

# Designated Office Rules 2010

## Questions & Answers

### Rules Review completed.

The Yukon Environmental and Socio-economic Assessment Board (YESAB) has completed its review of the *Rules for Evaluations Conducted by Designated Offices* (Rules). The Rules were revised as a result of this review and the new Rules come into effect on August 11, 2010. The new Rules have been published in the Canada Gazette and are also available on the YESAB website, or through any YESAB office.

The following provides some background on the Rules review and an overview of the key changes.

### What are the Designated Office Rules?

The Rules are a requirement of the *Yukon Environmental and Socio-economic Assessment Act* and provide the framework for conducting assessments (evaluations) at the Designated Office level.

The Rules provide direction related to preparing and submitting project proposals, scoping projects, participating in assessments, timelines for evaluations, the handling of confidential information, and considering traditional and scientific knowledge.

### Why did YESAB conduct the review?

When the first Rules were made in the fall of 2005, YESAB committed to review them in two years to ensure that the process for conducting Designated Office assessments was effective, efficient and practical for all parties involved.

### How did we get to this stage in the review?

YESAB established a Rules Review Committee and began the Rules Review in late 2007. In 2008 the Committee gathered comments and feedback from participants through public meetings, focus groups, written submissions and face-to-face meetings. All input received was given full consideration and assisted the Board in creating the new Rules.

A draft of the proposed new Rules was circulated for comment in the fall of 2009. As well, public meetings were held in Watson Lake, Teslin, Carcross, Whitehorse, Haines Junction, Mayo, Dawson and Old Crow. Based on input received, the draft Rules were revised and the Board provided a further period for public comment.

The new Rules will come into effect on August 11, 2010.

## What changes have been made in the Rules?

During the Rules review each issue identified was carefully considered. The following describes the key changes made and the rationale for making those changes.

### **1. Form 1 has been removed from the Rules.**

Removing Form 1 from the Rules provides us with increased flexibility to create and adapt sector-specific forms. These forms will clearly identify what information should be included in project proposals for specific development sectors (e.g. mining, forestry) and provide increased certainty to proponents, assessors, First Nations, governments and interested persons. Further work will be required to prepare these forms.

### **2. Location review, completeness review, and the preparation of a public notice and notification list have been merged into one adequacy review period.**

This addresses a number of issues by simplifying the process. It allows well-prepared and small-scale project proposals to be expedited through the adequacy review period of the assessment.

### **3. The period of time for determining if a proposal is adequate may be extended up to an additional 21 days.**

This will allow additional time to review project proposals when required. The extended period will also provide better opportunities for creating a working group or seeking technical advice as needed. The decision whether to extend the adequacy review period is based on criteria provided in the Rules.

### **4. The timeline for reviewing responses to questions during adequacy has been increased.**

During the initial 8-day adequacy review period the assessor may issue an information request. The assessor will have up to 6 days to review responses once they are submitted. In the existing rules only 3 days are allotted. Experience has proven that this timeline is often too short.

The initial 8-day adequacy review period may now be extended. An information request may be made during this extension and the assessor will have up to 10 days to review responses once they are submitted.

### **5. Seeking Views and Information (SVI) has been restructured.**

The SVI period continues to require a minimum of 14 days, up to a maximum of 70 days. The overall timeline has not increased. However, SVI has been restructured into two separate periods of time.

The first period of SVI is a minimum of 14 days and can be extended up to 35 days. At the end of this period the assessor will have up to 3 days to determine if: (a) they will prepare the recommendation or referral; (b) further information is needed or; (c) an extra period of SVI is required. This will allow comments received late in SVI to be reasonably considered. This will also allow the assessor time to consider the best direction for the assessment.

If the assessor decides further information is required, an information request may be issued. This will initiate a 28-day period of time for the proponent to respond to the request or advise when they will be responding within 1 year of the evaluation commencing. This gives proponents adequate time to prepare supplementary information. This also addresses concerns in the current process related to projects being deemed withdrawn when the proponent simply needs additional time to provide information.

The second period of SVI is a minimum of 10 days and can also be extended up to 35 days. In determining the length of the second SVI period, the Designated Office will take into account: (a) material changes to the project proposal; (b) supplementary information submitted that interested persons should have time to consider and; (c) issues identified that the public and others should have time to consider. This will help to ensure that those participating in assessments have adequate time to review any changes to the proposal and/or new information, and further examine key issues.

**6. The period of time for preparing the recommendation or referral may be extended up to an additional 21 days.**

This extension will ensure a Designated Office has adequate time for preparing its recommendation or referral, and allow for more comprehensive rationale to be included in the assessment report.

### **How will the new Rules come into effect?**

The new Rules come into effect August 11, 2010, and will apply to any project proposal submitted on or after this date. The new Rules also apply to project proposals submitted before August 11, 2010, if the proposal has not been deemed complete by that date.

### **Thank you**

We thank everyone who participated in the Rules Review. Your comments, concerns and suggestions have helped improve Yukon's assessment process.

*Yukon Environmental and Socio-economic Assessment Board*  
200 – 309 Strickland Street  
Whitehorse Yukon, Y1A 2J9  
867-668-6420  
[yesab@yesab.ca](mailto:yesab@yesab.ca)