YESAB
Yukon Environmental and
Socio-economic Assessment Board

# Designated Office Rules Review

## Revised Proposed DO Rules, 2026

## SUMMARY GUIDE

August 2026

# INTRODUCTION

In 2024, the Yukon Environmental and Socio-economic Assessment Board (YESAB or the Board) commenced a review of the current *Rules for Evaluations Conducted by Designated Offices* (2010 DO Rules). The DO Rules were last updated in 2010 and since then, assessment practices have evolved, interest and participation in assessments have grown, and expectations of the assessment process have changed. The majority of assessment work under the *Yukon Environmental and Socio-economic Assessment Act* (YESAA or the Act) is carried out at the Designated Office level.

The Board prepared Proposed Designated Office Rules (2026) ("Proposed DO Rules") and published notice in the *Canada Gazette* (Gazette) in December 2025 as required by the Act. A 60-day written input period was held between December 6, 2025 and February 15, 2026 and input was received from a wide range of participants. A *Gazette Input Response Report* provides details on the concerns raised by participants, YESAB's response to those concerns, and the rationale for that response. The report is available on YESAB's website yesab.ca.

## Designated Office Rules Review

The Board is an independent administrative body, and is statutorily required to enact rules setting out the procedures for Designated Office evaluations under YESAA. These rules establish the procedural framework for how Designated Office evaluations are carried out, focusing on administrative steps and process within the evaluation. For example, the rules set out the ways in which notices are provided, define timelines, opportunities for participation, and delineate processes for seeking additional information from proponents.

The methodology applied by assessors, such as when determining significance or identifying valued components, are not addressed in the Board rules; rather, these methodological matters are described in YESAB policy guidance. Ultimately, YESAB's authorities in respect of both policies and rules are constrained and enabled by its statutory mandate.

### Revised Proposed DO Rules and Additional Input via *Canada Gazette*

YESAB has made several improvements to the Proposed DO Rules to address concerns raised during the Gazette period and has prepared revised proposed *Rules for Evaluations Conducted by Designated Offices (2026)* ("Revised Proposed Rules", or DO Rules).

The Board is seeking additional input on the Revised Proposed Rules through a second written input period via the Gazette. This will provide individuals with an opportunity to review the Revised Proposed DO Rules and provide additional input before the Board finalizes the rules. The published notice of the Revised Proposed Rules will be in the *Gazette* on August 15, 2026. The Revised Proposed Rules can be found on YESAB's website yesab.ca in English and in French.

The 60-day input period is from **August 15, 2026 to October 15, 2026** (60 days). Only written submissions received on or before the deadline on October 15th will be accepted and considered by the Board.

Representations can be submitted to **rulesreview@yesab.ca** or delivered to the YESAB Head Office at:

Suite 200-309 Strickland Street,
Whitehorse Yukon,
Y1A 2J9

**Disclaimer:** This document 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 document where appropriate.

## REVISED PROPOSED DO RULES

The Revised Proposed Rules are broken into seven parts:

- Part 1 establishes definitions and general clauses regarding interpretation;
- Part 2 sets out general provisions and process modifications;
- Part 3 establishes the processes for proposal submission and preliminary processes;
- Part 4 sets out the procedures to be following during the evaluation;
- Part 5 establishes the processes for designating and handling confidential information under s.121 of YESAA;
- Part 6 includes rules for considering scientific and traditional knowledge in the assessment; and
- Part 7 sets out the date when and how the DO Rules will come into effect.

Each section is discussed below.

### PART 1 – DEFINITIONS AND INTERPRETATION (Sections 1 to 5)

**Sections 1-3** set out the **title, the function of headings, and application of definitions in YESAA.** Any word or term that is defined in YESAA applies in the rules, for example, the definition of 'first nation' in YESAA applies to the DO Rules.

**Section 4** provides the **definitions** of specific terms used in the DO Rules. These include, for instance, categorize and recategorize, evaluation category, process modification, project proposal, and Section 55(Act) participant.

**Section 5** outlines how **time is calculated** in the DO Rules. Provisions note that calendar days are used, and Saturdays, Sundays or holidays (as defined) are not included.

## PART 2 – GENERAL (Sections 6 to 28)

**Section 6** requires the Board to establish and maintain an **online registry** for assessments.

**Section 7** sets out when an Interested Transboundary Indigenous Government (ITIG) or section 55(Act) participant, **notifies the EC or the DO of its interest in a project**, it must be in writing, and provided through their YOR account or by email.

**Section 8** sets out how notice must be provided to a Designated Office, in circumstances other than those set out in s.7. Specifically, the notice must be in writing. Additionally, unless agreed to otherwise by the Designated Office, it must be provided by email or through the YOR.

**Section 9** outlines how **notice is given by the Board, Executive Committee or a Designated Office to a person** under the rules. The notice must be in writing. Email is the default way of providing notice, and the circumstances in which written notice may be requested are set out. It is the responsibility of the person to ensure that the email address associated with their YOR account is up-to-date, or to advise the responsible Designated Office, in writing, of the change.

Each notice given by the DO, EC or the Board under the Rules must be posted on the YOR and if there is a decision where the Rules require reasons, the reasons must also be posted.

Finally, this section sets out the mechanism by which the DO can provide public notice of a matter under the DO Rules. Specifically, the DO must post the notice on the YOR, and may also publicize the notice by any other reasonable and effective manner.

**Section 10** enables the Board to establish **Board Directives** to explain or operationalize specific provisions and requirements of the DO Rules. In particular, it enables directives regarding the form and content of project proposals, and how project proposals and other documents are submitted to the DO and deemed to have been received.

**Section 11** sets out how **documents can be submitted** to a DO – unless otherwise specified in the rules or directives: by hand, delivery, mail, secure file transfer, email or the YOR.

**Section 12** states that it is **responsibility of the person submitting the document** to a DO or the EC to ensure that the document is received in accordance with requirements in the rules and applicable Directive(s).

**Section 13** addresses **personal information**. The section provides that documents submitted to a DO must not include personal information about any individual other than the person making the submission, unless the submission includes that individual's written consent. Personal information means information about an identifiable individual as per the definition in section 3 of the *Privacy Act* (Canada).

**Section 14** outlines that if a document is received and it is deemed unusable, the deficiency needs to be remedied before it will be given effect (and it is not considered submitted until it satisfies the requirement.)

**Section 15** outlines what occurs if a **document is received that the DO reasonably determines contains abusive, defamatory, frivolous, indecent, threatening, unlawful, vexatious or vulgar content** or contains content in breach of any Directive. The content needs to be removed, or the breach remedied before the document is accepted or given effect and it is not considered submitted until it satisfies the requirement. This aligns with the YESAB Online Registry (YOR) Terms of Use Agreement.

**Section 16** enables a DO to specify a date by which a person must **submit a revised document** under rules s.13, 14 or 15 (including a consent form in s.13) that is later than the deadline for submission of the document. It further enables the DO to accept the document and give it effect if it is submitted by the required date and the rule is met.

**Section 17** establishes **a general provision** that, unless a deadline postponement or other listed process applies, each stage of the assessment must be completed within the **time limits** set out in Schedule A.

**Section 18** establishes the **DO's ability to make a process modification** during an evaluation. The process modifications provided for under section 18 are:

a) Postponement of any deadline;
b) Additional comment period;
c) Public meetings (for standard and complex evaluations). The responsible Designated Office will determine the format, timing, and procedures for the public meeting; or
d) For complex evaluations: other process modifications.

Section 18(2) notes for **simple evaluations** - the DO must not designate an additional comment period for any reason other than a material change to the project.

Section 18(3) sets out the **factors that the DO must take into consideration** when deciding to postpone a deadline or make any process modification. These are:

a) any relevant comments received;
b) whether the modification would contribute to an evaluation process that meets the purposes set out s.5(2) of the Act;
c) for deadline postponements: the length of the requested postponement, as compared to the length of the applicable comment period; and,
d) any other relevant considerations.

**Section 19** sets out **how time periods are counted for process modifications**. This includes how a deadline postponement is calculated. An additional comment period is in addition to and is not to be counted as part of any other time period in the rules; and it can be limited in scope, or subject

matter. The timing of public meeting(s) is set out by the responsible Designated Office, and is in addition to and is not to be counted as part of any other time period.

**Section 20** is a process modification for the **acceptance of documents submitted after the deadline (late)** and sets out the specific circumstances when a DO can do so:

a) the person must make a written request to the DO before the DO notifies that it has sufficient information to conclude the evaluation (s.42)(2)(a); and
b) the person making the request must satisfy the DO that exceptional circumstances prevented the person from submitting the document by the deadline and requesting a deadline postponement before the deadline; and,
c) the DO is satisfied that acceptance of the document would contribute to the evaluation process that meets the purposes of s.5(2) of the Act.

**Section 21** sets out what is **not a process modification**:

a) dates for the submission of revised documents under s.16 (i.e. unusable, abusive, or contain third-party personal information);
b) process directions made following a decision to group projects;
c) a recategorization of a project proposal (and related process changes); or
d) a requirement for the proponent to provide additional information.

**Section 22** identifies the **process to request a process modification** – who can request, the type of modification that can be requested and the process for making a request.

The request for process modification must be made in writing, with reasons. Further, if the request is for a deadline postponement, the request must be made within the timeline specified in Schedule A and include the requested length of the postponement.

**Section 23** sets out the steps to be taken by the DO when it **responds to a process modification request.** The proponent is notified, and the DO can make a process modification to enable it to consider, seek views on and respond to the request. If the DO denies the request, it must give notice of its decision including reasons.

**Section 24** sets out the **notification requirements for process modification**. If the DO makes a process modification, they must provide notice, including reasons. If the process modification is a deadline extension, the notice must specify the date to which the deadline is postponed to.

**Section 25** establishes the process by which the DO can require the **proponent to provide additional information**. The DO notifies the proponent and specifies the additional information required. The DO has a specific number of days to determine if the proponent's response satisfies the requirement and notify the proponent. Additional information provided by the proponent is deemed to be included in the proposal. The time taken by the proponent to respond to the request (from notification to the DO determination) is in addition to and not counted with any other timeline.

Section 25(5) sets out the circumstances in which the DO can require the proponent to submit a version of the project proposal which integrates the additional information.

**Section 26** sets out what occurs if the **proponent does not satisfy the requirements of the request** for additional information. The DO may suspend the evaluation if the proponent has not satisfied the requirement within six months of the request. If the DO suspends the evaluation in such circumstances, it is required to notify the entities listed. The general notice provision in s.9 also applies. The proponent can submit the required information after the assessment has been suspended; however, they must provide the DO 30 days' notice before they respond or provide a revised response.

The maximum timeline for a proponent to satisfy the information request is two years under s.43 of the Act. After that point, unless the Board provides an extension, the project is deemed withdrawn. The DO provides notice of this and discontinues the evaluation.

**Section 27** sets out the processes and criteria relevant to the **grouping of two or more projects as a single project** under s.52 of YESAA. Firstly: if all of the decision bodies for each of the projects notify the responsible Designated Office, in writing, that the decision bodies are of the view that the projects should be grouped, then the projects will be grouped.

The other avenue for grouping is based on the discretion of the responsible Designated Office. In the latter case, the DO must consider:

- how close the projects' locations are to one another;
- how similar the projects' timing and duration are expected to be;
- the extent (if any) to which the projects have similar activities, are dependent on one another, or are expected to affect the same valued environmental and socio-economic components.

If projects are grouped, notification is required to specific parties. Further, if the grouping was based upon the responsible Designated Office's determination that the projects are so closely related as to be part of the same activity, reasons for this determination must be provided.

**Section 28** establishes the DO's ability to **adapt a procedure or requirement in respect of grouped projects**, including carrying out any event or process that would have taken place or has already taken place. The section also clarifies the interpretation of the rules, as applied to grouped projects.

## PART 3 - PROJECT PROPOSAL SUBMISSION AND COMPLIANCE CHECK (Sections 29 to 36)

**Section 29** sets out **project proposal requirements and how to submit a proposal** to a DO. The proposal must include the information required under Schedule B, the Project Proposal Requirements Directive, and the form attached to that directive. Proposals must be submitted in accordance with the rules and applicable directives.

**Section 30** sets out **how proposals can be submitted**, and **when proposals are deemed to be received** if they are submitted in paper form to a DO in an assessment district other than the district in which the project is to occur.

**Section 31** establishes what occurs if a proponent **withdraws a project** during the evaluation. A proponent can withdraw the project from the evaluation at any time before the DO makes the recommendation or referral by notifying the DO. If, after withdrawing it, the proponent wishes to proceed with the DO project, a new project proposal must be submitted.

**Section 32** sets out the process of **determining which DO has the authority** to assess a DO project.

**Section 33** sets what occurs when a DO project is in two or more assessment districts. The identified DO must notify the EC and the other assessment district within a specified number of days and a responsible DO is identified.

**Section 34** establishes that the responsible **DO reviews the proposal** to determine whether it complies with the requirements of section 29. If the proposal is incomplete, it will be returned to the proponent, with direction as to what information is missing. Note: The YESAB "clock" does not start until the proposal is in compliance with the requirements set out in the Directive.

**Section 35** requires the **categorization of the project**. Within the number of days specified in Schedule A, after determining that a project proposal is in compliance, the DO must determine whether the project requires

a) a simple evaluation;
b) a standard evaluation; or
c) a complex evaluation.

**s.35(2**) sets out the **matters that a DO must have regard to when categorizing**:

- the scale and nature of the project's potential adverse environmental or socio-economic effects;
- the project's duration and physical scope;
- other considerations deemed relevant by the DO.

Different timelines and processes support the completion of the evaluation as efficiently and effectively as possible, based on project specific circumstances. After categorization, the DO must notify the proponent of its decision and provide reasons. The general notice provision in s.9 applies.

**Section 36** gives the DO the ability to **recategorize a project.** For instance, a project could be recategorized from a simple to a standard evaluation or from a standard to a complex evaluation (or other combinations). The section also sets out the circumstances in which the DO may recategorize the project. Specifically, it is limited to instances where the DO acquires information that:

- is relevant to the considerations in section35(2); and
- was not available to the DO when it categorized the project.

Further, in view of that information, the DO considers that recategorizing would contribute to an evaluation process that meets the purposes set out s.5(2) of the Act.

The DO must provide notice (as per s.9), with reasons, if a project has been recategorized and posted on the YOR.

Finally, the section establishes the potential procedural implications of recategorization. Following recategorization, the DO may direct that any event or process that has already taken place or would have taken place had the project originally been categorized in the category to which it was recategorized, be carried out again in accordance with the recategorization.

## PART 4 – EVALUATION (Sections 37-44)

**Section 37** establishes an **early engagement process for complex evaluations**. A comment period is provided to invite specific participants to comment on the project proposal prior to the proposal review stage. After considering the comments, the proponent may submit a revised project proposal to the DO. The proponent must advise the DO, within the timeframe specified in Schedule A, as to whether they intend to do so or not.

**Section 38** sets out the **proposal review stage** (formerly known as "adequacy review"). Within the timeframe specified in Schedule A, the DO is required to determine whether:

- the proposal demonstrates that the proponent has taken into account the matters required to be considered, under subsection 42(1)(b), (c), (e), (f) and 42(2.1) of YESAA; and
- the proposal contains sufficient information for:
    - the DO to determine the scope of the project; and
    - to enable interested persons including interested governments and the public to meaningfully participate in the assessment.

If the proposal meets the requirements, the DO proceeds to scoping the project. If the proposal does not meet the requirements, additional information will be sought from the proponent. The information provided by the proponent forms part of the project proposal.

**Section 39** requires the DO to **determine the scope of the project.**

**Section 40** sets out what occurs if the DO needs to **modify the scope of the project** during the evaluation due to additional information from the proponent or other relevant information. The responsible DO must notify the proponent, each decision body for the project and each section 55 (Act) participant of any material change it makes to the scope of the project. The general notice provision in s.9 also applies.

**Section 41** establishes **the comment period** based on the timeline set out in Schedule A and the evaluation category. The DO must provide notice to the general public, as well as direct notice to the entities listed in section 41(b). The notice of the comment period includes information on how to view the proposal and submit comments during the comment period. This can include views and information on the categorization of the project.

**Section 42** sets out the steps taken by the DO after the comment period – **information review** stage. The DO must, within the time period set out in Schedule A, **determine if it has sufficient information to conclude the evaluation** and make a recommendation or referral under section 56 of the Act.

If the DO concludes that it does not have sufficient information to conclude the evaluation, it may require the proponent to provide additional information, or initiate an additional comment period or public meeting.

If information is required from the proponent, the information request processes set out in sections 25 and 26 apply. Public meetings or additional comment periods initiated at this stage are subject to the process modification provisions set out in sections 18 and 24.

Section 42(5) clarifies that upon completion of the information request or engagement process under that section, the DO must determine if it has sufficient information to conclude the evaluation, and undertake additional processes under that section if it does not.

**Section 43** requires that, for simple or standard evaluations, the DO must **issue its recommendation or referral**, as per s.56 of the Act, within the timelines specified in Schedule A. The recommendation or referral, including reasons, is posted on the YOR.

**Section 44** sets out the **processes for making the recommendation or referral for complex evaluations**. The steps are similar to Executive Committee Screenings. Specifically, the DO must:

- prepare a **draft recommendation or referral**,
- establish a **comment period**, and notify and invite views on the draft recommendation or referral within the timelines specified in Schedule A,
- prepare the final recommendation or referral, within the timeline set out in Schedule A.

## PART 5 – DESIGNATING AND HANDLING CONFIDENTIAL INFORMATION (Sections 45 to 61)

**Section 45 and Section 46** set out the scope of information that can be designated as confidential, and who the applications should be directed to. Applications to designate information as confidential under s.121 of the Act can only be made in respect of Traditional Knowledge (TK) (s.121(a) of YESAA) or information that is limited from disclosure under the *Access to Information Act* (ATIA) (s.121(b) of YESAA). Persons seeking to apply to have information designated as confidential must provide the application to the Executive Committee (EC).

**Sections 47 to 49** set out the confidential application requirements:

- timing – the application is submitted prior to the DO determining that it has sufficient information to conclude the evaluation;
- content – the application must include:
    - confirmation as to whether the application is in respect of TK or ATIA exempt information;
    - the information which the applicant is seeking to be kept confidential;
    - the justification for designating it as confidential. For applications to designate information as confidential under s.121(a), this justification must address the matters set out in sections 52(1)(b) and (c) of the DO Rules. For applications to designate information as confidential under s.121(b), this justification must specify the specific ATIA exemption which the applicant is relying on; and,
    - a non-confidential summary of the information.

Section 47(f) specifies additional requirements if the application is in respect of TK, and the applicant is neither the First Nation itself, nor a citizen of the applicable First Nation.

**Section 50** specifies that upon receiving a confidentiality application, the EC must **notify the responsible DO** and include a **time estimate for making its decision.**

**Section 51** enables the EC to **seek additional information or views** before it decides whether to designate confidential information or not. In doing so, however, the EC must not disclose the information the applicant is requesting to be designated confidential.

**Section 52** sets out the **conditions under which the EC may designate the information confidential for TK applications**:

- it is relevant to the proposal or evaluation;
- it is not generally available from a non-confidential source;
- disclosure would either result in probable harm, or would be a violation of the cultural value system of the affected First Nation; and,
- the non-confidential summary of the information contains enough information to communicate a reasonable understanding of the information.

The rule clarifies what it means for information to be “not generally available”, in this context.

**Section 53** sets out the **conditions under which the EC may designate the information confidential for ATIA applications:**

- it is relevant to the proposal or evaluation,
- the disclosure is prohibited under the ATIA; and
- the non-confidential summary of the information contains enough information to communicate a reasonable understanding of the information.

**Section 54** sets out the requirements for the **EC's decision on the confidentiality application**: it should be as soon as practicable, contain written reasons, provided to the applicant, proponent and decision body and posted on the YOR.

**Section 55** sets out the actions to be taken by the EC if the **applicant's non-confidential summary is not satisfactory**. The EC must notify the applicant and identify the date by which they can provide a satisfactory non-confidential summary. If a satisfactory non-confidential summary is not provided within that timeline, the EC can provide the applicant with a later deadline to provide a satisfactory non-confidential summary. Otherwise, the information is not designated as confidential, and the application must be returned to the applicant or destroyed.

**Section 56** set out the steps the EC must take, if it does designate the information as confidential. The EC must provide a **copy of the confidentiality application to the responsible DO** for the project, which must consider the information in the evaluation.

**Section 57** requires that **TK designated confidential for a project must not be disclosed** by the EC to any other person other than the responsible DO and the responsible DO must not disclose the TK to any person. Information designated as confidential under s.121(b) can only be disclosed in the circumstances set out in sections 121(b)(i) and (ii) of YESAA. Information designated as confidential must be kept or stored accordingly.

**Section 58** sets out the procedures if the EC determines that the **applicant has not established that the information should be designated as confidential**. The confidentiality application must be returned to applicant or destroyed, and the information will only be taken into account in the evaluation of the project if the applicant resubmits it non-confidentially to the DO, or the DO receives it from a source other than the applicant.

**Section 59** requires that the **non-confidential summary** of the information designated as confidential for the project be **posted on the YOR**.

**Section 60** states that on a confidentiality application, the **burden of proof lies on the applicant** to establish that information should be designated confidential for the project.

**Section 61** states that the **time period** between the EC receiving a confidentiality application and the EC providing its decision on the application is in addition to and is not counted under the time periods established in the rules.

## PART 6 - INTEGRATING SCIENTIFIC INFORMATION, TRADITIONAL KNOWLEDGE AND OTHER INFORMATION INTO AN EVALUATION (Sections 62-64)

**Section 62** clarifies that the **DO can take into account information** that may not be admissible as evidence in a court of law.

**Section 63** requires the DO to give **full and fair consideration** to scientific information, TK and other information provided to it or obtained by it during the evaluation.

**Section 64** requires the **DO to determine the relevance and weight** given to any information provided to it or obtained by it during the evaluation. There must be no presumption that either scientific information or TK be accorded greater weight based solely on the fact that it is scientific information or TK.

## PART 7 - COMMENCEMENT AND TRANSITION PROVISIONS (Section 65)

**Section 65** concludes the DO Rules with **transition provisions** that set out the effective date and application of the *Rules for Evaluations Conducted by the Designated Offices, 2026,* once finalized and published in the Canada Gazette.

The *Rules for Evaluations Conducted by the Designated Offices, 2026* will come into effect on the later of the two dates or events specified in s.65.

The *Rules for Evaluations Conducted by the Designated Offices, 2026* will apply to any project proposal submitted to the DOs after that date.

The DO Rules, 2010 will apply to any project proposal submitted to the DOs before the effective date. This means that a project for which a proponent has submitted a proposal to the DO, prior to the effective date, will remain under the DO Rules, 2010.

### Schedule A – Time Limits

Schedule A establishes the maximum number of days within which various events or processes under the DO Rules must occur. As per section 5, weekends and holidays are not included when counting numbers of days.

### Schedule B – Project Proposal Requirements

Schedule B sets out the headings of the information which must be included in project proposals. These requirements are elaborated in the *Project Proposal Requirements Directive* and attached form.