

vernment Gouvernement Canada du Canada

Privy Council Office Bureau du Conseil privé

Canadian Environmental Assessment Agency

Agence canadienne d'évaluation environnementale

STRATEGIC ENVIRONMENTAL ASSESSMENT

The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals



GUIDELINES FOR IMPLEMENTING
THE CABINET DIRECTIVE



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This document is also available at publiservice.gc.ca/services/ceaa-acee/directive_e.html and at www.ceaa-acee.gc.ca

Published jointly by the Privy Council Office and the Canadian Environmental Assessment Agency Ottawa, 2004

Catalogue NO. EN21-190/2004 ISBN 0-662-67990-3

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Clerk of the Privy Council and Secretary to the Cabinet

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A MESSAGE FROM THE CLERK OF THE PRIVY COUNCIL

The Government of Canada is committed to integrating sustainable development in its plans, policies and programs. This requires that decision-makers have good information and advice on the potential environmental, social, and economic impacts of proposed initiatives.

The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals calls for strategic environmental assessments (SEA) to be conducted for any policy, plan, or program proposal that is submitted to a Minister or to Cabinet for approval and that is likely to have important environmental effects, positive or negative. The Directive also establishes criteria to help federal departments and agencies determine when such an assessment is appropriate, and offers guidance on its preparation.

The Directive was recently amended to include provisions for improved transparency. As of January 2004, public statements of environmental effects must be prepared whenever an assessment of environmental effects has been conducted.

The Canadian Environmental Assessment Agency is committed to assisting departments on improving their SEA capacity and has developed materials to support the Directive's implementation. These are available on-line at:

http://publiservice.gc.ca/services/ceaa-acee/directive_e.html http://publiservice.gc.ca/services/ceaa-acee/casestudy_e.html http://publiservice.gc.ca/services/ceaa-acee/faq_e.html

I encourage departments to make use of the material and to contact the Canadian Environmental Assessment Agency if questions arise.

Alex Himelfarb

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1.0

THE CABINET DIRECTIVE ON THE ENVIRONMENTAL ASSESSMENT OF POLICY, PLAN AND PROGRAM PROPOSALS

onsistent with the government's strong commitment to sustainable development, ministers expect that policy, plan and program proposals of departments and agencies will consider, when appropriate, potential environmental effects.

More specifically, ministers expect a strategic environmental assessment of a policy, plan or program proposal to be conducted when the following two conditions are met:

- 1. the proposal is submitted to an individual minister or Cabinet for approval; and
- implementation of the proposal may result in important environmental effects, either positive or negative.

Departments and agencies are also encouraged to conduct strategic environmental assessments for other policy, plan or program proposals when circumstances warrant. An initiative may be selected for assessment to help implement departmental or agency goals in sustainable development, or if there are strong public concerns about possible environmental consequences.

Ministers expect the strategic environmental assessment to consider the scope and nature of the likely environmental effects, the need for mitigation to reduce or eliminate adverse effects, and the likely importance of any adverse environmental effects, taking mitigation into account. The strategic environmental assessment should contribute to the development of policies, plans and programs on an equal basis with economic or social analysis; the level of effort in conducting the analysis of potential environmental effects should be commensurate with the level of anticipated environmental effects. The environmental considerations should be fully integrated into the analysis of each of the options developed for consideration, and the decision should incorporate the results of the strategic environmental assessment. Departments and agencies should use, to the fullest extent possible, existing mechanisms to involve the public, as appropriate. Departments and agencies shall prepare a public statement of environmental effects when a detailed assessment of environmental effects has been conducted through a strategic environmental assessment. This will assure stakeholders and the public that environmental factors have been appropriately considered when decisions are made.

2.0

Guidelines for Implementing the Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals

2.1

Introduction – Purpose of this Document

his document has been prepared to provide guidelines for federal departments and agencies on implementing the Cabinet Directive on the environmental assessment of policies, plans and programs.

This document has been prepared for:

- policy and program officers in departments and agencies responsible for the development and analysis of policies, plans and programs, and for the implementation of sustainable development strategies;
- 2. environmental assessment practitioners within departments and agencies who may be asked to contribute to, or review, the environmental implications of public policies; and
- 3. senior managers responsible for the policy and operations function within departments and agencies.

The document:

- 1. provides the decision-making context for the strategic environmental assessment of policies, plans and programs, in particular its link to departmental goals in sustainable development;
- 2. outlines the obligations of departments and agencies to conduct strategic environmental assessments of policies, plans and programs; and
- provides advice on implementing the Cabinet Directive, including guiding principles and questions of applicability, methodology, public concerns, documentation and reporting, and roles and responsibilities.

Departments and agencies are encouraged to refine this guidance to support their needs in developing policies, plans and programs.

2.1.1 Sustainable Development and Strategic Environmental Assessment

The Government of Canada is committed to the goal of sustainable development: development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.

To make informed decisions in support of sustainable development, decision makers at all levels must be able to integrate economic, social and environmental considerations. The environmental assessment of policy, plan and program proposals, also known as strategic environmental assessment, seeks to incorporate environmental considerations into the development of public policies. Through strategic environmental assessment, environmental considerations can be addressed at the earliest appropriate stage of planning, as are economic and social considerations.

In 1990, Cabinet directed departments to consider environmental concerns at the strategic level of policies, plans and programs development. This Directive was updated in 1999 to strengthen the role of strategic environmental assessment at the strategic decision-making level by clarifying obligations of departments and agencies and linking environmental assessment to the implementation of Sustainable Development Strategies.

At the project level, the *Canadian Environmental* Assessment Act provides a legal framework for conducting environmental assessments on projects involving a prescribed government decision.

By addressing potential environmental considerations of policy, plan and program proposals, departments and agencies will be better able to:

- optimize positive environmental effects and minimize or mitigate negative environmental effects from a proposal;
- 2. consider potential cumulative environmental effects of proposals;

- 3. implement sustainable development strategies;
- 4. save time and money by drawing attention to potential liabilities for environmental clean-up and other unforeseen concerns;
- streamline project-level environmental assessment by eliminating the need to address some issues at the project stage;
- 6. promote accountability and credibility among the general public and stakeholders; and
- 7. contribute to broader governmental policy commitments and obligations.

2.2

GUIDELINES ON IMPLEMENTING THE CABINET DIRECTIVE

his section provides guidelines for departments and agencies in implementing the Cabinet Directive in the areas of: guiding principles, applicability, methodology, addressing public concerns, documentation and reporting, and roles and responsibilities.

2.2.1 Guiding Principles

In implementing *The Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals*, departments and agencies should be guided by the following principles.

Early integration – The analysis of environmental considerations should be fully integrated into the development of a policy, plan or program. To support sound decision making that is consistent with the principles of sustainable development, the consideration of environmental effects should begin early in the conceptual planning stages of the proposal, before irreversible decisions are made. In this way, strategic environmental assessment can support the analysis of options and identify issues that may require further consideration.

Examine alternatives – One of the most critical aspects of any strategic environmental assessment is the opportunity to evaluate and compare the environmental effects of alternatives in the development of a new policy, plan or program. This comparison will help identify how modifications or changes to the policy, plan or program can reduce environmental risk.

Flexibility – The guidelines presented in this document are advisory, not prescriptive. Departments and agencies have discretion in determining how they conduct strategic environmental assessments, and are encouraged to adapt and refine analytical methodologies and tools appropriate to their circumstances.

Self-assessment – Each individual department and agency is responsible for applying strategic environmental assessments to its proposed policies, plans and programs as appropriate, determining how an assessment should be conducted, performing the assessment and reporting on the findings of the assessment.

Appropriate level of analysis – The scope of analysis of potential environmental effects should be commensurate with the level of anticipated effects.

Accountability – Strategic environmental assessment should be part of an open and accountable decision-making process within the federal government. Accountability should be promoted through the involvement of affected individuals and organizations, when appropriate, and through documentation and reporting mechanisms.

Use of existing mechanisms – In conducting a strategic environmental assessment, departments and agencies should use existing mechanisms to conduct any analysis of environmental effects, involve the public if required, evaluate performance and report the results. Such mechanisms shall also be used to report statements of environmental effects.

2.2.2 Applicability

Under the Cabinet Directive, ministers expect a strategic environmental assessment of a proposal to be conducted when the following two conditions are met:

- 1. the proposal is submitted to an individual minister or Cabinet for approval; and
- implementation of the proposal may result in important environmental effects, either positive or negative.

Departments and agencies are also encouraged to conduct strategic environmental assessments for other selected policy, plan and program proposals as circumstances warrant. Conducting such assessments would help implement departmental or agency goals in sustainable development.

2.2.3 Special Cases

There may be policy, plan or program proposals for which no strategic environmental assessment will be required. These special cases are:

- proposals prepared in response to a clear and immediate emergency where time is insufficient to undertake a strategic environmental assessment (ministers are responsible for determining the existence of an emergency);
- where the matter is of such urgency, for example, for the economy or a particular industrial sector, that the normal process of Cabinet consideration is shortened and even a simplified strategic environmental assessment cannot be presented; and
- 3. issues that have previously been assessed for their environmental impacts, for example, an initiative that is a subset of a policy, plan or program that was previously assessed, or Treasury Board submissions on matters already assessed under a previous proposal to Cabinet or assessed as a project under the *Canadian Environmental Assessment Act*.

2.3 Process to Conduct a Strategic Environmental Assessment

here is no single "best" methodology for conducting a strategic environmental assessment of a policy, plan or program proposal. Federal departments and agencies are encouraged to apply appropriate frameworks or techniques, and to develop approaches tailored to their particular needs and circumstances.

The general guidelines presented here are based on current, proven, good practices within federal departments and agencies. The guidelines are:

- 1. *flexible*, in that they can be applied in a variety of policy settings;
- 2. *practical*, in that they do not necessarily require specialist information and skills, or a substantial commitment of resources and time; and
- 3. *systematic*, in that they are based on logical, transparent analysis.

Undertaking a Preliminary Scan – Useful Tools and Criteria

To conduct a scan of the proposal, the analyst may use a variety of tools, including available matrices, checklists and experts both within the department and from other departments. The following considerations may also be of assistance in conducting the preliminary scan:

- 1. The proposal has outcomes that affect natural resources, either positively or negatively.
- 2. The proposal has a known direct or a likely indirect outcome that is expected to cause considerable positive or negative impacts on the environment.
- 3. The outcomes of the proposal are likely to affect the achievement of an environmental quality goal (e.g., reduction of greenhouse gas emission or the protection of an endangered species).
- 4. The proposal is likely to affect the number, location, type and characteristics of sponsored initiatives which would be subject to project-level environmental assessments, as required by the *Canadian Environmental Assessment Act* or an equivalent process.
- 5. The proposal involves a new process, technology or delivery arrangement with important environmental implications.
- 6. The scale or timing of the proposal could result in significant interactions with the environment.

A strategic environmental assessment generally addresses the following five questions:

- 1. What are the potential direct and indirect outcomes of the proposal?
- 2. How do these outcomes interact with the environment?
- 3. What is the scope and nature of these environmental interactions?
- 4. Can the adverse environmental effects be mitigated? Can positive environmental effects be enhanced?
- 5. What is the overall potential environmental effect of the proposal after opportunities for mitigation have been incorporated?

The real challenge to policy and program officers preparing to conduct a strategic environmental assessment of a policy, plan or program proposal is to think more broadly about the proposal — about the kinds of activities it may trigger (intended or not) and the interaction of those activities on the environment. Above all, policy and program officers should keep in mind that the strategic environmental assessment is not an add-on process, but one linked with the ongoing economic and social analyses under way on the proposal. An effective strategic environmental assessment cannot be done in isolation or after the fact.

2.3.1 Preliminary Scan

As early as possible in the development of a proposal, the analyst should determine whether important environmental considerations are likely to arise from implementing the proposed policy, plan or program. The focus should be on identifying strategic considerations at a relatively general or conceptual level, rather than evaluating quantitative, detailed environmental impacts as in a project-level assessment.

In conducting the scan, the analyst should:

- 1. identify the direct and indirect outcomes associated with implementing the proposal; and
- 2. consider whether these outcomes could affect any component of the environment (refer to the definition of "environment" in section 3.0).

If the preliminary scan identifies the potential for important environmental considerations, or if there is a high level of uncertainty or risk associated with the outcome, then a more detailed analysis of the environmental effects (refer to the definition of "environmental effects" in section 3.0) should be conducted through a strategic environmental assessment.

If the scan does not identify the potential for important environmental considerations, no further analysis of environmental effects is required.

2.3.2 Analyzing Environmental Effects

The analysis of the environmental considerations should be undertaken on an iterative basis throughout the policy development process, and be fully integrated into the analysis of each of the options developed so the consequences of alternative proposals can be compared. The final recommendation should be informed by the results of the strategic environmental assessment.

The strategic environmental assessment should address the following considerations.

- 1. Scope and nature of potential effects. The analysis should build on the preliminary scan to describe, in appropriate detail, the scope and nature of environmental effects that could arise from implementing the proposal. Environmental effects, including cumulative effects, could result from the use of, or changes in, atmospheric, terrestrial or aquatic resources, physical features or conditions. The analysis should identify positive as well as adverse environmental effects.
- 2. The need for mitigation or opportunities for enhancement. Analysts should consider the need for mitigation measures that could reduce or eliminate potential adverse environmental consequences of the proposal. Similarly, they should also consider opportunities, where possible, to enhance potential environmental benefits. Mitigation or enhancement could include, for example, changes in the proposal, conditions that may need to be placed on projects or activities arising from the proposal, or compensation measures.
- Scope and nature of residual effects. The analysis should describe, in appropriate detail, the potential environmental effects that may remain after taking into account mitigation measures and enhancement measures.
- 4. Follow-up. The strategic environmental assessment also should consider the need for follow-up measures to monitor environmental effects of the policy, plan or program, or to ensure that implementation of the proposal supports the department's or agency's sustainable development goals.
- 5. Public and stakeholder concerns. The analysis should identify for decision makers, where appropriate, concerns about the environmental effects among those likely to be most affected, and among other stakeholders and members of the public.

2.3.3 Appropriate Level of Effort

The level of effort committed to the strategic environmental assessment should be commensurate with the level of environmental effects anticipated from implementation of the proposed policy, plan or program. The following factors should assist analysts in assessing potential environmental effects and gauging the appropriate level of effort for the analysis.

Departments and agencies are encouraged to develop their own sources of information and analytical tools such as relevant literature; previous strategic environmental assessments of policy, plan or program proposals; expert advice from other branches within departments and other expert federal departments; checklists; matrices and modelling; scenario building; and simulation analysis.

Examples		
Frequency and duration	Will the effect be a one-time only occurrence? Will it be a short-term or long-term effect?	
Location and magnitude	What is the anticipated scale of the effect? Will it be local regional, national or international in scope?	
Timing	Is the effect likely to occur at a time that is sensitive to a particular environmental feature?	
Risk	Is there a high level of risk associated with the effect, such as exposure of humans to contaminants or pollution, or a high risk of accident?	
Irreversibility	Is the effect likely to be irreversible?	
Cumulative nature	Is the effect likely to combine with other effects in the region in a way that could threaten a particular environmental component?	

2.4 Public Concerns

he analysis of potential environmental effects should indicate, where appropriate, concerns about these effects among those likely to be most affected, and among other stakeholders (that is, those with an interest in the policy) and the public.

Understanding public concerns can strengthen the quality and credibility of the policy, plan, or program decision in several ways.

- Through the involvement of interested parties, decision makers can, at an early stage, identify and address public concerns about a proposal that could otherwise lead to delays or the need for further analysis later in the process.
- Stakeholders and the public can be an important source of local and traditional knowledge about likely environmental effects.
- Decision makers may need to build a consensus among different or opposing interests; public involvement can help develop the credibility and trust in the decision-making process that is needed for such a consensus.
- 4. Public involvement can help communicate the results of the process and decisions back to the stakeholders.

 Over time, a visible commitment to understanding and responding to public concerns can help build a sense of public trust and credibility in the decisions of the department or agency.

Sources of information on public concerns could include:

- 1. economic and social analysis under way on the proposal;
- 2. ongoing public consultation mechanisms in the department;
- 3. expert departments and agencies; and
- 4. outside experts and organizations.

The involvement of the public should be commensurate with public involvement on the overall development of the policy, plan or program proposal itself, and should make use of any public involvement activities that may be under way as part of the proposal. If public documents are prepared for use in a consultation exercise, it is advisable to incorporate them into the results of the strategic environmental assessment to address potential environmental concerns.

2.5 DOCUMENTATION AND REPORTING

Reporting is important for ensuring an open and accountable process. Departments and agencies shall prepare a public statement of environmental effects when a detailed assessment of environmental effects has been conducted through a strategic environmental assessment. Departments will determine the content and extent of the public statement according to the circumstances of each case. The purpose of the statement is to demonstrate that environmental factors have been integrated into the decision-making process. Such statements should be integrated into existing reporting mechanisms to the fullest possible extent. Separate reporting of strategic environmental assessments is not required.

When reporting on sustainable development goals in Sustainable Development Strategies, Reports on Plans and Priorities, or Departmental Performance Reports, departments and agencies should report on the extent and results of their environmental assessment practices. Similarly, other corporate documents that summarize organizational effectiveness, or plans to implement Sustainable Development Strategies, would benefit from describing how frequently policies, plans and programs had been assessed, and any impact these assessments had on reaching organizational goals in sustainable development.

For some proposals, such as those involving significant adverse effects or serious public concerns, departments and agencies may choose to release a public document that discusses the environmental effects in detail, in addition to any public statement of environmental effects. This document will help demonstrate that environmental factors have been integrated into the decision-making process.

When a policy, plan or program proposal has been assessed for potential environmental effects, the following documentation is recommended.

- 1. Submissions to Cabinet, including Treasury Board, should discuss any strategic environmental assessments and the outcomes of this analysis, as an integral part of examining the options presented. The Analysis section of the Memorandum to Cabinet should report on potential significant environmental effects of each of the options proposed for consideration, and mechanisms to mitigate potential adverse effects. The statement should specify how the policy, plan or program affects or relates to the department's or agency's Sustainable Development Strategy. If a separate public document detailing the assessment has been prepared, it should be appended to the Memorandum to Cabinet, and Cabinet should be requested to approve its release to the public.
- 2. The Communications Plan of a Memorandum to Cabinet should address public concerns, if any, about the potential environmental effects of the proposal. Departments and agencies shall prepare a public statement of environmental effects when a detailed assessment of environmental effects has been conducted through a strategic environmental assessment. Such statements should be integrated into existing reporting mechanisms to the fullest possible extent.

- 3. If a policy, plan or program does not require Cabinet approval, but is still assessed, the findings of the assessment should be reported in any relevant decision documents. Departments and agencies shall prepare a public statement of environmental effects when a detailed assessment of environmental effects has been conducted through a strategic environmental assessment. Such statements should be integrated into existing reporting mechanisms to the fullest possible extent.
- 4. If a Regulatory Impact Analysis Statement is prepared on an initiative, departments and agencies should reflect the findings of the strategic environmental assessment. Departments and agencies shall prepare a public statement of environmental effects when a detailed assessment of environmental effects has been conducted through a strategic environmental assessment. Such statements should be integrated into existing reporting mechanisms to the fullest possible extent.
- 5. Departments and agencies may also report on strategic environmental assessments as part of their reporting in Sustainable Development Strategies, Reports on Plans and Priorities, Departmental Performance Reports, and other documents that concern organizational practices and effectiveness.
- 6. The strategic environmental assessment should be forwarded to departmental evaluation and review officers so that future evaluations of the policy, plan or program initiative can incorporate the outcome of the analysis into the evaluation framework.

Any disclosure of information will be subject to existing legislation, regulations and policies governing the release of information.

2.6 ROLES AND RESPONSIBILITIES

he government is committed to sustainable development and integrating the principles of sustainable development into its policies, plans, programs and decision-making processes. Assessing the environmental effects of policies, plans and program proposals is a key step toward turning this commitment into action.

The following guidelines summarize the roles and responsibilities of the major participants in the strategic environmental assessment process.

2.6.1 Cabinet

When a policy, plan or program is submitted to Cabinet, ministers are collectively responsible for ensuring that decisions fully reflect the environmental implications of the initiative.

2.6.2 All Ministers

In performing their duties, individual ministers are responsible for ensuring that the environmental consequences of their policies, plans and programs are considered consistent with the government's broad environmental objectives and sustainable development goals.

2.6.3 The Minister of the Environment

The Minister has a leadership role in establishing the environmental framework for Canada, and in promoting the application of strategic environmental assessment to policy, plan and program proposals. The Minister also is responsible for advising other ministers on potential environmental considerations of proposals before Cabinet decisions are taken, and for advising on environmentally appropriate courses of action. This does not constitute either a veto or an approval role.

2.6.4 Departmental and Agency Officials

Officials are responsible for ensuring that environmental considerations are properly integrated into the development of policy, plan and program proposals. When a proposal is presented for decision, officials should ensure that, when appropriate, an assessment of the potential environmental effects of a policy, plan or program is completed for each viable option presented. Officials

should consult, as appropriate, with other departments and agencies with relevant mandates and expertise to assist them to report on the environmental implications of their policies, plans and programs.

Strategic environmental assessment is recognized internationally and by the Commissioner for the Environment and Sustainable Development as a tool which supports sustainable development. As such, departmental and agency officials are encouraged to report on their strategic environmental assessments of policies, plans, programs and projects in their Sustainable Development Strategies.

2.6.5 Environment Canada

In support of the responsibilities of the Minister of the Environment, Environment Canada will consult with other departments and agencies and provide expert policy, technical and scientific analysis and advice on sustainable development and the potential environmental effects of policy, plan and program initiatives.

2.6.6 The Canadian Environmental Assessment Agency

In support of the Minister of the Environment, the Agency will promote the application of strategic environmental assessment to policy, plan and program proposals of the federal government. In consultation with other departments and agencies, it will provide guidance and training to improve the implementation of the strategic environmental assessment of policies, plans and programs.

2.6.7 The Commissioner for the Environment and Sustainable Development

Under the *Auditor General Act*, the Commissioner is tasked with overseeing the government's efforts to protect the environment and promote sustainable development. The Commissioner's office will hold government accountable for greening its policy, operations and programs and will review progress in the implementation of department's and agency's Sustainable Development Strategies.

3.0

DEFINITIONS

Environment

The components of the earth, including:

- land, water and air, including all layers of the atmosphere;
- b. all organic and inorganic matter and living organisms; and
- c. the interacting natural systems that include components referred to in paragraphs a and b.

Environmental effect

An environmental effect is:

- a. any change that the policy, plan or program may cause in the environment, including any effect of any such change on health and socio-economic conditions, on physical and cultural heritage, on the current use of lands and resources for traditional purposes by Aboriginal persons, or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, and
- b. any change to the policy, plan or program that may be caused by the environment,

whether any such change occurs within or outside Canada.

Mitigation

The elimination, reduction or control of the adverse environmental effects of the policy, plan or program, and includes restitution for any damage to the environment caused by such effects through replacement, restoration, compensation or any other means.

Policy assessment

A process to identify and analyze the environmental effects of policies. It is also used as a generic term for the strategic environmental assessment of policies, plans and programs.

Public Statement of Environmental Effects

A statement that is made at the time that the policy, plan or program is announced, indicating the likely environmental effects of the policy, plan or program. The statement may be included as part of a general announcement by the government respecting the policy, plan or program, or it may be a stand alone document that explains the results of the strategic environmental assessment.

Sustainable development

Development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.

Strategic environmental assessment

The systematic and comprehensive process of evaluating the environmental effects of a policy, plan or program and its alternatives. (Adapted from *The Practice of Strategic Environmental Assessment*, by Riki Thérivel and Maria Rosário Partidário, 1996.)