

Public Consultation in the Class Environmental Assessment Process

How can we make it more
inspirational and creative?



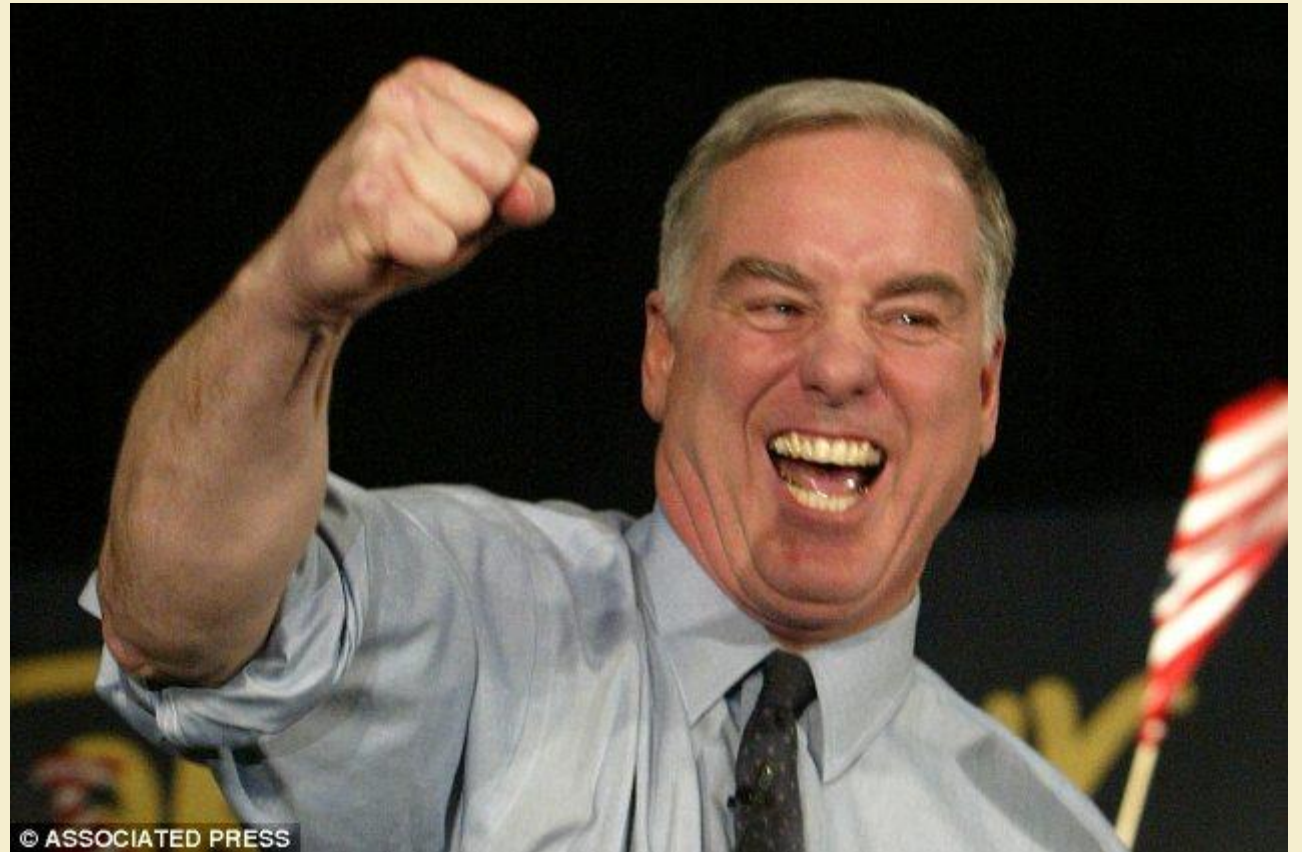
Consultation

- “A two-way communication process to involve interested persons in the planning, implementation and monitoring of a proposed undertaking”
- Consultation in Ontario’s Environmental Assessment Process, Code of Practice



Consultation is Intended to:

- Identify concerns



Consultation is Intended to:

- Identify relevant information



Consultation is Intended to:

- Identify relevant guidelines, policies and standards



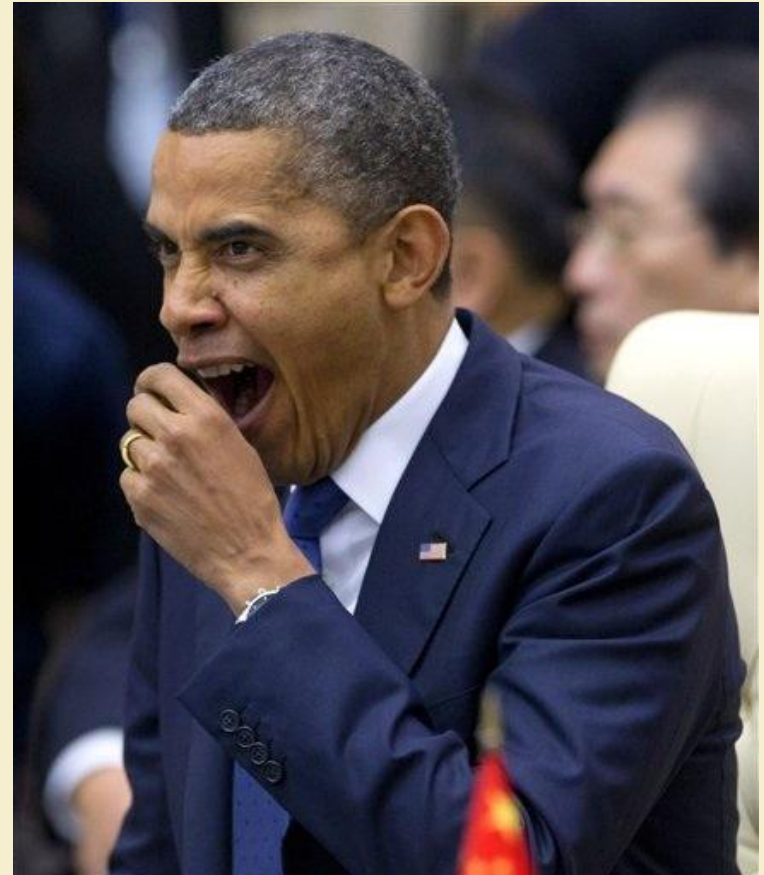
Consultation is Intended to:

- Facilitate the development of a list of all required approvals, licenses or permits



Consultation is Intended to:

- Provide guidance to the proponent about the preparation of the terms of reference and environmental assessment



Consultation is Intended to:

- Ensure that relevant information is shared about the proposed undertaking



Consultation is Intended to:

- Encourage the submission of requests for further information and analysis early in the environmental assessment process



Consultation is Intended to:

- Enable the ministry to make a fair and balanced decision



Consultation vs. Participation

- **Consultation.** “Where decision-makers listen to the views of other interested persons in order to improve project design before implementation, or to make necessary changes during implementation. Used to identify or learn about concerns interested persons may have with the proposed undertaking.”
 - Consultation in Ontario’s Environmental Assessment Process, Code of Practice

Consultation vs. Participation

- **Participation.** “An extension of consultation where directly affected persons become joint partners in the design and implementation of projects. They participate in helping proponents “make” choices. Ground rules and simple agreements specifying concerns may be made between the proponent and directly affected persons, which will require joint planning and necessitate public input.”

- Consultation in Ontario's Environmental Assessment Process, Code of Practice

What does the Canadian Environmental Assessment Agency say?

What is Public Participation?

- “...a general term for any process that involves public input in decision making. It involves the process or activity of informing the public and inviting them to have input into the decisions that affect them.”
 - “In the context of federal EA, the intention of public participation is usually to ensure that those who must make decisions during and after the EA process are well informed.”
- Public Participation Guide

What does the Canadian Environmental Assessment Agency say?

What is Public Participation?

- “Terms such as ‘participation,’ ‘consultation,’ ‘involvement’ and ‘engagement’ are often used interchangeably, although they may mean different things to different people.”
- To develop a common usage of language and to be consistent with the broader vocabulary of public participation practitioners, this guide explains the terms used in the Act in a manner that is consistent with the International Association for Public Participation (IAP2).

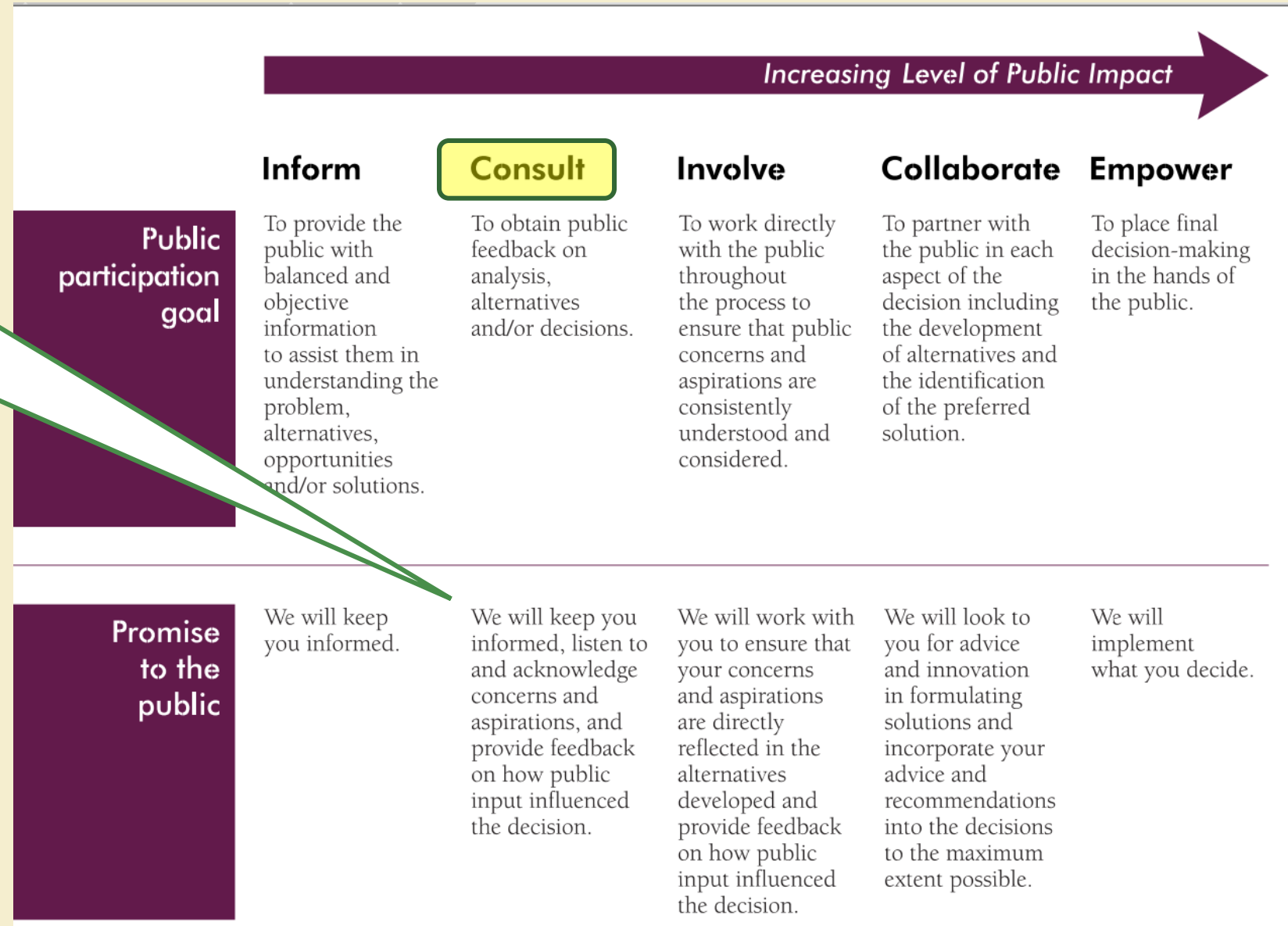


Keep you
informed!

Listen to!

Acknowledge!?!

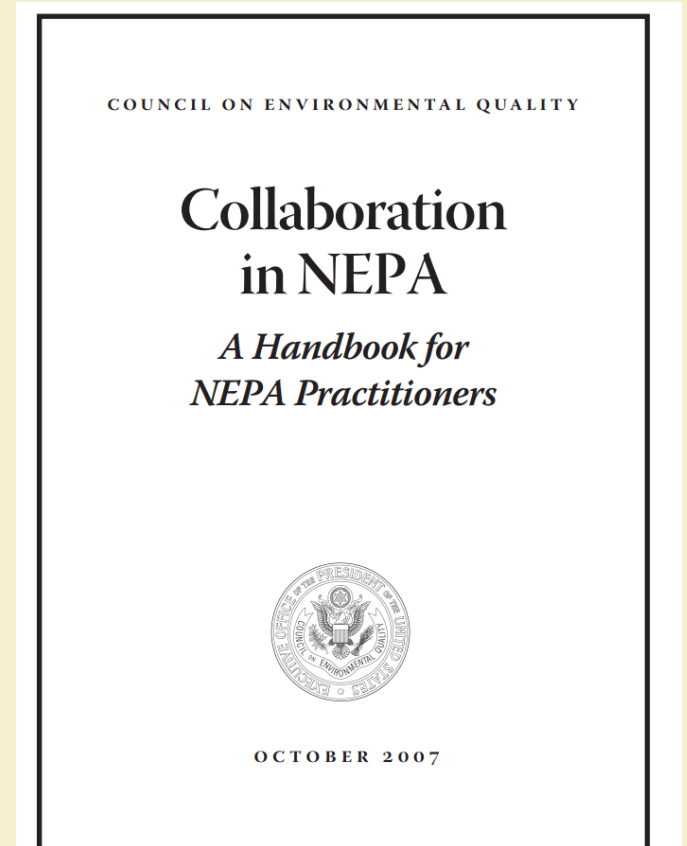
Public participation goal



U.S. Federal Government

National Environmental Policy Act (NEPA):
Developed “Collaboration in NEPA” Handbook
recognizing that:

*“collaborative approaches to engaging the public
and assessing the impacts of federal actions under
NEPA can improve the quality of decision-making
and increase public trust and confidence in agency
decisions.”*



U.S. Metropolitan Planning Organizations

Ohio-Kentucky-Indiana (OKI) Regional Council of Government's Participation Policy Goals:

- Enable an early and active role for the public in the development of transportation plans and programs;
- Identify and invite a broad range of potentially affected and interested persons, with special efforts to identify EJ populations;
- Tailor techniques to meet the diverse needs of the public and the variety of planning activities;
- Consult the public about participation methods as well as planning issues; and
- Evaluate participation processes and procedures periodically so that adjustments can be made for maximum effectiveness.

United Nations Economic Commission for Europe

Good Practices Recommendations on Public Participation in Strategic Environmental Assessment:

- *“Public participation is a cornerstone of effective strategic environmental assessment (SEA). It can increase the transparency and credibility of decision-making, help ensure that all relevant issues are considered during the plan- or programme-making process and allow the early consideration of the public’s opinions in the plan- or programme-making process. In turn, it can mobilize public support for the implementation of the plan or programme.”*



Chinese Environmental Impact Assessment (EIA)

Research paper suggests that “A number of group events in recent years are a symptom of the fact that public demands in EIA had not been satisfied. Such a series of public conflicts have also been hotspot issues in the society, triggering people’s concern about their own environmental interests.”

-Public Participation in Environmental Decision-Making in the EU and in China, The Case of Environmental Impact Assessment (European Union, 2014)

Chinese Environmental Impact Assessment System of Public Participation

Sound familiar?

- 1) After the {land use, infrastructure} projects were initiated, public involvement is implemented in merely a symbolic way. The attitude of government organs is one of indifference or 'going through the motions'.
- 2) The Chinese system for public involvement in environmental impact assessment lacks a channel for both sides to effectively express their opinions and carry out inquiry and debate.
- 3) The disclosure system for information on public involvement is unsound; in practice, the government mostly evades critical points for disclosure and lacks awareness to disclose the information, resulting in the public losing trust in the government.

How can the Class EA Process
Meaningfully Involve the Public?

What the Municipal Class EA Process Says

A.3 Consultation

“One of the principal aims of consultation, therefore, is to achieve resolution of differences of points of view, thus reducing or avoiding controversy and, ultimately, avoiding the use of the provision to require a project to comply with Part II of the EA Act which addresses individual environmental assessments.”



What the Municipal Class EA Process Says

A.3 Consultation

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Which got me thinking...

1. In the Class EA process, how might someone bring about “resolution” of differences? Simply by notifications and PICs??
2. It really seems that the Class EA process does not inspire innovation and creativity in how we deal with the public.

What the Municipal Class EA Process Could Say

A.3 Consultation

*“One of the principal aims of consultation, therefore, is to achieve **Informed Consent** ~~resolution of differences of points of view~~, thus reducing or avoiding controversy and, ultimately, avoiding the use of the provision to require a project to comply with Part II of the EA Act which addresses individual environmental assessments.”*

Informed Consent

Informed Consent is the grudging willingness of opponents to (grudgingly) go along with a course of action that they – actually – are opposed to.

If the public perceives the decision-making process of a project to be “fair”, it is willing to live with a project that impacts different interests un-equally.

-Hans and Annemarie Bleiker, Institute for Participatory Management and Planning



How can we Achieve Informed Consent?

- Address specific impact-related concerns early in the planning process
- Recognize the tremendous potential value of ideas that are suggested to them by lay people
- Be aware that the public is comprised of many different interests, which requires communications to come in many different and sometimes unconventional ways

This means that as EA practitioners, we should develop strategies and techniques that promote both consultation and engagement.

For many EA studies, it is not simply enough to host PICs or provide notifications about a particular study.

That likely won't "bring about a resolution of differences."

As such, the EA process demands more innovation and creativity in the way we involve the public in the planning process.

Different interests require different – and more meaningful ways – of engagement

For most studies, we should strive to go beyond simply consulting residents and stakeholders – as the Class EA process suggests.

Instead, we should actively engage individuals and groups early and often in the planning process, employing a variety of creative and sometimes innovative techniques designed to:

- understand people's values and interests in a study*
- increase dialogue and exchange ideas*
- address real or perceived concerns head on*

“If we are all in agreement on the decision - then I propose we postpone further discussion of this matter until our next meeting to give ourselves time to develop disagreement and perhaps gain some understanding of what the decision is all about.”

-Alfred P. Sloan, former President, Chairman and CEO of General Motors Corporation

“Disagreement” is OK. It’s a healthy part of the EA process. By initiating a creative, robust and inspiring public involvement process tailored to specific interests, we have a much better chance of addressing disagreements, which significantly increases the chances for a successful resolution.

Questions or
Comments?

