

3. *Socio-economic Effects Assessment and YESAA: Requirements and Challenges of Implementation.*  
Speaker: Kirk Cameron

**a) What are the important legal requirements for socio-economic effects assessment in the Yukon?**

- The “what” is clear; i.e. economics, health, culture, tradition, life styles, heritage and resources both at the assessment and Decision Body level.
- Independent assessment, “neutral process”
- Tri-party, modern day treaty
- UFA, constitutionally binding legislation
- Public participation
- Quality laden, value laden
- Rights of people are not infringed on
- The proponent has to consult with the First Nation without final agreements at the E.C. level of assessments
- Commitment to represent First Nations, Yukoners and Canadians.
- Decision pursuant to recommendations (re: socio-economic effects) must be justified and documented.
- The Board must give recommendations to the decision bodies
- Decision bodies must give full and fair consideration to recommendations of the Board
- A representative, unbiased and independent Board
- Traditional knowledge
- Community impacts
- Environmental impact now and in the future
- Health and well-being
- Advanced consultation of affected parties
- Include community being impacted by development
- Chapter 12 of UFA, YESAA itself
- Transboundary agreements
- Decision bodies must make a Designated Office evaluation decision in 30 days
- YESAA requires consideration of socio-economic effects
- Determining who the decision bodies are
- First Nation government agreements
- Yukon legislation feeding / supporting YESAA
- Foundation of previous EA policy alluding to socio-economic effects assessment.
- Must currently consider socio-economic effects related to environmental impacts (effects) of the project.
- Consideration of cumulative effects, socio-economic effects, and mitigation of those adverse socio-economic effects in the recommendations.
- Comprehensive spectrum of data and information to be considered (what framework and topics).
- Include traditional knowledge
- Requirement to look at socio-economic effects
- Timelines: timely and efficient
- Needs to happen before the project starts
- Consistent, transparent and defensible application of the assessment on all comparable projects.
- Disclosure of information by company/proponent and Board.
- Full life-cycle business plan, sound business plan addressing all aspects of projects.
- Land Use Planning involvement
- Guarantee opportunities for jobs

**b) What remains unclear about the requirements?**

- The “how” is not clear; i.e. who determines “quality” and who’s definition do we use?
- How will the process consider qualitative information when bias has always been in quantitative information?

- The D.O. level has to be very clear about the scope of socio-economic assessment required for smaller, routine projects.
- Intentionally leaves room for judgment; evolution of values.
- How the actual assessments will be done.
- Which government has the final say if a project is to go ahead or not?
- What is the “risk”?
- Climate change factors?
- How is the Board going to develop the procedures and how will the interested parties be included?
- Who’s values will prevail?
- Decision making responsibilities?
- Time to spend on small projects v.s. mega projects?
- What is a socio-economic assessment?
- What is a significant effect / impact?
- Uncertainty surrounding the lack of legal precedent in the Yukon?
- What is the process for briefing in the voices of the affected communities?
- Certain projects will be exempted – which ones?
- What kinds of politics and plans will have to be assessed? i.e. would that include programs?
- For those issues that straddle both socio-economic and environmental (e.g health/gender) where do they fit, are they separate assessments?
- What analysis tools would be used, are they on-going to social (agreed to) indicators (e.g. health indicators) to assess impact?
- How will the Board decide questions of relative value and balance the positive effects?
- How do we balance value and weight of socio-economic effects?
- How do we balance direct effects and indirect cumulative effects?
- Evaluating / weighting positive and negative effects.
- What legal assurances are there to measure community level knowledge of YESAA?
- How is the Board appointed? What are their qualifications? How are they kept apprised of society values and changes? Who is held responsible?
- How will we see mitigation measures be accommodated in regulatory decisions?
- How will socio-economic infrastructure data be gathered and used?
- How do we ensure a proponent is compliant with the socio-economic mitigate measures?
- Is it up to the Board to decide if something requires assessment? Or E.C.? Where do governments come in?
- YESAA s. 48 allows exempted projects to be exempt, how will that work? Will the three governments be involved, and how?
- Are there rules/guidelines being developed by YESAA outlining the “requirements”?
- What emphasis is placed on importance of socio-economic as compared to environmental?
- When is due diligence achieved (re: public consultation) with respect to socio-economic impacts?
- What do you measure and how do you measure it? (do we need a template that ensures territory wide consistency?)
- Where is enforcement?
- How will the D.O.’s deal with personal relationships in the communities?
- Rule development (D.O.) how with they be developed so that they work for a variety of sizes of projects?
- What will happen to projects that “fall through the cracks” in the regulations? (ie no activity trigger, no legal requirement for an assessment).
- Interpretation and implementation of YESAA in general
- Incorporation of Traditional Knowledge
- Resources needed to fulfill the requirements
- Judging “significance” of socio-economic effects
- What is individual right appeal? i.e. they don’t agree on YESA ruling on an activity? A specific activity falls under the umbrella requiring assessment.
- How is socio-economic assessment process brought to the ground locally?
- Interpretation of value-based descriptions – how will they be resolved?
- How will the Board seek expert advice? E.g. lack of Federal coordination?

- Different D.O.'s may have different interpretations for the same issues – how to resolve differences within different jurisdictions.
- Role of Decision Body in relation to YESAA s. 35?
- Overlap with the IFA?
- Issue with respect to confidentiality or where people are unwilling to participate?
- Interface between YESAA and other departments/governments?
- Government responsibility for implementing socio-economic progress and the YESAA?
- Giving up decision making at senior levels.
- What are the measurements, indicators, scale, thresholds, priority?
- How to implement?
- How are integration and interpretation of legal requirements going to be used in decision making?
- Is base-line data, pre-project, part of the requirements? What are the minimum requirements (on a number of parameters)?
- Who is responsible for implementing the recommendations, role of government v.s. proponents?
- Biggest challenge – is the public finding a balance between public and conservation (an equilibrium).
- Definition of wellbeing, lifestyle, environmental quality.