

*Guide to Interested Persons and the
Public to Participate in Assessments*

Disclaimer

This Guide is not a legal authority and is not intended to provide legal advice or direction. The Guide provides information only, and should not be used as a substitute for the Yukon Environmental & Socio-economic Assessment Act or its associated Regulations and Rules. In the event of a discrepancy, the Act, Regulations, and Rules prevail. Portions of the Act have been paraphrased in the Guide, and should not be relied upon for legal purposes. The procedures described in this Guide may be deviated from, based on specific project circumstances. The Yukon Environmental & Socio-economic Assessment Board and Designated Offices disclaim liability in respect of anything done in reliance, in whole or in part, on the contents of this Guide.

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Preface

This guidebook is designed to assist an interested member of the public in understanding how they can participate in an environmental and socio-economic assessment under the *Yukon Environmental and Socio-economic Assessment Act* (referred to herein as the *Act* or *YESAA*). The *Act* directs the Yukon Environmental and Socio-economic Assessment Board (YESAB) to provide opportunities for public participation, and it is recognized that public participation is a critical component for conducting appropriate and relevant assessments.

This guidebook will describe how your information and views may improve the assessment and how that information will be stored, shared, and considered when developing recommendations for projects. This document provides a clear overview of the assessment types and processes that are set out within the *Act* and Rules and will identify those stages in an assessment that provide opportunities for public participation. It will then explore how to participate during those periods.

This guidebook will also describe some of the tools that are being offered by the Board to facilitate public participation in assessments by interested persons and the public. It is hoped that a better understanding of the stages and tools for public participation will help you understand how you can become involved in assessments and how your involvement may inform and influence the assessment.

For More Information!

There are additional sources of information about public participation that complement this guidebook. The "For More Information" highlights refer to these other sources of information. Remember, you can always contact the Board or your local Designated Office! Tel: 1-866-322-4040 • Website: www.yesab.ca

1.0 Understanding the Assessment Process

1.1 General

YESAA guarantees opportunities for public participation in assessments. The views, experiences, and information of interested persons and the public can benefit the assessment in a number of ways. Public participation can provide assessors with more and different information from a greater variety of perspectives. For interested persons, participation provides for the meaningful sharing of information and opportunity to have their views known with respect to activities that may affect them or the areas that they care about. It also represents an opportunity for the public to learn about projects that may influence their lives in the future.

Proponents are often encouraged to engage the public prior to the submission of an application for assessment, and will benefit from the public participation process. It can provide proponents with a greater understanding of public interests in their project proposal and an opportunity to address any concerns (through mitigation or modification of the project where applicable), which will improve the assessment and regulatory processes. Furthermore, it provides an opportunity for the proponent to learn more about the proposed project area from people who may be very familiar with it.

Our public participation process promotes values of openness, honesty, trust and transparency of purpose and process. Our assessments demonstrate full and fair consideration of the information, interests, and issues shared.

Public participation is one of the most effective ways that an assessor can become aware of the values and vision of those people that might be most directly affected by a proposed project. This information is particularly important when an assessor is determining the significance of a potentially adverse effect of a proposed project.

Effective public participation, will inform decisions and lead to better projects. Specific local information from individuals with historic ties and special interest in a proposed area or activity can provide additional environmental and social context regarding where, when and how the project should proceed. This in turn leads to more socially acceptable developments that consider the interests and views of those most affected.

1.2 What is an Environmental and Socio-economic Assessment?

Environmental and socio-economic assessments provide an opportunity to identify potential adverse environmental and socio-economic effects of a project before it is undertaken. An assessment then allows for the mitigation of significant adverse effects, the enhancement of beneficial effects, and a chance to work with the proponent to make the proposed project better. At the conclusion of an assessment, a recommendation is developed indicating whether the project should proceed, proceed with terms and conditions or not proceed. Assessments will integrate and consider scientific information, traditional knowledge, and other local knowledge.

The participation of Yukoners is integral to the assessment process. There are several provisions under YESAA that will ensure Yukoners can participate meaningfully in YESAB assessments. Assessments under the Act will be based on the following principles of purpose and process including:

- A single assessment process that will apply throughout Yukon, to all projects, and to the federal, territorial and First Nation governments;
- A neutral process conducted at arms length from governments, i.e. The end of “self-assessments” by government departments;
- A high level of transparency – decisions and actions will include written reasons and will be made available in the public registry;
- Broader consideration of socio-economic factors;
- Provisions for public participation in assessments;

- Guaranteed opportunities for First Nation participation;
- Traditional and local knowledge are listed as factors to be considered;
- Increased certainty regarding information and coordination requirements, as well as mandatory timelines for both assessment and decision-making stages;

1.3 What an Environmental and Socio-economic Assessment is Not?

When discussing environmental and socio-economic assessments, it is important not to confuse it with the regulatory permitting and licensing processes. Projects will continue to require permits and licenses issued by the appropriate regulators (e.g. territorial government, federal government, First Nations governments) specific to the activity and location of the project. Environmental and socio-economic assessments will be conducted prior to the issuance of any permit or license in Yukon if the activities are assessable. Permits and licenses will be issued in accordance with the decision document issued by the Decision Body. A Decision Body is the Government of Canada, the Yukon Government or the Yukon First Nation government that will accept, reject or vary the recommendation of YESAB.

Environmental and socio-economic assessments will not create any land use or management plans. Assessments will consider land use and management plans when a project proposal is located within the planning region. Further to this, assessors will determine if a project proposal is in conformance with a regional land use plan.

1.4 What is the Organizational Structure of YESAB?

YESAB will administer an assessment process that will be carried out by Designated Offices, the Executive Committee of the Board, and Panels of the Board.

1.4.1 The Board

The Yukon Environmental and Socio-economic Assessment Board (YESAB) is an independent arms-

length entity, responsible for the implementation of YESAA. Specifically, its role is to administer the YESAA assessment process.

The Board is comprised of a three-person Executive Committee, one of whom is the Chair of YESAB, and four other Board members.

All Board members are appointed by the federal Minister of Indian Affairs and Northern Development. Prior to the appointments, nominations to the Board are made as specified in the legislation (YESAA). One member of the Executive Committee is nominated by the Council of Yukon First Nations (CYFN) and one member is appointed by the federal government after consultation with the territorial government. The third member of the Executive Committee, the Chair, is appointed after the federal government consults with the other two Executive Committee members.

Of the four remaining Board members, two are nominated by CYFN, one is nominated by the territorial government and one is a direct appointment.

1.4.2 Designated Offices

There are six assessment districts under YESAA, with a Designated Office (DO) for each district. Designated Offices are currently located in six Yukon communities: Dawson City, Haines Junction, Mayo, Teslin, Watson Lake and Whitehorse.

The Designated Offices (DOs) will carry out evaluations of projects. Taking guidance from YESAA, the DO Rules and operating guidelines, the Designated Offices will be independently responsible to carry out evaluations and make recommendations for a wide variety of projects.

The DOs will be the primary point of contact for many Yukoners. DO staff will provide information and assistance to all those involved in the YESAA process.

1.5 How do Assessments Work?

An assessment is started when a proponent submits a project proposal to YESAB. The assessors will then confirm that the proposal is complete and contains the required information. Once complete the

assessor will then seek views and information from the public and look at the potential environmental and socio-economic effects of the proposed activities. Once this stage is completed the assessor then recommends whether the project should proceed, proceed with terms and conditions, or not proceed. When assessments are complete, recommendations with reasons will be forwarded to the relevant Decision Bodies.

The Decision Bodies (i.e. federal government, territorial government or First Nation governments) will receive the recommendations from the assessor with all relevant project information. The Decision Body (or Bodies) will then decide whether to accept, reject or vary the recommendations of the assessor, will issue a decision document, and then issue the required permits/authorizations as appropriate.

It is important to remember that YESAB conducts assessments but does not issue permits.

1.6 What is the Difference Between an Evaluation, Screening, and a Review?

Under YESAA, a project proposal may undergo one of three types of assessments: A Designated Office *evaluation*, an Executive Committee *screening*, or a Panel of the Board *review*. The type of assessment of a project proposal is determined by the federal regulations that describe assessable activities (known informally as the *Activity List Regulations*).

In general, for smaller projects that have a local environmental and socioeconomic footprint, an evaluation will be conducted by a Designated Office. They are expected to conduct the vast majority of assessments under YESAA. The Executive Committee will assess larger projects that come to it directly, or are referred to it by a Designated Office. At times, Panels of the Board will be established to assess projects which have potential significant adverse effects, are

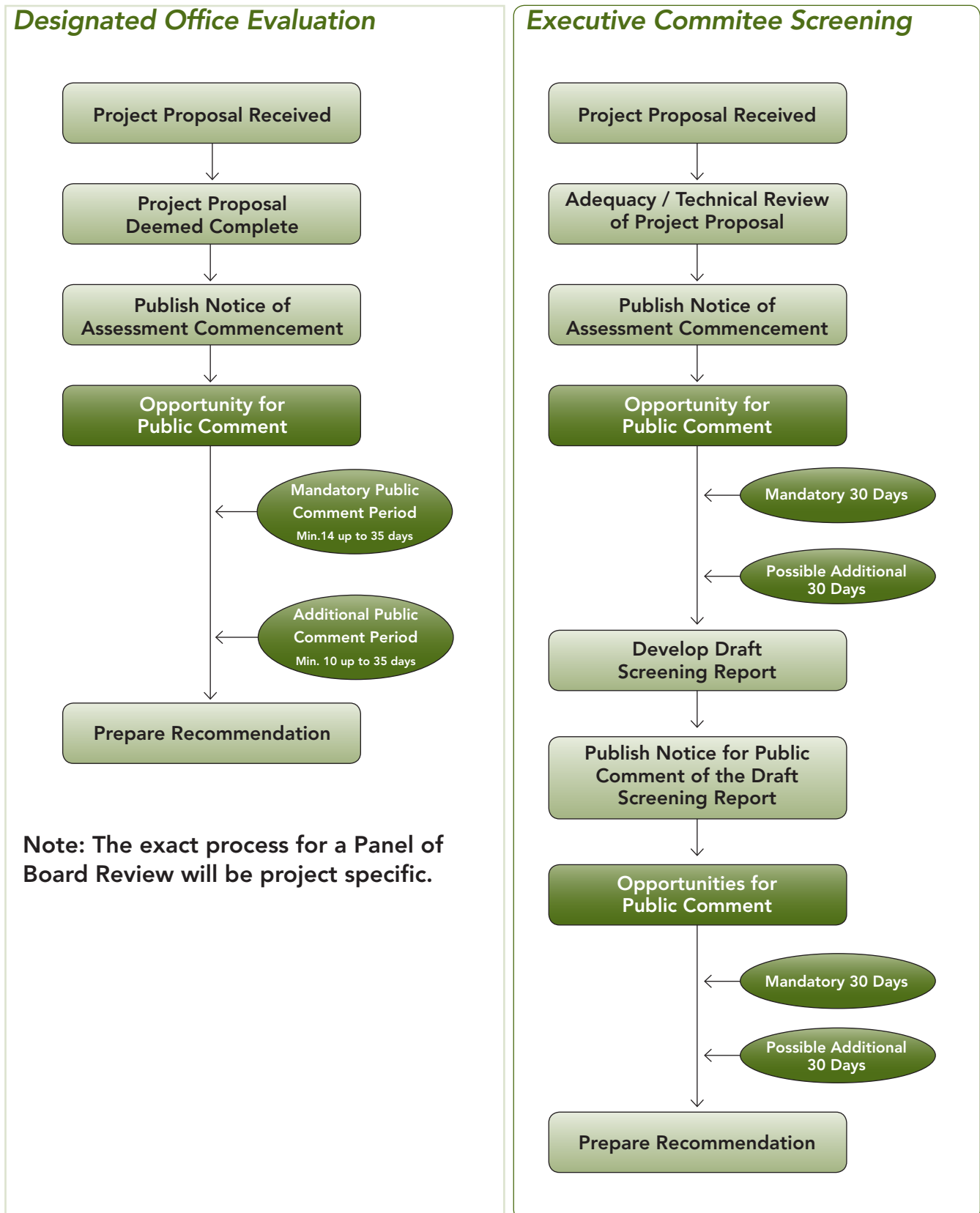
likely to cause significant public concern, or involve the use of controversial technology.

For most project assessments, the Board or one Designated Office will be the lead assessment body and lead contact for that assessment. There may, however, be some instances where two Designated Offices assess the same project together. In these instances, one Designated Office will be identified as the lead contact.

Conducting assessments, at each of the three assessment levels, is given additional direction by the Board through the development Rules. The Rules deal with a variety of matters, including the timelines for steps in the assessment process, how to determine the scope of a project, public participation in assessments, and what information is used in assessments. The diagrams in Figure 1 show the steps in a Designated Office evaluation and an Executive Committee screening, with the prescribed timelines for public participation and comment.

Other regulations (known as the *Decision Body Time Period and Consultation Regulations*) also provide time frames and protocols for the Decision Bodies in preparing and issuing decision documents.

Figure 1: D.O. Evaluation and E.C. Screening Process



2.0 Getting Involved – Sharing Views and Information During the Assessment Process

2.1 How can I be Notified about Current Assessments?

A notification list will be generated for each assessment conducted. The notification list will include any person having an interest in the outcome of a project and who has indicated that they wish to be added to the notification list for that project or projects meeting certain criteria (e.g., quartz mining - near Carcross). Organizations and individuals can be added to the notification list throughout the assessment.

People and organizations can set up a “User Profile” on the YESAB Online Registry that will enable them to be contacted and notified automatically for certain types or locations of project proposals. Users have a certain amount of control and flexibility regarding the method used to notify them as well as the criteria for notification. Criteria include specific geographical area(s) of interest (i.e., assessment district, First Nation traditional territory or geographic area) and type(s) of activity (e.g., mining, forestry) that they would like to be notified about.

YESAB also advertises every new project in the local paper on Friday’s, post’s public notices in community post offices and any public meeting will be advertised extensively. Alternatively, anyone can contact a YESAB office and get information on current project activities.

2.2 Where do I get more Information about an Assessment?

2.2.1 YESAB Online Registry

All project-related documents, including project proposals, notifications, comments, information requests, and additional information submitted, will be posted on the YESAB Online Registry, providing the public with ready and open access.

2.2.2 Board and Designated Offices

The Designated Office and Board staff will also be available to provide assistance in obtaining any assessment information. If you have a question or would like support in accessing and using the YESAB Online Registry, contact a Designated Office or the Board office.

For more information!

To get more information about a particular assessment, contact a Designated Office or the Board Office at 1-866-322-4040 or access the YESAB Online Registry available on our website at www.yesab.ca.

2.3 When During an Assessment Can I Share My Views and Information?

Public participation in an assessment is guaranteed under YESAA. During an assessment, anyone will have an opportunity to obtain information and provide comment, views, and information to an assessment.

Opportunities for public participation will vary according to the type of assessment. In general, the type and number of opportunities for public participation will be expanded for an Executive Committee screening versus a Designated Office evaluation. This is due to the fact that project proposals that require screenings by the Executive Committee typically have a greater footprint, wider public interest, and have a greater potential to create significant adverse effects.

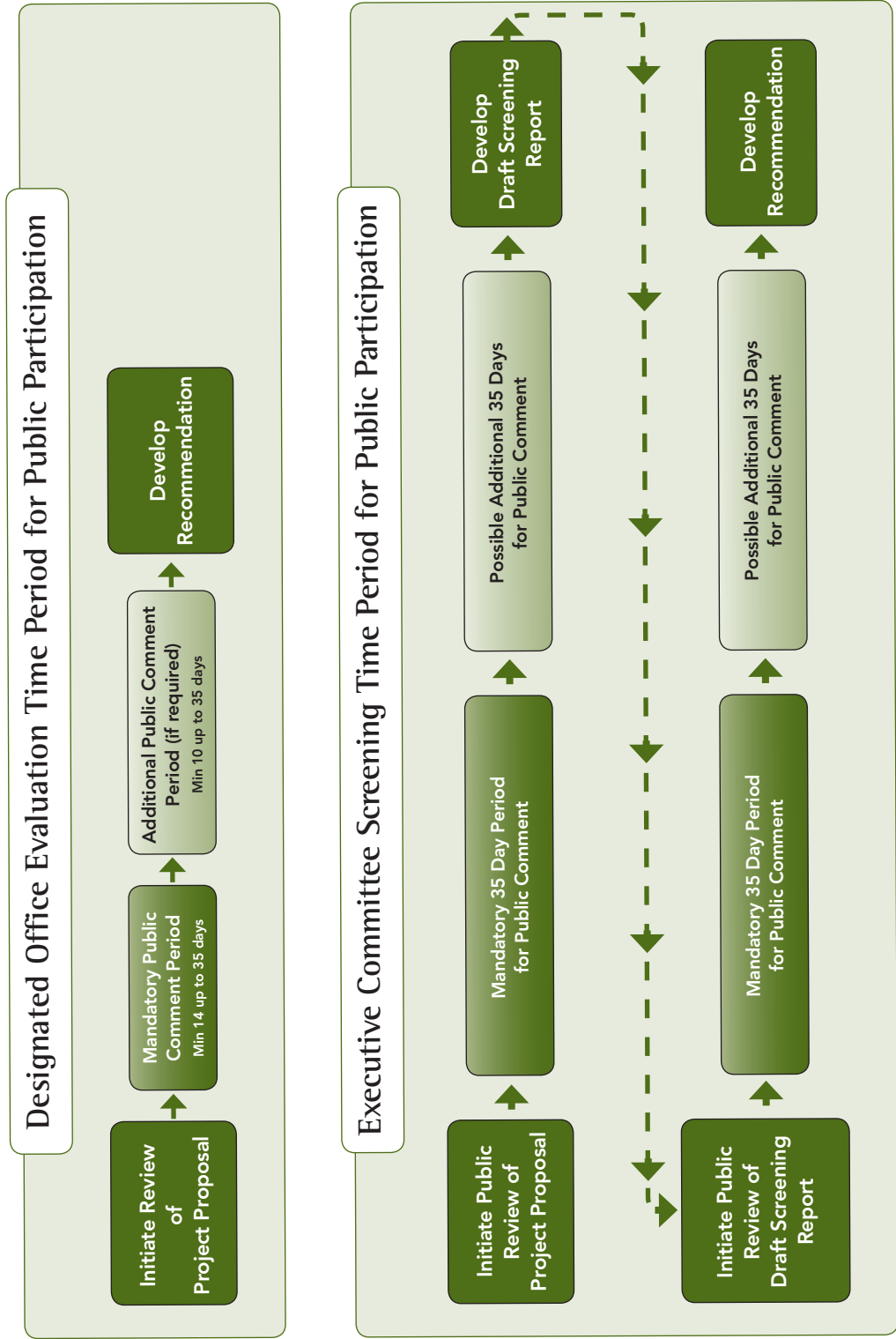
With regard to Designated Office evaluations, opportunities for public participation will also vary from project to project based on the scale of the project, the environmental or socio-economic sensitivity to the type of development, and the concerns raised initially by the public. Timelines for public comment may be extended at the discretion of the assessor and public meetings may be held to provide further opportunities for participation. For example, a project proposal for a sewage treatment facility may require additional opportunities for participation, such as a public meeting for those who feel that there is a need to explore the potential for downwind odours or adverse effects to groundwater. Conversely, a project proposal for a new signpost along a highway will likely not require extensive public participation opportunities beyond notification of assessment, availability of project information, and an opportunity to submit comments.

Figure 2 presents the time lines for public comments for Designated Office evaluations and Executive Committee screenings. Each Panel of the Board review will develop its own timelines for a public comment period.

For More Information!

View assessments in action on the YESAB Online Registry at www.yesab.ca and see how other people are participating in assessments. For help on registering, navigating, and using the YESAB Online Registry contact YESABs YOR Client Support Officer at 867-668-6420.

Figure 2: Time Periods for Public Participation in Assessments



2.4 How do I Provide Views and Information During an Assessment?

2.4.1 Written Comments

Written submissions will be the primary way to provide your comments and views to an assessment. We offer a variety of ways to submit written comments to fit the needs of all Yukoners. The easiest way for most people will be to access the YESAB Online Registry (YOR) to either type in your comment or upload your letter. The YESAB Online Registry will further help facilitate your submission by providing an online template/form to create, edit, and send submissions directly to an assessment. Similarly, a template/form has been created for written submissions that can be used to handwrite or type submissions based on your preference. Comments may also be delivered by hand, mail, fax or electronic communication to the appropriate Designated Office or Board office.

The use of templates for creating a submission to an assessment is not mandatory. Any letter or email with your name, date, project number, contact information (in case we need clarifications on your comments) and comments will also be considered if delivered before the deadline.

Many forms of electronic documents will be acceptable as attachments for submissions via email such as Microsoft Word, WordPerfect, and Adobe Acrobat. Other application files may also be acceptable but it would be useful to check with your local Designated Office to confirm.

2.4.2 Public Meetings

Some assessments may provide additional opportunities for public participation in an assessment. A public meeting may be held to meet with interested people to discuss their interests in a project proposal and any issues respecting the assessment. Comments and views shared during a public meeting will be considered in the development of recommendations for an assessment. The assessor will publish notice in advance of a public meeting.

For more information!

To find out more about making a submission contact a Designated Office or the Board Office at 1-866-322-4040 or visit our website at www.yesab.ca.

2.5 How is My Contribution Considered in the Assessment?

Any information shared by interested persons and the public will be given full and fair consideration in an assessment. This means it will be added to, and compared with, all the other views and information received during the assessment. All this information will then influence where the assessment is focused and the recommendation issued at the conclusion of the assessment.

To ensure that the assessment process is transparent, all information submitted about an assessment will be posted to the YESAB Online Registry (YOR). If your submission is received by mail, fax, or hand delivery, all efforts will be made to scan the document and post it to the YOR. Any follow-up correspondence in response to your information by the assessor, proponent, or other participant will also be posted to the YOR. The YOR will enable you to easily access and follow the correspondence during an assessment.

At the conclusion of the assessment, a recommendation will be developed for the project to proceed, proceed with terms and conditions, not proceed, or be referred to the next level of assessment. The recommendation will be based on the information shared during the assessment process, including the information provided by the public and interested persons. Assessors will use a variety of 'tools' in considering the relevance and significance of information provided and whether, after the implementation of mitigation measures, any significant adverse potential effects of the project are still likely.

3.0 Conclusion

Your views and information are important because they help assessors better understand some of the environmental and socio-economic effects that may come up from a proposed project. Your input will make for better assessments and recommendations.

If you have any questions about a proposed project or about how you can participate in the assessment process, please do not hesitate to contact YESAB staff or your local Designated Office. We're here to help you participate in assessments of projects that interest you, may affect you, your community, or places or things that you care about.