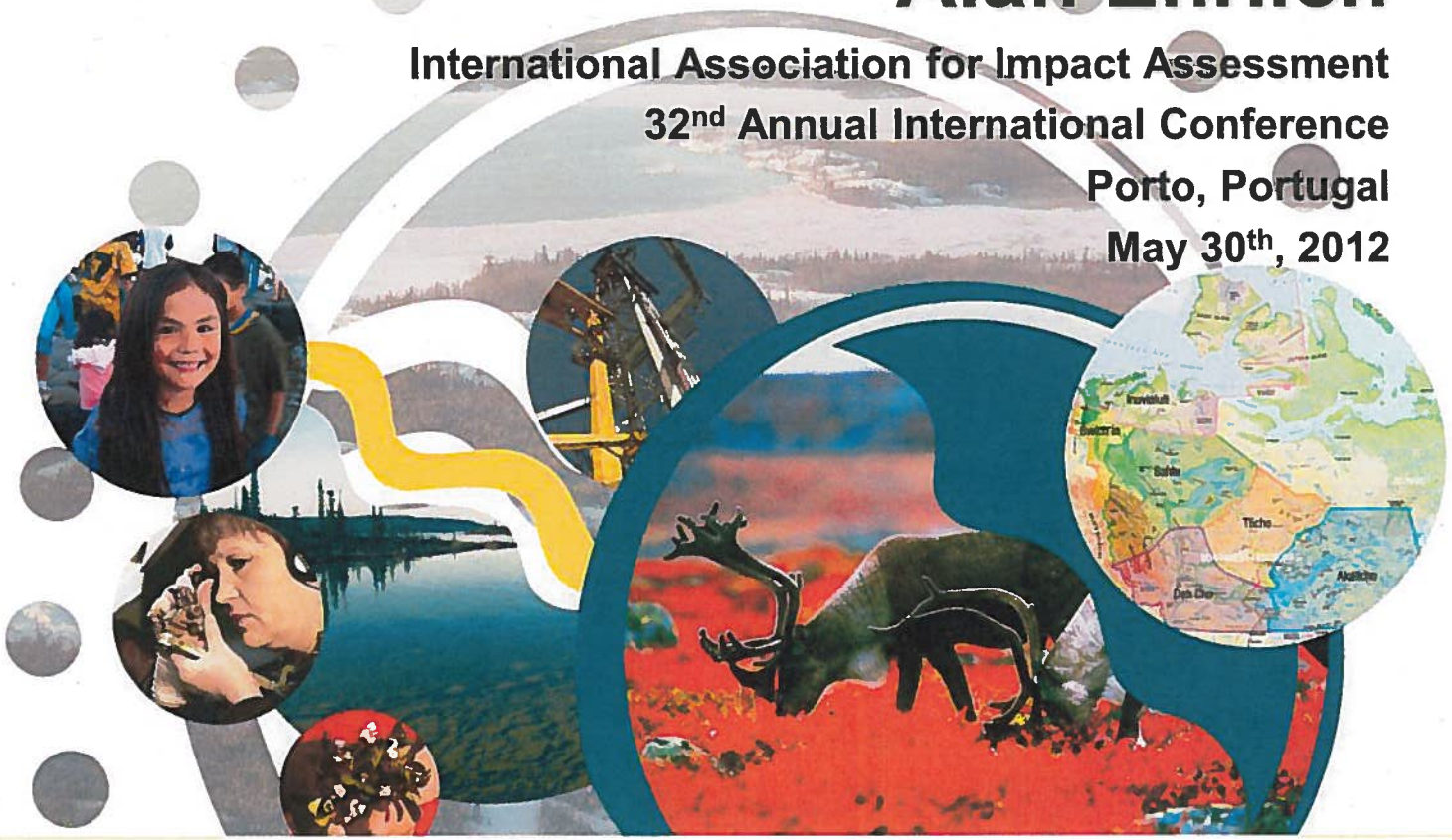
Alan Ehrlich

International Association for Impact Assessment

32nd Annual International Conference

Porto, Portugal

May 30th, 2012



Mackenzie Valley Review Board

Overview

- Where am I coming from?
- What is “significant”?
- The significance spectrum
- Drawing a line between EIA and regulatory processes

Mackenzie Valley Review Board

The Mackenzie Valley Environmental Impact Review Board

- Court-like tribunal in northern Canada
- Co-management tribunal (50% Aboriginal)
- Decision maker in EIAs for large scale or controversial projects
- Legally required to decide if a proposed project is likely to cause significant adverse impacts on the ecosystem and people
- If so, Review Board requires mitigation measures or rejects project

Mackenzie Valley Review Board

What is significant?

- Many criteria for significance:

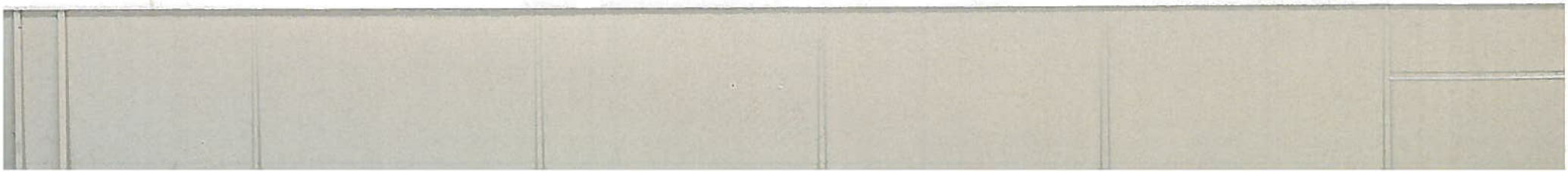
- Magnitude
- Duration
- Reversibility
- Areal (geographic) extent
- Likelihood
- Nature of the impact

- Significance is not a strictly scientific determination
- Depends on the **subjective informed judgment** of decision makers
- Uses **evidence** to test for the public interest
- Reflects decision maker's **values** about predicted impacts

Mackenzie Valley Review Board

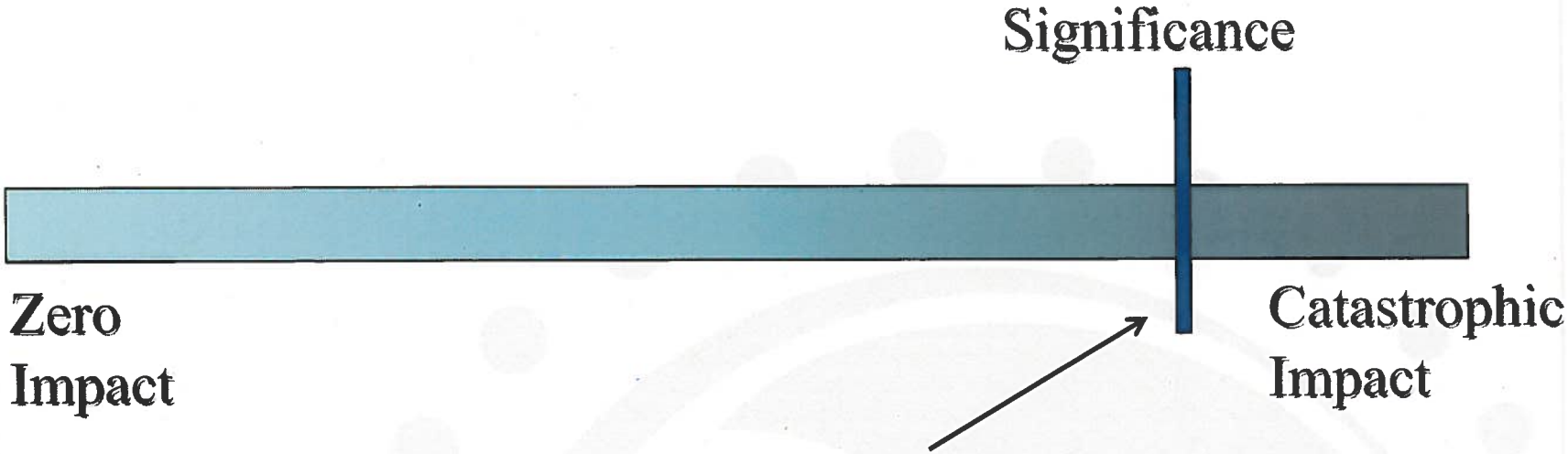
Is an impact significant?

Does the impact matter enough so that it should be reduced or prevented?



Mackenzie Valley Review Board

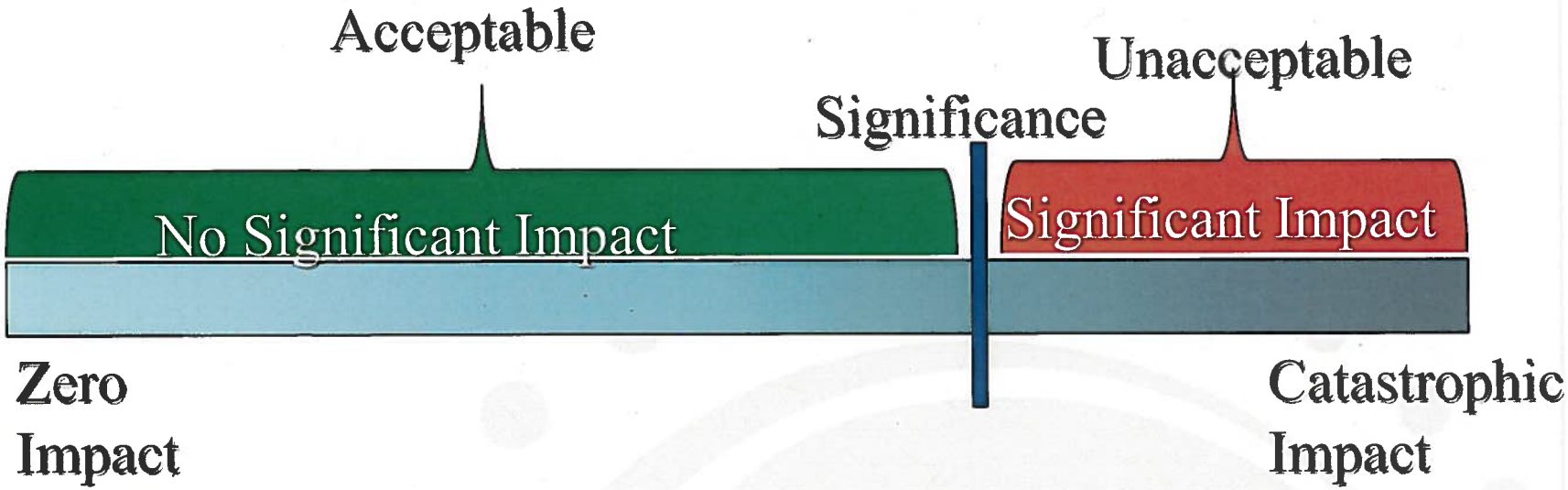
The Significance Spectrum



Where this line goes
- is based on values
- changes for each impact

Mackenzie Valley Review Board

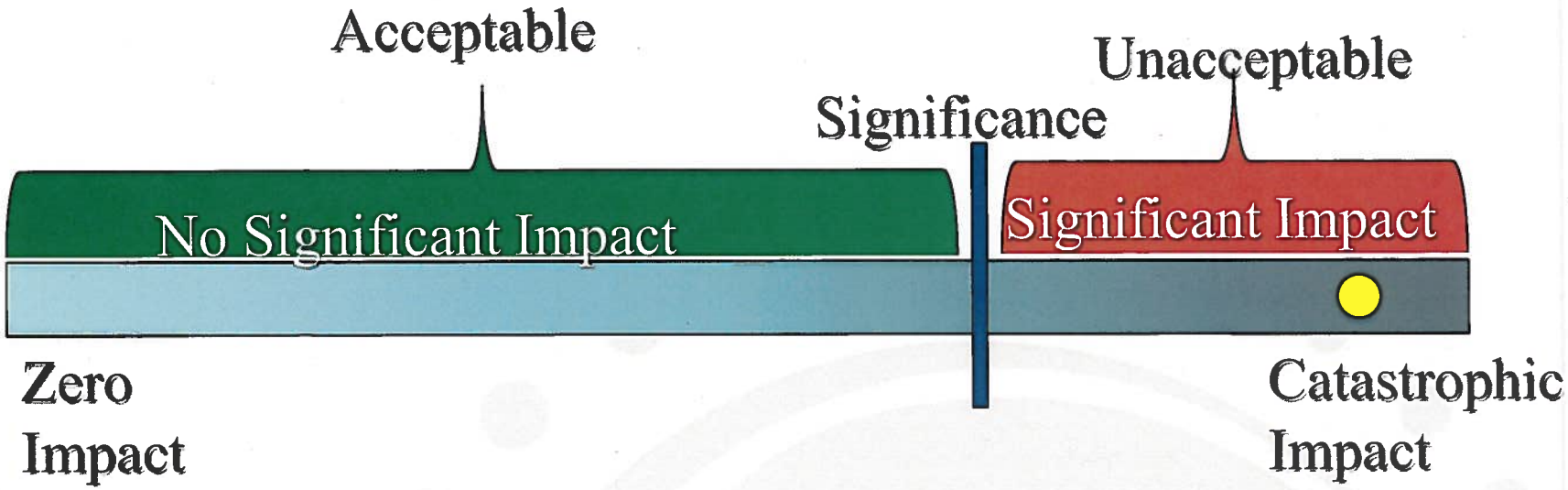
The Significance Spectrum



Mackenzie Valley Review Board

The Significance Spectrum

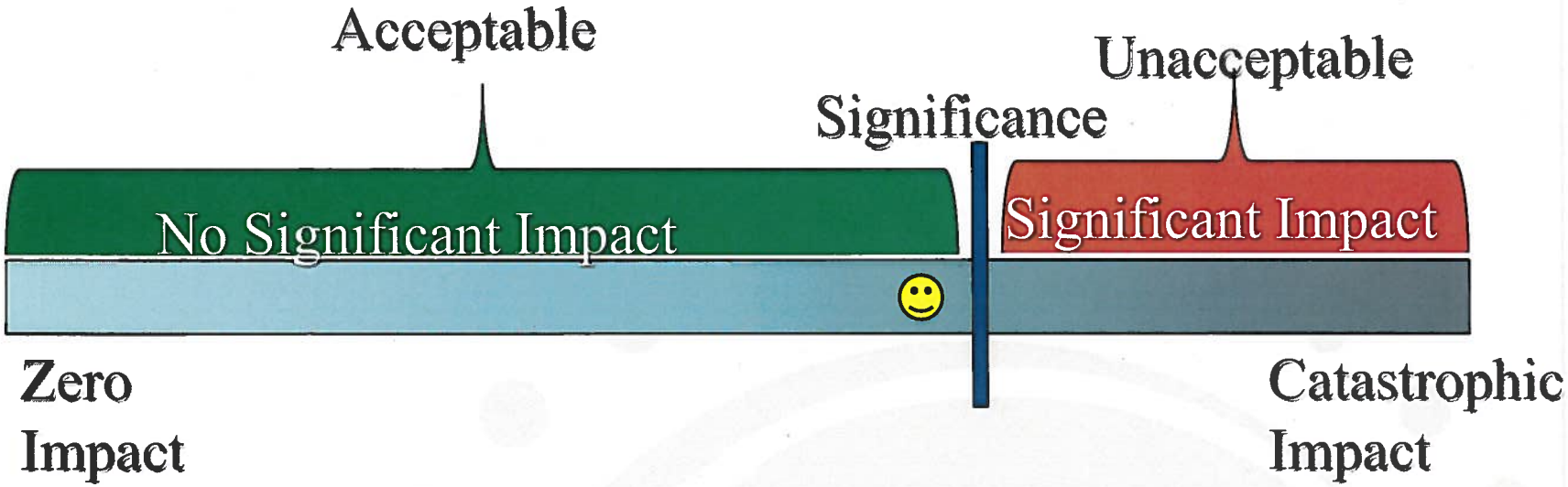
EIA decision maker decides which side an impact falls on



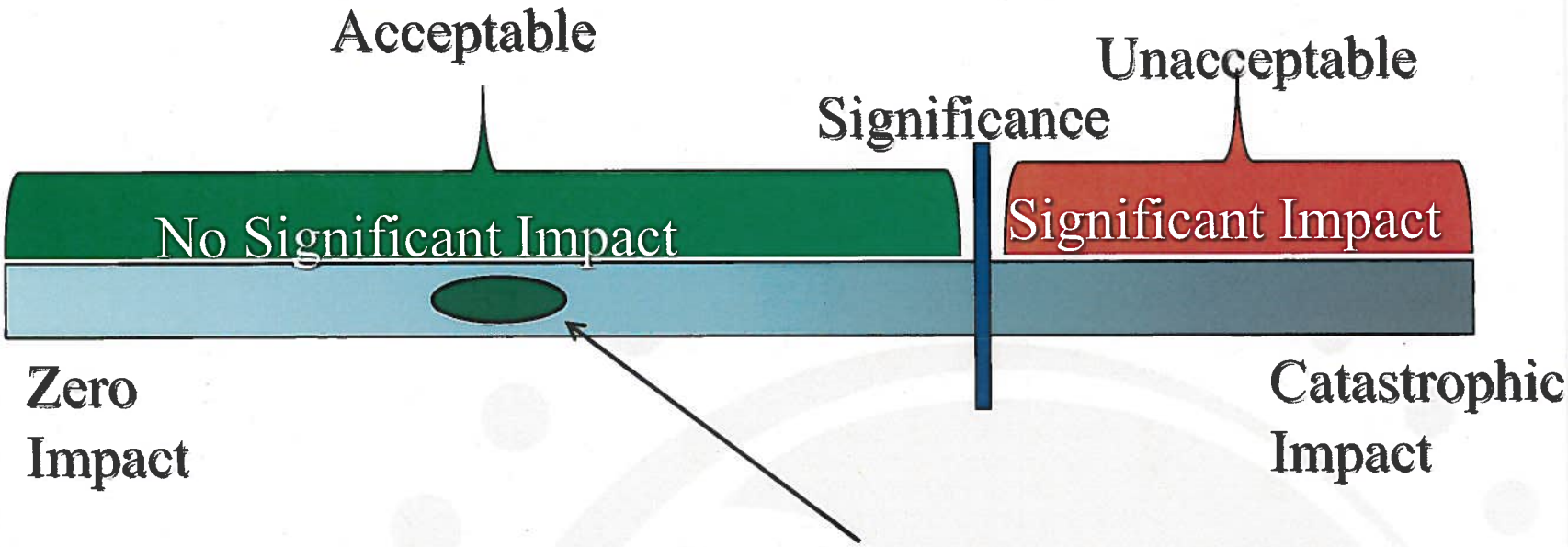
Mackenzie Valley Review Board

The Significance Spectrum

EIA decision maker decides which side an impact falls on



The Significance Spectrum



Regulators choose final limit only if EIA decision maker first decides residual impacts are acceptable (no significant impact)

Mackenzie Valley Review Board

Putting First Things First

- Regulators set limits and enforce them
- National standards may apply
- So ***why examine significance*** for these subjects?

The Driving Test Analogy

Mackenzie Valley Review Board

- Examiner has to decide if an applicant is an acceptable driver
- Regulations apply to driver
  - There are speed limits and traffic rules
  - Enforcement may penalize those who exceed limits
- *Does this mean that examiners **do not** need to apply the test?*
- Despite regulation, an unacceptable driver may still hurt other people
- The question of acceptability has to be decided before relying on speed limits and traffic police

Mackenzie Valley Review Board

Why not leave it to the regulators?

- Regulators **only** deal with impacts that are **not significant**
- Regulators can (almost) never say "no"
- National standards are the bare-bones floor, intended to be adapted to different settings
- Regulators cannot balance impacts against social or cultural issues
- Regulators' mitigations are more constrained

Mackenzie Valley Review Board

Conclusions

- Significance depends on decision makers' subjective informed judgment
- Reflects the decision makers' values regarding impact acceptability
- Significance is a link between the EIA and regulators