

# Proposed Amendment of Environmental Assessment Law and Response to the SEA (Strategic Environmental Assessment)

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## 1. Proposed amendment of the Environmental Impact Assessment Law

The Environmental Impact Assessment Law came into force (June 1999) over 10 years ago, and under Supplementary Provision Article 7, its revision has been discussed, and the results submitted by the Central Environmental Council (February 2010). The proposed amendment of the law is still under consideration in the Diet (as of February 2011), but the following are the points of revision requiring new actions. (Fig. 1)

- ① Legalization of the Strategic Environmental Assessments (SEA)
- ② Preparation and public release of post survey reports
- ③ Electronic inspection of Environmental impact statements etc.
- ④ Holding explanatory meetings for scoping documents

Of these, ② post-survey reports are intended to reflect assessment results in projects, while ③ electronic inspection and ④ meetings to explain scoping documents are intended to encourage understanding by residents. A detailed explanation of ① SEA follows.

## 2. Implementation of SEA during the concept stage PI and related challenges

SEA, which is a study of the protection of the environment performed at a stage earlier than the Environmental Impact Assessment (EIA) already performed at the project implementation stage, is reflected in the project plan.

Road development and other public projects are

already taking actions equivalent to SEA at the public involvement (PI) phase of the stage when the approximate location and scale of the project are decided (concept stage). Through the concept stage PI, it is important to comprehensively make judgments from the environmental, social, economic, and various other perspectives, and to flexibly communicate smoothly with the residents and other concerned parties.

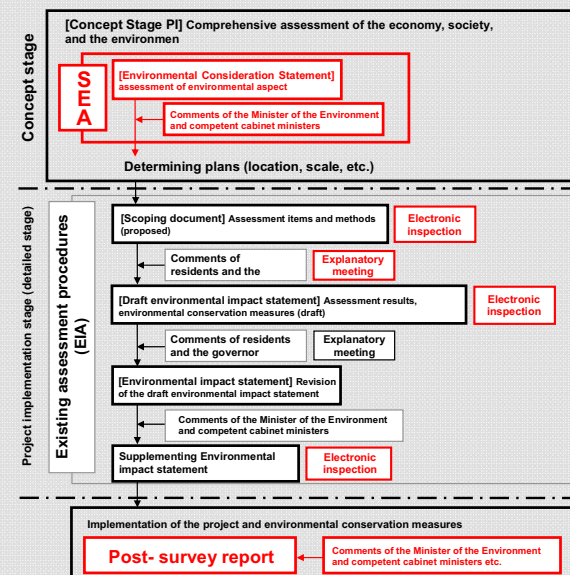


Figure 1. Flow Chart After Revision of the Environmental Impact Assessment Law (New steps shown in red)

Based on actual status of the above public projects, SEA under the proposed revision of the law is only an evaluation of the environmental aspect without comprehensive judgments, and establishes an obligation limited to procedures less sweeping than those of an EIA (preparation of an Environmental Consideration Statement, etc.). But the following questions remain to be answered in order to implement SEA under the law at the concept stage PI.

(1) PI processes vary from project to project, so in which process will the SEA procedure be implemented?

(2) PI remains an optional process, so how can standing out of the environmental aspect by legally prescribed SEA be avoided?

(3) What is the specific method of preparing the Environmental Consideration Statement?

(4) Considering that the need for SEA was argued partly to conserve biodiversity, how is the protection of the natural environment considered at the concept stage?

(See Research Trends and Results, Fully considering the care of the natural environment at the road project concept stage)

### **3. Future schedule**

Following the enactment of the Revised Environmental Impact Assessment Law, technical guidelines applying to all categories of projects (basic guidelines) will be issued after one year, technical guidelines by project category (by competent cabinet ministers) will be issued after one year and a half, and the revised law will come into full force after two years. The NILIM intends to study the challenges referred to above and to revise “Technical Methods for Road Environment Impact Assessment” (see below).

<http://www.nilim.go.jp/lab/dcg/introduction/kadai5/kadai5.htm>