

PUBLIC PARTICIPATION IN STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA):

CRITICAL REVIEW AND THE QUEBEC APPROACH



MARIO GAUTHIER
UNIVERSITÉ DU QUÉBEC EN OUTAOUAIS

LOUIS SIMARD
OTTAWA UNIVERSITY

ENVIRONMENTAL EVALUATORS NETWORK FORUM

OTTAWA CONFERENCE CENTRE
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Introduction

- Strategic environmental assessment (SEA) is recognized as a new and actively developing field of research and application, which can likely foster sustainable development.
- Public participation must be integrated to the SEA procedures because this allows including information that is relevant to the decision process and it increases the credibility of the programs, plans or policies (PPP) elected.
- Public participation in SEA have been remaining research priorities in the field of environmental policies and are still unresolved challenges.

1. SEA: theoretical considerations

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- Sustainable development concept demands new tools to solve problems.
- Environmental assessment is a practice that develops in an evolving world.
- SEA : « ... a process directed at providing the proponent (during policy formulation) and the decisionmaker (at the point of policy approval) with a holistic understanding of the environmental and social implications of the policy proposal, expanding the focus well beyond the issues that were the original driving force for the new policy » (Brown and Thérivel, 2000, p. 184).

1. SEA: theoretical considerations

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- A good-quality Strategic Environmental Assessment (SEA) process **informs** planners, decision makers and affected public on the sustainability of strategic decisions, **facilitates the search** for the best alternative and **ensures a democratic decision making process**. This enhances the **credibility** of decisions and leads to more **cost- and time-effective EA at the project level** (IAIA,2002).
- For this purpose, a good-quality SEA process:

-Is integrated

-Is sustainability-led

-Is focused

-Is accountable

-Is participatory

-Is iterative

2. Public participation in SEA: theoretical considerations

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- Public participation : the commitment of the public in the decision making process (Roberts, 1995).
- “Public participation” is a generic term which covers several mechanisms and practices that are different as to their mode, their more or less formal character and their timing of arrival in the decision making process.
- It ranges from information to negotiation via consultation, consensus building and mediation.

2. Public participation in SEA:



2. Public participation in SEA: theoretical considerations

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- **Critical review of public participation in SEA: teachings from the international scene (major findings)**
 - Voluntary and flexible;
 - When SEA is a statutory requirement, the preliminary screening phase that determines the need for SEA relies on a discretionary mechanism;
 - Public participation occurs only at the evaluation of scoping phase
 - Selective consultation, upon invitation to interest groups, local community representatives and other groups directly concerned by the PPP's.
 - Major constraints to implementation : confidentiality, identification of the public, political issues, lengthens process, lack of training, absence of EIA.
- **Victim of the times in which it takes place: context of environmental deregulation throughout western countries**

3. Quebec experience in environmental evaluation of policies

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- No formal procedure for the environmental assessment of PPPs.
- The BAPE mission is to inform and consult with population on matters related to the environment, to investigate, hold public hearings and report to the Quebec Minister of Environment (...).
- BAPE is an administrative body of which the appointed commissions have quasi-judicial powers. It reports directly to Quebec Minister of Environment, but is independent from this corresponding ministry.
- By virtue of the Environment Quality Act, BAPE's mandate is to investigate and hold public hearings upon the Minister's request on every question related to the quality of the environment and to transmit to him a report of its analysis and findings (art. 6.3). Hence it does not constitute a decision-making body.

3. Quebec experience in environmental evaluation of policies

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- Since the beginning of the 90's, BAPE has held six public hearings on orientations or policy projects:
 - Hazardous wastes (BAPE, 1990);
 - Forest protection (BAPE, 1991);
 - Residual material management (BAPE, 1997) and
 - Water management (BAPE, 2000)
 - Pig production (BAPE, 2003)
 - Seismic surveys in Saint-Laurence Gulf (BAPE, 2005)
- Other experiences of public hearing were also held in Quebec:
 - Energy Policy (Québec, 1996)
 - Montréal-South Shore Mobility (2003)
 - Public Forest management (Québec, 2004)
 - Agriculture and Agrifood (Québec, 2008)

3. Quebec experience in environmental evaluation of policies

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- The characteristics and special features of BAPE* public hearings on orientations or policy projects are as follows:
 - 1. Project proponent
 - 2. Mandate, costs and duration
 - 3. Approach and procedure
 - 4. Documentation
 - 5. Financial support
 - 6. Specific consultations with the Aboriginal Communities
 - 7. Investigation and public hearing reports
 - 8. Policies
 - 9. Special feature related to the agent's role

3. Quebec experience in environmental evaluation of policies

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- **Critical analysis elements**
- The first limit: the BAPE approach toward environmental assessment does not rest on a structured and exhaustive environmental impact assessment (impact study).
- The second limit: the BAPE public hearings are held downstream after the formulation of PPPs and immediately upstream before the adoption of a policy, action plan or major statutory and legal amendment.

Conclusion

- Public participation is increasingly viewed as a crucial dimension of SEA.
- The practice of SEA and public participation practices vary.
- The Quebec experience is interesting and innovative with the result that it could inspire the practice of SEA.
- Four main levels are usually taken into account: discussion of the decision process, implementation of the SEA, decision making and follow-up.