



YESAB

Yukon Environmental and
Socio-economic Assessment Board

PRE-SUBMISSION ENGAGEMENT FOR EXECUTIVE COMMITTEE SCREENINGS

Framework 2018

December 2018

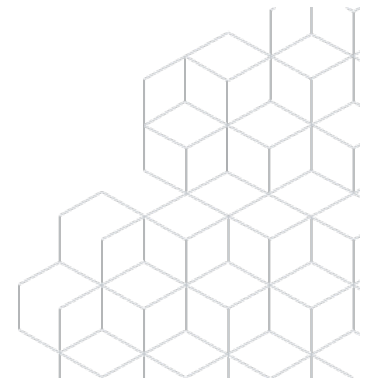
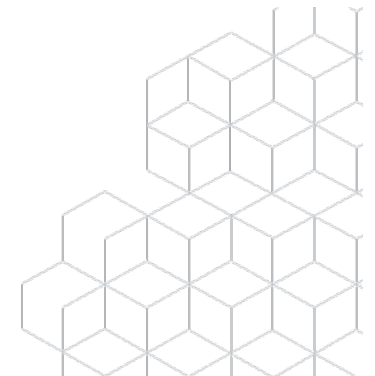


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Introduction

What are we doing?

The Yukon Environmental and Socio-economic Assessment Board (YESAB) has developed a new Pre-submission Engagement (PSE) process for Executive Committee screenings.

PSE is a proactive, front-end process that occurs before a project proposal is submitted for screening by the Executive Committee (EC). The purpose of pre-submission engagement is to bring interested and affected parties together to review project requirements well in advance of a detailed proposal being submitted for assessment. This helps identify gaps and issues of concern, to define values and baseline information requirements and ensure a timely and certain screening process.

Early engagement has proven to be an effective process in other environmental assessment regimes across Canada. Several jurisdictions are currently developing new early engagement processes; for example, in British Columbia through the 'EA-Revitalization Process'¹ and the Government of Canada through the proposed *Impact Assessment Act* (Bill C-69)².

This framework provides a comprehensive overview of YESAB's PSE process. Feedback from participants directly affected by the process is important before it is implemented. More PSE information and how to provide feedback can be found on [page 21](#).

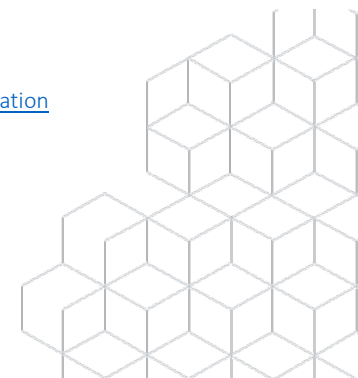
Why are we doing it?

In May 2015, YESAB heard from proponents and their consultants about how to provide better guidance to support an effective and efficient EC Screening process. Suggested improvements included developing project-specific guidance on information requirements through a 'front-end' terms-of-reference-like approach. Early public dialogue about the project and the values that could be affected by the project would be integral to this approach.

In October 2016, the Board approved a concept paper for a PSE process. YESAB met with various participants in 2017 to test the concept and obtain feedback, specifically, from proponents, consultants, and governments (Yukon, First Nations, and Canada). Since then the PSE process has

¹ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/environmental-assessments/environmental-assessment-revitalization>

² <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/bill-c-69.html>



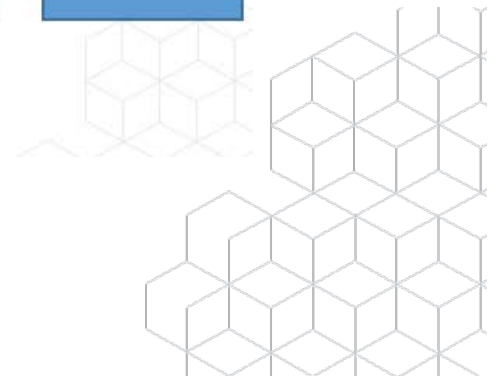
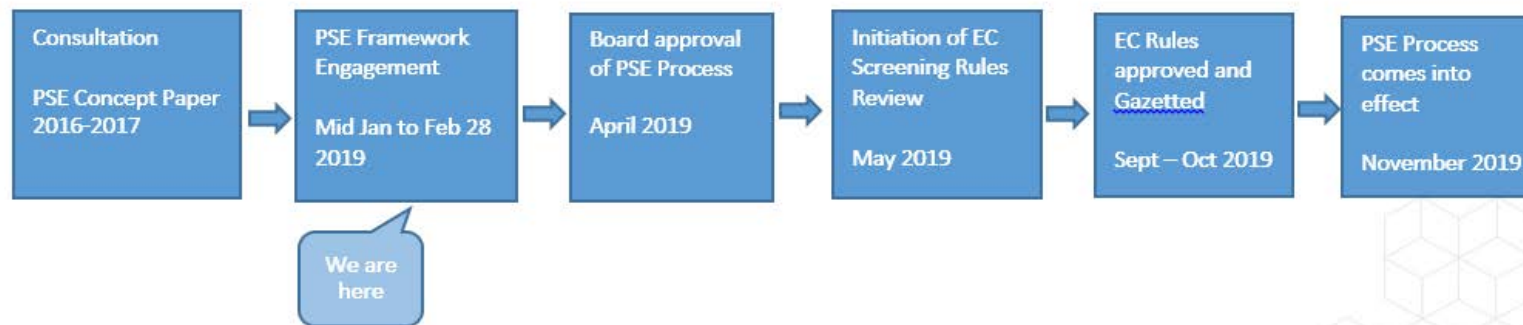
been refined into a detailed framework based on participant and Executive Committee feedback, additional policy research, jurisdictional reviews and previous screenings experience.

What are the benefits of PSE?

PSE can benefit participants in different ways as shown below:

Proponents	First Nations	Government Decision Bodies & Regulators	Public
<ul style="list-style-type: none"> ✓ Process, timelines and expectations clarified up front ✓ Identification of project specific information requirements prior to proposal submission ✓ Early identification and engagement with affected First Nations, government decision bodies / regulators, and the public ✓ Earlier project scoping 	<ul style="list-style-type: none"> ✓ Early engagement and meaningful participation with proponent and governments ✓ Involvement in scoping, identifying values and information requirements ✓ Identification of rights that could be impacted and need to be considered in the screening ✓ Concerns and issues better heard and understood 	<ul style="list-style-type: none"> ✓ Early identification of issues and information requirements ✓ Clear links to requirements in subsequent permitting processes ✓ Alignment of project design with regulatory requirements ✓ Involvement in assessment scoping 	<ul style="list-style-type: none"> ✓ Early participation in project assessments ✓ Ability to identify issues to help inform project design

What are the next steps?



Pre-Submission Engagement - Objectives

The PSE process has been designed to achieve the following objectives:

1. **Provide an effective, proactive opportunity for early identification of issues and information requirements with the Executive Committee, proponent, government decision bodies and regulators, First Nations and communities that may be affected, and the public.**

Why?

Engaging key participants prior to project proposal submission will help to develop a common understanding of the project and result in more informed and comprehensive proposals.

2. **Provide project-specific guidance to proponents on information requirements.**

Why?

Providing a better understanding of information requirements upfront (including baseline data requirements and methodology) will reduce information requests during the screening process.

3. **Ensure issues and information gaps are identified prior to project proposal submission.**

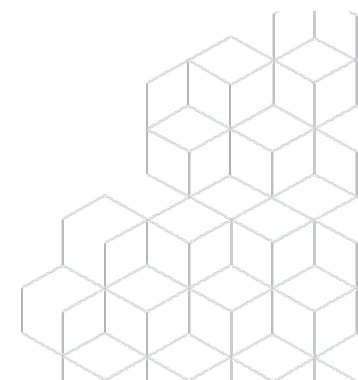
Why?

Providing an opportunity for the identification of issues and questions on the project description and proposal requirements will help a proponent address these matters earlier in the development of their project proposal. Providing a proponent with project proposal report will ensure clear and transparent communication of requirements.

4. **Minimize the likelihood of new issues and information requests arising during the screening.**

Why?

Engaging early and identifying information requirements and issues will help reduce the duration of the screening process.



Pre-Submission Engagement Process – Framework

Requirements

Will the PSE process be mandatory?

YES

Yes. Pre-submission engagement will be required in all sectors and for all projects that require an Executive Committee Screening. However, the process will be tailored to meet individual project circumstances. This will enable process certainty and predictability while allowing the flexibility to accommodate specific project requirements.

Will the PSE process be time bound?

YES

Yes. Timelines will be established under the PSE process but on a project-by-project basis; there are no universally applicable timelines. The time required to complete the PSE process will vary based on a number of factors including: project complexity, location, proponent preparation, First Nation and local interests. Timelines will be established and documented by the Executive Committee with participant input.

Will the PSE Process be public?

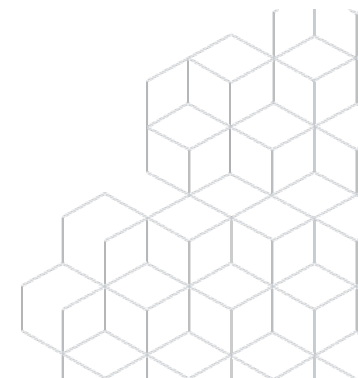
YES?

Yes. The PSE process will be publicly accessible. Documents will be accessible via YESAB's On-Line Registry (YOR) and opportunities to provide focused input on the project description and information required for the screening will be established. The public will continue to have opportunities to provide comments in later stages of the screening process.

Will the Rules for Screenings by the Executive Committee be changed to accommodate the new process?

YES

Yes. The PSE process will impact the current screening process as set out in the *Rules for Screenings Conducted by the Executive Committee*.



When does the PSE Process start?

The PSE process is for projects subject to an Executive Committee screening. These are typically major development projects that require considerable lead-out time by proponents to prepare the proposal before it can be submitted for screening. For example, a major mine proposal may take a proponent two years or more to design the project, gather baseline data, finalize the project location, activities and other components. Pre-submission engagement will assist a proponent in developing their proposal, what information to collect and can influence project design. This can save the proponent, the Executive Committee and other participants' time and resources if the proponent engages early. It can also reduce the number of information requests after the project proposal is submitted for screening.

YESAB recommends that proponents contact assessors as early as possible in the development of their proposals – one to two years prior to submission - depending on the type of project.

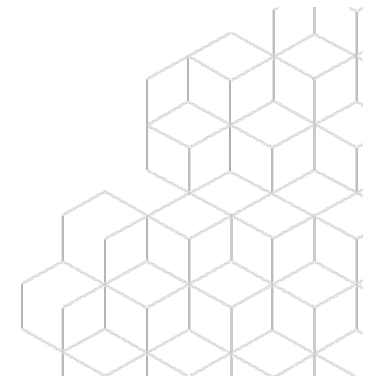
How is the PSE Process Administered?

The Executive Committee will administer the PSE process (e.g. timelines, roles and responsibilities) on a project-specific basis.

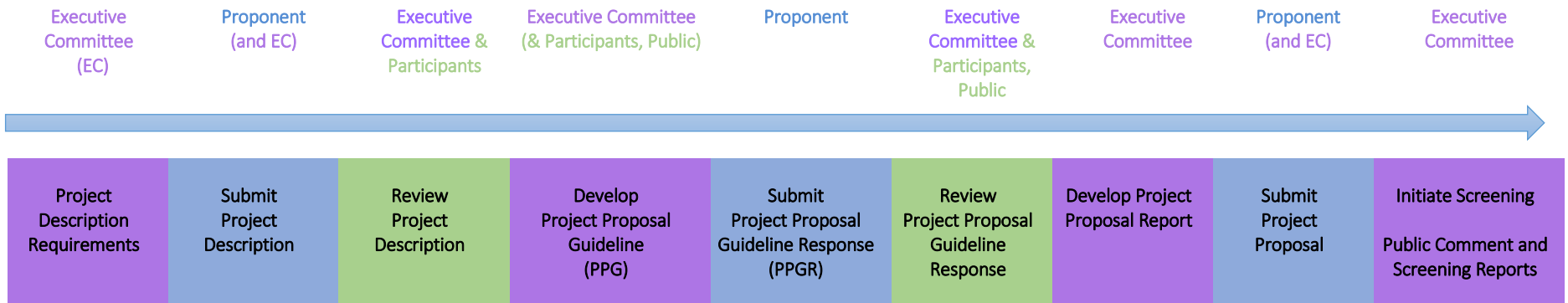
The EC will establish and document key elements of the process; informed by the input of participants and operational requirements. Key process elements include:

- Proponent and participant information
- Timelines and service standards
- Roles and responsibilities
- Information review processes and methods

The EC will document these elements and regularly update and share information with the proponent and participants as the project moves through the PSE process. This will support effective planning and will form a key accountability mechanism for the EC.



PSE at a Glance



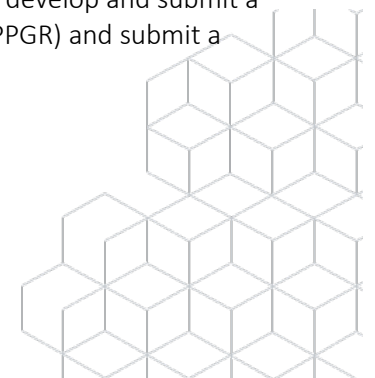
Roles and Responsibilities

Who is involved in the PSE Process?

The PSE process is participatory involving a number of groups and individuals. It is important to understand the various roles and responsibilities participants may have. The depth of PSE participant involvement and engagement will vary based on individual project requirements.

YESAB Executive Committee – The Executive Committee administers the PSE process. [Responsibilities](#): coordinate dialogue with the proponent and participants and document the administration of the process (e.g. review processes and timelines); develop a Project Proposal Guideline (PPG) and Project Proposal Report within timelines; and manage the review and input process from PSE participants and the public.

Proponent – The Proponent proposes the project for assessment. [Responsibilities](#): actively participate in the PSE process, develop and submit a project description based on YESAB’s Project Description Requirements, prepare a Project Proposal Guideline Response (PPGR) and submit a project proposal for screening within identified timelines and processes.



Decision Bodies – (Governments of Yukon, First Nations and Canada) – Government decision bodies are participants in the PSE process. **Responsibilities:** actively participate in the PSE process, review and provide input on the Project Description, PPG and PPGR within identified timelines and process.

First Nations – First Nations who may be affected are participants in the PSE Process. **Responsibilities:** actively participate in the PSE process, review and provide input on the Project Description, PPG and PPGR within identified timelines and process.

Regulators and Technical Experts– Government regulators and technical experts can be participants in the PSE Process. **Responsibilities:** participate in the PSE process (as required), review and provide input on the Project Description, PPG and PPGR within identified timelines and process.

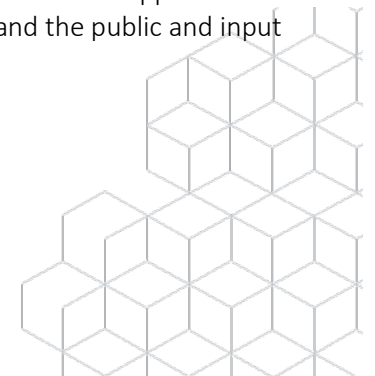
General Public – individual members of the public, interest groups or organizations can participate in the PSE Process by reviewing documents and providing specific input during PSE public comment periods.

■ Definitions & Abbreviations

Project Description – a document that describes the Proponent’s project based on YESAB’s Project Description Requirements. It includes such information as: project overview, activities and project components, location, project phases and schedule, regulatory context, engagement and consultation. A project description is not a comprehensive proposal but it provides enough information about the type and location of project activities for participants to effectively understand and comment in order to identify potential issues and concerns.

Project Proposal Guideline (PPG) – a document prepared by the EC that provides the proponent with project-specific information requirements. Requirements are informed by the review of the Project Description by the EC and input from government decision bodies, regulators, First Nations and communities that may be affected and the public. The PPG outlines information required in the project proposal along with advice on form, content, methodologies, baseline information requirements and standards required for the project proposal.

Project Proposal Guideline Response (PPGR) – a document prepared by the proponent that describes how they have met the information requirements outlined in the PPG and how any information gaps will be met prior to submitting the project proposal. It includes the approach and methodologies for addressing specified requirements including baseline data. The document is reviewed by participants and the public and input is provided to the Executive Committee.



Project Proposal Report- a document prepared by the EC for the proponent that outlines any outstanding or additional issues and information to be addressed in the project proposal prior to submission. It is the final document prepared before the project proposal is submitted for assessment.

Project Proposal - the proponent's project proposal that is submitted to YESAB for screening as per the *YESAA* and *Rules for Screenings Conducted by the Executive Committee*.

PSE Participants – refers to specific participants in the PSE process – government decision bodies (Yukon, First Nations, Canada), First Nations, government regulators and technical experts (in addition to the Executive Committee and Proponent).

Public – individual members of the public, interest groups or organizations

Abbreviations

EC – Executive Committee (Yukon Environmental and Socio-economic Assessment Board)

YESAA – Yukon Environmental and Socio-economic Assessment Board

YESAB - Yukon Environmental and Socio-economic Assessment Act

PSE – Pre-Submission Engagement

PPG – Project Proposal Guideline

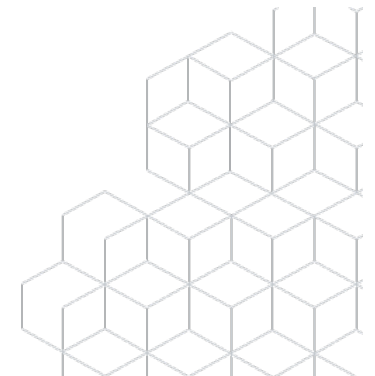
PPGR – Project Proposal Guideline Response

VESECs – Valued Environmental and Socio-economic Components

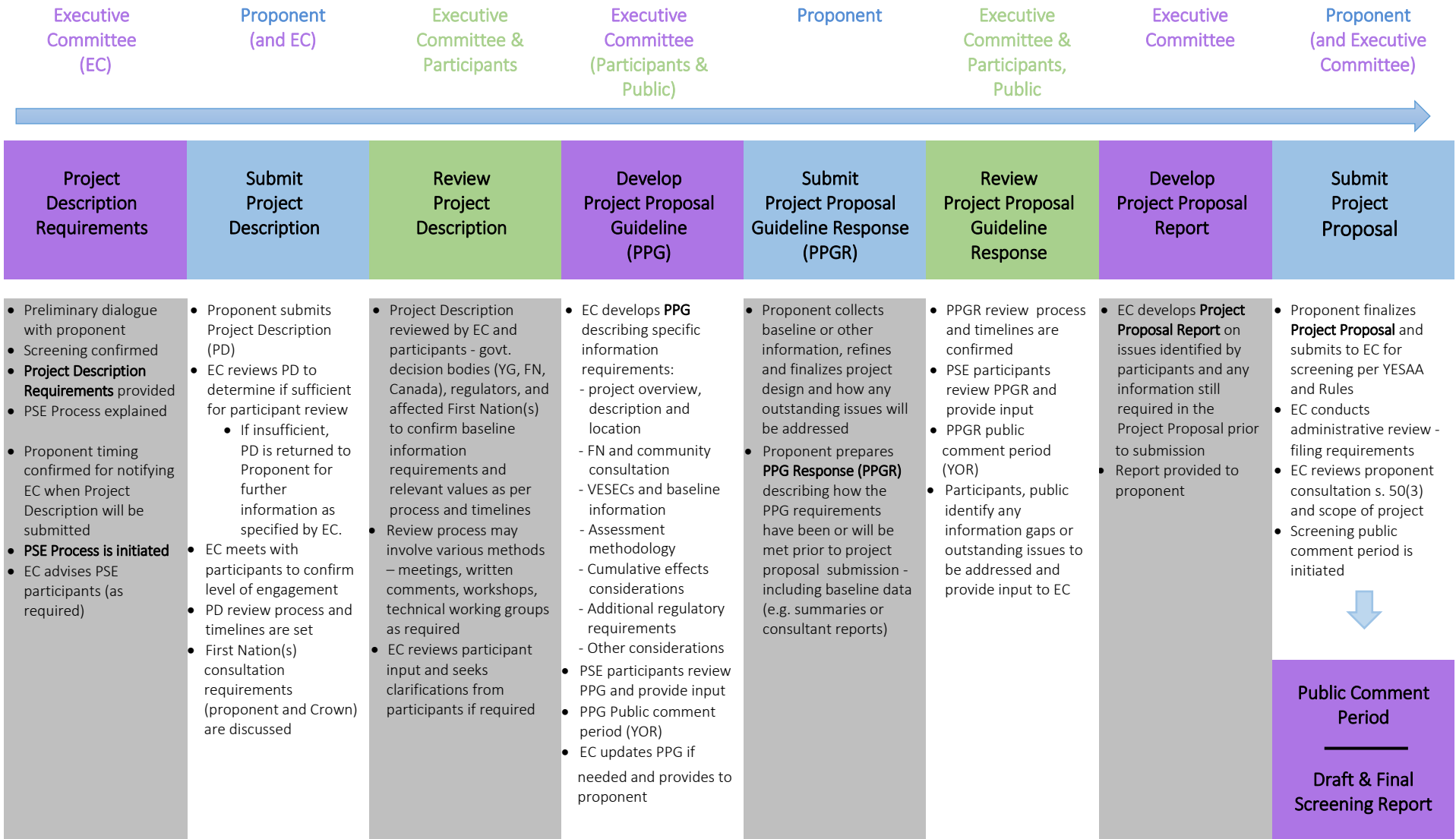
YOR – YESAB On-line Registry

YESAB
Yukon Environmental and
Socio-economic Assessment Board

Pre-Submission Engagement Process – Framework 2018

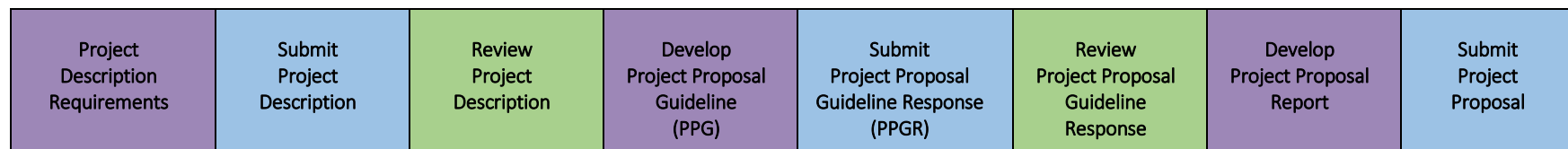


The PSE Process - Overview



The PSE Process - Description

1 Project Description Requirements



Summary:

The PSE process begins when the proponent notifies YESAB's Executive Committee (EC) of a potential project. The EC and proponent engage in a preliminary dialogue to explain the PSE process and to provide the PSE **Project Description Requirements**. This phase initiates the PSE process.

Objectives:

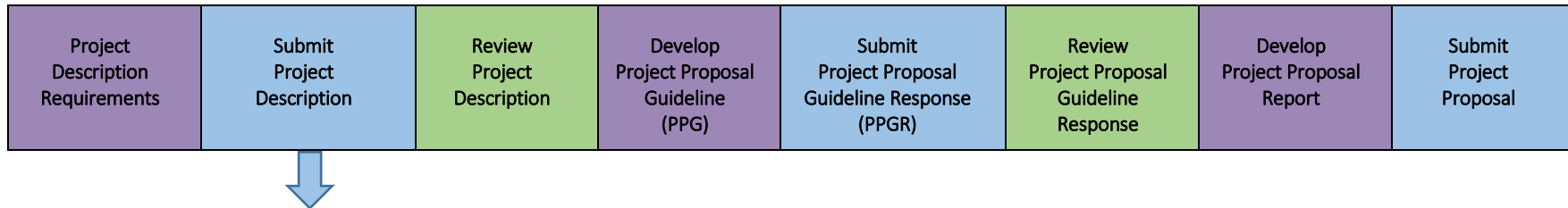
- To provide an opportunity to discuss the project and confirm the screening.
- To provide an understanding of how the PSE process works, required documents and the potential participants involved.
- To ensure the Proponent receives the Project Description Requirements so that the appropriate level of information is developed at the outset of the PSE process.

Process:

It is important that the proponent notify the EC as soon as practicable so that preliminary discussions can be arranged. YESAB recommends that proponents contact assessors as early as possible before submitting a project description. Depending on the type of project (e.g. a major mine) the preparation or 'lead out' time could be upwards of two years in order to identify and obtain specific information for the screening.

The EC will confirm the screening and will discuss the next steps in the PSE process and the potential participants to be involved. The EC will provide the proponent with the PSE Project Description Requirements. The EC will require advance notice from the proponent on when they intend to submit the project description in order to plan operational resources accordingly. The proponent prepares the Project Description.

2 Submit Project Description



Summary:

The proponent submits a Project Description to the Executive Committee (EC). The Project Description is reviewed to determine whether it is sufficient for review by participants. Participants are identified and their level of engagement in the PSE process is confirmed. The process for reviewing the Project Description is established by the EC (level of detail, method and timelines).

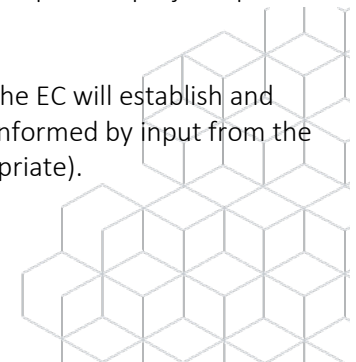
Objectives:

- To provide enough information about the type and location of project activities so that PSE participants can identify potential issues and questions.
- To confirm who will participate in the PSE process, their level of engagement and the process for reviewing the Project Description
- To establish and document how the administrative elements of the PSE process will be managed (e.g. timelines and responsibilities)
- To provide a preliminary determination of First Nation and community consultation requirements for the proponent and to initiate discussion on government(s) Crown consultation with First Nation(s) who may be affected.

Process:

In order for the EC to understand the project the Proponent will submit a Project Description that contains the information set out in the Project Description Requirements. The Project Description is an important tool for scoping both the project and the screening and to understand the information that will be required in the project proposal. The information contained in the Project Description enables all participants in the PSE process to gain an understanding of the project and to identify key issues and concerns. This, in turn, will enable the EC to provide project-specific guidance to the proponent.

The EC administers the PSE process on a project specific basis. When the Proponent submits their Project Description, the EC will establish and document the key administrative elements of the PSE process (e.g. timelines, roles and service standards). This will be informed by input from the proponent and participants (First Nations, government Decision Bodies, regulators and technical departments as appropriate).

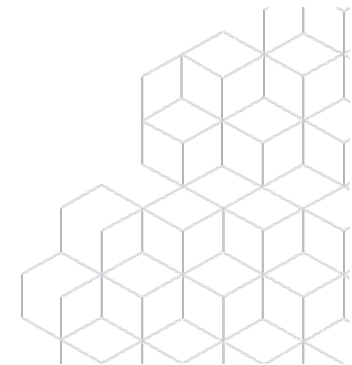


The EC will review the Project Description to determine if it contains sufficient information for participants to review and comment. The Project Description must provide:

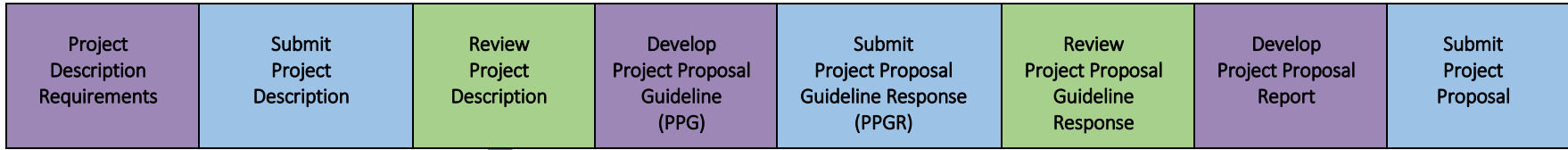
- Enough information about the project and proposed activities so that the project can be scoped.
- Enough information so that preliminary valued components and baseline information can be identified.
- Enough information for participants to be able to provide meaningful feedback to the Proponent.

If sufficient information is provided, the EC will accept the Project Description and identify potential participants - government decision bodies, regulators and First Nations who may be affected. If it is insufficient, the EC will return the Project Description to the proponent for further information as specified. Once sufficient, the EC will confirm the level of engagement of participants in the PSE process.

PSE participants begin reviewing the Project Description.



3 Project Description Review



Summary:

The Executive Committee (EC), Decision Bodies, regulators and potentially affected First Nation(s) review the Project Description within the identified process and timelines set by the EC. The Project Description will inform participants’ understanding of the scope of the project.

Objectives:

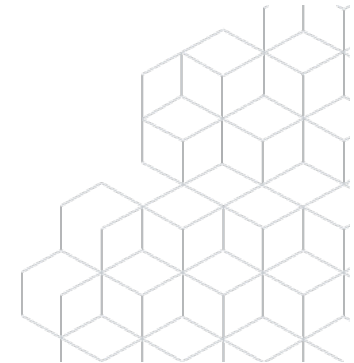
- To identify gaps to be addressed.
- To identify key issues of concern and approaches for resolving issues.
- To confirm baseline data and other information requirements.

Process:

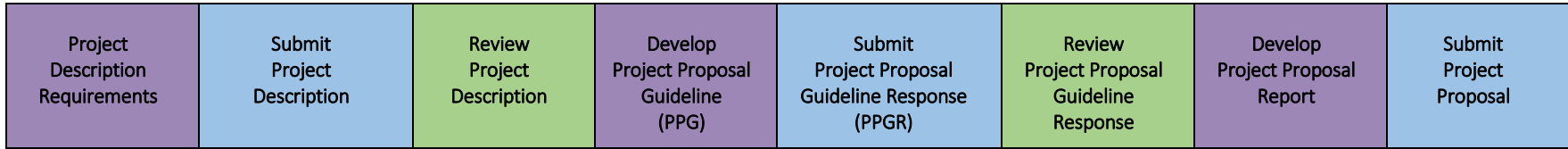
The EC provides the Project Description to participants and they provide input within the identified process and timelines. A variety of methods may be used, e.g. meetings, written comments, workshops or technical working groups as required based on the complexity of the proposed project.

This step will also provide an opportunity for government decision bodies and regulators to confirm the major regulatory or approval instruments required to authorize the project. Comments and feedback on the Project Description will inform an understanding of the potential scope of the project and screening and the development of the **Project Proposal Guideline (PPG)**. The EC reviews participant input received and clarifies any initial questions as required in order to develop the PPG.

The EC prepares the PPG.



4 Develop Project Proposal Guideline (PPG)



Summary:

A key objective of the **Project Proposal Guideline (PPG)** is to provide the Proponent with project-specific information requirements. These requirements will be informed by the review of the Project Description by the EC and any relevant comments received from specific participants (government decision bodies, regulators and First Nation(s) who may be affected). The Executive Committee (EC) will develop a PPG describing project-specific requirements related to:

- Project overview, description and location
- First Nation and community consultation
- Valued environmental and socio-economic components (VESECs) and corresponding baseline information
- Assessment methodology
- Cumulative effects considerations
- Post screening government regulatory requirements
- Other considerations (e.g. other relevant matters raised by participants or the public)

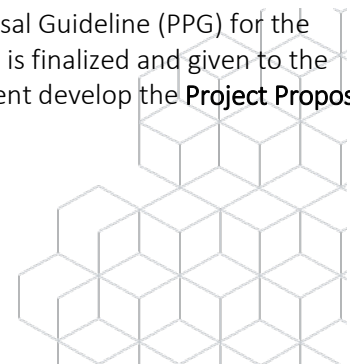
Objective:

- To provide the proponent with a clear understanding of information required for the assessment.
- To outline the information required in the project proposal along with advice on form, content, baseline information, methodologies and standards required for the project proposal

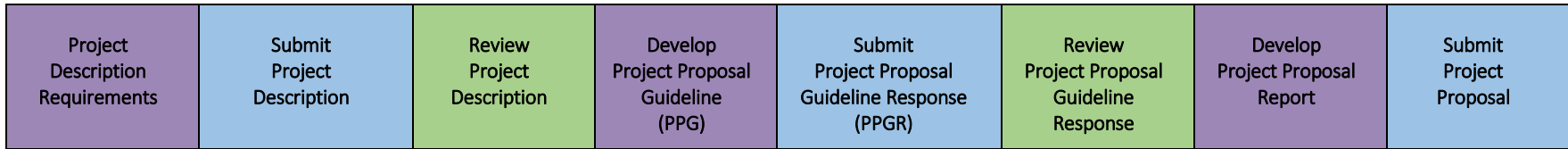
Process:

After receiving input from participants on the Project Description, the EC develops a project-specific Project Proposal Guideline (PPG) for the proponent. PSE participants and the public are given the opportunity to review and comment on the PPG before it is finalized and given to the proponent. The PPG will be instructional and will contain recommendations and requirements to help the proponent develop the **Project Proposal Guideline Response (PPGR)** and the project proposal.

The proponent prepares the PPGR.



5 Submit Project Proposal Guideline Response (PPGR)



Summary:

The proponent prepares a **Project Proposal Guideline Response (PPGR)** that describes how they have met the information requirements set out in the PPG or how they propose to meet them (e.g. baseline collection or monitoring programs).

Objectives:

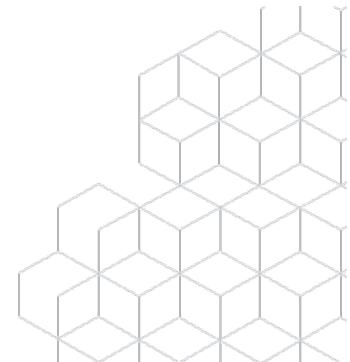
- To have the proponent clearly describe how they have met the information requirements.
- To have the proponent clearly describe how they intend on meeting any gaps in the information requirements prior to submitting their project proposal.

Process:

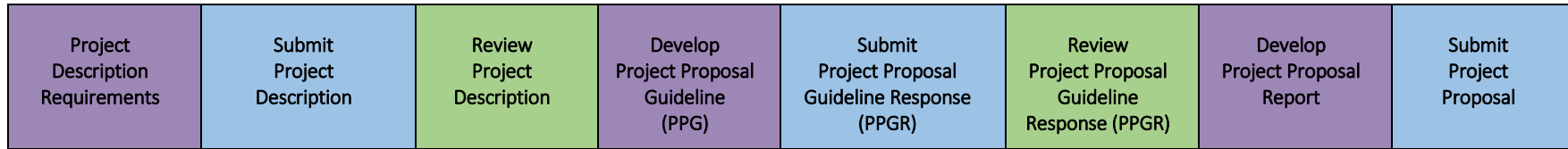
After receiving the PPG the proponent and the EC discuss a timeline for when the proponent will submit the PPGR. The proponent collects baseline and other information, further refines and finalizes their project design, and determines how they will deal with any other outstanding issues.

The PPGR is an opportunity for the proponent to demonstrate how it has met the requirements specified in the PPG and to solicit feedback on whether they are on track in satisfying any outstanding requirements. Proponents should identify the approach and methodology for addressing the specified requirements including baseline data (e.g. summaries or consultant reports). At this stage, it is understandable if not all the work is completed so the PPGR should also identify what work will be done and how they propose to meet requirements that have not yet been met.

The proponent submits the PPGR to the EC.



6 Review Project Proposal Guideline (PPG) Response



Summary:

The Proponent submits the PPGR to the Executive Committee (EC). The EC and participants review the PPGR within the identified process and timelines set by the EC. The public is provided an opportunity to review the PPGR and provide input.

Objectives:

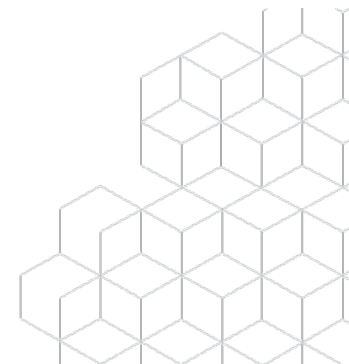
- To have PSE participants review how the PPG requirements have been addressed prior to submission of the project proposal.
- To have PSE participants identify information gaps and/or additional issues that should be included in the project proposal.
- To provide the proponent with clear guidance on what information is required in their project proposal.

Process:

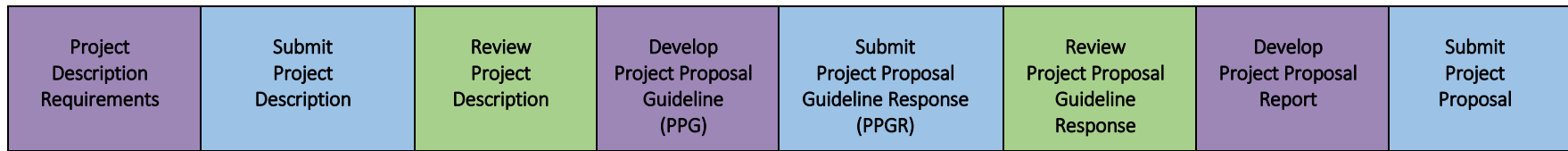
The PPGR is the last requirement of the proponent before they submit the project proposal and is an important step in the PSE process. The PPGR provides the EC, Decision Bodies, regulators, First Nations and communities that may be affected, and the public with an opportunity to review and provide comment prior to the submission of the project proposal.

The EC will document the process for participant review of the PPGR (method and timelines). A public comment period will be held to obtain any input from the public.

After the PPGR is reviewed, the EC will provide a Project Proposal Report for the proponent.



7 Develop Project Proposal Report



Summary:

The EC prepares a report (**Project Proposal Report**) identifying any additional or outstanding issues and information to be addressed in the project proposal before it is submitted for screening.

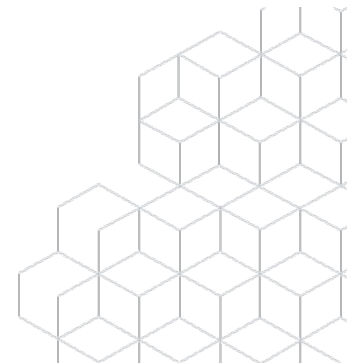
Objectives:

- To provide the proponent with a report outlining any relevant issues and information gaps to be addressed in the project proposal.

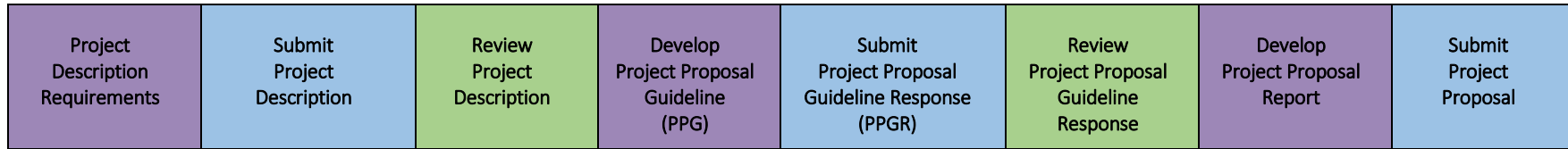
Process:

The EC reviews the PPGR and the input from participants and the public and provides the proponent with a report. The Project Proposal Report outlines any outstanding or additional issues and information to be addressed in the project proposal prior to submission. The Project Proposal Report and PPGR are key tools for the EC to use to compare the project proposal against when submitted by the proponent. It sets the 'bar' for the information needed to scope the project and initiate the assessment.

The proponent can take as much or as little time required to address the information requirements in the Project Proposal Report and then submit the Project Proposal to the EC.



8 Submit Project Proposal



Summary:

Once the proponent has addressed all the information requirements identified during the PSE process, the project proposal is completed and submitted to the Executive Committee (EC). The EC conducts an administrative review of the proposal, reviews consultation requirements³ and prepares a Scope of Project. The assessment is officially initiated.

Objective:

- To submit a project proposal that addresses the requirements set out in the Project Proposal Report
- To conduct an administrative review and formally initiate the Executive Committee screening as per the Act and Rules⁴.
- To officially initiate the screening.

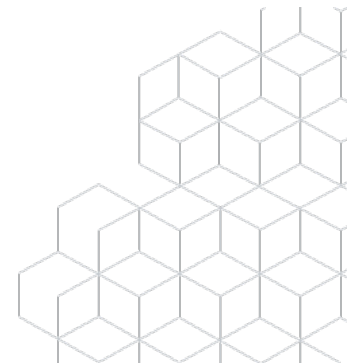
Process:

After receiving the Project Proposal Report from the EC, the proponent prepares their project proposal for submission to the EC for screening. When the project proposal is submitted, the proponent is expected to have addressed all the issues raised through the PSE process.

After the project proposal is submitted, the EC will conduct an administrative review of the screening filing requirements. The EC reviews the proponent's consultation requirements under YESAA section 50(3) and prepares a Scope of Project. If these requirements are met, the assessment is officially initiated and the public comment period commences followed by the preparation and issuance of a draft and final Screening Report.

³ Proponent consultation requirements set out in YESAA section 50(3)

⁴ Yukon Environmental and Socio-economic Assessment Act (YESAA) and Rules for Screenings Conducted by the Executive Committee



Contact Information

Participant and public views on implementing the PSE process are important. Individuals can provide their comments to YESAB at the contacts below.

Comments will be accepted until **February 28, 2019**.

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For more information on the PSE process please visit YESAB's website www.yesab.ca

Regular updates on the implementation of the PSE Process will be provided on YESAB's website.

