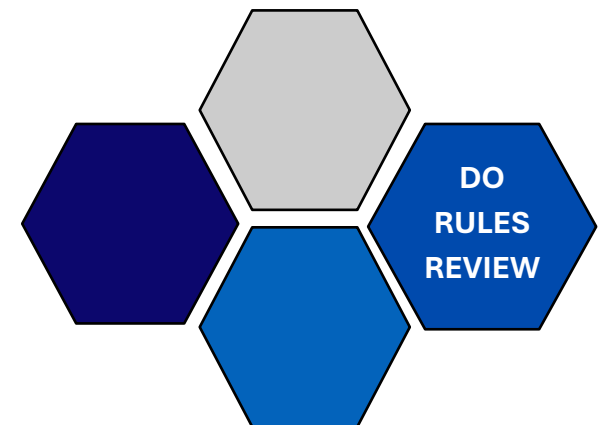


Designated Office Rules Review

***Canada Gazette* Input Response Report**

July 23, 2026



Introduction

The Yukon Environmental and Socio-Economic Assessment Board (YESAB) is undertaking revisions to the *Rules for Evaluations Conducted by the Designated Office* (DO Rules). The majority of YESAB's assessment work occurs at the Designated Office level, and the purpose of the rules review is to replace the current rules in order to enhance the effectiveness, timeliness, and efficiency of the evaluation process, as set out in the *Yukon Environmental and Socio-Economic Assessment Act* (YESAA).

Yukon has changed significantly since the 2010 DO Rules were developed. Population growth, industrial development, and evolving public and First Nations expectations mean that a single, one-size-fits-all approach no longer works. Changes are needed to better match the spectrum of projects and settings, ensuring that processes remain both responsive to local contexts, and efficient. It is important to acknowledge the difference between the immediate Designated Office rules review and other initiatives such as the 2027 YESAA Review and other policy work that will influence the evaluation process further down the road.

The proposed DO Rules, 2026 introduced several new processes. This included a project proposal compliance check that occurs before the evaluation begins and three categories of evaluation – Simple, Standard and Complex. A project is categorized based on a number of factors and project specific circumstances. The proposed DO Rules, 2026 contained many aspects of the 2010 DO Rules (for example additional comment periods, ability to extend timelines) and addresses many gaps such as more concise assessment reasons, procedures for making process modification requests and allowing for different timelines and processes to support the effectiveness of the evaluation. These changes along with over 21 years of YESAB's experience have resulted in an in-depth set of rules. They are structured to enable YESAB to continue to effectively implement our mandate today and allow some flexibility into the future.

Purpose

This report summarizes the representations received during the *Canada Gazette* period on the proposed DO Rules, 2026 and outlines the changes made in the revised proposed DO Rules, 2026 (Revised Proposed Rules) based on the input received. The report and other supporting documents can be found online [here](#).

DO Rules Review Process

The rules establish the procedural framework for how DO evaluations are carried out. In particular, they provide the structure for the conduct of neutral assessments, define timelines, opportunities for participation, and the processes involved at each phase of the assessment. The Board is required to seek written input from participants and the public when it creates or amends its rules via the *Canada Gazette* publication process¹.

The proposed DO Rules, 2026, were published in the *Canada Gazette* for written input from December 6, 2025 to February 11, 2026. Prior to the formal input period, YESAB provided detailed information on the changes to the DO Rules – via a dedicated webpage, information sessions on the proposed changes and a recorded presentation. A public survey was used (June – July 2025) to help gauge participant and public views on changes to the process as well as written comments. The survey and information sessions were the main conduit for receiving feedback on targeted changes before the formal *Canada Gazette* input period.

Information about the DO Rules Review can be found at <https://yesab.ca/designated-office-rules/>

Contact: rulesreview@yesab.ca if you have questions.

YESAB has made several improvements to the proposed DO Rules, 2026, to address concerns raised through the *Canada Gazette* Period to produce the Revised Proposed Rules. The changes support YESAB's purpose of effectiveness, timeliness, and efficiency of evaluations and with meeting First Nations participation commitments under the Act.

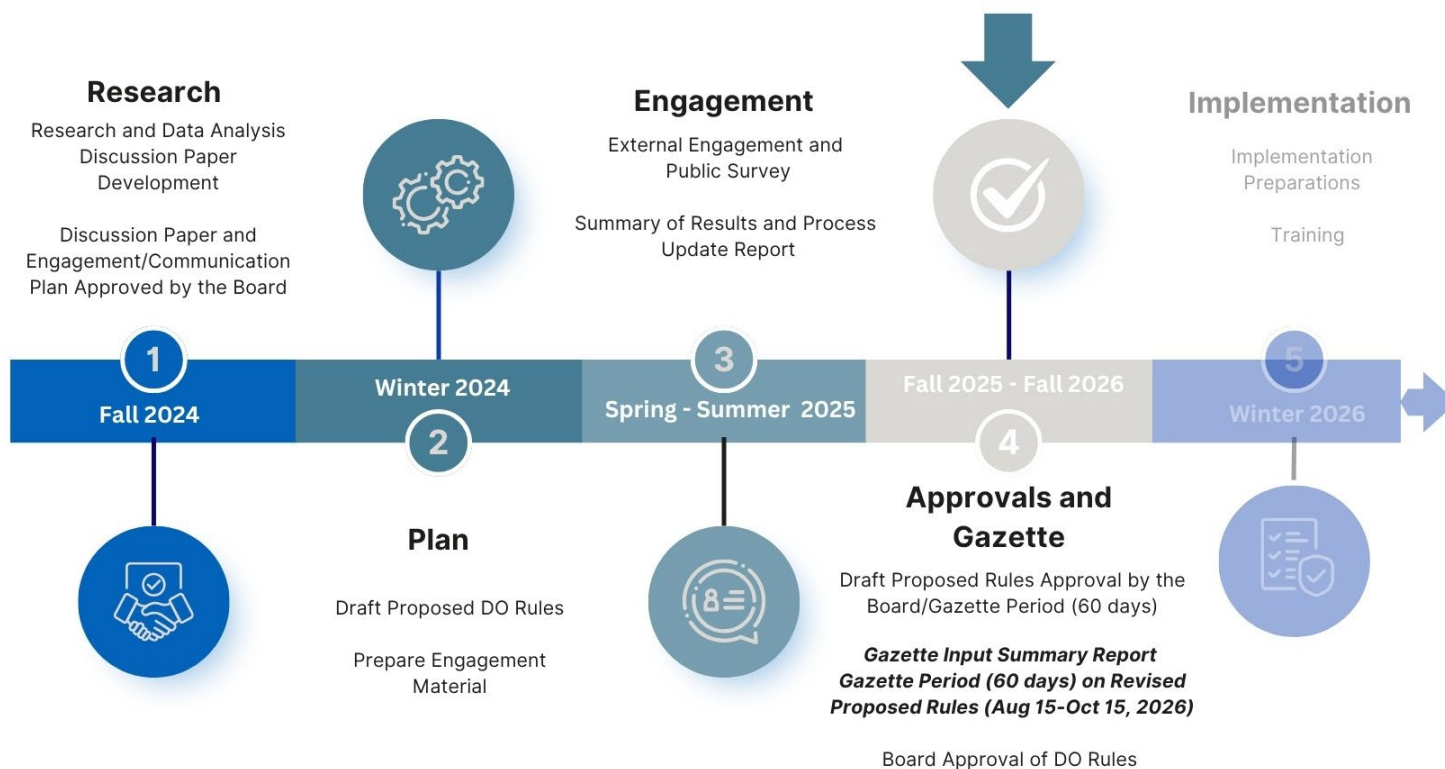
There are also other aspects outside of the Revised Proposed Rules such as policy work, ongoing communications with Yukon First Nations and external guidance related to the rules to support the changes. Further communications and education on the new DO Rules will occur over the coming months to support participants.

¹ YESAA s.30-34.

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An overview of the key steps taken to date to complete revisions to the DO Rules Review are shown below:

DO Rules Review Process Timeline



Public Input – Response Profile

Input was received on the proposed DO Rules from 17 organizations. YESAB would like to thank everyone who provided feedback.

Governments	Industry	Other
Government of Yukon (YG) Government of Canada (Fed) First Nations: Champagne and Aishihik First Nation (CAFN) First Nation of Nacho Nyak Dun (NNDNFN) Kluane First Nation (KFN) Liard First Nation (LFN) Little Salmon Carmacks First Nation (LSCFN) Tr'ondëk Hwëch'in (TH) Gwich'in Tribal Council (GTC)	Yukon Wood Products Association (YWPA) Yukon Chamber of Mines (YCM) Fireweed Metals (Fireweed) Hecla Mining Co. (Hecla) Yukon Energy Corporation (YEC) Klondike Placer Mining Association (KPMA)	Environmental Screening Impact Committee (EISC) Yukon Heritage Review Board (YHRB)

Input Analysis

Input received represents a wide variety of organizations and reflects both similar and contradictory views (e.g. advocating longer assessment timelines or shorter timelines). YESAB has reviewed and taken into consideration all comments received, identified specific changes to the Rules, and provided the rationale for whether the rules were changed or not changed, or the use of non-rules-based methods to address input received (e.g. implementation information sessions, external guidance documents).

Public Input - Summary

General Response:

There was high-level, general support from most participants for changes to the DO Rules and YESAB's efforts to improve efficiency and effectiveness. However, concerns were also raised in general and on specific rules. For example:

- Several participants did not feel that the engagement on the Proposed Rules by YESAB was sufficient. Some First Nations were dissatisfied with the lack of engagement and collaboration in the development of the proposed rules.

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- Yukon government and industry expressed there was too much discretion and lack of criteria built into the Proposed Rules.

Sample Input Received:

“While YG finds there are many positive elements to the new Rules, such as establishing timelines and providing mechanisms for less complex projects to complete assessment faster, YG would like to see more clarity and certainty throughout the Rules for all participants, eliminating ambiguity and requiring reasons to be provided when discretion is used. There remain areas that would benefit from specific guidance to support the implementation of these Rules.”
Government of Yukon

“We support the step being taken to update and revise the Rules governing project assessments given that revisions have not been made since 2010. A lot has changed since then.” First Nation

“YESAB is encouraged to ensure alignment with the spirit and intent of Chapter 12 of the Yukon First Nation Final Agreements throughout the proposed DO Rules. For example, time limits for comment periods should adequately reflect s.12.1.1.2 of the Yukon First Nation Final Agreements, which provide for guaranteed participation of Yukon First Nations in the YESAA process, understanding that opportunities for participation [in the assessment process] should be meaningful.”
Government of Canada

“..several provisions introduce open-ended discretion, duplicative process steps, and uncapped timelines that risk undermining those objectives and the requirements of YESAA.” Industry/Proponent

Specific Themes:

The high-level themes on specific rules from the participant input include:

- Support for categorizations of evaluations in general, pending further information and detail, and requests to have input on categorization decisions;

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- Significant concerns with the “simple” evaluation category and the rule that does not allow for timeline extensions;
- Concerns regarding capacity and ability of First Nations to participate as set out in YESAA and Chapter 12 UFA with short timelines;
- Concerns over the rule that does not allow the DO to accept late document submissions;
- Concerns with the level of discretion afforded to assessors with process modifications (e.g. timeline extensions) and in other areas (e.g. information requests);
- Concerns over proposed assessment timelines – they are either too short (First Nations) or too long (proponents, industry and Yukon government). The timelines inhibit participation (First Nations) or create uncertainty (proponents).

Sample Input Received:

“The DO’s proposed Rule 12(b) [no late document submission] goes beyond YESAB’s authority under section 31 of YESAA and, coupled with the short timelines and uncertainty regarding extensions, may be contrary to several provisions of YESAA, including section 42(1) of YESAA.” First Nation

“The introduction of a compliance check for project proposals (Section 27), which should help ensure more complete submissions from the outset and reduce delays in the assessment process.....Develop specific, objective criteria for complex project categorization (e.g., thresholds based on production capacity, land disturbance area, predicted effluent volumes, or other measurable factors).” Industry/Proponent

“The Schedule “A” row setting out timelines for New Rules section 34 should be revised to allow at least 30 days for public comment on complex projects.” First Nation

“The lack of timelines for a number of assessment processes, and how this has the potential to make assessments unpredictable and lead to process delays.” Government of Yukon

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All public input was reviewed, analyzed and grouped into themes and key issues. The information provided is a high-level summary of the key issues, including impacts to the proposed rules and the rationale for the decision on whether to make changes to the proposed DO Rules or address them in some other way. They are set out in the table (below). Section references correspond to Revised Proposed Rules.

Table – Input Key Issues, Response and Rationale

Key Issues – DO Rule #	Revision	Rationale
Part 1: Definitions and Interpretation		
Several issues were identified by participants with specific definitions (s.4): • Term “Interested Transboundary Indigenous Governments”. • Term “Statutory Participants”. • Computing Time (Business Hours)	Changes to wording in the Revised Proposed Rules	Interested Transboundary Indigenous Governments: A change was made to clarify the process required for an interested Indigenous Governments to identify projects of interest, and to establish how to participate in the assessment. “Section 55 (Act) Participants”: The purpose of this definition name change was to more clearly delineate the origin and function of this defined term. <u>Computing Time</u>: To improve readability and reduce barriers for submitting documents, the restrictions to submit during business hours in relation to calculating time was removed. This is particularly important for participants submitting documents on the deadline day. The change allows documents to be submitted before the end of the calendar day. Excluding weekends and Holidays remains.
• Notifications to Participants – Decisions and Reasons (s.9) Many comments were made that reflect a misunderstanding of the Notice structure set out in the Rules -specifically, regarding assessor	No changes to the revised proposed rules	<u>Notice</u> - The Designated Office is required to post all notices to the YOR and if the notice of a decision requires reasons to be given, the reasons are posted to the YOR. Technological and administrative infrastructure is in place to ensure all participants are made aware of an evaluation progression.

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Key Issues – DO Rule #	Revision	Rationale
decisions, reasons and transparency via the YESAB Online Registry (YOR).		
Board Directives and Project Proposal Requirements (ss.10, 29) Several participants suggested the Directives be “living” documents vs a static document. There were requests made to be involved in the development of the Board’s proposed Project Proposal Requirements Directive.	No changes to the revised proposed rules	<u>Board Directives</u> - Two directives are required to operationalize the provisions and requirements of the rules (Document Administration and Project Proposal Requirements (including a new Project Proposal Form). The directives support the necessary upfront information to conduct an evaluation and support the new categorizations of evaluations. The Directives will be made available online prior to the new rules come into effect.
Process Modifications (s.18) Concerns were raised by some participants over process modifications and the level of discretion being afforded to assessors including delays, uncertainty and extended timelines without detailed criteria or without timelines in some cases.	No changes to the revised proposed rules	<u>Process modifications</u> - The Designated Office has flexibility and discretion when conducting project evaluations to address specific circumstances as per the current DO Rules (e.g. the ability to extend timelines, additional comment periods and public meetings). Process modification rules set out the procedures for when modifications are made (e.g. via written request for deadline extension in advance of deadlines expiring) and ensure greater transparency and accountability of decision making by requiring the Designated Office to provide reasons for all decisions taken and their publication on the YOR. External guidance on process modifications will be prepared.
Simple Evaluations – Timelines Extensions Limit (s.18) Considerable concerns were raised that shorter timelines and limits on timeline extensions for simple evaluations will reduce or hinder First Nation participation.	Changes to the revised proposed rules	<u>Simple Evaluation Category</u> - Limitations – timeline extension restrictions were removed for the Simple Evaluations. As a result, the Designated Office can consider requests to extend comment periods for simple evaluations. Additionally, specific timelines in Schedule A for simple evaluations have increased.

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Key Issues – DO Rule #	Revision	Rationale
Time limits and Accepting Late documents (s.20) Several comments were received on whether YESAB will stay within its timelines in the Rules. Many participants disagree with the rule that assessors cannot accept documents submitted after a deadline has expired.	Changes to the revised proposed rules	<u>Accepting Late Documents</u> – Changes were made to this rule by adding a provision to accept a late document in exceptional circumstances only (request based). A person can submit a revised submission after a deadline, set out as a process modification. Late documents must be received before the Designated Office determines there is sufficient information to conclude the evaluation (before preparing recommendation).
Requesting Additional Information (s.25) Participants identified a number of issues regarding Additional Information Requests (commonly known as IRs) including the need for more structure and transparency.	Changes to the revised proposed rules	<u>Requesting Additional Information</u> – To increase certainty for proponents and participants, an Information Response Review timeline (for the DO) was added to Schedule A. Further clarity was added by specifying the process for unsatisfactory additional information responses. In general, the rules set out the process for when an information request response does not meet the requirements including an optional suspension of the assessment after 6 months. The process for discontinuing the assessment are set out in YESAA² if the proponent has not met the supplementary information requirements specified by the Designated Office. The DO can request that a new project proposal be submitted as part of the proponent’s information response if needed.
Grouping Projects (s.27) There were concerns about the lack of details and criteria.	No changes to the revised proposed rules	<u>Grouping Projects</u>: When faced with a decision of whether to group two or more projects, the Designated Office must consider all relevant factors. Every decision about whether to group projects is unique and must be supported by evidence and clear reasoning. There are criteria in the rules that will be elaborated upon in the external guidance for proponents outlining the process for grouping projects.

² s.43(2) and (3) respectively

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Key Issues – DO Rule #	Revision	Rationale
Compliance Check (s.34) Concerns were raised over lack of timeline associated with the Check and how deficiencies will be remedied by proponents.	No changes to the revised proposed rules	<u>Compliance Check</u>: The Designated Office will review the project proposal to determine whether it complies with the requirements of section 22 (Project Proposal Requirements Directive). If there are deficiencies, the proponent will receive feedback on incomplete information. There will be supporting guidance and a new project proposal form to help guide the proponent.
Categorization/Recategorization (ss.35, 36) Concerns were raised over the lack of specific categorization criteria and the level of discretion being afforded to the Designated Offices. The inability for participants to provide input on categorization or to “appeal” a categorization decision was also raised.	Changes to the revised proposed rules	The criteria to categorize an evaluation has to be flexible and is dependent on many factors given the complexities of projects, locations, sector and activity. <i>Categorization will always be project and location specific</i> based on specific criteria while also ensuring consistency of practice and sectors. Provisions enable flexibility to recategorize a project. For both categorization and recategorization, the decision with reasons will be posted on the YOR. Participants can submit views on the project and provide information about categorization at the comment period (s.41(c)(ii)). Proponents will have the opportunity to provide their views to the Designated Office on what category their project belongs in the Project Proposal Form (Schedule B 10.0 Categorization). Participants and proponents will be supported in understanding how the Designated Office categorizes a project through external guidance on the categorization process.
Part 4: Evaluation		
Early Engagement and Draft Evaluation Report (Complex Projects) (ss.37,44) Concerns related with the early engagement process – its purpose, extending timelines, uncertainty and repetitive if proponent has already been engaging affected First Nations.	No changes to the revised proposed rules	The rules proposed a ‘pre-submission engagement like’ process adapted for complex DO evaluations to involve participants early in the proposal development stage and the opportunity for participants and the public to provide comments on a ‘draft’ Evaluation Report. External guidance will be prepared on early engagement and the complex evaluation process.

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Key Issues – DO Rule #	Revision	Rationale
Proposal Review (formerly known as Adequacy Review) (s.38) Concerns related to timelines in Schedule A. The Designated Office should be addressing impact on treaty rights and Regional Land Use Plan Conformity Determination should occur before the assessment begins.	Changes to the revised proposed rules	<u>Proposal Review</u> – YESAB’s assessment methodology, including with respect to how impacts to rights are integrated in the assessment, is set out in policy guidance. The rules establish the procedural steps to be followed in the evaluation process. A change is reflected in Schedule B (9.0 Potential Impacts on Indigenous and Treaty Rights) for proponents to include information related to potential impacts to Treaty rights and Indigenous rights. This change was made to help support the consideration of impacts to rights early in the project design phase and, ultimately, in the assessment. The Designated Offices currently seek representations and conformity checks, as applicable, from the commissions, and will continue to do so under the new rules. YESAB continues to meet with the Dawson Regional Land Use Planning Commission and Yukon Land Use Planning Council so that the timing of the representation and conformity checks reflects and aligns with the applicable plans, and is workable for all the parties.
Information Review (s.42) There was uncertainty of what constitutes sufficient information and the circumstances to warrant an information request after Comment Period (Seeking Views and Information).	No changes to the revised proposed rules	<u>Information Review</u> – The Designated Office requires sufficient information to complete the effects analysis in order to write the recommendation.
Confidentiality Application Review (ss.45-61) Concerns were related to the lack of timelines associated with Application Review and the	Changes to wording in the revised proposed rules	<u>Confidentiality Application Review</u> – Many of the concerns can be addressed through updating the external guidance. YESAB has strict procedures for securely handling confidentiality applications. Traditional Knowledge cannot be disclosed by either Executive Committee or the Designated Office.

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Key Issues – DO Rule #	Revision	Rationale
rules. Concerns were also expressed that the rules do not specify the Designated Office must not disclose and keep information designated as confidential secure.		Revisions provide certainty that the Designated Office must keep information secure and align with operational practices. Further clarity to the rules was added to require the confidentiality application to be returned to the applicant, or destroyed depending on the applicant's request. The Executive Committee must not be constrained by rigid timelines to review a confidentiality application. There are many factors in the decision-making process. Internal procedures are in place to ensure the application review is completed in a timely manner.
Integrating Traditional Knowledge (TK) (s.64) Several FNs noted issues with this section. The rules are un-changed from 2010. There is no current guidance in place.	Change to wording in the revised proposed rules	It was suggested that the specific reference to TK in proposed DO Rule 55 was not needed, as courts in Canada have been increasingly recognizing TK as admissible evidence. The Board will investigate the development of guidance on this topic.
Effective date (s.65) There were concerns that YESAB may not be ready by the effective date and concerns over participant and proponent readiness.	Changes to the revised proposed rules	YESAB will be changing the effective date in the Rules from September 1, 2026 to January 8, 2027
Timelines and Schedule A – Changes to Timelines Timelines do not meet First Nations capacity needs and will impact participation as per Chapter 12 and YESAA 5(2)(g) (guaranteed opportunities to participate).	Changes to the revised proposed rules	<u>Timelines – Schedule A</u>: Maximum time limits have been established for the Designated Office to conduct the evaluation based on each category and to allow for flexibility. Timelines for specific periods (e.g. comment periods) were increased. The Complex Evaluation proposal review period was increased.

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Key Issues – DO Rule #	Revision	Rationale
Numerous comments were made regarding timelines including longer timelines for complex evaluations, the Proposal Review stage and longer comment periods.		
Schedule B of the Rules sets out the information categories required by proponent in their Project Proposal Form	Changes to the revised proposed rules	Schedule B of the Rules sets out the information categories required by proponent in their Project Proposal Form ³ . Changes include adding: a) a Categorization section to enable the proponent to provide information and to support assessor decision making. b) a section on Potential Impacts on Indigenous Treaty Rights to provide information and support fulsome consideration during the assessment.

Conclusion

The Revised Proposed Rules support YESAB in addressing many of the challenges the organization has identified through its work over the last 21 years and almost 3,900 assessments, but these rules are not the only option to create change in the assessment process. YESAB continues to evolve through policy and commits to working with YFNs, Governments, Industry and the public on many concerns that were raised but not addressed in the current rules.

For more detailed information on the DO Rules Review process and updates please visit YESAB's website – <https://yesab.ca/designated-office-rules>.

If you have questions or comments on the Gazette Input Response Report or the DO Rules process in general, please contact yesab@yesab.ca

³ The requirements are elaborated in the Project Proposal Requirements Directive.