



Safeguarding Biodiversity and Meeting International Obligations through IA

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Overview

Context and background

Project overview

Key gaps and challenges in assessing biodiversity

Key findings

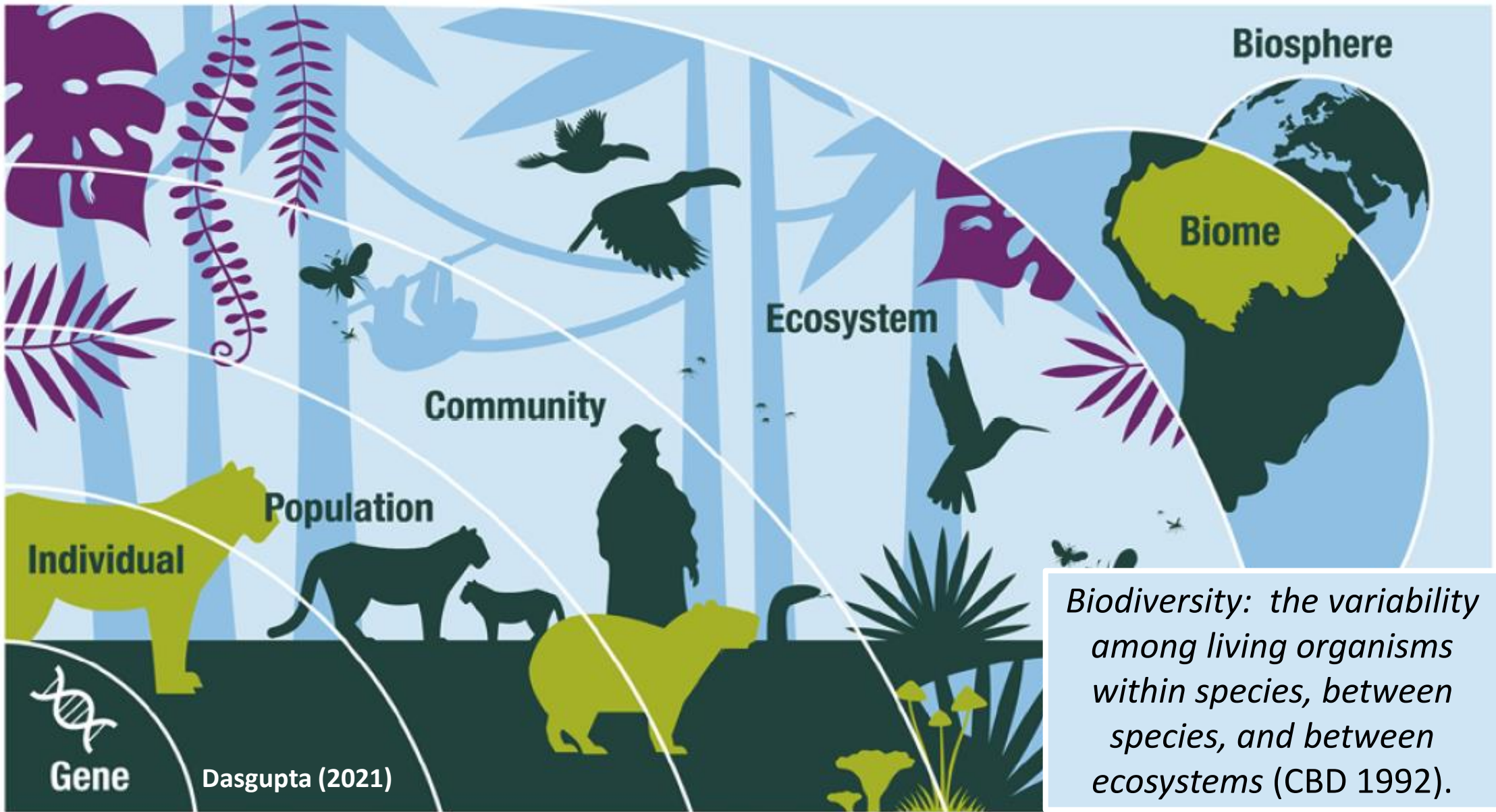
Conclusions for how strategic assessment can help deliver the SDGs relevant to biodiversity

Biodiversity context

In Canada, 1974-2014:

- Mammal populations ↓ 43%
- Reptiles & amphibians ↓ 34%
- Fish ↓ 20%
- Grassland birds ↓ 69%
- Aerial insectivores ↓ 51%
- Shorebirds ↓ 43%
- Wetland, prairie grassland & old-growth forest habitats in decline





Dasgupta (2021)

Biodiversity: the variability among living organisms within species, between species, and between ecosystems (CBD 1992).

International context

CBD, CITES, Ramsar, UNDRIP, UNESCO World Heritage Sites, US-Canada Migratory Birds Treaty, etc.

Sustainable Development Goals





KUNMING MONTREAL GLOBAL BIODIVERSITY FRAMEWORK

2020 UN BIODIVERSITY CONFERENCE
COP 15, CP/MOP15, NP/MOP4
KUNMING, CHINA
10-15 OCTOBER 2022

Stop unsustainable **use, harvest, trade** of species **5**

Reduce **alien species** spread by at least 50% **6**

Reduce **pollution** risks, impacts by at least 50% **7**

Reduce **climate change** impacts **8**

Mainstream biodiversity into all policy, practice **14**

Businesses to monitor, disclose nature impacts **15**

Sustainable **consumption**, half food waste **16**

Phase out 'perverse' **subsidies**, increase **finance** **18**

Strengthen **capacity, participation, IPLC, women** **17** **23**

CONSERVE

AVOID

SAFE-
GUARD

ACT

1 Biodiversity-inclusive **spatial** planning, «near-0 loss»

2 Effectively **restore 30%** of degraded nature

3 Effectively **conserve 30%** of lands and seas

4 Halt human-induced **extinctions**

9 Sustainably **manage and use** wild species

10 Sustainable **agri/aquaculture, fisheries, forestry**

11 Restore and enhance **nature's goods, services**

12 Increase area, quality of **urban green/blue spaces**

13 Fair sharing of benefits from **genetic resources**

Four overarching goals

A. Halt loss, restore nature

B. Use lands & seas sustainably

C. Share benefits and services

D. Mobilize necessary resources

to be met by 2050

● 2030-goals
○ Not time specific

Canadian legal and policy context

Impact Assessment Act (2019) requires consideration of :

- The extent to which the project hinders or contributes to Canada's ability to meet its environmental obligations and its climate commitments
- Sustainability
- Environmental, social, economic and health effects
- Gender-based analysis-plus

Previous federal legislation:

- Biodiversity not factor to consider, and only assessed eight times since 1995

Provincial EA legislation inconsistent and often weak

- Ontario's EA Act requires assessment of plant and animal life, cultural conditions and interrelationships, but not cumulative effects, and has limited application

About the project

Requested by Technical Advisory Committee

Project funded by IAAC

Project focus:

- Literature review on global and national treatment of biodiversity in EIA
- Review of available EA reports under past federal EA law
- Review of provincial EA statutes
- Identification of relevant international biodiversity-related obligations
- Review and amalgamation of global good practice in biodiversity in EIA (e.g., multilateral development banks, CBD guidance, Akwé: Kon Voluntary Guidelines)

Gaps and challenges in assessing biodiversity in Canada

Gaps

- Provincial EA regimes inconsistent and often weak
- Fragmented federal law & policy regime
- Infrequent use of review panels
- Lack of standard definition of biodiversity
- Lack of standard methodology & guidance
- Lack of baseline data
- Lack of substantive objectives or criteria

Challenges

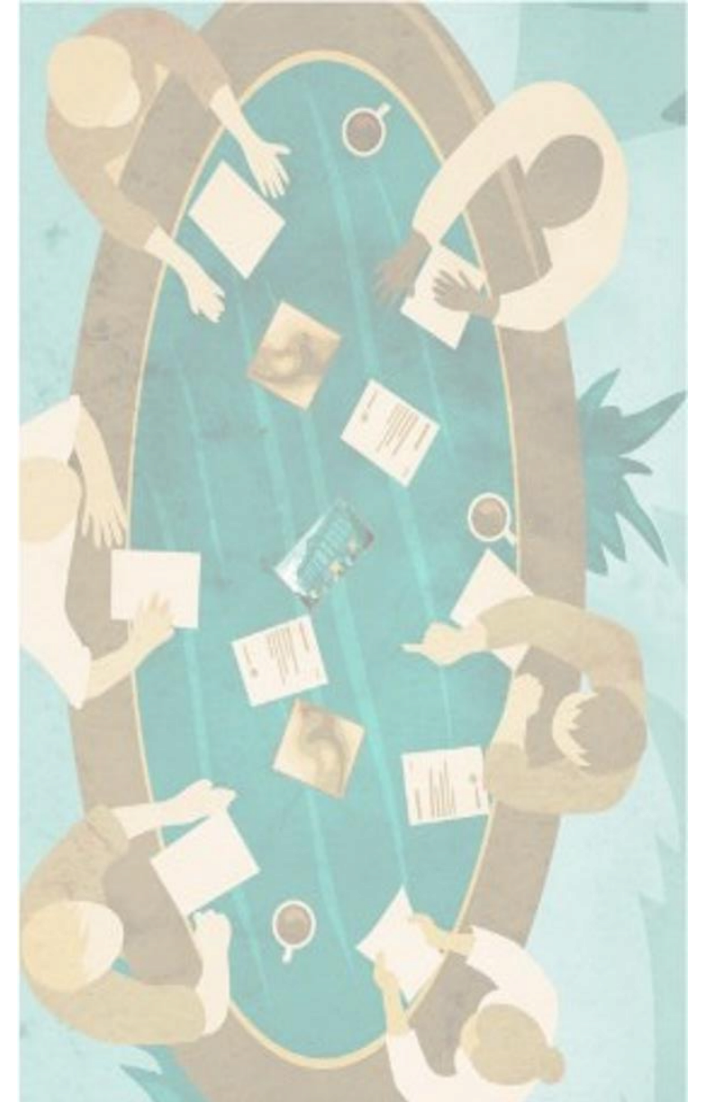
- Cumulative effects assessment
- Biodiversity is complex & lacks simple measurement or proxies
- Intersectional nature of BD (e.g., climate, sustainability, GBA+, Indigenous rights)
- Rigid, short legislated timelines
- General reluctance re meaningful alternatives assessment
- Tendency to fast-track to offsets
- Implementing UNDRIP & FPIC

Key recommendations – project IA

- Adopt the CBD definition of biodiversity
- Begin early (e.g., early planning)
- Use working groups throughout (dialogue-based approaches)
- Be objectives-oriented, w/ international, national and regional targets
- Rigorously apply the mitigation hierarchy (early and ongoing, with offsetting as the last resort)
- Net gain as default objective (w/ no net loss only when prescribed)
- Establish ecologically-relevant spatial and temporal boundaries
- Incorporate biodiversity into sustainability, GBA+, Indigenous rights, health & cultural impact assessment

Tiering biodiversity in regional and strategic IA

- Prioritize cumulative effects assessment and management at the regional scale
- Fill in information gaps re biodiversity values, baselines and limits
- Be objectives-oriented (e.g., sustainability, reconciliation, meeting biodiversity-related obligations)
- Develop rights-based approaches to regional governance and biodiversity protection
- Tier with project IA & regulatory decisions



If we only had three wishes

1. Early and ongoing
2. Working groups
3. Rigorous application of the mitigation hierarchy



What does the SCC decision mean for biodiversity assessment?



Assessing the Impact: Ottawa, Alberta, and next steps for the Impact Assessment Act

Date & Time	Oct 30, 2023 01:00 PM in America/Toronto
Description	<p>On October 13, the Supreme Court of Canada delivered its judgment finding that the federal Impact Assessment is unconstitutional. Join top environmental lawyers Anna Johnston and Stephen Hazell to hear why this wasn't the outcome Alberta was hoping for, and what Ottawa needs to do to get the Impact Assessment Act back in action.</p> <p>As interveners in the case, Anna and Stephen will share their in-depth analysis and perspectives on the SCC's opinion, as well as key takeaways for organizations, practitioners and individuals engaging with federal impact assessment. Presentations will be followed by a Q&A and discussion.</p>

Register here!



Blog: Two wins, a loss, and a question mark: What the Impact Assessment Act reference case means for the environment
<https://www.wcel.org/blog/two-wins-loss-and-question-mark-what-impact-assessment-act-reference-case-means-environment>



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Thank you!

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