

# SEA Experience in Canada: Lessons for the BBNJ Negotiations

Meinhard Doelle, Canadian Chair,  
Marine Environmental Protection, WMU  
[mhd@wmu.se](mailto:mhd@wmu.se)



# Marine Strategic EA Experience in Canada

- **SEAs of Offshore O&G** have not been very effective to date because they have tended to be narrow in scope, and not sufficiently independent or participatory to build social licence or inform integrated planning or management. The focus has been on streamlining project assessments.
- **SEA of Offshore Renewable Energy** more successful because of broader scope, more effective public engagement, independence, but still problems because participatory approach did not continue after initial SIA, so conflicts with other ocean users have resurfaced
- **SEA of Aquaculture** similarly had good results initially, but as participatory approach was abandoned, social licence problems have begun to resurface

**Bottom Line: Good SEAs help, but really need REAs first**

# Offshore Tidal Energy SEA

Asked to address:

- ❖ **Whether** tidal energy should be developed
- ❖ **Alternative ways** it could be developed
- ❖ Potential **interactions** with the biophysical and socio-economic environment
- ❖ **Information gaps** that need to be filled, and what decisions are reasonable with what we know.



# Overview of Tidal SEA Process



- Commissioned by province of NS
- Carried out by an **independent** Research Association
- “inform decisions on **whether, where, when and under what conditions** to allow pilots and commercial projects into the water ... and under what conditions renewable energy developments in the Bay of Fundy **are in the public interest** over the long term”
- In collaboration with province of NB, but separate consultations and decisions.

# SEA Process ... Part 1

- ❖ Appointed Tidal SEA Advisory Group
- ❖ Monthly newsletters & website
- ❖ Six forums at the start to learn about community concerns
- ❖ Commissioned 'Background' Report
- ❖ No formal scope decision, only areas of "focus"
- ❖ 1<sup>st</sup> round of participation funding awards
- ❖ Appointed Stakeholder Round Table



# Stakeholder Roundtable (RT) Members

- ❖ Fishing industries
- ❖ ENGOs
- ❖ Municipal Governments
- ❖ Tidal developers
- ❖ Power utility
- ❖ Tourism, shipping, other users ...
- ❖ Indigenous communities ...
- ❖ Provincial Government
- ❖ Federal Gov Observer



# SEA Process ... Part 2

- ❖ Release of Background Report and other information gathered
- ❖ Written comments on the Background Report and related issues
- ❖ 2<sup>nd</sup> round of participant funding
- ❖ Ongoing monthly RT dialogue
- ❖ Draft SEA report released
- ❖ Three public workshops on draft
- ❖ RT Consensus SEA report finalized



# Steps in Effective Strategic IA

- Process Selection/Design
- Public Engagement Throughout
- Broad Scoping with Focus
- Broad Information Gathering
- Collaborative Review
- Transparent Documentation of Results
- Transparent Decision-making
- Ongoing, Interactive Follow-up





# Elements of Good Strategic IA

- **Customized** to fit the particular application to a given policy, plan or program to be assessed.
- **Clear about its objective** and meet that objective with integrity
- Focussed on providing information **relevant for decision-makers**
- Driven by **sustainability principles**
- **Integrated** analysis of **social, environmental & economic** considerations
- **Integrated** with other (regional) **planning & assessment processes**, and **inclusion of REA** where broader assessment and planning is missing
- **Transparent, Open, & Practical**
- A **mutual learning** process

# EA Among a # of Ocean Governance Tools

- Integrated (Regional) Planning
- Marine Spatial Planning, Area-based Planning (in BBNJ Regime)
- **Strategic Assessments (including Regional Assessments)**
- Recovery Plans for Endangered Species
- **Project Assessments**
- Many Different Regulatory Processes
- Non-regulatory Governance Tools



# 12 Elements of Next Generation IA

1. **Integrated, Tiered Assessments (REA, SEA, PEA)**
2. Cooperative Joint Assessments
3. Appropriate Assessment Streams
4. Transparency & Accountability
5. Indigenous Rights & Interests
6. Sustainability Focus



# 12 Elements of Next Generation IA

7. Comparative Consideration of Alternatives
8. Cumulative Effects Mindset
9. Meaningful Public Participation
10. Learning Oriented
11. Appropriate Follow-up
12. Independent & Impartial Administration



# Key Take-aways for BBNJ Negotiations



- Need to add REA **or** define SEA to clearly **include REA**
- Need mechanisms for **cooperative joint** REA/SEA/EIAs with other decision makers in ABNJ (IMO, ISA, RFMOs, ...)
- Need mechanisms for **integration** with existing (within the regime and outside) regional planning and assessment processes (such as area based planning)
- Need **independent process & decision** (through internationalization?) + time, resources, and effective ways to engage those potentially affected
- Goal should be shared **cooperative and participator decision making in the public interest**, not just a technical exercise to document biophysical impacts of proposed undertakings