

The Yukon Environmental and Socio-economic Assessment Act (YESAA)

Five-year Review

Statement of Work Outline

Introductory note:

This Outline provides a framework for the Statement of Work that will describe the tasks of the independent contractor engaged to carry out some portions of the five-year review. The designated representatives developed the Outline to demonstrate how they intend to address their responsibilities and the principles stated in the Terms of Reference for the five-year review. The final Statement of Work for any independent contractor will be consistent with this document.

1.0 Objective

The Government of Canada, the Council of Yukon First Nations and the Government of Yukon (the Parties) are seeking a contractor who will gather information and scope and analyze issues relating to the five-year review of the development assessment process¹, as described in its Terms of Reference. In conducting this work, the contractor will:

1. Develop methods for effectively gathering input on the assessment process
2. Gather information
3. Analyze input and identify issues
4. Present results of issues scoping and analysis in an Issues Scoping Report
5. As necessary, carry out additional research into identified issues
6. Present observations, conclusions and/or recommendations in an Observations and Conclusions Report

2.0 Background

This section of the Statement of Work will include a description of general background information for the five-year review comprising:

- The relationship to the requirements of First Nation Final Agreements;
- The development of the *Yukon Environmental and Socio-economic Assessment Act* (YESAA); and
- An overview of requirements for the five-year review.

2.1 Administrative Structure and Oversight

This section will include a description of the management structure for the five-year review and will incorporate at least the following.

- The representatives are jointly responsible for conducting the review.
- The representatives will use independent contractors to carry out some portions of the review.

¹ The representatives conducting the review intend the development assessment process to mean the process described in Chapter 12 of the UFA, YESAA and any processes and process documents and body (and its obligations) related to the creation or implementation of YESAA.

- Contractors will be jointly selected and directed by the representatives, relying on consensus decisions.
- Contractors will provide frequent updates to representatives.
- The representatives will only redirect contractors on the agreement of all three Parties.

2.2 Review Process

This section will include a general description of the review process as described in the Terms of Reference.

2.3 Participation of First Nations

The foundations of the development assessment process and the need for a review were established in First Nation Final Agreements. Therefore, the Implementation Plan, the Terms of Reference and the Parties recognize that special efforts need to be taken to ensure the effective participation of First Nation governments and citizens in the review. The Implementation Plan requires that the designated representatives provide for the participation of First Nations in the review. YESAA purposely guarantees that there will be opportunities for First Nation people to participate in assessment processes and that their knowledge and experience will be fully and fairly considered. It is the intent of the Parties that the conduct of the review will be consistent with these purposes.

In order to ensure the participation of First Nations in the review, the contractor will be required to engage directly with First Nation governments, councils and citizens to understand their views, interests, concerns and comments about the development assessment process.

2.4 Public Participation

The Implementation Plan requires that the representatives provide opportunities for public input into the review. The contractor will be responsible for gathering comments from the general public, as well as from government agencies, municipal governments, Decision Bodies, assessment bodies (YESAB and Designated Offices), YESAA participants and proponents. This will be a key activity during Phase 1 of the review and additional input may be required to support the activities during Phase 2.

The representatives will provide an additional opportunity for public input during the Phase 2 review of the draft Observations and Conclusions Report.

3.0 Scope of Work

The contractor will be required to carry out some portions of Phases 1 and 2 of the five-year review, culminating in the delivery of an Issues Scoping Report at the end of Phase 1 and an Observations and Conclusions Report at the end of Phase 2. Specific objectives during each of these phases are as follows.

Phase 1 – Information gathering and issues scoping

Complete research and gather input on the development assessment process, compile and analyze the information and, after consulting with the representatives, identify and describe those issues that should be addressed in the review and those that require additional research to support the review's completion.

Phase 2 – Issues analysis

Complete additional research, interpretation and analysis related to the issues identified in Phase 1 and, after consulting with the representatives, develop conclusions, observations and/or recommendations.

4.0 Work Tasks

This section will provide details of specific tasks for each component of the work assigned to the contractor. The tasks will include at least the following:

Phase 1 – Information gathering and issues scoping

- Project planning including development of research and information gathering plan, consultation plan, First Nation participation plan.
- Research and information gathering.
- Preparation of draft and final Issues Scoping Report.
- Facilitation of two workshops. One with First Nations and one with the representatives and YESAB to discuss the draft Issues Scoping Report.

Phase 2 – Issues analysis

- Complete additional research and analysis related to issues identified during Phase 1 of the review.
- Coordinate, convene and facilitate a workshop with the Parties and First Nation governments to discuss the analysis of issues and the development of conclusions, observations and/or recommendations.
- Prepare draft and final Observations and Conclusions Reports.

5.0 Travel

This section will describe expected travel requirements for the contractor.

6.0 Constraints

This section will describe specific constraints that might affect the work of the contractor. It will include at least the following.

- Recognition of the requirement for participation of First Nations in the review, and the need for the contractor to have experience working with First Nations people, organizations and/or governments.
- The need for the contractor to provide or work with a First Nation liaison who has experience working with Yukon First Nations.
- Recognition of timing considerations, such as the need to avoid significant expectations of the public when gathering information during the summer and early fall.

7.0 Client Support

This section will describe the support that will be provided by the representatives.

8.0 Meetings

This section will describe the meetings that the contractor will be expected to attend.

9.0 Deliverables

This section will describe outputs for each phase of the review and will include at least the following.

Phase 1 – Information gathering and issues scoping

- Research and information gathering plan
- Consultation plan
- First Nation participation plan
- Draft Issues Scoping Report
- Final Issues Scoping Report

Phase 2 – Issues analysis

- Draft Observations and Conclusions Report
- Final Observations and Conclusions Report