

YESAB

Designated Office  
Rules 2010

# The Designated Office Rules: An Overview

August 2010

This presentation will go through the following:

- What are the Designated Office Rules?
- Overview of the review process
- Changes made to the Designated Office Rules
- Flow chart & timelines
- Questions

## What are the Designated Office Rules?

The *Rules for Evaluations Conducted by Designated Offices* (DO Rules) provide the framework for conducting evaluations [assessments] , including direction related to:

- Preparing and submitting project proposals
- Determining the scope of a project
- Participating in assessments by governments and the public
- Handling confidential information
- Incorporating traditional and scientific knowledge into assessments

## Overview of the Review Process:

- YESAB committed to reviewing the DO Rules to ensure that the process for conducting Designated Office assessments was effective, efficient and practical for all parties involved.
- In 2007 & 2008 YESAB gathered feedback from proponents, governments, First Nations, interest groups and the public through direct mail outs, public meetings, focus groups and face to face meetings.
- In 2009 YESAB proposed revisions to the DO Rules to address many of the concerns and issues that were raised.
- A draft of new Rules was circulated to over 300 participants for comment before they were finalized.
- The new Rules will come into effect as of August 11, 2010.

## Below is a broad overview of the feedback we received:

- Timelines should be flexible to accommodate both small-scale and large scale projects.
- YESAB should develop additional guidance about information requirements for project proposals.
- Large-scale projects should have more opportunity for participation during the adequacy review.
- More opportunity for public review when new information is submitted to the project proposal.
- There should be more time to consider comments received during an assessment.

# Overview of the changes made

# Designated Office Rules 2010

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

*This will allow us to create sector-specific forms. These forms will clearly identify what information should be included in project proposals for specific development sectors. Further work will be required to prepare this guidance.*

**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.*

**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 and provide better opportunities for creating a working group or seeking technical advice as needed.*

changes made continued...

# Designated Office Rules 2010

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

*SVI has been restructured into two separate periods of time. The overall timeline has not increased.*

*The first period of SVI is a minimum of 14 days and can be extended up to 35 days. An information request may be issued and initiate a 28 day period of time for the proponent to respond or advise when they will respond. This will avoid 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. It is available in consideration of: material changes to the project proposal and additional supplementary information. This will help to ensure that those participating in assessments have adequate time to review any changes to the proposal and/or new information.*

changes made continued.

# Designated Office Rules 2010

**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 and have up to 6 days to review responses.*

*The initial 8 day adequacy review period may also be extended when required. 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.*

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

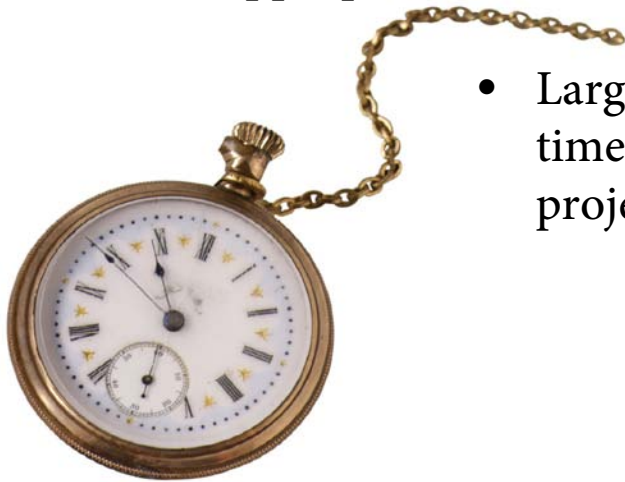
*This extension has been made available to allow adequate time for preparing a recommendation or referral when needed.*

# Timelines

# Designated Office Rules 2010

- Strict timelines help ensure certainty for all YESAA participants. Based on feedback received, the Rules Review Committee paid close attention to timelines and opportunities for participation.
- In the Seeking Views and Information stage the total number of days has not increased, only the structure has changed.
- The new Rules will allow assessors to conduct assessments within timelines that are appropriate for the specific project they are assessing.

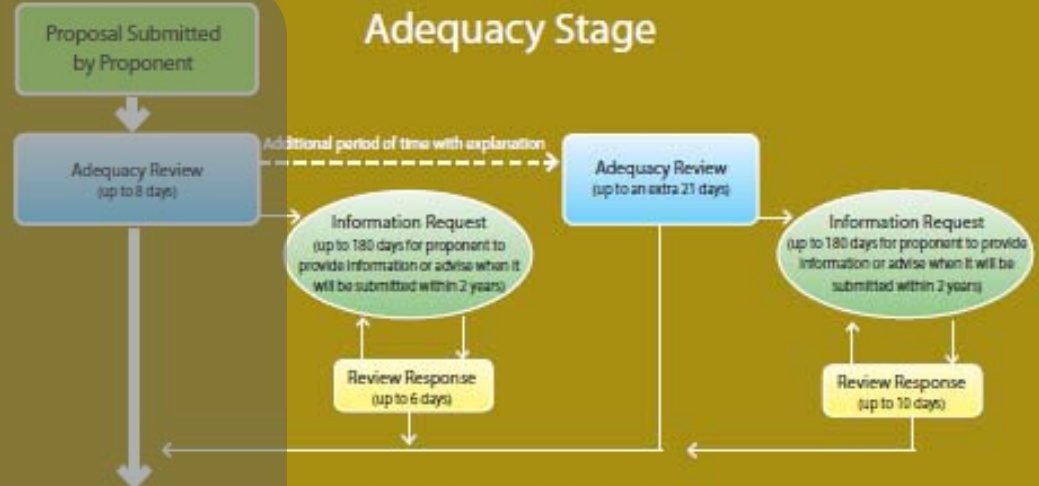
- Larger or more complex projects can now be granted longer timelines if needed while straight forward and well prepared projects will move through the process with little delay.



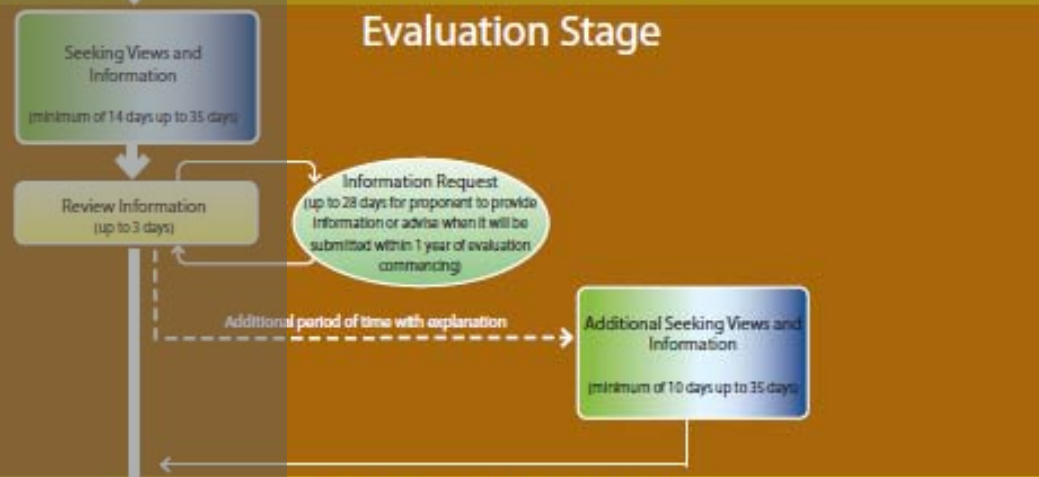
- The DO flow chart outlines the key stages involved in an assessment.
- The chart also shows the timeline that will take place during an assessment.
- You will note three distinct stages;
  1. *Adequacy Stage: ensures the proposal contains enough information that is in the right form and detail.*
  2. *Evaluation Stage: is when the assessors gathers the views and options from all participants.*
  3. *Recommendation Stage: gives the assessor time to consider the information and mitigate the adverse environmental and socio-economic effects of the proposed project.*
- Full copies of the flow chart can be found on our website:  
<http://www.yesab.ca/rules>

# Designated Office Evaluation Process

## Adequacy Stage



## Evaluation Stage



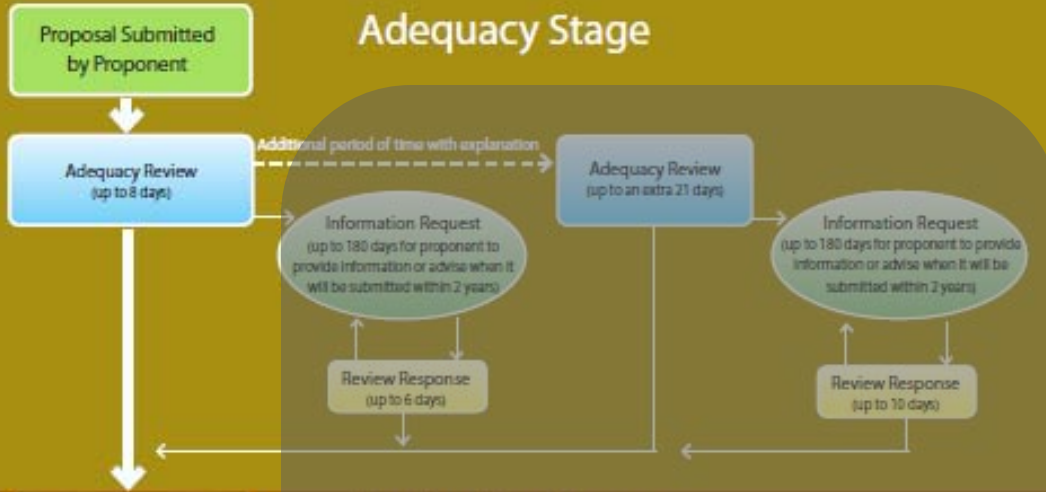
## Recommendation



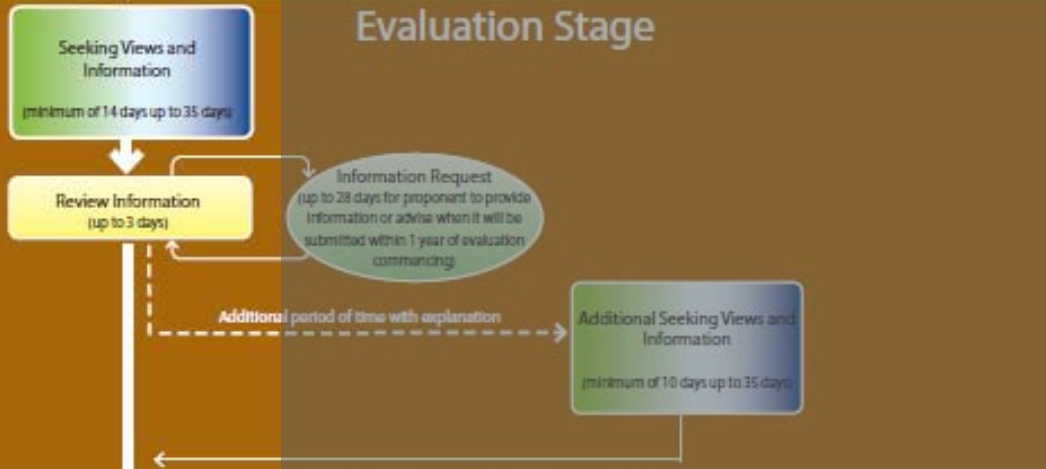
Streamlined process for straight forward project assessments.

# Designated Office Evaluation Process

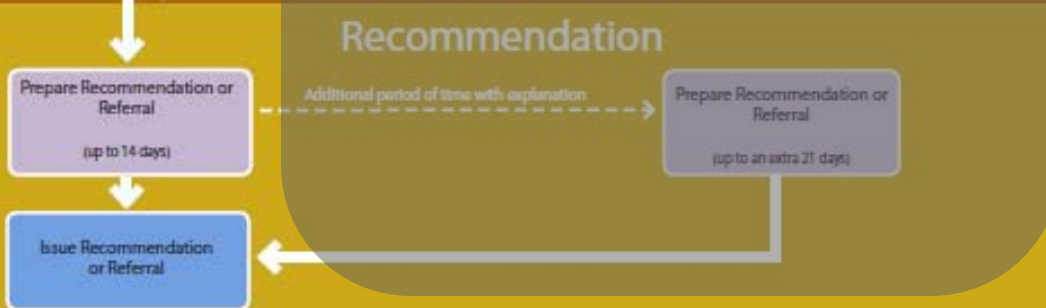
## Adequacy Stage



## Evaluation Stage



## Recommendation

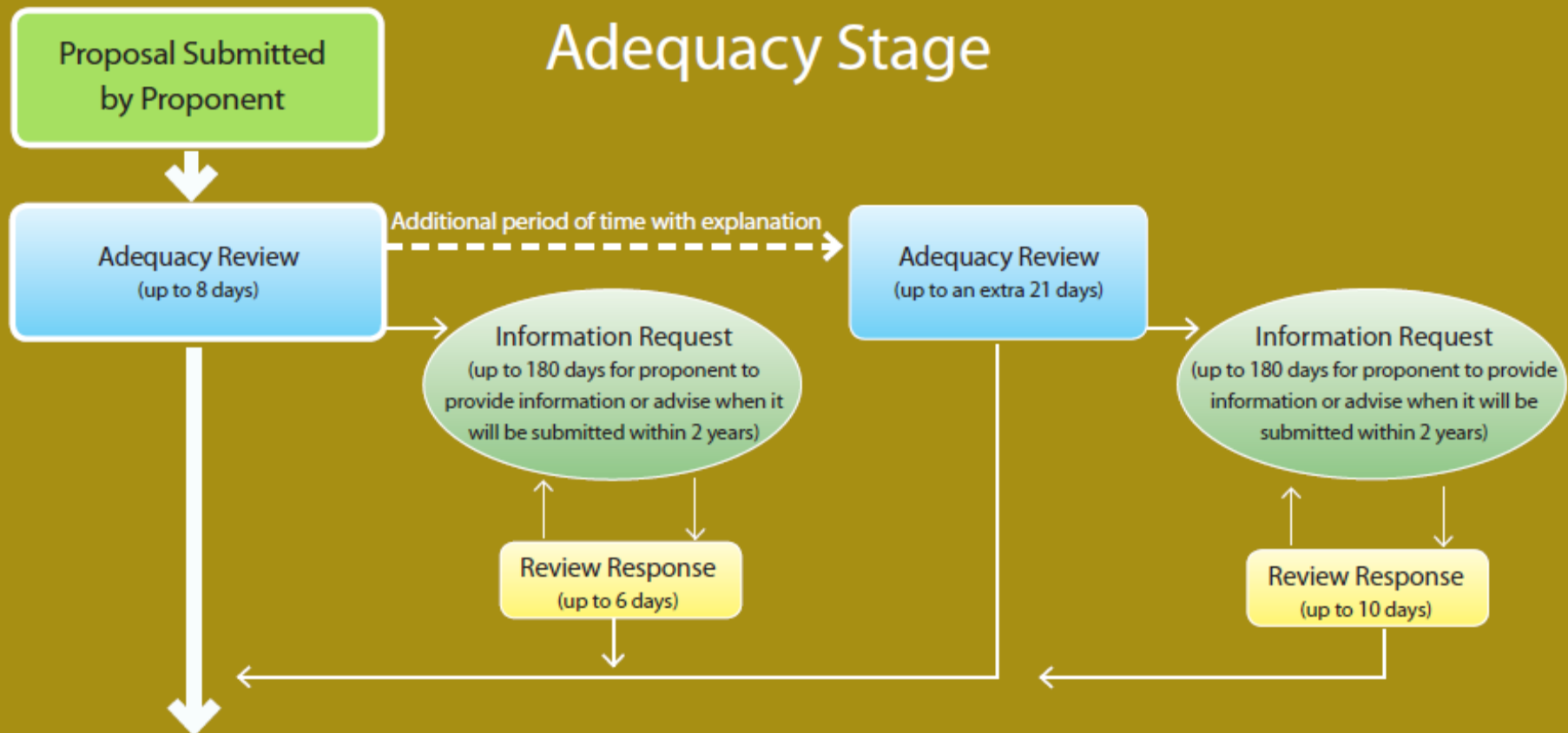


← Opportunities to extend timelines for more complex projects or issues.

## Stage 1: Adequacy Review

### Designated Office Evaluation Process

#### Adequacy Stage



# Stage 1 – Adequacy Review

## Adequacy Stage

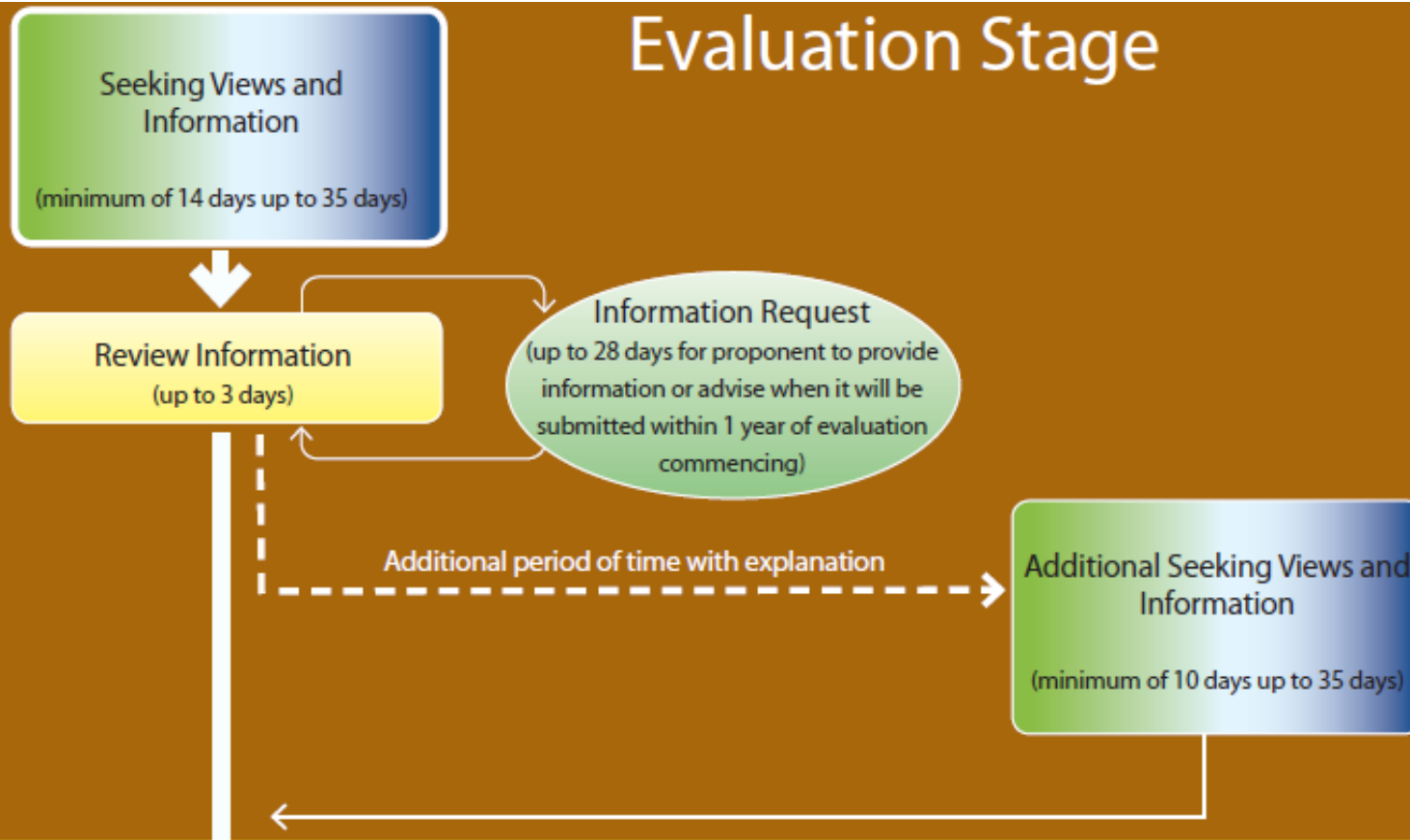
- Determine adequacy
- Draft project scope
- Generate notification list
- Create public notice
- Create map package

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### *Other factors considered:*

- *Proponent has taken into account 42(1)(b),(c), (e) and (f) of the Act.*
- *Proposal contains sufficient information to commence the evaluation and prepare a statement of the scope of the project.*
- *Proposal complies with the applicable rules and directives of YESAB.*

## Stage 2: Seeking Views and Information



## Stage 2 – Seeking Views & Information

### Seeking Views and Information Stage

- Two distinct periods of SV&I.
  - First period is mandatory (min 14 / up to 35).
  - Second period used as needed (min 10 / up to 35).
  - All questions to be asked during this period.
  - Request for supplementary information during SV&I puts the assessment into ‘proponent time’.
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*Designated Office shall take into account:*

- *Material changes to the project proposal.*
- *Supplementary information submitted that interested persons should have time to consider.*
- *Issues identified that interested persons should have time to consider.*

## Stage 3: Recommendation or Referral



# Stage 3 – Preparing Recommendation or Referral

## Recommendation or Referral Stage

- Up to 14 days to prepare recommendation.
- Option to extend up to an additional 21 days.

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- *Possible outcomes of assessment:*
    - *Recommendation to Decision Body(s) or;*
    - *Referral to Executive Committee*

### Questions?

Please contact any of our Designated Offices

<b>Dawson City – Corner of 3<sup>rd</sup> and Church St. ....</b>	<b>867-993-4040</b>
<b>Haines Junction – 100 Steele St. ....</b>	<b>867-634-4040</b>
<b>Mayo – Former Royal Bank Building ....</b>	<b>867-996-4040</b>
<b>Teslin – 8 McLeary St. ....</b>	<b>867-390-4040</b>
<b>Watson Lake – Above the post office ....</b>	<b>867-536-4040</b>
<b>Whitehorse – 7209- 7<sup>th</sup> Ave ....</b>	<b>867-456-3200</b>