

BACKGROUNDER - June 2020

Proponent Commitments - Project Design Features

Prior to July 15, 2019, YESAB's approach to considering proponent commitments in assessments posed challenges to decision bodies, regulators and inspectors. Moreover, it was inconsistent with YESAB's assessment methodology.

Proponent commitments are assurances by the proponent to take certain actions over the life of the project. During a project evaluation, YESAB assessors extract statements by proponents committing to take certain actions from the project proposal or subsequent correspondence, e.g. a response to an information request. These statements are then listed in the evaluation report as proponent commitments. Some, but not all, such identified commitments factor into YESAB's significance determination. In essence, proponent commitments are project design features that have been highlighted by the assessor as mitigating against potential adverse effects from the project. Common examples from past assessments include: commitments to not place their kitchen sump within 100 m of a water body, to slope exploration trenches to prevent wildlife entrapment, and to maintain a buffer around raptor nests.

The practice of highlighting proponent commitments in assessment reports has its origins in facilitating a decision body's understanding of those project design features included in a project proposal or responses to information requests that may mitigate potential adverse project effects. This practice, however, has led to considerable confusion about the relevance and role of proponent commitments in the decision making and enforcement processes. More recently, YESAB has concluded that the current practice of considering proponents commitments in making a significance determination following the effects characterization is inconsistent with accepted assessment methodology.

YESAB's Revised Approach to Considering Proponent Commitments

Project design features necessary to prevent significant adverse effects will be included in the project scope defined in the Evaluation Report. Proponent commitments as a stand-alone feature in evaluation and screening reports will no longer be included.

For example, previously a statement by the proponent committing to *not place their kitchen sump within 100 m of a water body* was listed under the heading proponent commitments following the effects characterization for effects on water quality. Under the revised approach the evaluation report will include this in the definition of the project scope if it is required to prevent a significant adverse effect. The project scope will include the information provided in the Public Notice and any specific project design features that the assessor determines necessary to mitigate for potential significant adverse effects:

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The Scope of the Project includes all activities described in the project proposal and/or any subsequent information provided by the proponent. For greater clarity, the scope of the project as assessed includes the following:

- *The kitchen sump will be placed a minimum of 100 m from any water body.*

From July 15, 2019 onwards, all project evaluations and screenings that enter the Preparing Recommendation stage will apply the revised format.