

## **YESAB'S ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT METHODOLOGY**



# TABLE OF CONTENTS

<b>Preface</b>	<b>3</b>
<b>Disclaimer</b>	<b>3</b>
<b>Figure 1 - YESAB Assessment Methodology Overview</b>	<b>4</b>
<b>Assessment Steps</b>	<b>4</b>
1. Determine Scope of the Project	4
2. Determine Scope of the Assessment	4
3. Determine Significance of Adverse Environmental or Socio-economic Effects	5
4. Make a Recommendation to Decision Body(s) or Refer a Project for Further Review	7
<b>Appendix 1. Explanation of Terms</b>	<b>8</b>

## PREFACE

This Information Bulletin (Bulletin) describes the environmental and socio-economic [assessment](#) methodology (assessment methodology) utilized by the [Yukon Environmental and Socio-economic Assessment Board \(YESAB\)](#) for Designated Office evaluations, Executive Committee screenings and Panel of the Board reviews<sup>1</sup>. YESAB is an independent arms-length body, responsible for the assessment responsibilities of the [Yukon Environmental and Socio-economic Assessment Act \(YESAA\)](#). For the purposes of this Bulletin the Designated Office, the Executive Committee and Panel of the Board will be collectively referred to as YESAB.

The intent of this Bulletin is to provide an overview of the assessment methodology used by YESAB to conduct environmental and socio-economic assessments. It is not meant to provide detailed technical guidance on how YESAB conducts assessments, but rather an overview of the principal steps taken. The intended audience is anyone who is interested and/or involved in the YESAA process.

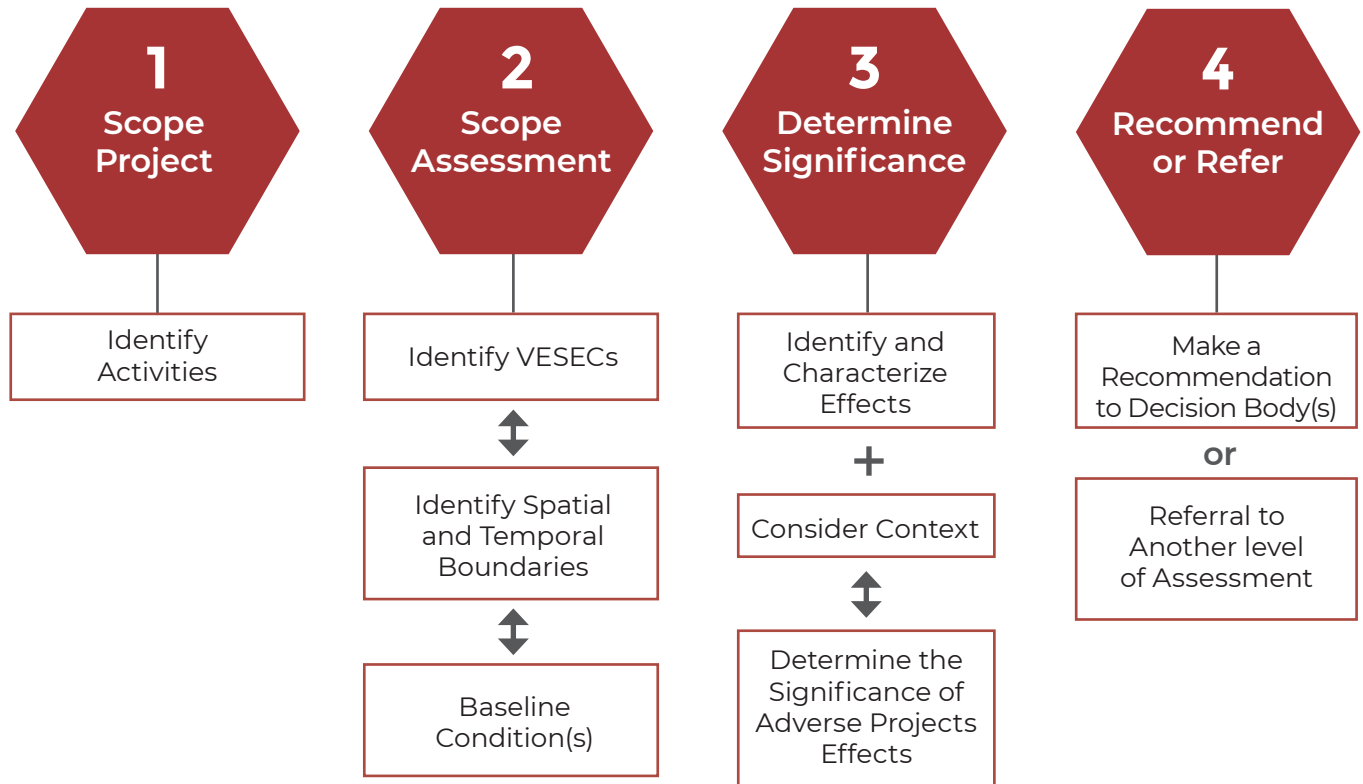
In addition to this Bulletin, YESAB also produces guidance on specific components of its assessment methodology. Over time, the Bulletin will be updated with additional guidance and information on specific aspects of YESAB's assessment methodology.

**Disclaimer:** This Bulletin is not intended to provide legal advice or direction. It is for information purposes only, and should not be used as a substitute for the Act or its associated regulations and rules. In the event of a discrepancy, the Act, regulations, and rules prevail. YESAB retains the discretion to deviate from the procedures described in this Bulletin where appropriate.

<sup>1</sup> Although YESAB utilizes one assessment methodology, the scale and complexity will differ between Designated Offices evaluations, the Executive Committee screenings and Panel of the Board reviews.

# FIGURE 1 – YESAB ASSESSMENT METHODOLOGY OVERVIEW

YESAB's assessment methodology can be described in the following steps and as illustrated in Figure 1:



## ASSESSMENT STEPS

### 1. Determine Scope of the Project

The project scoping exercise provides YESAB with an outline of the project [activities](#) and a common understanding of what constitutes the [project](#), for the purposes of the environmental and socio-economic assessment. YESAB defines a project as an activity or interrelated group of activities, for which one of the activities requires an assessment under the YESAA.

#### 1.1 Identify Activities

In order to scope a project, YESAB examines the specific activities, initial project design and [mitigations](#) associated with a proposed project.

YESAB also considers all stages of the project (i.e. construction, operations, closure and remediation of the activities), the project timeline, project location and footprint.

The scope of the project will include:

- a. the activities set out in the proposal; and
- b. any other activities which YESAB considers to be both likely to be undertaken, and sufficiently related to the activities set out in the proposal.

YESAB recognizes that during the development of its proposed project, proponents will identify mitigations or actions (known at YESAB as [project design features](#)) to reduce, eliminate, or control likely adverse effects. Only project design features necessary to prevent significant adverse effects will be included in the scope of the project.

Proponents are advised to discuss the scope of their project with YESAB prior to formally submitting a project proposal for assessment.

Project scoping will help YESAB determine the selection of [valued environmental and socio-economic components \(VESECs\)](#), described in section 2.

### 2. Determine Scope of the Assessment

Determining the scope of assessment is a key step in the environmental and socio-economic assessment process to:

- Identify and select Valued Environmental and Socio-Economic Components (VESECs);
- Identify spatial and temporal boundaries of VESECs with respect to project activities; and
- Examine and identify environmental and socio-economic [baseline conditions](#) of VESECs.

## 2.1 Identify and Select VESECs

VESECs are those components of the physical and socio-economic environment that are viewed as important in the setting of a given project and warrant consideration in an assessment. In addition to YESAB's knowledge, experience and the project proposal, YESAB relies on input from the public; First Nations; Federal, Territorial and First Nation governments; advice from experts and academic research to identify relevant VESECs. Those VESECs likely to be affected by or interact with the project will be included in the scope of the assessment. Typical VESECs examined in YESAA assessments include: Heritage Resources, Wildlife and Wildlife Habitat, Aquatic Resources, Environmental Resources and Land Users. Identifying and selecting project-specific VESECs is essential for focusing assessments, and for determining the significance of [project effect\(s\)](#) described in section 3.

## 2.2 Identify Spatial and Temporal Boundaries

YESAB considers the relevant spatial and temporal boundaries when assessing the likely adverse effects of the project.

**Spatial boundaries** are delineated to encompass the biophysical and human or socio-economic environment that could reasonably be expected to be directly or indirectly affected by the project. Spatial boundaries will account for the scale and spatial extent of likely adverse project effects.

**Temporal boundaries** are set to scope the timeframe over which predicted project effects will be considered for the purpose of the assessment. Amongst other things, temporal boundaries will be informed by factors including a consideration of all stages of the project as well as the duration of predicted likely adverse project effects. Please refer to YESAB's [Temporal Scoping Policy](#) for further information.

Spatial and temporal boundaries used in an assessment may vary depending on factors including: the VESECs identified, and the particular project activities and project design features.

## 2.3 Examine and Identify Environmental and Socio-economic Baseline Conditions of VESECs

Once VESECs that may be impacted by a proposed project have been identified, it is important for YESAB to examine the state of those VESECs before a proposed project (or different phases of a proposed project) are undertaken. Project effects rarely occur in isolation of other human activities and natural processes. Typically, other human activities and natural processes are impacting or have impacted the state of VESECs in a project area. YESAB will examine and identify baseline conditions for all VESECs included in the scope of assessment.

Identifying baseline conditions for each VESEC provides YESAB with an important reference point to analyze the predicted changes to the state of a VESEC as a result of the proposed project's activities and associated effects. YESAB will also analyse potential effects of the environment on the project (e.g. if a project is proposed along a flood plain). Understanding the nature of the changes to the state of a VESEC enables YESAB to characterize likely adverse project effects (described in more detail in section 3.1).

It is important for YESAB to understand the interactions (e.g. spatial and temporal overlaps) between the project and its activities with the identified VESECs throughout the life of the proposed project. This requires YESAB to consider both the current and future state of identified VESECs. The state of a VESEC at the time of assessment will reflect the [cumulative effects](#) of all processes and activities affecting it.

The results of baseline surveys and monitoring programs led by the proponent and/or government agencies, combined with traditional knowledge, input from interested parties and YESAB's knowledge will inform YESAB's understanding of the state of a VESEC and identifying of a suitable baseline condition to analyze anticipated project effects. In the absence of suitable project-specific data on the state of a VESEC, YESAB may infer this information qualitatively based on scientific literature, the advice of experts, reference conditions, and information from similar and overlapping project.

## 3. Determine Significance of Adverse Environmental or Socio-economic Effects

At YESAB, there are two main phases to [determine](#) the significance of adverse environmental or socio-economic effects:

- Utilizing [effects characterization criteria \(ECC\)](#); and
- Considering [context](#).

Under YESAA, recommending additional [terms and conditions](#) and/or recommending that proposed projects should or should not proceed hinges specifically on a determination as to whether or not the proposed project will have or is likely to have significant adverse effects.

### 3.1 YESAB's Use of Effects Characterization Criteria

Once the likely changes to VESECs are understood, YESAB will identify and characterize likely project effects for each VESEC that they conclude will be affected by the project.

Using a pathways-of-effects approach, (which examines the interaction between project activities and identified VESECs or cause-effect relationships) likely adverse project effects will be analyzed in terms of predicted

changes to the state of identified VESECs as a result of the project occurring. YESAB's characterization of likely adverse effects is achieved by relying on five pre-defined effects characterization criteria (ECCs) to describe effects. The ECCs used by YESAB to characterize effects include:

- [magnitude](#);
- [likelihood](#);
- [geographic extent](#);
- [duration, frequency & timing](#); and
- [reversibility](#).

The ECCs used at YESAB are comparable to the ECCs used in other jurisdictions. Utilizing ECCs enables YESAB to document how a project effect is predicted to change the state of an identified VESEC. These five ECCs are not always relevant to all likely adverse effects from the proposed project. Depending on the nature of the project, a specific effect's characterization and corresponding significance determination may rely on a subset of the criteria listed above.

When making a significance determination, YESAB must not only consider such things as the magnitude; likelihood; geographic extent; duration, frequency & timing; and reversibility of project effects themselves, but also the context in which those effects occur.

### 3.2 YESAB's Consideration of Context

A project's context has an important bearing on YESAB's assessment methodology. From identifying VESECs to determining the significance of adverse effects, context plays a central role in these decisions. YESAB describes context as the particular environmental and/or socio-economic setting within which the project occurs. Considering a project's context enables YESAB to situate the predicted effect(s) on an identified VESEC (described above) within a broader social and environmental setting.

During assessments, context is often integrated within significance determinations by citing specific [contextual factors](#). At YESAB, one or more of the following contextual factors are often referenced when determining the significance of likely adverse project effects:

- applicable legislation;
- standards, plans and policies;
- asserted and established Aboriginal and treaty rights;
- the cumulative effects of other past, present, and likely future projects or activities;

- ecological or social limits and thresholds;
- vulnerability and resiliency of social and/or ecological systems and components; and
- political and cultural setting.

This list of contextual factors is not exhaustive. Depending on the nature of the project, YESAB may reference other contextual factors within the assessment.

### 3.3 Determine Significance of Likely Adverse Project Effects

After characterizing the likely environmental and socio-economic effects of a project on selected VESECs and considering a project's context, YESAB will examine their significance and determine whether the project will have or is likely to have significant adverse environmental or socio-economic effects in or outside Yukon. In making a significance determination, YESAB takes into account and utilizes information provided by the proponent regarding their predictions of project effects, project design features that may mitigate adverse effects, information received from interested parties, the advice of experts, scientific literature, traditional knowledge, predictive modelling, previous project assessment experience and professional judgement.

At YESAB, there are two main phases to the determination of significance:

1. YESAB conducts a technical analysis of likely adverse effects using effects characterization criteria (ECCs).
2. YESAB integrates context by using contextual factors.

YESAA authorizes and directs YESAB to make determinations as to whether the project is likely to have significant adverse effects. YESAB is not authorized

*In 2018 and 2019, YESAB developed guidance regarding the consideration of Aboriginal and final agreement rights and the consideration of cumulative effects in YESAB assessments. Amongst other things, Aboriginal and final agreement rights and cumulative effects provide context relevant to determining the significance of likely adverse effects of the project on identified VESECs.*

*(See [Consideration of Aboriginal and Final Agreement Rights in YESAB Assessments Information Bulletin \(2018\)](#); and [Consideration of Cumulative Effects in YESAB Assessments Information Bulletin \(2020\)](#)).*

under YESAA to make determinations as to the likely positive effects of a project. Accordingly, YESAB will only make a determination on whether or not the project is likely to cause significant adverse effects.

In determining the significance of adverse project effects, YESAB will take into account the effects characterization described in section 3.1 and the project's context described in section 3.2.

If after taking into account a project's design, YESAB determines that a project will not or is not likely to have significant adverse effects, YESAB will not consider additional terms and conditions for that project.

*Additional information on the significance determination process can be found in YESAB's [A Framework for Determining the Significance of Adverse Effects of Projects Assessed under YESAA Information Bulletin \(2020\)](#).*

*Additional information on how proponent design features or commitments are used in assessments can be found in YESAB's [Backgrounder – Proponent Commitments – Project Design Features \(2019\)](#).*

### 3.4 Recommend Terms and Conditions

If YESAB determines that a project will or is likely to have significant adverse effects, YESAB may recommend additional terms and conditions or measures to compensate to eliminate, reduce or control likely significant adverse environmental and/or socio-economic effects resulting from the project.

Terms and conditions may include alternative means of carrying out the project or alternatives to the proposed project that would avoid or minimize likely significant adverse environmental or socio-economic effects of the project. YESAB will consider terms and conditions that can be accommodated within a proposed project design prior to recommending alternatives. Compensatory measures can only be included as a term and condition if they mitigate significant adverse effects. There may also be circumstances where YESAB determines that likely significant adverse effects to a select VESEC cannot be mitigated.

## 4. Make a Recommendation to Decision Body(s) or Refer a Project for Further Review

Under YESAA when an assessment is complete YESAB may recommend to the [decision body\(s\)](#) that the project:

- Proceed, as there are no significant adverse effects (YESAA 56/58/72 (1) (a));
- Proceed with terms and conditions, as significant adverse effects are likely but can be mitigated (YESAA 56/58/72 (1) (b));
- Not proceed, as the significant adverse effects cannot be mitigated (YESAA 56/58/72 (1) (c)); or
- Refer the project to a higher level of assessment. For example, refer the project to the Executive Committee for a screening (in the case of a Designated Office evaluation (YESAA 56 (1) (d)) or to a review by a Panel of the Board (in the case of an Executive Committee screening (YESAA 58 (1) (d)).

YESAB makes its recommendations to a relevant Decision Body(s) which can be federal, territorial and/or First Nation governments. There can be multiple Decision Bodies for a project, depending on the location of the project and authorizations required.

Decision Body(s) decide whether to accept, reject, or vary YESAB's recommendation and will issue their decision in a [Decision Document](#) within the timeframe specified in the YESAA Regulations. If there are multiple Decision Bodies, a consolidated decision document can be prepared. No actions can be undertaken or required to be undertaken on a project until a Decision Body(s) has issued the decision document. Decision Bodies are required to implement their decision documents along with the accompanying project authorization(s) (e.g. permits, licenses or grants of interest in land), which may contain terms and conditions from the decision document. YESAB does not enforce terms and conditions; it is the responsibility of the Decision Body(s) through the enforcement of authorizations issued on the project.

*For more information regarding YESAB's Assessment Methodology, please contact YESAB or visit [www.yesab.ca](http://www.yesab.ca).*



# APPENDIX 1. EXPLANATION OF TERMS

This appendix provides explanation of key terms used in this Bulletin.

**Activities** - Anthropogenic actions that alter the human or biophysical environment (where those alterations are observable/ measurable/ detectable).

**Assessment** - An evaluation of a proposed project by a Designated Office, a screening by the Executive Committee or a review by a Panel of the Board.

**Baseline Condition** - A reference point to analyze the predicted change in condition of a VESEC as a result of the proposed project activities and associated effects.

**Consider (as in “consider a factor”)** - Means take into account, but does not require a resolution or a determination of this specific factor.

**Context** - The particular environmental and/or socio-economic setting within which the project occurs.

**Contextual Factors** - The specific context-based considerations that help situate a likely project effect.

**Cumulative Effects** - Changes to a Valued Environmental and Socio-economic Component (VESEC) caused by an activity (related to a project being assessed) in combination with other past, present, and likely future projects or activities.

**Determine** - As in “determine if there are significant adverse effects” — make a finding, decide or resolve.

**Duration** - The length of time an effect is predicted to last.

**Decision Body(s)** - Decision makers as set out in Section 2 of YESAA. They can be federal, territorial and/or First Nation governments.

**Decision Document** - A published response from a decision body(s) to YESAB’s recommendation that accepts, rejects or varies the recommendation(s).

**Effects Characterization Criteria (ECC)** - Criteria used to document and describe likely adverse project effects.

**Frequency** - How often an effect is predicted to occur.

**Geographic Extent** - The spatial area(s) in which an effect is predicted to be detectable.

**Likelihood** - The probability that an adverse effect will occur.

**Magnitude** - The extent of a change from baseline conditions as a result of a proposed project.

**Mitigation(s)** - Measures for the elimination, reduction or control of adverse environmental or socio-economic effects.

**Project** - An activity or interrelated group of activities, for which one of the activities requires an assessment under the *Yukon Environmental and Socio-economic Assessment Act* (YESAA).

**Project Design Features** - Design features that have been highlighted by YESAB as mitigating against likely adverse effects from the project.

**Project Effect(s)** - A change in the condition of a value or valued environmental and socio-economic component caused either directly or indirectly by a project.

**Reversibility** - The degree to which a valued environmental or socio-economic component can be returned to baseline conditions or other established reference point after proposed activities have ceased.

**Terms and Conditions** - Mitigations proposed by YESAB to eliminate, reduce or control likely significant adverse environmental and/or socio-economic effects resulting from the project.

**Timing** - When an effect is predicted to occur.

**Valued Environmental and Socio-economic Components (VESECs)** - Components of the physical and socio-economic environment that are viewed as important in the setting of a given project (i.e. for environmental, scientific, social, traditional, or cultural reasons), and are predicted to be adversely affected by the proposed project and warrant consideration in an assessment.

**Yukon Environmental and Socio-economic Assessment Act (YESAA)** - Chapter 12 of the Yukon First Nations Final Agreements called for the establishment by federal legislation of an assessment process that would apply to all lands within Yukon: federal, territorial, First Nation and private. *The Yukon Environmental and Socio-economic Assessment Act* (YESAA) was given Parliamentary Royal Assent on May 13, 2003. The federal legislation outlines the assessment process for Yukon.

**Yukon Environmental and Socio-economic Assessment Board (YESAB)** - YESAB is an independent arms-length body, responsible for the assessment responsibilities of the *Yukon Environmental and Socio-economic Assessment Act* (YESAA) legislation and regulations.