

YESAB

Yukon Environmental and Socio-economic Assessment Board

File No. 2017-0083
Via Mail and Email

February 14, 2020

Ann Maje Raider
Executive Director
Liard Aboriginal Women's Society
Box 3
Watson Lake, YT, Y0A 1C0

Dear Ms. Raider:

Re: Kudz Ze Kayah Project (Project 2017-0083) – Extension of Public Comment Period

Summary

The Executive Committee is extending the current public comment period for the assessment of the Kudz Ze Kayah project until May 31, 2020. The extension is in response to requests for extension from Liard First Nation and the Liard Aboriginal Women's Society. Upon closure of the public comment period, the Executive Committee will review submissions and determine if further information is required of the proponent or if it has sufficient information to finalize its recommendations.

Background

The Executive Committee (EC) is currently conducting a screening of the Kudz Ze Kayah project. The screening is in a public comment period to collect comment on the Draft Screening Report. The EC received requests in December 2019, to extend the duration of the public comment period from Liard First Nation (LFN) and the Liard Aboriginal Women's Society (LAWS).

The proponent of the Kudz Ze Kayah project sought, and received, additional time in the form of temporary suspensions to the assessment to produce information intended to help inform the EC in making its determination as to the duration of the public comment period. The EC also received information from other parties, including LFN, Government of Canada, and

Government of Yukon, during this time regarding the requests for an extension to the public comment period.

Public Comment Period Extended

In considering all available information, the EC has determined that it will extend the public comment period of the assessment until May 31, 2020. This extension is in response to LFN and LAWS requests. The EC notes that the federal Northern Projects Management Office has also suggested that “input from Indigenous groups, such as Liard First Nation, is meaningfully considered and incorporated into the process before the Final Screening Report and Recommendation is completed.”

Though the public comment period will close on May 31, 2020, the Executive Committee strongly encourages the submission of information from LFN and LAWS as it becomes available.

The EC notes that the length of this extension is longer than agreed to by the proponent in its February 7, 2020 letter. The EC also acknowledges that this extension is not provided for under the “Rules for Screenings Conducted by the Executive Committee”. Finally, the EC acknowledges the importance of ensuring that assessments are conducted in a timely manner, and of providing certainty (to the extent practicable) as to assessment procedures. However, there are unique circumstances in this case, including late flows of third party funding and capacity challenges. The EC has determined that this extension is required in order to reasonably discharge its duty to obtain the information required to consider First Nation interests, as required by YESAA.

Length of Extension

In its February 7th correspondence, LFN requested that the public comment period be extended through to the end of June, while in its December 17 correspondence, LFN requested time through the end of May. Also in December, LAWS requested the public comment period be extended through the end of February. The proponent stated that they would support an extension until the end of February. As stated, the EC has determined that it will extend the public comment period to May 31, 2020.

In December, LFN indicated that it required until the end of the May to produce information for the assessment. In February, LFN revised this timeline to the end of June. LFN has not provided sufficient justification that changes to project timelines were unreasonably foreseeable. Consequently, and in order to maximize certainty for all participants, the EC is extending the public comment period to the end of May, as originally forecast by LFN in its December correspondence with the EC as its completion date for its Kaska Centric Independent Peer Review and Social Impact Assessment projects.

Next Steps

On June 1, 2020, the EC will commence a period of up to 21 days to review submitted comments and information, as specified in the “Rules for Screenings Conducted by the Executive Committee”. At the end of this 21 day period the EC will determine if it has sufficient information to conclude the screening. If it has sufficient information, it will begin drafting its final recommendation; if it does not have sufficient information, the EC will issue an information request to the proponent.

In order to help expedite the screening, in tandem with the extended public comment period, the EC will also review the information submitted to date to ascertain if that information warrants an information request. Should an information request be warranted, the EC will issue an information request to the proponent during the public comment period, so as to allow the proponent to begin work on the information request as early as possible.

Inquiries

If you have questions, please contact Andrew Reid, the Senior Assessment Officer assigned to this project at andrew.reid@yesab.ca, by telephone at 867-668-6420 or in person at 200 – 309 Strickland Street, Whitehorse, Yukon.

Sincerely,



Laura Cabott
Executive Committee
Member



Dale Eftoda
Executive Committee
Member



Lawrence Joe,
Executive Committee
Member

cc: Kelli Bergh, Environmental Manager, BMC
cc: Allan Nixon, Vice President – External Affairs