

Rules for Evaluations Conducted by Designated Offices

Introduction

Pursuant to its authority under the *Yukon Environmental and Socio-economic Assessment Act*, the Yukon Environmental and Socio-economic Assessment Board hereby makes these Rules for the conduct of evaluations of projects by Designated Offices.

Dated at Whitehorse, Yukon, this ___ day _____, 2010.

Part 1

Definitions and Interpretation

Short title

- 1 These Rules may be referred to as the “*Designated Office Rules*”.

Terms defined in the Act

- 2 Any word or term defined in the Act has the same meaning when used in these Rules.

Headings

- 3 The headings preceding each section of these Rules are included for convenience only and do not form part of the Rules.

Definitions

- 4 In these Rules,

“Act” means the *Yukon Environmental and Socio-economic Assessment Act*;

“day” means a calendar day;

“Designated Office” means an office maintained under subsection 22(1) of the Act;

“document” has an extended meaning and includes a printed record and a record fixed in a magnetic or digital format;

“Executive Committee” means the executive committee of the Board established by section 8 of the Act;

“holiday” means New Year’s Day, Heritage Day, Good Friday, Easter Monday, Victoria Day, National Aboriginal Day (being June 21), Canada Day, Discovery Day (being the third Monday in August), Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and whenever a holiday other than National Aboriginal Day falls on a Saturday or Sunday the term “holiday” includes the next day that is not a Saturday or Sunday;

“notification list” means the list prepared by a Designated Office under section 30;

“person” includes a body that is not a legal person;

“writing” means words, images, diagrams or other forms of information printed, typewritten, represented or reproduced in a document;

“YOR” means the online registry established and maintained by the Board under section 6.

Computing time

- 5 In these Rules,
- (a) if the time for doing an act falls or expires on a Saturday, Sunday or holiday, the time is extended to the next day that is not a Saturday, Sunday or holiday;
 - (b) if a period of time is expressed as a number of “days”, the first day is excluded and the last day included; and
 - (c) if the period for doing an act is less than 10 days, Saturdays, Sundays, and holidays shall not be included in the computation of time.

Part 2

General

YOR

- 6 The Board shall establish and maintain an online registry accessible through the Internet that includes a separate area for the use of each Designated Office.

Submitting documents

- 7 Subject to directives of the Board issued under section 8, a document may be submitted to a Designated Office by hand delivery, mail, fax, email or the YOR.

Board directives

- 8 The Board may issue directives prescribing:
- (a) the form of a project proposal, including different forms for different categories of projects;
 - (b) the means by which certain types or sizes of documents shall be submitted, including applications under Part 6;
 - (c) the number of copies of a document that must be submitted;
 - (d) software or storage media requirements for documents submitted in a digital format;
 - (e) dimensions for particular types of documents;
 - (f) the form of an application under Part 6;
 - (g) the fees payable, if any, for printing or reproducing documents; and
 - (h) when documents submitted to a Designated Office or the Executive Committee shall be deemed to have been received.

Onus on person submitting documents

- 9 It is the responsibility of the person submitting a document to a Designated Office or the Executive Committee to ensure that the document is received in accordance with these Rules and directives of the Board.

Part 3

Project Proposal Adequacy Review

Form of project proposal

- 10 A project proposal shall be in the form prescribed by the Board.

Submitting proposal

- 11 (1) A proposal for a project that would be located in a single assessment district shall be submitted by the proponent to the Designated Office for that assessment district.

(2) A proposal for a project that would be located in two or more assessment districts shall be submitted by the proponent to a Designated Office in any one of the assessment districts in which the project would be located.

Adequacy review

12 (1) Subject to subsection 15(1), within 8 days after a project proposal is submitted a Designated Office shall determine whether the proposal is adequate, or whether supplementary information is required from the proponent before commencing the evaluation.

(2) If the Designated Office determines the proposal is adequate, it shall notify the proponent accordingly in writing and commence the evaluation under Part 5.

(3) If the Designated Office determines supplementary information is required from the proponent before commencing the evaluation, it shall notify the proponent accordingly in writing and specify in the notice what information is required.

Supplementary information

13 (1) Subject to subsection (2), within 6 days after receiving supplementary information in writing the Designated Office shall determine whether the proposal is adequate and commence the evaluation, or whether the supplementary information is deficient and notify the proponent accordingly in writing.

(2) If the adequacy review period is extended under subsection 15(1), the Designated Office shall have 10 days after receiving the supplementary information to make the determination referred to in subsection (1).

Adequate project proposal

14 A Designated Office shall consider a proposal to be adequate if, in the opinion of the Designated Office,

(a) the proponent has, in preparing the proposal, taken into account the matters referred to in paragraphs 42(1)(b),(c), (e) and (f) of the Act;

(b) the proposal contains sufficient information to enable the Designated Office to commence the evaluation, including sufficient information to enable it to prepare a statement of the scope of the project under section 20; and

(c) the proposal complies with the applicable rules and directives of the Board.

Extending adequacy review

15 (1) A Designated Office may extend the 8-day period for determining whether a proposal is adequate for a further period of up to 21 days.

(2) If a Designated Office extends the adequacy review period under subsection (1), it shall provide the proponent with notice in writing and an explanation for the extension.

(3) In deciding whether to extend the adequacy review period the Designated Office shall take into account:

(a) the number and complexity of issues to be addressed in the assessment;

(b) the relative size of the project, and nature of the activities to be undertaken; and

(c) the location of the proposed project, including the sensitivity of the natural environment or socio-economic setting to project related activities.

Further supplementary information

16 Subsection 13(1) or (2), as the case may be, applies in respect of further supplementary information submitted by the proponent to address information deficiencies specified by the Designated Office.

Supplementary information part of proposal

17 Supplementary information provided by a proponent under this Part shall be considered to form part of the proponent's proposal.

Submitting supplementary information

18 (1) Subject to subsection (3), if a Designated Office requests supplementary information under this Part, the proponent shall, within 180 days from the date of the request, submit the information or advise the Designated Office in writing when they will be submitting the information.

(2) If a proponent does not submit their supplementary information or advise the Designated Office in writing within the 180-day period referred to in subsection (1), the proposal shall be deemed to have been withdrawn by the proponent, and the Designated Office shall notify the proponent accordingly in writing and discontinue its consideration of the proposal.

(3) Unless otherwise agreed to in writing by the Designated Office and the proponent, all supplementary information requested from a proponent under this Part shall be provided to the satisfaction of the Designated Office within 2 years from the date the proposal was first submitted.

(4) If at the expiry of the 2-year period referred to in subsection (3), or any extension of time agreed to under that subsection, the proponent has not submitted the supplementary information requested by the Designated Office, the proposal shall be deemed to have been withdrawn, and the Designated Office shall notify the proponent accordingly in writing and discontinue its consideration of the proposal.

(5) The Designated Office shall provide written notice to the proponent at least 45 days prior to a proposal being deemed withdrawn under subsection (2) or (4).

(6) If a proponent decides to proceed with a project that has been deemed withdrawn under subsection (2) or (4), they shall do so by submitting a new proposal in accordance with the Act and the applicable rules.

Working groups

19 A Designated Office may, at any time in reviewing the adequacy of a proposal, establish working groups to provide the Designated Office with views and information respecting the adequacy of the information in the proposal, and may determine the terms of reference and composition of such groups.

Part 4

Determining the Scope of a Project

Statement of scope of the project

20 Prior to commencing its evaluation a Designated Office shall prepare a statement describing the scope of the project.

Determining the scope

21 (1) In accordance with section 51 of the Act, a Designated Office shall include within the scope of the project

(a) any activity identified in the proposal, and

(b) any other activity that the Designated Office considers likely to be undertaken in relation to an activity so identified and that it considers sufficiently related to it to be included in the project.

(2) In determining whether another activity is likely to be undertaken and is sufficiently related to an activity identified in the proposal, a Designated Office shall take into consideration

- (a) the spatial and temporal proximity of the activity identified in the proposal to the other activity;
- (b) the likelihood that the activity identified in the proposal would proceed without the other activity being undertaken; and
- (c) the likelihood that the other activity would proceed if the activity identified in the proposal is undertaken.

Modifying the scope

22 (1) The scope of a project described under section 20 may be modified by a Designated Office in the course of an evaluation as a result of supplementary information provided by the proponent, or other information obtained or received by the Designated Office relevant to the evaluation.

(2) A Designated Office shall provide the proponent, and any person on the notification list, with notice in writing of any material change to the scope of the project made by the Designated Office under subsection (1).

Evaluation based on scope

23 A Designated Office shall conduct its evaluation of a project based on the scope of the project determined in accordance with the Act and this Part.

Include scope in reasons

24 At the conclusion of its evaluation the Designated Office shall include in its written reasons provided under section 56 of the Act, a statement of its final determination of the scope of the project considered for the purposes of the evaluation.

Part 5

Conducting the Evaluation

Notice of evaluation

25 (1) When a Designated Office notifies a proponent under Part 3 that their proposal is adequate and that the evaluation is commencing, it shall also notify in writing

- (a) any Yukon First Nation in whose territory the project would be located, or in whose territory the project might have significant environmental or socio-economic effects;

- (b) any person on the notification list; and
 - (c) the decision bodies for the project.
- (2) The notifications under subsection (1) shall
- (a) describe how to view or obtain a copy of the proposal and a description of the scope of the project, and
 - (b) invite views about the project, and information relevant to the evaluation, to be submitted to the Designated Office within the period specified in the notice, which shall be at least 14 days and no more than 35 days.
- (3) If the initial period specified by the Designated Office under paragraph 2(b) is less than 35 days, the Designated Office may, prior to the expiry of the initial period, extend the period for submitting views and information up to the maximum 35-day period.
- (4) If the initial period specified by the Designated Office under paragraph 2(b) is more than 14 days, or if the period for submitting views and information is extended under subsection (3), the Designated Office shall notify the proponent accordingly in writing with an explanation, and provide notice of the extended period to all persons on the notification list.

Publicizing notice

- 26 In addition to the notifications under subsection 25(1), a Designated Office shall publicize the matters referred to in subsection 25(2) by such other method that, in the opinion of the Designated Office, is reasonable and effective, which may include:
- (a) a notice placed at a prominent location within some or all of the communities in the assessment district where the project will be located, or within the area where the project might have significant environmental or socio-economic effects;
 - (b) a periodical that, in its opinion, has a large circulation in Yukon; or
 - (c) a periodical or radio broadcast that, in its opinion, is generally available in the assessment district where the project will be located, or within the area where the project might have significant environmental or socio-economic effects.

Determination

- 27 Within 3 days after the period for submitting views and information has ended, the Designated Office shall determine whether
- (a) it has sufficient information to conclude the evaluation and make a recommendation or referral under section 56 of the Act;
 - (b) it requires supplementary information from the proponent to proceed with the evaluation; or
 - (c) to provide an additional period for the public, interested persons and others to submit views and information regarding the project proposal.

Supplementary information

- 28 (1) If a Designated Office decides supplementary information is required from the proponent, it shall notify the proponent accordingly in writing and specify in the notice what information is required.
- (2) Within 3 days after receiving supplementary information in writing the Designated Office shall determine whether the information is satisfactory or deficient, and if the Designated Office determines the information is deficient, it shall notify the proponent accordingly in writing and specify the deficiency.
- (3) If the Designated Office determines the supplementary information is satisfactory it shall determine whether
- (a) it has sufficient information to conclude the evaluation and make a recommendation or referral under section 56 of the Act; or
 - (b) to provide an additional period for the public, interested persons and others to submit views and information regarding the project proposal.
- (4) Subsections (2) and (3) apply to further supplementary information submitted by a proponent in response to a notice under this section.

Additional period

- 29 (1) In determining under paragraph 27(c) or 28(3)(b), as the case may be, whether to provide an additional period for views and information to be submitted about a project proposal, a Designated Office shall take into account:
- (a) whether there have been material changes to the project proposal since the evaluation commenced;

- (b) whether the proponent submitted supplementary information after the evaluation commenced that, in the opinion of the Designated Office, the public, interested persons and others should have additional time to consider; and
 - (c) whether persons other than the proponent submitted information or identified issues after the evaluation commenced that, in the opinion of the Designated Office, the public, interested persons and others should have additional time to consider.
- (2) If the Designated Office decides to provide an additional period for submitting views and information, it shall notify the proponent accordingly in writing with an explanation, and
- (a) provide notice of the additional period to all persons on the notification list; and
 - (b) publicize notice of the additional period by such other method that, in the opinion of the Designated Office, is reasonable and effective.
- (3) Notice of the additional period shall specify the period for submitting views and information to the Designated Office, which shall be at least 10 days and no more than 35 days.
- (4) If the additional period specified by the Designated Office is less than 35 days, the Designated Office may, prior to the expiry of the specified period, extend the time for submitting views and information up to the maximum 35-day period.
- (5) If the additional period specified by the Designated Office under subsection (3) is more than 10 days, or if the period for submitting views and information is extended under subsection (4), the Designated Office shall notify the proponent accordingly in writing with an explanation, and provide notice of the extended period to all persons on the notification list.

Time for recommendation or referral

- 30 (1) Subject to subsection (2), a Designated Office shall make its recommendation or referral under section 56 of the Act within 14 days after determining under paragraph 27(a) or subsection 28(3)(a) that it has sufficient information to conclude its evaluation.

(2) A Designated Office may extend the period for making its recommendation or referral for up to an additional 21 days and shall notify the proponent accordingly in writing with an explanation for the extension, and provide notice of the extended period to all persons on the notification list.

Notification list

- 31 A Designated Office shall prepare a notification list for each evaluation it is conducting that includes
- (a) any First Nation identified under paragraph 25(1)(a);
 - (b) any government agency, independent regulatory agency or First Nation that has notified the Designated Office under subsection 55(4) of the Act; and
 - (c) any person having an interest in the outcome of the evaluation who has requested the Designated Office in writing to be added to the notification list.

Working groups

- 32 A Designated Office may, at any time during an evaluation, establish working groups to seek views or information relevant to the evaluation, and may determine the terms of reference and composition of such groups.

Public meetings

- 33 (1) During an evaluation, a Designated Office may hold public meetings to seek views and information relevant to the evaluation.
- (2) A Designated Office shall determine the format of a public meeting as well as the procedures to be followed at the meeting.
- (3) If a Designated Office holds a public meeting it shall:
- (a) provide reasonable notice of the meeting to the public and the proponent;
 - (b) invite the proponent to participate in the meeting; and
 - (c) prepare, or cause to be prepared, minutes or some other reasonable record of the meeting.

Requiring supplementary information

34 Despite any other provision in these Rules, at any time during an evaluation a Designated Office may require a proponent to provide supplementary information that the Designated Office considers necessary for the evaluation.

Supplementary information part of proposal

35 Supplementary information provided by a proponent under this Part shall be considered to form part of the proponent's proposal.

Deemed withdrawal

36 (1) Subject to subsection (3), if a Designated Office requests supplementary information under this Part, the proponent shall, within 28 days from the date of the request, submit the information or advise the Designated Office in writing when they will be submitting the information.

(2) If a proponent does not submit their supplementary information or advise the Designated Office in writing within the 28-day period referred to in subsection (1), the proposal shall be deemed to have been withdrawn by the proponent and the Designated Office shall notify the proponent accordingly in writing and discontinue the evaluation.

(3) Unless otherwise agreed to in writing by the Designated Office and the proponent, all supplementary information requested from the proponent under this Part shall be provided to the satisfaction of the Designated Office within 1 year from the date the evaluation commenced.

(4) If at the expiry of the 1-year period referred to in subsection (3), or any extension of time agreed to under that subsection, the proponent has not submitted the supplementary information requested by the Designated Office, the proposal shall be deemed to have been withdrawn, and the Designated Office shall notify the proponent in writing accordingly and discontinue the evaluation.

(5) The Designated Office shall provide written notice to the proponent at least 45 days prior to a proposal being deemed withdrawn under subsection (4).

(6) If a proponent decides to proceed with a project that has been deemed withdrawn under subsection (2) or (4), they shall do so by submitting a new proposal in accordance with the Act and the applicable rules.

Part 6

Designating and Handling Confidential Information

Applying to designate information confidential

- 37 If a person intending to provide information to a Designated Office in a proposal, or in relation to the evaluation of a project, wishes some or all of the information to be kept confidential, the person shall
- (a) separate the information to be kept confidential from any other information the person is providing to the Designated Office; and
 - (b) make an application in accordance with this Part to the Executive Committee to have the information designated confidential.

Type of knowledge or information

- 38 An application to have information designated confidential may only be made in respect of
- (a) traditional knowledge the person believes should be treated as confidential; or
 - (b) information that is limited from disclosure under the *Access to Information Act* (Canada) and referred to in paragraph 121(b) of the Act.

Application requirements

- 39 An application to have information designated confidential shall:
- (a) be in the prescribed form and the top of each page shall be marked with the word “Confidential”;
 - (b) indicate whether the application is in respect of information referred to in paragraph 38(a) or (b), and where a person wishes to submit information referred to in paragraph 38(a) and paragraph 38(b), the person shall make a separate application in respect of each category of information;
 - (c) set out a complete statement of the information the person is requesting to be designated as confidential;
 - (d) set out the justification for having the information designated confidential; and
 - (e) include a non-confidential summary of the information the person is requesting to be designated as confidential, with sufficient detail to convey a reasonable understanding of the substance of the information.

Justification

40 Where an application is in respect of traditional knowledge, the justification required by paragraph 39(d) shall address the matters referred to in paragraph 42(1)(b), and specify the applicability of subparagraph 42(1)(c)(i) or (ii), as the case may be.

Specify *Access to Information Act* provisions

41 Where an application is in respect of information limited from disclosure under the *Access to Information Act* (Canada), the justification required by paragraph 39(d) shall specify the provisions of that Act that limit disclosure of the information.

Designating traditional knowledge confidential

42 (1) On an application respecting traditional knowledge, the Executive Committee may designate the information confidential where, in its opinion,

- (a) the information is relevant to the proposal or the evaluation;
- (b) the information is not generally available from a source which is not confidential;
- (c) disclosure of the information would
 - (i) result in a reasonable expectation of probable harm to a person, place or thing, or
 - (ii) constitute a violation of the cultural value system of the affected First Nation; and
- (d) the non-confidential summary referred to in paragraph 39(e) meets the requirements of that paragraph.

(2) For greater certainty, information is not “generally available” under paragraph (1)(b) solely because it has been made available collectively or communally to persons within the affected First Nation, provided that the Executive Committee is satisfied that such information has consistently been held in confidence within the First Nation.

Access to Information Act

- 43 On an application respecting information limited from disclosure under the *Access to Information Act* (Canada), the Executive Committee may designate the information confidential where, in its opinion,
- (a) the information is relevant to the proposal or the evaluation;
 - (b) it is a type of information referred to in paragraph 121(b) of the Act, and disclosing the information to any other person is prohibited except in accordance with subparagraphs 121(b)(i) and (ii) of the Act; and
 - (c) the non-confidential summary referred to in paragraph 39(e) meets the requirements of that paragraph.

Seeking additional views

- 44 (1) The Executive Committee may seek additional information or views from any person before making its decision whether to designate information confidential under section 42 or 43, provided that, when seeking such information or views, it shall not disclose to any person the information the applicant is requesting to be designated confidential.
- (2) For greater certainty, when seeking additional information or views under subsection (1), the Executive Committee may disclose some or all of the information contained in the application except for the information referred to in paragraph 39(c).

Executive Committee decision

- 45 The Executive Committee shall decide whether to designate information confidential under sections 42 and 43 as soon as practical after an application is submitted, and its decision shall be made in writing with reasons and a copy provided to the applicant.

Inadequate summary

- 46 (1) If the Executive Committee determines that a non-confidential summary does not meet the requirements of paragraph 39(e), it shall notify the applicant accordingly in writing and, having regard to the time periods within which the Designated Office is required to complete its evaluation, specify the date by which the applicant must submit a satisfactory summary in writing.
- (2) If the applicant provides a satisfactory summary as required under subsection (1), the Executive Committee shall proceed with consideration of the application.

(3) If the applicant does not provide a satisfactory summary as required under subsection (1), the Executive Committee shall not designate the information confidential, and the application shall be sealed and stored in accordance with sections 49 and 50.

Confidential information provided to the Designated Office

47 If the Executive Committee designates information confidential under section 42 or 43, it shall provide a copy of the application to the Designated Office that is evaluating the project, and that office shall consider the information in its evaluation.

No disclosure

48 (1) If traditional knowledge is designated confidential under section 42 it shall not be disclosed by the Executive Committee or Designated Office to any other person, and shall be kept or stored accordingly by them.

(2) If information is designated confidential under section 43 it shall not be disclosed by the Executive Committee or Designated Office to any person except in the circumstances described in subparagraphs 121(b)(i) and (ii) of the Act, and shall be kept or stored accordingly by the Executive Committee and Designated Office.

(3) For greater certainty, if a Designated Office refers a project to the Executive Committee for screening, the information designated confidential shall be included in documentation provided by the Designated Office to the Executive Committee pursuant to subsection 56(5) of the Act.

Sealing the application

49 If the Executive Committee decides under section 42 or 43 that the information does not qualify to be designated confidential it shall seal the application, and the information will not be provided to the Designated Office or be taken into account in the evaluation of the project, unless the applicant resubmits the information non-confidentially, or the Designated Office receives the information from a source other than the applicant.

Storing application

50 (1) When an application respecting traditional knowledge is sealed under section 49, the information in that application set out pursuant to paragraph 39(c) shall be deemed to be confidential for the purposes of paragraph 121(a) of the Act and subsection 24(1) of the *Access to Information Act* (Canada), and shall not be disclosed to any person, and shall be kept or stored by the Executive Committee accordingly.

(2) When an application respecting information limited from disclosure under the *Access to Information Act* (Canada) is sealed under section 49, the information in that application set out pursuant to paragraph 39(c) shall not be disclosed to any person unless its disclosure is required under the *Access to Information Act* (Canada), and it shall be kept or stored by the Executive Committee accordingly.

Non-confidential summary on YOR

51 Where information is designated confidential pursuant to section 42 or 43, the Designated Office shall include the non-confidential summary of that information on the YOR.

Burden of proof

52 On an application under this Part, the burden of proof lies on the applicant to establish that information should be designated confidential.

Notify Designated Office

53 The Executive Committee shall notify the affected Designated Office when it receives an application under this Part and include an estimate of the date for making its decision.

Part 7

Integrating Scientific Information, Traditional Knowledge and other Information into an Evaluation

Strict rules of evidence do not apply

54 In conducting an evaluation of a project proposal, a Designated Office may take into account information, including traditional knowledge, which may not be admissible as evidence in a court of law.

Full and fair consideration

55 A Designated Office shall, in accordance with section 39 of the Act, give full and fair consideration to scientific information, traditional knowledge and other information provided to it or obtained by it in the course of conducting an evaluation.

Relevance and weight of information

56 A Designated Office shall determine the relevance and weight to be given to any information provided to it or obtained by it in the course of conducting an evaluation, and there shall be no presumption that scientific information or traditional knowledge, as the case may be, should be accorded greater weight based solely on the fact that the information is, respectively, scientific information or traditional knowledge.

Part 8

**Projects Located in Multiple Assessment Districts
and Grouped Projects**

Project in multiple assessment districts

57 (1) Where a Designated Office receives a proposal for a project that would be located in 2 or more assessment districts, it shall immediately notify the Executive Committee and the Designated Offices in any other affected assessment districts.

(2) The notice under subsection (1) shall include a copy or reasonable details of the proposal.

(3) Within 2 days after the date of the notice provided under subsection (1), the Designated Offices for the assessment districts in which the project would be located may agree to

(a) authorize one of them on behalf of all of them to determine under Part 3 whether the proposal is adequate, and to conduct the evaluation; or

(b) determine jointly under Part 3 whether the proposal is adequate, and to conduct the evaluation jointly.

(4) If at the expiry of the 2-day period referred to in subsection (3), the Designated Offices have not agreed on how to proceed, the proposal shall be deemed referred to the Executive Committee for direction, and the Executive Committee shall

- (a) direct one Designated Office on behalf of all of them to determine under Part 3 whether the proposal is adequate, and to conduct the evaluation; or
- (b) direct the Designated Offices to determine jointly under Part 3 whether the proposal is adequate, and to conduct the evaluation jointly.

Designated Offices proceeding jointly

57 (1) Subject to subsection (2), where 2 or more Designated Offices are conducting an evaluation jointly, a reference in these Rules to “a Designated Office” or “the Designated Office” shall be interpreted as applying to those Designated Offices jointly, and those offices shall, to the extent practical, coordinate their actions and conduct themselves as if they were a single Designated Office.

(2) Where 2 or more Designated Offices are conducting an evaluation jointly, they shall identify one of them to be the primary office for receiving information in writing from the proponent and shall notify the proponent accordingly.

Computing time for grouped projects

58 Where a Designated Office is evaluating 2 or more projects as a single project pursuant to section 52 of the Act,

- (a) the date for doing an act under these Rules shall be determined by the date that applies to the latest of the project proposals that is to be determined adequate under Part 3; and
- (b) unless the context requires otherwise, these Rules shall be interpreted and applied to the projects as if they were a single project.

Part 9

Commencement and Transitional Provisions

Coming into force

59 These Rules come into effect on the date they are made by the Board.

Former rules are repealed, exceptions, etc.

60 (1) In this section “former rules” mean the *Rules for Evaluations Conducted by Designated Offices*, Canada Gazette, Part 1, vol. 140, January 7, 2006, p. 23.

(2) Subject to subsection (3), the former rules are repealed.

(3) The former rules apply to the exclusion of these Rules in respect of any project proposal being assessed by a Designated Office at the time these Rules come into effect for which the Designated Office has notified the proponent under paragraph 37(a) of the former rules that their project proposal is complete.

(4) If a project proposal referred to in subsection (3) is withdrawn prior to the Designated Office making its recommendation or referral and is resubmitted to a Designated Office when these Rules are in effect, these Rules apply in respect of that project proposal to the exclusion of the former rules.

(5) For greater certainty, if a project proposal is submitted to a Designated Office before these Rules come into effect and on the date these Rules come into effect the Designated Office has not issued a notice that the project proposal is complete under paragraph 37(a) of the former rules, these Rules apply in respect of that project proposal to the exclusion of the former rules.