

First Session, Forty-second Parliament,
64-65-66 Elizabeth II, 2015-2016-2017

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64-65-66 Elizabeth II, 2015-2016-2017

STATUTES OF CANADA 2017

LOIS DU CANADA (2017)

CHAPTER 34

CHAPITRE 34

An Act to amend the Yukon Environmental
and Socio-economic Assessment Act and to
make a consequential amendment to
another Act

Loi modifiant la Loi sur l'évaluation
environnementale et socioéconomique au
Yukon et modifiant une autre loi en
conséquence

ASSENTED TO

DECEMBER 14, 2017

BILL C-17

SANCTIONNÉE

LE 14 DÉCEMBRE 2017

PROJET DE LOI C-17

SUMMARY

This enactment amends the *Yukon Environmental and Socio-economic Assessment Act*, in particular by repealing the provisions

- (a)** that authorize the federal minister to delegate any of his or her powers, duties and functions under that Act to the territorial minister;
- (b)** that exempt projects and existing projects from the requirement of a new assessment when an authorization is renewed or amended and there are no significant changes to the original project as previously assessed;
- (c)** that establish time limits for assessments; and
- (d)** that authorize the federal minister to issue binding policy directions to the Yukon Environmental and Socio-economic Assessment Board.

The enactment also amends the *Yukon and Nunavut Regulatory Improvement Act* by repealing the transitional provision relating to the application of time limit provisions enacted by that Act to projects in respect of which the evaluation, screening or review had begun before that Act came into force but for which no decision had yet been made.

SOMMAIRE

Le texte modifie la *Loi sur l'évaluation environnementale et socioéconomique au Yukon*, notamment en abrogeant les dispositions qui :

- a)** autorisent le ministre fédéral à déléguer au ministre territorial tout ou partie des attributions que lui confère la loi;
- b)** prévoient qu'un projet de développement ou un ouvrage pour lequel une autorisation est renouvelée ou modifiée ne fait pas l'objet d'une nouvelle évaluation lorsque aucun changement important n'a été apporté au projet tel qu'il a été évalué préalablement;
- c)** prévoient des délais relativement au processus d'évaluation;
- d)** autorisent le ministre fédéral à donner des instructions générales obligatoires à l'Office d'évaluation environnementale et socioéconomique du Yukon.

Le texte modifie également la *Loi sur l'amélioration de la réglementation au Yukon et au Nunavut* en abrogeant la disposition transitoire relative à l'application de dispositions — prévoyant des délais — édictées par cette loi à tout projet de développement dont l'examen, la préétude ou l'étude avait été entrepris avant l'entrée en vigueur de cette loi et pour lequel aucune décision n'avait encore été prise.

CHAPTER 34

CHAPITRE 34

An Act to amend the Yukon Environmental and Socio-economic Assessment Act and to make a consequential amendment to another Act

Loi modifiant la Loi sur l'évaluation environnementale et socioéconomique au Yukon et modifiant une autre loi en conséquence

[Assented to 14th December, 2017]

[Sanctionnée le 14 décembre 2017]

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

2003, c. 7

Yukon Environmental and Socio-economic Assessment Act

2003, ch. 7

Loi sur l'évaluation environnementale et socioéconomique au Yukon

2015, c. 19, s. 2

1 Section 6.1 of the *Yukon Environmental and Socio-economic Assessment Act* is repealed.

2015, ch. 19, art. 2

1 L'article 6.1 de la *Loi sur l'évaluation environnementale et socioéconomique au Yukon* est abrogé.

2015, c. 19, s. 14

2 Section 49.1 of the Act is repealed.

2015, ch. 19, art. 14

2 L'article 49.1 de la même loi est abrogé.

2015, c. 19, s. 16

3 (1) The portion of subsection 56(1) of the Act before paragraph (a) is replaced by the following:

2015, ch. 19, art. 16

3 (1) Le passage du paragraphe 56(1) de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

Conclusion of evaluation

56 (1) At the conclusion of its evaluation of the project, a designated office shall

Décision

56 (1) Au terme de l'examen du projet de développement, le bureau désigné prend l'une ou l'autre des décisions suivantes :

2015, c. 19, s. 16

(2) Paragraphs 56(1)(a) to (d) of the English version of the Act are replaced by the following:

2015, ch. 19, art. 16

(2) Les alinéas 56(1)a) à d) de la version anglaise de la même loi sont remplacés par ce qui suit :

(a) recommend to the decision bodies for the project that the project be allowed to proceed, if it determines that the project will not have significant adverse environmental or socio-economic effects in or outside Yukon;

(a) recommend to the decision bodies for the project that the project be allowed to proceed, if it determines that the project will not have significant adverse environmental or socio-economic effects in or outside Yukon;

(b) recommend to those decision bodies that the project be allowed to proceed, subject to specified terms and conditions, if it determines that the project will have, or is likely to have, significant adverse environmental or socio-economic effects in or outside Yukon that can be mitigated by those terms and conditions;

(c) recommend to those decision bodies that the project not be allowed to proceed, if it determines that the project will have, or is likely to have, significant adverse environmental or socio-economic effects in or outside Yukon that cannot be mitigated; or

(d) refer the project to the executive committee for a screening, if, after taking into account any mitigative measures included in the project proposal, it cannot determine whether the project will have, or is likely to have, significant adverse environmental or socio-economic effects.

2015, c. 19, s. 16

(3) Subsections 56(1.1) to (1.3) of the Act are repealed.

2015, c. 19, s. 17

4 (1) The portion of subsection 58(1) of the Act before paragraph (a) is replaced by the following:

Conclusion of screening

58 (1) At the conclusion of its screening of the project, the executive committee shall

2015, c. 19, s. 17

(2) Paragraphs 58(1)(a) to (d) of the English version of the Act are replaced by the following:

(a) recommend to the decision bodies for the project that the project be allowed to proceed without a review, if it determines that the project will not have significant adverse environmental or socio-economic effects in or outside Yukon;

(b) recommend to those decision bodies that the project be allowed to proceed without a review, subject to specified terms and conditions, if it determines that the project will have, or is likely to have, significant adverse environmental or socio-economic effects in or outside Yukon that can be mitigated by those terms and conditions;

(c) recommend to those decision bodies that the project not be allowed to proceed and not be subject to a review, if it determines that the project will have, or

(b) recommend to those decision bodies that the project be allowed to proceed, subject to specified terms and conditions, if it determines that the project will have, or is likely to have, significant adverse environmental or socio-economic effects in or outside Yukon that can be mitigated by those terms and conditions;

(c) recommend to those decision bodies that the project not be allowed to proceed, if it determines that the project will have, or is likely to have, significant adverse environmental or socio-economic effects in or outside Yukon that cannot be mitigated; or

(d) refer the project to the executive committee for a screening, if, after taking into account any mitigative measures included in the project proposal, it cannot determine whether the project will have, or is likely to have, significant adverse environmental or socio-economic effects.

2015, ch. 19, art. 16

(3) Les paragraphes 56(1.1) à (1.3) de la même loi sont abrogés.

2015, ch. 19, art. 17

4 (1) Le passage du paragraphe 58(1) de la même loi précédant l'alinéa a) est remplacé par ce qui suit :

Décision

58 (1) Au terme de la prétude du projet de développement, le comité de direction prend l'une ou l'autre des décisions suivantes :

2015, ch. 19, art. 17

(2) Les alinéas 58(1)a) à d) de la version anglaise de la même loi sont remplacés par ce qui suit :

(a) recommend to the decision bodies for the project that the project be allowed to proceed without a review, if it determines that the project will not have significant adverse environmental or socio-economic effects in or outside Yukon;

(b) recommend to those decision bodies that the project be allowed to proceed without a review, subject to specified terms and conditions, if it determines that the project will have, or is likely to have, significant adverse environmental or socio-economic effects in or outside Yukon that can be mitigated by those terms and conditions;

(c) recommend to those decision bodies that the project not be allowed to proceed and not be subject to a review, if it determines that the project will have, or

is likely to have, significant adverse environmental or socio-economic effects in or outside Yukon that cannot be mitigated; or

(d) require a review of the project, if, after taking into account any mitigative measures included in the project proposal, it cannot determine whether the project will have, or is likely to have, significant adverse environmental or socio-economic effects.

2015, c. 19, s. 17

(3) Subsections 58(1.1) to (1.3) of the Act are repealed.

2015, c. 19, s. 21

5 Section 66.1 of the Act is repealed.

2015, c. 19, s. 23(2)

6 Subsections 72(4.1) to (4.4) of the Act are repealed.

2015, c. 19, s. 27

7 Subsection 77(2) of the Act is replaced by the following:

Time limits

(2) The executive committee or panel of the Board shall make a new recommendation to the decision bodies in respect of the project within the period prescribed by the rules. If it does not make such a recommendation, it is deemed to have made the same recommendation that it made at the conclusion of its screening or review.

2015, c. 19, s. 34

8 Section 121.1 of the Act and the heading before it are repealed.

2015, c. 19

Consequential Amendment to the Yukon and Nunavut Regulatory Improvement Act

9 Section 39 of the Yukon and Nunavut Regulatory Improvement Act is replaced by the following:

Ongoing projects

39 The Yukon Environmental and Socio-economic Assessment Act, as it read immediately before June 18, 2015, continues to apply to a proposal for a project that was submitted before that day.

is likely to have, significant adverse environmental or socio-economic effects in or outside Yukon that cannot be mitigated; or

(d) require a review of the project, if, after taking into account any mitigative measures included in the project proposal, it cannot determine whether the project will have, or is likely to have, significant adverse environmental or socio-economic effects.

2015, ch. 19, art. 17

(3) Les paragraphes 58(1.1) à (1.3) de la même loi sont abrogés.

2015, ch. 19, art. 21

5 L'article 66.1 de la même loi est abrogé.

2015, ch. 19, par. 23(2)

6 Les paragraphes 72(4.1) à (4.4) de la même loi sont abrogés.

2015, ch. 19, art. 27

7 Le paragraphe 77(2) de la même loi est remplacé par ce qui suit :

Délai

(2) Le comité de direction ou le comité restreint adresse aux décisionnaires compétents ses nouvelles recommandations dans le délai prévu par les règles. À défaut, il est réputé leur avoir adressé ses recommandations initiales.

2015, ch. 19, art. 34

8 L'article 121.1 de la même loi et l'intertitre le précédant sont abrogés.

2015, ch. 19

Modification corrélative à la Loi sur l'amélioration de la réglementation au Yukon et au Nunavut

9 L'article 39 de la Loi sur l'amélioration de la réglementation au Yukon et au Nunavut est remplacé par ce qui suit :

Projet de développement en cours

39 La Loi sur l'évaluation environnementale et socioéconomique au Yukon, dans sa version antérieure au 18 juin 2015, continue de s'appliquer aux propositions visant un projet de développement soumises avant cette date.

