



Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings

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Introduction and Purpose

The *Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings* (the Rules) are intended to ensure that the Mackenzie Valley Environmental Impact Review Board's (the Board's) practice and procedures for environmental assessment and environmental impact review Proceedings fulfill the intent, principles, and requirements of the *Mackenzie Valley Resource Management Act* (the Act), particularly Part 5 of the Act. The Rules are also intended to ensure that Board Proceedings, including Public Hearings, are fair, focused, effective, and meet the needs of Parties, members of the public, and the Board.

The Rules should be used in combination with the information provided in other Review Board Guidelines. Our Guidelines provide more details on the conduct of specific types or stages of impact assessment in the Mackenzie Valley. All Review Board Guidelines can be found on our website at www.reviewboard.ca.

The Board has approved the Rules and may in its discretion amend them from time to time.

Definitions

The following definitions apply to these Rules. Any word or term defined in the Act has the same meaning when used in the Rules.

Board	means the Mackenzie Valley Environmental Impact Review Board established by section 112 of the Act or a Review Panel established under section 132 of the Act, as the context requires.
Community Hearing	means a Public Hearing that does not include the filing of interventions or cross examination and is intended only to hear oral testimony from participants.
Consult to Modify Process	means a process initiated under subparagraph 130(1)(b)(ii), paragraphs 131(1)(b) and 131.1(1)(b), or paragraphs 135(1)(b), 137(1)(b) and 137.1(1)(b) of the Act.
Developer	means the person, including organizations, companies, or government departments, responsible for a proposed development referred to environmental assessment or environmental impact review under the Act.
Direction on the Rules	means a mandatory direction issued by the Board in a Proceeding to supplement, vary, or dispense with one or more of the Rules.
Directive	means a mandatory instruction, order or ruling, including a work plan, Terms of Reference, Hearing Directive, or a Notice of Proceeding issued by the Board to set out or clarify Board process.
Document	includes anything in printed form, or a telecommunication or electronic transmission capable of being reduced to a printed format by means of any device, and includes photographs, graphs, charts, maps, plans, books of account, and video or audio tapes or files.
Elder	means any person recognized as an Elder in accordance with local culture, customs and traditions, or someone recognized for their experience in Indigenous culture, customs, or knowledge about the land.
Environmental Assessment	means an examination of a proposal for a development undertaken by the Board under section 126 of the Act.

Environmental Impact Review	means an examination of a proposal for a development undertaken by a Review Panel established under section 132 of the Act.
Executive Director	means, for purpose of the Rules, the Executive Director of the Board or the staff person designated to receive Documents, information, or submissions during a Proceeding.
Expert Advisor	means an expert engaged by the Board to help the Board in a Proceeding by providing analysis of submissions received by the Board.
Independent Expert	means an expert engaged by the Board to assist the Parties in a Proceeding by providing independent expert opinion, evidence, and/or analysis.
Indigenous Government or Organization	includes an organization representing a First Nation (as defined in the Act), Inuit, Métis or other affected Indigenous organization, the Tłı̨cho Government, or the Dǎ́lǎ́nǎ́ Got'ine Government.
Information Request	means a written question or request for information made during a Proceeding under Rules 35 to 40.
Intervention	means a written submission by an Intervenor made in accordance with Rule 104, which may include evidence including Traditional Knowledge studies, and/or recommendations intended to assist with Board decision-making.
Online Review System	means the online Document review and commenting platform operated by the Board in the conduct of its Proceedings. All submissions made on the online review system are entered on the Public Register for a Proceeding.
Party	means any person or organization, including members of the public, which participates in an environmental assessment or environmental impact review in accordance with the Rules.
Proceeding	includes an environmental assessment or an environmental impact review, or any part thereof, but does not include a business meeting of the Board.
Public Hearing	Means the part of a Proceeding where the Board hears oral evidence and includes either a Public Hearing, a Community Hearing or a Hearing called under section 24 of the Act.
Public Notice	means an announcement in relation to a Proceeding required by the Act and provided by any means deemed appropriate by the Board.

Public Record	includes all the evidence, including but not limited to oral evidence, Documents or other submissions filed with the Board during a Proceeding which will be used as the basis for a Board decision.
Public Register	means the register required by subsection 142.1(1) of the Act which shall include all information filed on the Public Record
Referral	means a referral to environmental assessment made under section 126 of the Act, or an order to environmental impact review made under one of sections 128, 130 or 131 of the Act.
Request for Ruling	means a request for a Ruling made under Rules 50 to 59.
Ruling	means a decision or order made by the Board during a Proceeding and issued as part of a Directive and includes decisions in response to a Request for Ruling or an extension request made under Rule 74, or decisions made during a Public Hearing.
Technical or community session	means part of a Proceeding where Parties meet without the Board present to discuss issues of concern with the Developer in a face-to-face setting, to better understand and, where possible, resolve issues.



PART 1: General Provisions

The rules in this Part apply to all Board Proceedings

Authority

1 The Board makes these Rules under section 30 of the Act.

Citation

2 The Rules must be cited as the Mackenzie Valley Environmental Impact Review Board *Rules of Procedure* (the Rules).

Interpretation

3 The Rules will be interpreted liberally to achieve the most fair and effective decision for every matter before the Board.

4 The Rules will be interpreted and applied in a manner consistent with the Act.

Application of the Rules

5 To the extent consistent with its duty of procedural fairness, the Board will emphasize flexibility and informality in all its Proceedings.

6 No Board Proceeding is invalid because of an objection based only on a technical irregularity or a defect in form.

7 The Rules apply to all Proceedings of the Board unless otherwise determined by the Board.

8 The Board may, by its own motion, or on a Request for Ruling by a Party under Rule 52, supplement, vary, or dispense with the Rules by issuing a Direction on the Rules.

9 Where any question about procedure is not addressed by the Rules, or the Board in its discretion decides that certainty of process or fairness requires it, the Board may issue a Directive to deal with the matter.

10 The Board may revise or vary a Directive or a Direction on the Rules during a Proceeding.

11 Where there is a conflict between the Rules and a specific Direction on the Rules issued by the Board, the Direction on the Rules prevails.

12 Where an issue arises during a Proceeding, the Board may take any necessary action consistent with the Rules, or permitted by law, to enable it to decide on the issue fairly and effectively.

Compliance with the Rules

13 Any Party participating in a Board Proceeding is bound by the Rules.

- 14 Where a Party has not complied with the Rules, a Direction on the Rules, or a Directive, the Board may:
- a) impose limits on that Party's participation in a Proceeding;
 - b) adjourn the Proceeding until satisfied that the requirement has been complied with; or
 - c) take such other steps as it considers just and reasonable.

Forms

- 15 The Mackenzie Valley Environmental Impact Review Board's list of forms includes an Application for Intervenor status, and a Request for Ruling, as required by the Rules. Additional forms may be added from time to time as required by the Board.

PART 2: Conduct of Board Proceedings

The rules in this Part apply to all Board Proceedings.

Commencement of a Proceeding

- 16 A Proceeding commences when a development is referred to the Board for environmental assessment, or when the Board orders an environmental assessment under subsection 126(3) of the Act.

Public Notice by the Board of the Commencement of a Proceeding

- 17 The Board will, upon receipt of a referral for environmental assessment or upon ordering an environmental assessment or an environmental impact review, give Public Notice of the Proceeding in accordance with subsection 126(5) of the Act and identify the Board's contact person for the Proceeding.

Timing of process steps in a Proceeding

- 18 The Board will issue a Directive to set out the timing for each step in a Proceeding.
- 19 The Board may, upon notice to Parties, revise any timelines fixed in such a Directive.

Becoming a Party in a Proceeding

- 20 Any person, organization, or Indigenous Government or Organization, that notifies the Board in the manner set out by the Board in its Public Notice of Proceeding for an environmental assessment or environmental impact review may be granted status as a Party.
- 21 Any person, organization, or Indigenous Government or Organization that provides public comments to the Board or otherwise participates in a part of a Proceeding will be deemed to be a Party to that Proceeding.

Participating in a Board Proceeding

- 22 All Board Proceedings are public unless otherwise ordered by the Board.
- 23 A Party may submit Information Requests or a Request for Ruling, take part in a technical or community session organized by Board staff, and participate fully in a Board Proceeding before the Public Hearing phase.
- 24 A Party may, without becoming an Intervenor, as described in Part 3 of these Rules, provide comments to the Board in writing, or via the Online Review System, or participate in a Public Hearing organized by the Board subject to the limits set out by the Rules or the Board.

Burden of Proof

- 25 A Party seeking to convince the Board of any point or position in a Proceeding bears the burden of proof in so doing and has the responsibility to introduce information, evidence, and/or argument to support their position.

Traditional Knowledge

- 26 The Board will encourage the provision of Traditional Knowledge in an appropriate form that is acceptable by the Board. The Board must consider any Traditional Knowledge submitted during its Proceedings.
- 27 The Board may make appropriate arrangements to receive information from or hear the testimony of Elders or holders of Traditional Knowledge at any time during a Public Hearing.

Providing Documents to the Board

- 28 A Party intending to rely on a Document or any other form of evidence in a Proceeding must file the Document or evidence along with any supporting materials with the Board within the time specified in a Directive.
- 29 Failure to disclose evidence or file a Document as required under Rule 28, a Direction on the Rules, a Directive, or in accordance with the requirements of fairness may result in the Board ruling that the evidence is inadmissible in the Proceeding.
- 30 Subject to Rules 31 and 63, all Documents submitted to the Board will be posted to the Public Register in accordance with section 142.1 of the Act and will form a part of the Public Record for the Proceeding.
- 31 The Board reserves the right to remove from the Online Review System, Public Register or Public Record any Document which, in its discretion, it determines to be offensive, vexatious, or not in accordance with the law or the Rules or Board standards.
- 32 The Board will notify Parties and provide reasons if a Document is removed from the Online Review System, Public Register or Record under Rule 31.
- 33 Any Party that objects to the removal of a Document under Rule 31 must make a Request for Ruling to challenge the removal.
- 34 Except during a Public Hearing, written communication with the Board in a Proceeding should be addressed to the Executive Director or a designated staff person as described in a Notice of Proceeding. For greater certainty, all print and electronic communication is acceptable.

Information Requests

- 35 The Board may issue an Information Request to any Party at any time during a Proceeding.
- 36 A Party may only issue an Information Request to another Party at a time set out in a Directive issued by the Board. An Information Request must seek information within the scope of development or assessment and be relevant to the Proceeding.
- 37 All Information Requests shall be filed with the Board at the time set out in a Directive. The Board will issue the Information Requests and the Directive will indicate the timelines for responses.
- 38 A Party that receives an Information Request made under Rules 35 or 36 must provide its response to the Board within the time specified by the Directive issued by the Board under Rule 37.
- 39 If there are any disputes over the appropriateness of an Information Request or a response, the objecting Party must submit a Request for Ruling to the Board under Rule 52.
- 40 The Board may reject or modify any Information Request, for reasons including relevance, offensiveness, or being outside the scope of the Proceeding. If the Board rejects or modifies an Information Request, the Board will notify affected Parties and set out its reasons.

The Public Record in a Proceeding

- 41 Documents that the Board produces, collects, or receives in a Proceeding will be placed on the Public Registry and be included in the Public Record for the Proceeding unless otherwise ruled by the Board.
- 42 The Public Record in a Proceeding is opened upon commencement of that Proceeding as described in Rule 16.
- 43 The Public Record is closed at the time set described in these rules or by the Board in a Directive.
- 44 No new evidence will be accepted or considered in a Board decision after the Public Record has been closed, unless the Board reopens the Public Record after a Request for Ruling, or on its own motion.
- 45 The Board may seek clarification of any Document on the Public Record without causing the Public Record to be re-opened. Information provided in response to such a Board request will become part of the Public Record and Parties will be notified.
- 46 The Board will consider all relevant information on the Public Record in its decision.

- 47 Documents submitted after the Public Record is closed will not be included on the Public Record unless so ruled in accordance with rule 73.
- 48 After a final decision(s) in a Proceeding is made under the Act, the Board may also post Documents related to monitoring and follow-up of a development on the Public Register.
- 49 Upon written request by a Review Panel, the Board will transfer all or portions of the Public Record for an environmental assessment to the Public Record for an environmental impact review.

Procedure to Request a Ruling

- 50 The Board may, at any point in a Proceeding, make a Ruling on any legal or procedural matter arising in the Proceeding.
- 51 Any issue raised by a Party during a Proceeding that requires a Ruling from the Board must be raised by way of a written Request for Ruling, with the exception of Requests for Ruling made under Rule 103 in a Public Hearing.
- 52 A Request for Ruling must be in the form described in Rule 15 and include a clear, concise statement of the issue, the relevant facts, an explanation of the Ruling being sought, the reasons why the decision or Ruling should be granted by the Board and include any evidence and authorities being relied on by the Party requesting the Ruling.
- 53 A Request for Ruling made under Rule 52 must be addressed to the Chairperson of the Board and filed with the Executive Director, who will ensure its circulation to the Parties.
- 54 The Chairperson will, after consultation with the Executive Director, issue a Directive setting out a timeline for the consideration of a Request for Ruling, including time for the participation of the interested Parties.
- 55 A Party wishing to respond to a Request for Ruling must file a written response and any supporting evidence and authorities with the Executive Director within the timeline set out in the Directive issued under Rule 54. The Executive Director will ensure that all Parties are provided with such responses.
- 56 The Party that filed the Request for Ruling will be given the opportunity to reply to the responses of other Parties within the time set out in the Directive issued under Rule 54.
- 57 After considering all the information submitted by Parties as per rules 55 and 56, the Board will respond to the Request for Ruling in writing. The Board's decision with reasons will be placed on the Public Record.

- 58 The Board may deal with a Request for Ruling in any way that is consistent with the requirements of fairness.
- 59 The Board may dismiss a Request for Ruling which, in its view, is frivolous, vexatious, or an abuse of process. Where a Request for Ruling is dismissed under this Rule, the Board will provide written reasons, which will be placed on the Public Record.

Special Rules about Evidence, including Traditional Knowledge

- 60 The Board has the powers, rights, and privileges of a superior court with respect to the attendance and examination of witnesses and the production and inspection of Documents in accordance with section 25 of the Act.
- 61 The Board is not bound by the technical rules of evidence. In conducting its Proceedings, the Board may accept information that would not normally be admissible under the strict rules of evidence or in a court of law.
- 62 All information submitted to the Board in a Proceeding is public and will be managed in accordance with the Act and any laws that protect personal and private information.
- 63 Any Party wishing to ensure the protection of confidential or proprietary information in a Proceeding must file a Request for Ruling with the Board to establish the terms for access to this information. While such a ruling is being considered, the material in question will be kept confidential.
- 64 Where the Board approves a Request for Ruling under Rule 63, it will issue a Directive setting out the arrangements for receiving the confidential or proprietary information and the terms under which Parties may access that information.
- 65 The Board may secure both written and oral evidence or comments from the Parties to a Proceeding using any means of communication it sees fit.
- 66 To support the Board’s consideration of their testimony, a witness offering Traditional Knowledge may be required by the Board to provide a written or oral statement to summarize their background and experience for the Public Record.
- 67 To protect locations of culturally sensitive sites or information, the Board may place restrictions on questions to witnesses providing Traditional Knowledge.
- 68 Any witness who gives technical, expert, or opinion evidence in a Proceeding before the Board, may be required to file a statement of their qualifications on the Public Record before their evidence is accepted. Any Party relying on the evidence of such a witness must make them available for questioning in the Proceeding.



Independent Expert

- 69 The Board may engage an Independent Expert to provide evidence for the Public Record to benefit all Parties, and to assist with the analysis of matters arising in a Proceeding. A summary of the qualifications of such an expert and any evidence or report provided by this expert will be placed on the Public Record. Independent Experts are subject to questioning by Parties.
- 70 An Independent Expert will not be part of Board deliberations.

Expert Advisors

- 71 The Board may retain an Expert Advisor to assist the Board in the analysis and evaluation of evidence, and in their deliberations.
- 72 If the Board retains an Expert Advisor, the Board will provide a summary of their background, including qualifications and experience, and the scope of their participation in the Proceeding for the Public Record. Expert Advisors are not subject to questioning by the Parties.

Late Filing of Documents

- 73 Acceptance of evidence or argument received after a deadline set by the Board is at the discretion of the Board. Any evidence or argument that is not accepted by the Board will not be placed on the Public Record and will not be considered by the Board in its decision.
- 74 A Party that cannot provide its evidence or argument within the time specified by the Board must submit a written request to the Executive Director for an extension before the relevant deadline.
- 75 An extension request made under Rule 74 must include the facts and reasons supporting the request.
- 76 If the Board grants an extension, timelines for all Parties may be adjusted accordingly and notice of the change will be entered onto the Public Record for the Proceeding.
- 77 The Board's decision with reasons about the extension request will be entered onto the Public Record for the Proceeding.
- 78 The Board may designate the Executive Director to manage extension requests in relation to late submissions.
- 79 For greater certainty, an extension request under Rule 74 is not a Request for Ruling.

Site Visits

- 80 The Board may schedule a site visit at any time during a Proceeding and will notify and invite Parties in advance of any proposed site visit.

Translation of Documents

- 81 The Board may require a Developer to translate, at their own cost, all or portions of Documents submitted in a Proceeding into an Indigenous language or languages.

PART 3: Public Hearings

The Rules in this Part apply to all Public Hearings held in environmental assessment and environmental impact review Proceedings.

Board's authority to order Public Hearings

82 The Board may order a Public Hearing and/or Community Hearing, for any matter related to the carrying out of its functions under Part 5 of the Act or under the authority in section 24 of the Act. If it does so, these Rules apply with such modifications as might be required.

Initiation of Public Hearings

83 If the Board determines that a Public Hearing and/or a Community Hearing is required for a Proceeding, it will issue a Hearing Directive to initiate the Public Hearing phase of the Proceeding.

84 The Board will make a determination on the adequacy of information on the Public Record before it confirms the dates for a Public Hearing and may request additional information from any Party to ensure an efficient and effective hearing.

Becoming an Intervenor in a Public Hearing

85 Any Party that wants to participate in a Public Hearing as an Intervenor must notify the Board in the manner set out in the Rules or in a Hearing Directive.

86 Any Party may request Intervenor status by submitting the appropriate form to the Board (identified in Rule 15) within the time specified in a Hearing Directive.

87 Indigenous Governments or Organizations that are Parties to a Proceeding can request Intervenor status from the Board by notifying the Board in writing of their intention to intervene within the time specified in its Hearing Directive.

88 Any grant of intervenor status is discretionary, and the Board may seek additional information before granting it. The Board will provide written reasons for its decision.

89 The Board may direct Intervenors with similar interests to make a joint Intervention.

90 The Board retains the discretion to rescind Intervenor status with reasons if an Intervenor fails to act in accordance with these Rules or fulfill the requirements and responsibilities of an Intervenor.

Notice of a Hearing

- 91 No less than 90-days before holding a Public Hearing, the Board will give Notice of a Hearing in accordance with these Rules and will issue a Directive or Directives for the conduct of the Hearing, including information about hearing dates, times, locations, whether Community Hearings will be included, and such other information as necessary.
- 92 The Board may direct that all or portions of a Public Hearing be conducted by way of written submissions.
- 93 The Board may cancel a Public Hearing at any time. The Board will provide notice and place written reasons for the cancellation on the Public Record.

Preparation for the Public Hearing

- 94 Notice of any preliminary, legal, or jurisdictional issue to be raised in a Public Hearing must be provided at least 60 days before the hearing date. Such issues will be addressed as a Request for Ruling and the Board will set out the necessary process in a Directive.
- 95 Before a Public Hearing, the Board may hold a Pre-Hearing Conference for the following purposes:
- a) to explore possible admissions of facts, or the use of any public Documents;
 - b) to consider the possibility of joint submissions by Intervenors with shared interests;
 - c) to clarify the issues to be addressed in the Public Hearing;
 - d) to review the procedures to be followed at the Public Hearing;
 - e) to request remote participation or notify the Board about other accessibility requirements;
 - f) any other reason that will contribute to the fair and efficient conduct of the Public Hearing.
- 96 A Pre-Hearing Conference may be held on a “without prejudice” basis.
- 97 The Board will place a summary report of the information provided at the Pre-Hearing Conference on the Public Record.
- 98 The Board may, in advance of a Public Hearing, limit the issues it will consider in the hearing and will notify the Parties of such a decision with reasons before Interventions are filed.

- 99 No less than 30 days before the Public Hearing, the Board will issue a final Notice of Proceeding respecting the Public Hearing that includes clarification on any matters related to the conduct of the hearing.

Locations of Public Hearings

- 100 The Board will determine the time(s) and place(s) at which a Public Hearing will be held. In so doing, the Board shall consider the requirements of fairness, including which community is most convenient to the Intervenors and close to the location of the development in question. In making this determination, the Board will consider cost as well as any special requirements brought to the Board's attention by the Developer or Intervenors.
- 101 The Board may decide to hold a Public Hearing in one or more communities and may determine which issues will be addressed in each community.

Conduct of a Hearing

- 102 The Chairperson of the Board or of a Review Panel is responsible for and will manage the conduct of the Public Hearing.

Participation in Public Hearings by Intervenors

- 103 In a Public Hearing, only Intervenors may submit written Interventions, make Requests for Ruling or request an adjournment, make presentations, ask questions and file written closing arguments.
- 104 Intervenors must file a written Intervention within the time specified by the Hearing Directive.
- 105 An Intervenor that does not file a written Intervention may still participate in a Public Hearing by asking questions, facilitating the testimony of Elders, and filing argument.
- 106 An Intervenor that does not intend to file an Intervention must notify the Board prior to the deadline for written Interventions of its intention to participate in a Public Hearing in accordance with Rule 105.
- 107 If an Intervenor provides Traditional Knowledge in a Public Hearing, they may be required by the Board to provide a written summary of and set out the context for the Traditional Knowledge that they present.
- 108 After the deadline for Interventions has passed an Intervenor cannot submit new written evidence unless a Request for Ruling is submitted and leave to file the late evidence is granted by the Board.

Participation in Public Hearings by Parties that are not Intervenors

- 109 Any Party may participate in Public Hearings by:



- a) providing their views in writing to the Board in advance of the Public Hearing by the deadline set by the Board; or
 - b) making oral comments during the portion of a Public Hearing that has been set aside by the Board to hear the views of the public.
- 110 The Chairperson may, in the interest of fairness, allow the Developer or Intervenors to ask questions to a Party or respond to the Party's written or oral comments during a Public Hearing.

Participation in Public Hearings by Developers

- 111 In Public Hearings, Developers may make Requests for Ruling or adjournment, offer presentations and ask questions.
- 112 A Developer shall, in accordance with the Board's Hearing Directive, respond to Interventions prior to the Public Hearing. Such a response must not include new evidence.

Time Limits and Questioning

- 113 The Board will set time limits for presentations, questions, and oral submissions during a Public Hearing.
- 114 The Developer and Intervenors at a Public Hearing are subject to questioning by other Parties, Board staff, Expert Advisors, Counsel, and by the Board.

Hearing Language and Provision of Interpreters

- 115 The Board may arrange for interpretation services for Public Hearings in the language(s) it deems necessary.

Transcript

- 116 The Board will place a transcript of oral testimony from a Public Hearing on the Public Record.

Coordinated Hearings

- 117 The Board may, in accordance with section 24.1 of the Act, conduct a coordinated hearing with other Boards, committees or organizations. In such cases, the Board will issue a Notice of Proceeding laying out the process for coordination.

Adjournments

- 118 A request for adjournment prior to a Public Hearing by an Intervenor or the Developer must be made by submitting a Request for Ruling under Rule 52. At a hearing such a request may be made orally.
- 119 The Board may on its own motion adjourn a Public Hearing where:

- a) it requires further information, particulars or Documents, and these cannot be provided in time for the Public Hearing;
 - b) a development proposal is revised, and the Board determines that the revision constitutes a significant change and additional assessment work is required; or
 - c) for any reason the Board deems it necessary or fair.
- 120 The Board will set out its decision to adjourn a Public Hearing with reasons on the Public Record.

Written Closing Arguments and Closing the Record

- 121 The Board may request written closing arguments from Intervenors and a closing reply argument from the Developer.
- 122 Once the Public Hearing has ended, all documents from the Public Hearing have been received and arguments are filed on the Public Register, the Public Record will be closed.

Community Hearings

- 123 Where necessary the Board may provide additional direction about the conduct of a Community Hearing.
- 124 Intervenors do not present interventions at Community Hearings.
- 125 Intervenors and the Developer do not cross-examine each other at Community Hearings.

Part 4: Procedures for Consult to Modify Processes

- 126 Where a Consult to Modify process is initiated, the Board will provide notice on the Public Record.
- 127 The Public Record for the Proceeding will be re-opened, and any information provided during the Consult to Modify process will be placed on the Public Record.
- 128 The Board may seek responses from Parties and the Developer during a such a process. Any information provided by Parties and the Developer will be put on the Public Record along with any decisions with reasons of the Board.