

The Post-Decision Phase: Monitoring, Follow-Up and Adaptive Management



UNIVERSITY OF
CALGARY

Professor Martin Olszynski
University of Calgary Faculty of Law
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- Introduction
- Monitoring
- Follow-up Programs
- Adaptive Management
- Questions?

- Much was said during the IAA's development about increasing the quality, transparency, and accessibility of monitoring and follow-up results, as well as addressing the misuse of adaptive management;
 - See esp. Expert Panel Review on Federal Environmental Assessment (“Building Common Ground”)

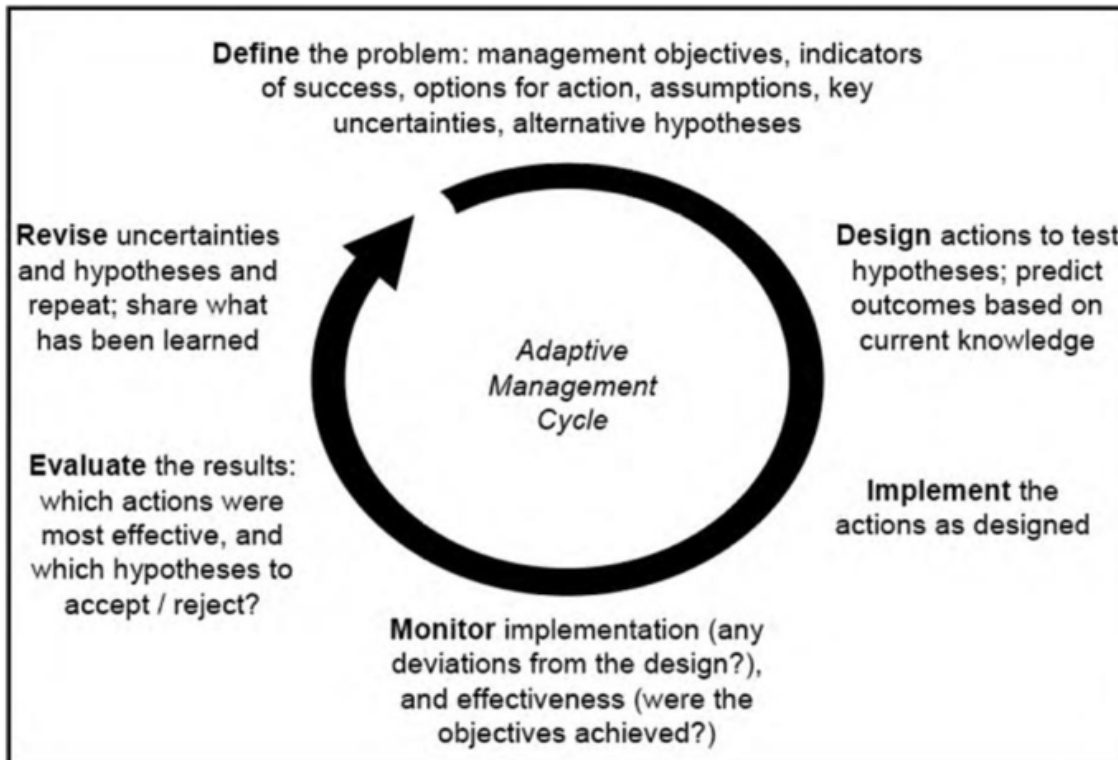
- IAA is only marginally distinguishable from CEAA and CEAA, 2012 with respect to most of these issues.
 - One exception? Adaptive management (plans), re-introduced following deletion from CEAA, 2012.

- Largely unchanged; no provisions setting out basic requirements or standards for monitoring (e.g. sampling frequency and methodology)
 - “The Proponent shall monitor mortality of Little Brown Myotis (*Myotis lucifugus*) and Northern Myotis (*Myotis septentrionalis*) and their usage at buffer-zones and of roosting structures, to determine the effectiveness of the mitigation measures during construction and operation”
(condition found in Site C Clean Energy Project, Woodfibre LNG Project, and the Kemess Underground Project)
- New registry provision:
 - Subpara 105(2): Agency must post to the registry “(d) any *scientific information* that the Agency receives from a proponent or federal authority, or a *summary of the scientific information* and an indication of how that information may be obtained”
 - “scientific information” is not defined in the Act, but monitoring data presumably (hopefully) falls within this definition.

- Also largely unchanged:
 - programs for “verifying the accuracy of the impact assessment of a designated project and determining the effectiveness of any mitigation measures.”

- New registry requirements:
 - CEAA, 2012: records related to follow-up programs were restricted to the Agency’s internal “project files” (s 106)
 - IAA: registry must at least include “a description of the results of the follow-up program that is implemented with respect to that designated project or a summary of the results and an indication of how such a description may be obtained” (s 105).

Adaptive Management (AM)



Adaptive management is not “fail safe” – it is “safe-fail”

- Does not prevent mistakes nor guarantees positive environmental outcomes
- Experiments can and do fail, effects may not be reversible

Temporal, spatial and resource limitations

Must be rigorously implemented

- Failure to properly implement AM cycle unravels the whole thing

- CEAA: cursory, undefined reference to AM that reinforced its association to follow-up programs:
 - “The results of follow-up programs may be used for implementing *adaptive management measures* or for improving the quality of future environmental assessments.

- CEAA, 2012: No reference

- IAA:
 - 64(4): “The conditions referred to in subsections (1) and (2) must include ... (b) the implementation of a follow-up program and, **if the Minister considers it appropriate, an adaptive management plan**”
 - Also relevant:
 - New authority to amend decision statements (ss 68 and 69)
 - Duty of scientific integrity (subs 6(2)).

- What's in a “plan”?
 - “a detailed formulation of a program of action” or “an orderly arrangement of parts of an overall design or objective” (Merriam Webster online dictionary)

- Best practice:
 - AM cycle should span all phases: planning, assessment, and post-decision

- What considerations should inform whether AM is “appropriate”?
 - What are the risks associated with failure? Recall AM is not fail-safe – does not guarantee positive outcomes
 - Temporal, spatial and resource considerations, *i.e.* is the AM plan capable of generating useful learning?

Questions?

Thank you.

For more on the post-decision phase, see
Martin Olszynski, "Monitoring, Follow-Up, Adaptive Management, and
Compliance in the Post-Decision Phase" in M. Doelle and J. Sinclair, eds, *The
New IAA: An Assessment and Critique* (2021).