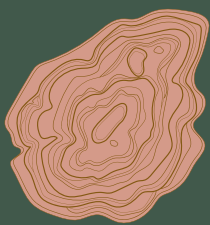


How Law Shapes Cumulative Effects Assessment in Environmental Assessments in Nova Scotia



What are cumulative effects, and why should we assess them when making decisions that affect the environment?



The Canadian Council of Ministers of the Environment defines cumulative effects as changes in the environment that are caused by multiple interactions among human activities and natural processes over time.

But

Cumulative effects assessment isn't just about assessing **environmental** changes. When environmental changes may impact Indigenous communities, **cumulative effects assessments should also assess potential impacts on Indigenous rights that are protected by law.**

Cumulative effects assessment asks how the effects of a proposed new activity, like a new wind turbine or landfill, could interact with the effects of past, present, or foreseeable future activities to cause harm.

Assessing cumulative effects means taking a holistic approach, working to understand how the effects of different human activities and natural processes are interconnected.



Nova Scotia's *Environment Act* and *Environmental Assessment Regulations* do not currently **require** cumulative effects assessment as a component of environmental assessments in Nova Scotia.

In its *Environmental Goals and Climate Change Reduction Act*, the Government of Nova Scotia committed to reviewing the environmental assessment regime by 2024, and the government is expected to add new requirements for cumulative effects assessment.

Even without a legislated requirement, Nova Scotia's Department of Environment and Climate Change now typically includes some form of cumulative effects assessment in its environmental assessment processes.



And



The Supreme Court of Canada has recognized that **cumulative effects assessments may be required to fulfill the Crown's constitutional duty to consult when Indigenous rights are at stake.**

This constitutional duty runs deeper than any requirements included in (or left out of) Nova Scotian statutes or regulations.

→ If a proposed activity could have a negative impact on Mi'kmaw rights, cumulative effects assessment will likely need to be carried out as part of the environmental decision-making process. ←

Opportunities for cumulative effects assessments by Mi'kmaq, carried out in accordance with Mi'kmaw law and Mi'kmaw principles such as **netukulimk** and **etuptmumk**, should also be explored.

