What’s a commitment worth?

The evolution of commitments in environmental impact assessment in the Mackenzie Valley, Canada
The Mackenzie Valley Review Board

- Co-management Board
- Responsible for EIA in majority of the Northwest Territories in Canada
- Completed 37 assessments since 1999
Types of projects

- Mining
- Oil & gas
- Infrastructure
- Remediation
What’s a commitment?

• Things the proponent promises it will do that are generally not in the project description
• Commitments are refined throughout the EIA process
  • Consultation between parties and the proponent
• Responses to address issues raised during EIA

“Fortune Minerals commits to active refilling of the open pit after operations to reduce length of closure time”
- NICO report of EIA

“Canadian Zinc will construct an improved water treatment plant”
- Prairie Creek Mine Report of EIA
Evolution of commitments

• Late 90’s: Review Board started identifying, itemizing and tracking commitments

• Mid 2000s: Proponents started documenting commitments themselves

• Since 2006: Review Board started to include “implementation of commitments” as conditions of project approval
Where we’re at now

- Proponent and parties develop and refine commitments throughout the EIA process
- EIA decision report includes the commitments in an appendix
- Considered as part of the project or mitigation
- Considered in the determination of significance of impacts
Why use commitments in EIA

• Fewer surprise measures for company
• Greater certainty in EIA outcomes
• Increased clarity on what the commitment is
  – Discussed during EIA phases
• Less need for EIA agency to impose mitigation measures
  – Politically acceptable
• Increased Social License to Operate
Why use commitments in EIA

- Tend to be more detailed than measures
- Autonomy for company
  - Economically and technically feasible
  - Acceptable to the company because they agreed to it
- Addresses any type of impact, including issues that cannot be included in permits (socio-economic / cultural)
Challenges in implementing commitments

• Must be clear to prevent different interpretations
• May not fit into licenses/permits
• Possible lack of enforcement
  – requires trust in the proponent
  – increases risk of commitments not being fulfilled
• May require tracking and follow up over project life
Applying commitments in EIA

• EIA process can be structured to encourage commitments

• Still require careful evaluation
THE COMMITMENTS

They had absolutely nothing.... But were willing to risk it all
Applying commitments in EIA

• Commitments require careful evaluation
  – Will it get done?
  – Will it be effective?
  – Does it go far enough to address the issue?

• Measures in EIA decisions can build on commitments to provide specifics or reinforcement

• Commitments can link adaptive management to the EIA decision
In conclusion...

• Commitments give proponents the opportunity to address issues directly
  – simplifying process by taking issues off the table
  – increasing certainty in EIA decisions

• Commitments, carefully made and systematically considered, can be an important tool in EIA:
  – Making projects better
  – Mitigate impacts
A commitment is worth a lot if...

✓ It is clearly worded
✓ It will achieve its intended effect
✓ It is followed through

Given the right scrutiny, this is a valuable and versatile addition to the impact assessment toolkit