



*NOTES FOR STUDIES*

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***PUBLIC PARTICIPATION IN  
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UNIT 7

**Public Participation in Environmental Decision making: Basic definitions, Regulatory requirements, Advantages & disadvantages of Public Participation, Selection of Public participation techniques, Practical considerations for implementation.**

**Basic definition:-**

Public participation can be defined as a continuous, two way communication process which involves promoting full public understanding of the processes and mechanisms through which environmental problems and needs are investigated and solved by responsible agencies; keeping the public fully informed about the progress of studies or implications of the project

**Regulatory requirements:-**

The decision-making process has evolved in ensuing years, and numerous attempts have been made to address the deficiencies noted by Judge Kaufman. Today's environmental decision-making invites extensive public participation, guided by ecosystem-wide factors and neorepublican theory. These developments target the narrowness that troubled Judge Kaufman, but they do not represent a panacea. The fact remains that public participation occasionally triumphs where narrow interests predominate. Some localized problems, for example, can be adequately resolved by focusing on isolated issues. Other environmental problems can be addressed by putting values aside and yielding to technical expertise. A successful approach to public participation in environmental decision-making must accommodate these realities as well as the newer, more comprehensive and value-based insights.

The IAP2 (2006) produced a set of core principles for the practice of public participation.

These principles are the public should have a say in decisions about actions that could affect its members' lives

1. Public participation includes the promise that the public's contribution will influence the decision
2. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision-making agencies
3. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision
4. Public participation seeks input from participants in designing how they participate
5. Public participation provides participants with the information they need to participate in a meaningful way.
6. Public participation communicates to participants how their input affected the decision

**Advantages & disadvantages of Public Participation:-**

Benefits and disadvantages of public participation Public participation have many benefits. The main aim of public participation is to encourage the public to have meaningful input into the decision-making process. Public participation thus provides the opportunity for communication between agencies making decisions and the public. This communication can be an early warning system for public concerns, a means through

making (IAP2 2006). These benefits apply when public participation is a two-way process—where both the agency and the public can learn and gain benefit (PWCNT 2002; IAP2 2006).

Effective public participation allows the public's values to be identified and incorporated into decisions that ultimately affect them (Johnson 2001; PWCNT 2002; IAP2 2006). While there are numerous advantages associated with public participation in planning and decision-making processes, there are also disadvantages (MFE 1999; PWCNT 2002). Public participation can be time-consuming and sometimes expensive. To do it effectively, organizations have to build capacity and train staff. If done poorly, public participation processes can result in, for example, loss of faith in the agency. A negative experience of the process may lead participants to have negative perceptions of the outcome, and they may be less likely to participate in future processes.

**Selection of Public participation techniques:-**

The Spectrum is organized around the principle that the level of public participation is directly tied to the level of potential public influence on the decision or action being considered. This potential influence can vary anywhere from none at all to total. The spectrum is designed to understand the key levels that should be considered within these extremes for designing a public participation program.

It is important to recognize that we are only talking about potential influence. In few cases can you promise the exact nature of the public's ultimate influence? This is generally not apparent until the end of a well-implemented program, when full consideration is given to the input received. You can, however, conduct thoughtful planning to fully understand the dynamics of the project, the desired and likely nature of public input, and the opportunities to address public concerns, desires, and interests. Five levels of public participation are described on the Spectrum ranging from no influence (Inform) to total influence (Empower). Under each level, three items are described that help to explain the level of participation more fully.

**The Public Participation Goal:-** The goal of the public participation project describes the agency's intent with regard to engaging the public in the project and is used to make sure that common internal expectations (those of the sponsor agency) are established and maintained. The goal statements on the spectrum are intended to provide generic guidance and are not expected to be used exactly as written. As you approach each new project, you should give careful thought to identifying the specific goals that apply to your conditions, opportunities, constraints, and stakeholders.

**The Promise to the Public: -** Every public participation program results in a promise to the public regarding the level of their potential influence on the outcome of the project and what they can expect from the sponsor agency. The spectrum is designed to remind agencies that they need to make this promise clear and explicit so as to create common expectations among all stakeholders. As with the goal statements, the promises on the spectrum are intended to provide generic guidance and are not expected to be used exactly as written. You should always give careful thought to creating promise statements that fit the conditions, circumstances, and stakeholders for that project.

to be used at any level of the spectrum.

Practical considerations for implementation it is recommended that:-

1. Priority should be accorded to the implementation of EIA through legislation, which should:

(a) In the case of separate legislation, provide for linkage with other legislation which, inter alia, governs land-use planning and planning in different economic sectors, licensing and permit systems and environmental management;

(b) Provide for the analysis and evaluation of possible environmental impacts (including health impacts) of activities before a decision is taken, as well as in the construction and operation phases;

(c) Contain provisions to promote the integration of environmental considerations into planning and decision-making processes;

(d) Promote integrated environmental management in relation to sustainable economic development; and

(e) Allow for the necessary resources to be allocated to the EIA process.

2. Existing legislation and practices should be examined to ensure that EIA is fully integrated into decision-making, so that a comprehensive environmental management approach can be implemented.

3. EIA should, in principle, be applicable to a wide range of activities including urban development, agricultural and industrial development (including retrofitting into old technology) and energy generation and transportation, the development and operation of physical infrastructures, natural resources exploitation, treatment, storage and disposal of waste.

4. There should be more harmonization of EIA practices, at the national and international levels to unify terminology, inter alia through the development of a list of terms, to facilitate mutual understanding and to enable the undertaking of EIA in a Tran's boundary context.

5. In each country, an authority should be identified to introduce and oversee the administration of national EIA programs.

6. An EIA process should provide for:

(a) A clearly defined application of the process to certain activities and to specific levels of decision-making;

(b) Scoping procedures;

(c) Procedures for independent review;

(d) Public participation opportunities;

(e) Identification of mitigation measures;

(f) A linkage with decision-making including a record of decision(s);

(g) Post-project analysis and monitoring; and

(h) Institutional and organizational requirements.

7. For the sake of effectiveness and the optimum allocation of financial and human resources, EIA should particularly be applied where anticipated activities are likely to cause significant environmental impacts, in particular those with a long-term or irreversible character. Mechanisms for identification should be used, such as the enumeration of activities subject to EIA (based on, inter alia, sensitive ecosystems, vulnerable resources, non-renewable resources, specific criteria and threshold levels, or combinations of these methods) or initial environmental evaluation procedures.
8. EIA legislation should apply to individual projects and could allow for application to regional development schemes and programs as well as general policies and strategies.
9. Depending on the nature and degree of the assessed impacts, EIA should continue during the construction, operational and decommissioning phases of activities in order to:
  - (a) Monitor compliance with the agreed conditions set out in construction permits and operating licenses;
  - (b) Review environmental impacts for the proper management of risks and uncertainties;
  - (c) Modify the activity or develop mitigation measures in case of unpredicted harmful effects on the environment;
  - (d) Verify past predictions in order to transfer this experience to future activities of the same type.
10. Procedural arrangements ('scoping') should be adopted to determine the issues to be examined, as well as to develop and to select reasonable alternatives to proposed activities.
11. Scoping processes should be undertaken early in EIA by involving and consulting all parties concerned in order to avoid unnecessary cost and delay, and to accommodate early on the conflicting interests of parties involved.
12. The EIA documentation should undergo an independent review to control the quality and adequacy of the information prior to the decision being made.
13. Review procedures should be defined in relevant legal provisions, regulations or other appropriate arrangements, and be undertaken by an interdisciplinary team with the relevant expertise, in order to assure the preparation of well-balanced and complete results, to enhance the acceptability of the outcome and to improve the management of uncertainties and risks in EIA.
14. EIA procedures should allow for the direct involvement of the affected public, individuals, groups and organizations early on in the EIA process, as they can make important contributions to the identification of objectives, impacts and alternatives.
15. Programs should be developed as early as possible in the EIA process in order to inform the public of planned activities through direct notification and the use of mass media such as newspapers, television and radio.
16. Efforts should be increased to develop or improve:
  - (a) Integrated monitoring programs;

**(b) Methods and programs for the collection, analysis, storage and timely dissemination of directly comparable data regarding environmental quality in order to provide an input to EIA.**

**17. In order to improve the efficiency of EIA and to obtain a better understanding of its cost-effectiveness, information should be collected to determine the benefits and costs of EIA as a tool for both planning and environmental protection as well as for the integration of environmental values into the decision-making process.**

**18. When applicable, the consideration of alternatives should take into account different activities, options in technology, process, operation, location, mitigation and compensation measures as well as production and consumption patterns.**

**19. Appropriate measures should be promoted that allow for and facilitate the assessment of environmental impacts from new technological developments in all economic sectors; to this effect regulations, guidelines and criteria should be developed in order to apply the principles of EIA to technological innovations.**

**20. EIA documentation should contain, as a minimum:**

- (a) The setting of the activity (purpose and need);**
- (b) Which authority (ies) is (are) required to act upon the documentation, and the nature of the decision(s);**
- (c) Description of the activity itself and reasonable alternatives to it, if appropriate, including the do-nothing alternative;**
- (d) The potential environmental impacts and their significance attributable to the activity and its alternatives as well as the socio-economic consequences of environmental change owing to the activity or its alternatives; (e) The relevant environmental data used and, for reasons of clarity, an explicit indication of predictive methods and underlying assumptions made during the assessment procedure;**
- (e) The identification of gaps in knowledge and uncertainties which were encountered in compiling the required information;**
- (f) An outline of monitoring and management programs and mitigation measures to keep environmental degradation at a minimum; and**
- (g) A non-technical summary including a visual presentation (maps, graphs, etc.).**

**21. Special consideration should be given to the setting up or intensification of specific research programs aimed at:**

- (a) Improving existing qualitative and quantitative methods for assessing the environmental impacts of proposed activities;**
- (b) A better understanding of cause-effect relationships and their role in integrated environmental management;**
- (c) Analyzing and monitoring the efficient implementation of such decisions with the intention of minimizing or preventing impacts on the environment (post-project analysis);**

- (d) The development of methods to stimulate creative approaches in the search for environmentally sound alternatives to planned activities, production and consumption patterns;
- (e) The development of methodologies for the application of the principles of EIA at the macroeconomic level. The results of the programs listed above should be exchanged at the international level.

22. Education and training should be regarded as an important tool to improve the practical application and implementation of EIA:

- (a) For managers (both proponents and competent authorities);
- (b) For practitioners; and
- (c) For students (at universities and other appropriate higher schools). Managers and practitioners should be provided with additional training. For students, curricula should include the concept of the integrated approach of EIA. Governments should exchange information on planned EIA training courses.

23. Co-operation in the field of EIA in a Trans boundary context is necessary and should be developed and intensified among countries concerned, taking into account national sovereignty over natural resources, to enable:

- (a) The provision of information, notification and consultation as early as possible in the EIA process and prior to decisions being taken on planned activities with potentially significant environmental effects on other countries;
- (b) The exchange of relevant environmental data and information on the planned activities and their possible trans boundary effects;
- (c) Public participation in the affected areas based on the principles of reciprocity and nondiscrimination;
- (d) When appropriate, the provision of a mechanism for independent review which may involve a joint commission, joint monitoring and preparation of assessment documentation, implementation of mutually agreed mitigation measures and means to incorporate the views of the affected country into the decision-making process.

24. Governments should incorporate EIA provisions in existing and new bilateral or multilateral treaties or agreements with potential environmental implications.