

The background of the slide is a scenic landscape of the Yukon region. It features a dirt road winding through a valley with autumn-colored vegetation. In the distance, there are rugged mountains, some with snow-capped peaks, under a blue sky with scattered clouds.

YESAB

Yukon Environmental and
Socio-economic Assessment Board

yesab.ca

Assessment in Yukon

Presentation by
Amélie Morin and Laura Melvin
October 17, 2022
Old Crow

Overview



- Part 1 - Introduction to YESAA & YESAB
- Discussion
- Part 2 - YESAB Online Registry (YOR)

Part 1



YESAA & YESAB



YESAA - The Act

- The Yukon Environmental and Socio-economic Assessment Act (YESAA) is federal legislation that sets out how assessments will be carried out within Yukon
- YESAA is a requirement of the Umbrella Final Agreement and was developed by the Federal and Territorial governments and Council of Yukon First Nations
- YESAA provides a single assessment process that applies to all lands and all Governments in Yukon

Members of the Board

Lauren Haney
Board Chair
& Executive Committee Member

Bryony McIntyre
Executive
Committee Member

Dennis Nicloux
Executive
Committee Member

Carlene Hajash
Board Member

Michael Walton
Board Member

Kirk Cameron
Board Member

vacant
Board Member

As of October 12, 2022



Three Levels of Assessment

Designated Office (DO) Evaluation

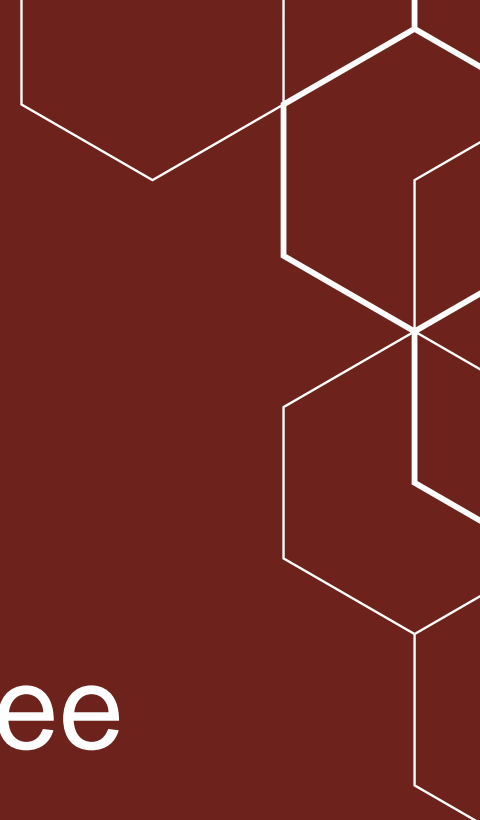
The majority of assessments (98%) will be done in community-based offices.

Executive Committee Screening

The Executive Committee of the Board will assess larger projects that come to it directly or are referred by a Designated Office.

Panel of the Board Review

Panels of the Board will be established to assess projects that may have potentially significant adverse effects or cause major public concern.



Executive Committee Screening Process



Executive Committee Team

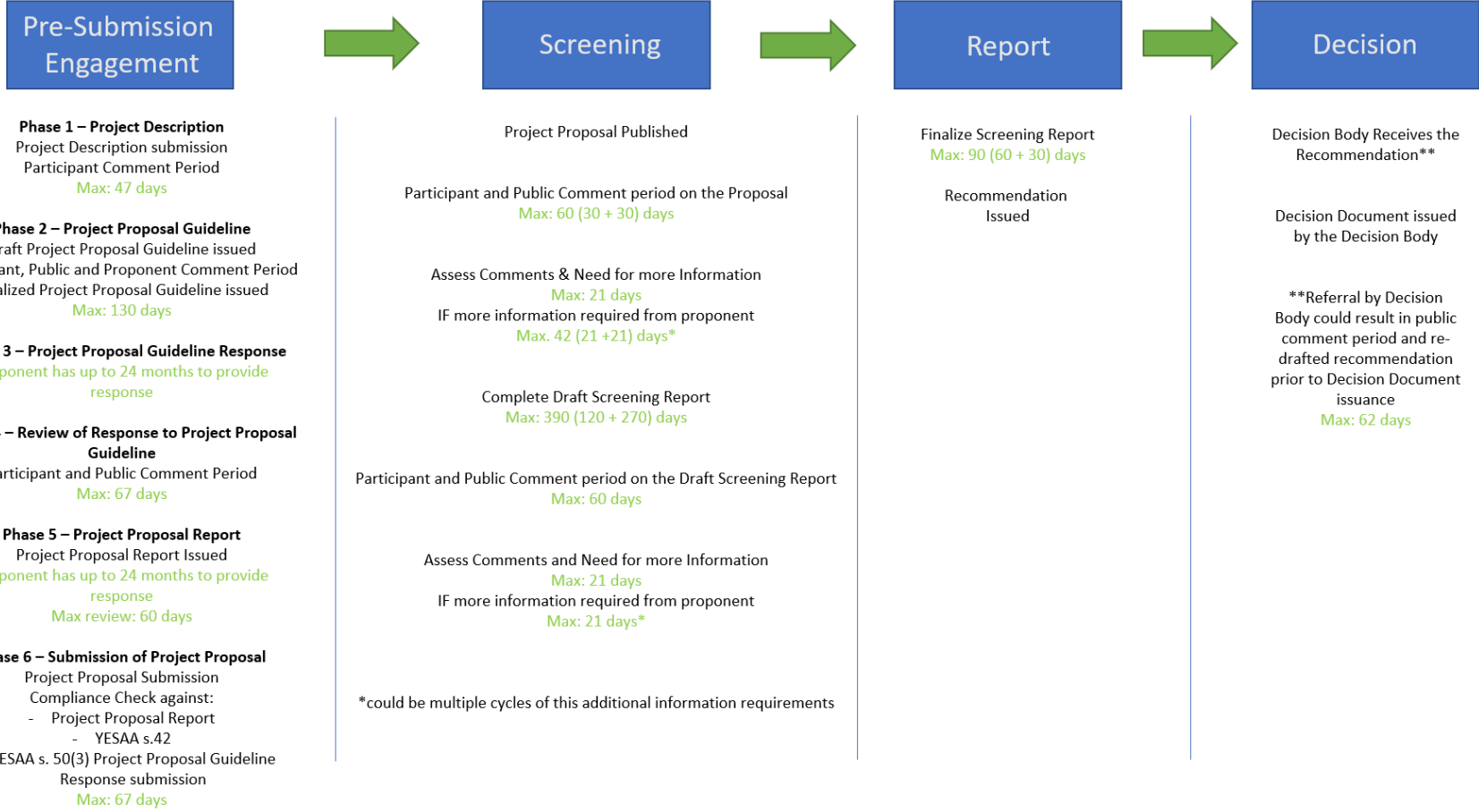
- Executive Committee
 - 3 Board Members
- 5 YESAB Staff
 - Manager
 - 2 Senior Assessment Officers
 - 2 Assessment Officers



Executive Committee Screenings

- EC Screening process takes a number of years
- Multiple chances to comment
- Many opportunities for engagement, bilateral meetings, technical sessions, community meetings

Executive Committee Screening Process





A - Pre-Submission Engagement

- New as of June 1, 2022
- 6 steps
- Guide the Proponent in creating their Project Proposal
- Allows for Participants and the Public to provide input earlier
- YESAB creates the requirements for the Project Proposal



A – Pre-Submission Engagement

- A Project Proposal will not leave the PSE process until it has been determined, by EC:
 - Meets all the rules of the Project Proposal Report
 - Takes into consideration the requirements for a project proposal
 - Consulted First Nations and the residents of communities as s.50(3) outlines



YESAA Consultation – s. 50(3)

- Section 50(3)
- The proponent is required to consult with
 - Any First Nation in whose territory:
 - The project is located OR
 - Might have significant environmental or socio-economic effects
 - Residents of any community in which:
 - The project is located OR
 - Might have significant environmental or socio-economic effect



YESAA Consultation – s. 50(3)

- Section 3 speaks to the way consultation under YESAA should occur
- For those being consulted with, they need to be given:
 - Notice that gives enough structure and detail to allow views and comments be prepared
 - Reasonable period of time to prepare views and comments
 - A chance to present their views
- All views and comments need to be considered fully and fairly

Executive Committee Screenings

YESAA

- Consultation as required by YESAA
 - Section 50(3)
 - Section 3
- Proponent consultation requirements
- EC determining if the proponent has fulfilled their requirements of YESAA

Crown Consultation

- Section 35, constitution
- Crown Duty to Consult
- Crown may rely on parts of the YESAB assessment process to inform their Duty
- Consultation occurs before, alongside and continue past assessment process



B - Screening

- Opportunity for comment (and questions) on the Project Proposal itself
- YESAB carries out an effects assessment
- YESAB creates a first draft of the screening report and looks for input from everyone on it
- YESAB finalizes its report



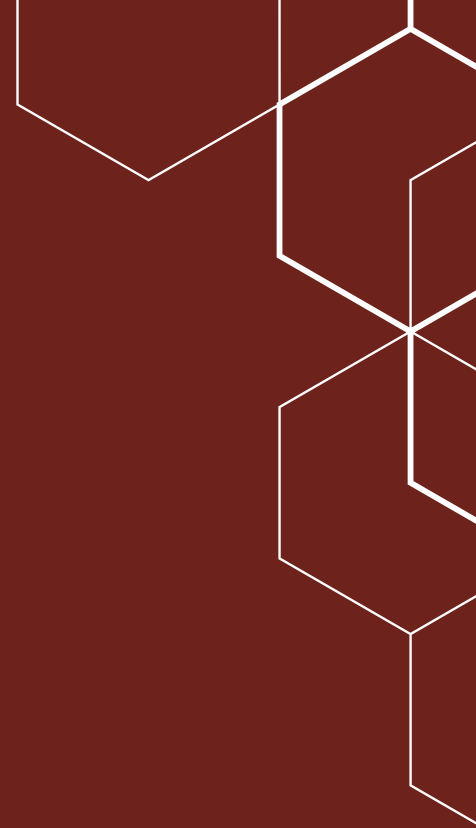
C - Report

Outcomes of an Assessment – Section 58(1)

- At the end of a screening, the EC will make one of the following recommendations for the Proposed Project:
 - (a) proceed
 - (b) proceed, but with terms and conditions
 - (c) not proceed
 - (d) require a review of the project, due to inability to determine significant adverse effects

Assessment

Methodology & Case Study



Assessment Statistics

**Designated Office
assessments completed
Nov. 2005 to Oct. 2022**

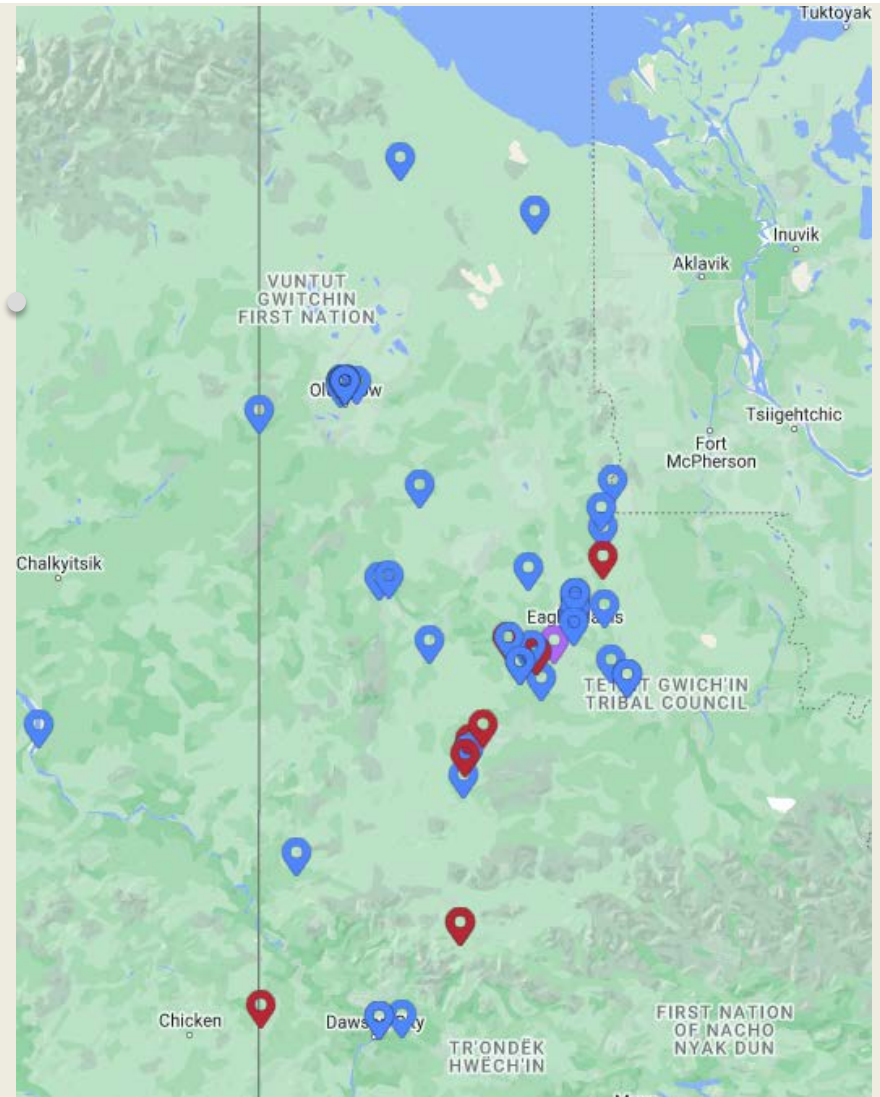
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**Executive Committee
screenings completed
Nov. 2005 to Oct. 2022**

9

**Projects in Vuntut Gwitchin
Traditional Territory**

36





Assessment Methodology

- We look at development projects before they happen (e.g., oil and gas exploration, mine, road, mine clean up, etc.)
- We listen to people about how they feel about a project.
- Information provided determines what we should focus on.
- If we determine that land, fish, water, or people will be negatively affected by a project, we will recommend actions to lessen the effects, or remove them altogether.



What We Don't Do

- Perform consultation
 - Consultation obligations lie with the Proponent and Decision Bodies.
- Make decisions about a project – we make recommendations to governments (i.e., Decision Bodies) that will issue the authorizations or permits for the project.
 - Decision Bodies can accept our recommendations, change them or reject them.
- Issue or enforce authorizations



Case Study: Eagle Plains Well Maintenance and Exploration Project

Project: Well maintenance, exploration and abandonment over 1 winter season.

Activities:

- Winter road construction
- Fuel storage
- Heavy equipment use



Case Study: Eagle Plains Well Maintenance and Exploration Project

“Vuntut Gwitchin are the stewards of our lands and are spiritually, culturally and economically connected to our resources. This includes our special relationship with the Porcupine caribou herd, which we’ve depended on for at least 20,000 years.”



Case Study: Eagle Plains Well Maintenance and Exploration Project

“Past oil and gas activities in the VGFN Traditional Territory have left behind permanent scars on the landscape, abandoned camps, fuel barrels and other debris without sufficient regulatory oversight to ensure proper remediation and reclamation. The wells at issue in this Project were drilled between 1959 and 1968 and in 2012 and 2013. The oldest of these wells have thus been sitting in a suspended state in VGFN’s territory for over 60 years. The presence of the wells has restricted, and continues to restrict, VGFN members’ use of lands and resources in their vicinity.”



Case Study: Eagle Plains Well Maintenance and Exploration Project

Finding:

- The Project will result in impacts to caribou. Impacts to caribou will affect the wellbeing of First Nations that rely on the caribou.
- Effects from oil and gas projects (real and perceived) have led to stigma associated with hunting in the area



Case Study: Eagle Plains Well Maintenance and Exploration Project

Outcome:

- Recommendations were issued to Government of Yukon to lessen the negative effects of the project on the Porcupine Caribou Herd and First Nation Wellbeing
- Recommendations focused on meaningful engagement and collaboration with First Nations
- Government of Yukon accepted most recommendations, and they will be incorporated into the Proponent's authorization, which is enforceable by YG



Questions?

Thank you.

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