ENVIRONMENTAL IMPACT REVIEW BOARD

Rules of Procedure for Proceedings of the Environmental Impact Review Board

1. GENERAL

This part applies to all aspects of all proceedings of the Environmental Impact Review Board ("EIRB" or "Review Board") established by section 11(22) of the *Inuvialuit Final Agreement*, as amended ("IFA"). All references to the Review Board include a Review Board Panel appointed pursuant to ss. 11of the IFA.

Authority and application of the Rules

These Rules are made pursuant to the authority delegated to the Review Board under subsection 11(28) of the IFA and apply to all Environmental Review Proceedings pursuant to sections 11, 12, and 13 of the IFA. They may be cited as the Rules of Procedure for Proceedings of the Environmental Impact Review Board.

These Rules should be read with and are intended to operate in conjunction with the Review Board's Environmental Impact Review Guidelines.

1.1 DEFINITIONS

DEFINED TERM	DEFINITION
Chair	means the Chairperson of the Environmental Impact Review Board.
Clarification	means the process by which the Review Board seeks an explanation of any Document or information which is on the Record without seeking new evidence or information in a Proceeding.
Competent Authority	means any Inuvialuit or government authority competent to authorize a development as set out in ss 11(32) of the IFA and includes any agency which provides funding*, and any department that has the authority to issue a licence, permit or other authorization that would authorize in any way the carrying out of a development or part of a development.
Developer	means a person, the government or any other legal entity proposing or owning, operating or causing to be operated any Development as defined in the IFA and includes any co-contractant of such owner or operator. For greater certainty, "Developer" includes any Inuvialuit developer.
Development	means a) any commercial or industrial undertaking or venture, including support and transportation facilities relating to the extraction of non-renewable resources from the Beaufort Sea, other than commercial wildlife harvesting; or b) any government project, undertaking or construction whether federal, territorial, provincial, municipal, local or by any Crown agency or corporation, except government projects within the limits of communities not directly affecting wildlife resources outside those limits and except government wildlife enhancement projects.
Direction on Procedure	means a mandatory instruction or direction, including a work plan, issued by the Review Board at any time in a Environmental Review Proceeding, to clarify process or ensure procedural efficiency.

DEFINED TERM	DEFINITION
Evidence	means information or material received or accepted by the Review Board or a Review Panel in an Environmental Review Proceeding, whether in written, oral, visual, audio, electronic or other form. Evidence may include oral testimony, Traditional Knowledge, written submissions, photographs, pictographs, drawings, maps, charts, audio and voice recordings, videos, electronic files and other information the Review Board or Review Panel considers appropriate.
EIR Coordinator	means the staff person appointed by the Review Board to provide administrative support to an Environmental Review Proceeding.
Elder	means a person recognized as an Elder in accordance with the culture, customs and traditions of the relevant Indigenous community.
Effects	means: In respect of a development: any change that the development may cause on the environment, and includes any change in the bio-physical environment on the current use of lands and resources for traditional purposes by Inuvialuit; any change it may cause to wildlife species, their habitat, or the residences of individuals of that species;any change to present or future wildlife harvesting. any change to the development that may be caused by the environment; a) any change that the development may cause to the socioeconomic and cultural environments.
Environmental Review Proceeding	means the process by which the Review Board receives a referral from the EISC, gathers and considers Evidence, reviews a proposed Development and prepares its recommendation as to whether the Development should proceed and, if so, on what terms and conditions.
Environmental Screening	means an examination of a Project Description submission undertaken by a panel of the Environmental Impact Screening Committee under ss. 11(5) – 11(21) of the IFA.
Formal Hearing	means an oral Hearing conducted in person, virtually, or through a combination of these formats, at a time and location or by a means determined by the Review Board in accordance with these Rules.
Hearing	means a Written Hearing, Formal Hearing, Community Hearing, or a combination of these processes conducted as part of an Environmental Review Proceeding, through which the Review Board receives Evidence or submissions from Parties and, where permitted, Members of the Public.
Information Request	or "IR" means a written request for information or particulars issued to a Party in accordance with ss. 2.5.
Inuvialuit	means those people known as Inuvialuit, Inuit or Eskimo who are beneficiaries under this Agreement by reason of the settlement of their claim to traditional use and occupancy of the land in the Inuvialuit Settlement Region and who are represented by COPE and, where the context requires, includes the Inuvialuit Regional Corporation, the Inuvialuit Land Corporation, the Inuvialuit Development Corporation, the Inuvialuit Investment Corporation, the Inuvialuit Reghional Corporation, the Inuvialuit community corporation, and any other corporation controlled by the Inuvialuit established by or pursuant to this Agreement. section 2 of the IFA.
Inuvialuit Community	means any of the communities of Aklavik, Inuvik, Paulatuk, Sachs Harbour, Tuktoyaktuk, or Ulukhaktok.
IFA	means the Inuvialuit Final Agreement as amended from time to time.

DEFINED TERM	DEFINITION
Inuvialuit Organization	means the Inuvialuit corporations, trusts or organizations controlled by Inuvialuit as set out in section 2 of the IFA.
Member of the Public	means a person or organization other than a Party, who is permitted to participate in an Environmental Review Proceeding..
Panel	means, collectively, those members of the Review Board assigned to participate in an Environmental Review Proceeding.
Party	means a person or organization granted Party status under section 3.2 of these Rules, including those entitled to Party status under Rule 3.2.1.
Project Description	means the description of a proposed Development submitted to the Environmental Impact Screening Committee for screening under the IFA.
Record	means all Evidence accepted by the Review Board in an Environmental Review Proceeding, including relevant submissions, correspondence, Information Requests and responses, Board directions and rulings, and any hearing recordings or transcripts that the Review Board directs to be included, subject to restrictions on public disclosure under these Rules.
Registry	means the publicly accessible paper or electronic collection of information and Evidence forming part of the Record of an Environmental Review Proceeding, excluding information for which the Review Board has limited public access under these Rules.
Request for Ruling	means a written request by a Party to the EIRB for a Rulingin an Environmental Review Proceeding.
Rules	or “Rule” means these Rules of Procedure as a whole or each provision individually as the case may be..
Ruling	means a decision or order made by the Review Board during an Environmental Review Proceeding including in response to a Request for Ruling.
Screening Committee	or "EISC" means the Environmental Impact Screening Committee established by subsection 11(5) of the IFA, and includes a panel thereof.
Traditional Knowledge	means knowledge, practices, observations, teachings and understandings held, developed and transmitted by Inuvialuit and other Indigenous Peoples, including through oral histories, lived experience and intergenerational learning, relating to the environment, lands, waters, wildlife, culture and relationships among them. Traditional Knowledge may be shared orally, in writing, through demonstration or by other culturally appropriate means.
Work Plan	means the plan the EIRB prepares and uses to guide its work through the Environmental Review Proceedings.
Written Hearing	means a Hearing where the Review Board only receives information and/or evidence in writing or written form.

1.2 INTERPRETATION AND VARIATION OF RULES

General Principles

1.2.1 These Rules shall be interpreted and applied consistently with the Inuvialuit Final Agreement (IFA), the principles of natural justice, and procedural fairness. The Review Board may interpret and apply these Rules flexibly to ensure the fair, efficient, and timely conduct of Environmental Review Proceedings.

1.2.2 The Review Board is not bound by the strict rules of evidence and may conduct its proceedings with appropriate flexibility and informality, provided that the principles of natural justice and procedural fairness are respected.

Authority to Vary Rules and Issue Directions

1.2.3 The Review Board may, on its own initiative or at the request of a Party:

(a) Vary or dispense with the application of any provision of these Rules;

(b) Issue a Direction on Procedure where a procedural matter is not addressed by these Rules; or

(c) Issue any other Direction on Procedure necessary for the fair, efficient, and orderly conduct of an Environmental Review Proceeding.

1.2.4 Where a Direction on Procedure conflicts with a provision of these Rules, the Direction on Procedure shall prevail, provided that it is consistent with the IFA and the principles of natural justice and procedural fairness.

1.2.5 In the event of any inconsistency between these Rules or a Direction on Procedure and the IFA, the IFA shall prevail.

Timelines and Procedural Requirements

1.2.6 Unless otherwise specified, any reference to a number of days in a Direction on Procedure means calendar days. Where a deadline falls on a Saturday, Sunday, or statutory holiday, the deadline shall be extended to the next business day.

1.2.7 The Review Board may vary any timeline prescribed for an Environmental Review Proceeding, subject to any applicable requirements under the IFA and any conditions the Review Board considers appropriate.

Procedural Irregularities

1.2.8 An Environmental Review Proceeding shall not be invalid solely because of a procedural defect or irregularity in form.

1.3 NON-COMPLIANCE WITH THESE RULES

1.3.1 Where a Party fails to comply with these Rules or a Direction on Procedure issued by the Review Board, the Review Board may:

a) Adjourn the Environmental Review until satisfied that the Rule or Direction on Procedure has been complied with; or

b) Take such other steps as it considers just and reasonable.

c) Where a proceeding has been adourned for more than 5 years, the proposed Development will be considered to have been withdrawn.

2 SECURING AND MANAGING EVIDENCE IN A PROCEEDING

2.1 Communicating with the Review Board during an Environmental Review Proceeding

2.1.1 Unless the Review Board directs otherwise, all communications, including requests, responses and submissions relating to an Environmental Review Proceeding, shall be in writing. Such material may be sent in digital formats acceptable to the Review Board and directed to the EIR Coordinator.

2.2 Traditional and Local Knowledge

2.2.1 In the application of these Rules, the EIRB shall,

a) Ensure that Traditional Knowledge is considered and given weight equal to other sources of information in Environmental Review Proceedings.

b) Give due regard and weight to the traditions, oral communications, governance and decision-making of Inuvialuit and of other Indigenous Peoples; and

2.3 The record and privacy matters

2.3.1 The Record is opened when a proposed Development is referred to the EIRB for a public review pursuant to ss 11(20) of the IFA.

2.3.2 A copy of the record produced during the Environmental Screening shall be included in and form part of the Record.

2.3.3 All admissible Evidence received during an Environmental Review Proceeding shall be placed on the Record.

2.3.4 Subject to exemptions granted with respect to confidential information, the Record, including all paper and electronic versions of Evidence, shall be maintained as a part of the Review Board's Registry.

2.3.5 If a Party wants to limit public access to specific information contained in its submissions, the Party must submit a Request for Ruling to the EIRB pursuant to ss. 2.6 of these Rules.

2.3.6 The Review Board shall notify Parties of a Request for Ruling to limit public access to specific information and shall issue a Direction on Procedure setting out the process for dealing with the Request in accordance with ss. 2.6 of the Rules.

2.3.7 The Review Board may issue a Ruling not to include on the Registry information of a confidential or sensitive nature, including matters involving security, business, personal or proprietary interests, archaeological or Traditional Knowledge. The Review Board may make a Ruling to limit the introduction of, or to limit the disclosure of such information.

2.3.8 The Review Board may, upon notice to the Parties, make appropriate arrangements to seek Clarification of any evidence or information on the Record prior to the Record being closed.

2.3.9 All admissible information received by the Review Board from the time the Record is opened until it is closed shall be considered by the Review Board in making its recommendation regarding whether and on what terms and conditions a proposed Development should proceed. The Review Board may also consider information received pursuant to a Clarification under Rule 2.3.11.

2.3.10 The Record is closed after all Information Requests and undertakings are answered to the satisfaction of the Review Board and final arguments are received at the time set by the Review Board in its Direction on Procedure.

2.3.11 No new information will be accepted for consideration in an Environmental Review proceeding after the Record has been closed. However, the Review Board may reopen the Record on its own motion, or in response to a Request for Ruling.

2.4 Burden of proof and questioning of parties in proceedings

2.4.1 Any Party or Member of the Public advancing a position in an Environmental Review Proceeding is responsible for providing the information or Evidence that they wish the Review Board to consider in support of that position.

2.4.2 Any Party who provides evidence in an Environmental Review Proceeding may be subject to questioning in the Environmental Review Proceeding. In a Written Hearing before the Review Board, questions will be presented to the Parties in writing in the form of Information Requests.

2.5 Information Requests

2.5.1 The EIRB may seek information from any Party at any time during the Environmental Review Proceeding by way of a written IR filed with the EIR Coordinator.

2.5.2 A Party may seek information within the scope of an Environmental Review Proceeding from another Party by way of a written IR.

2.5.3 A Party wishing to submit an IR to the EIRB for approval must use the Instructions for Making an Information Request in Appendix "C".

2.5.4 If an IR is approved, the EIRB shall transmit the IR to the Party from which information is being requested. Copies of approved IRs will be placed on the Registry.

2.5 5 The Party to whom the IR is directed must respond to the EIRB in writing within the time limit imposed by the EIRB.

2.5.5 Upon receipt of an IR response, the EIRB shall place it on the Registry. All Parties shall either be provided with the response by the EIRB or shall be notified that it can be found on the Registry.

2.5.6 The EIRB may vary the timelines in an Environmental Review Proceeding to allow the Parties to consider and respond to any new information submitted in a response to an IR.

2.6 Requests for Rulings

2.6.1 To resolve legal or procedural issues in an Environmental Review Proceeding, a Party may submit a written Request for Ruling to the Review Board.

2.6.2 The Request for Ruling must include a clear, concise statement of the relevant facts, an indication of the Ruling being sought and the reasons why the Ruling should be granted. The Request for Ruling should be filed according to the Instructions for Making a Request for Ruling found in Appendix "A".

2.6.3 All Requests for Rulings must be filed with the Review Board's EIR Coordinator. The EIR Coordinator shall ensure that a copy of the Request for Ruling is placed on the Registry, along with the date on which it is scheduled to be decided, and shall notify the Parties of the Request for Ruling.

2.6.4 A Party wishing to respond to a Request for Ruling must provide a written response and any supporting documentation to the EIR Coordinator before the Request for Ruling is scheduled to be decided by the Review Board.

2.6.5 The EIR Coordinator shall ensure that copies of all responses to a Request for Ruling are placed on the Registry. The Party making the Request for Ruling shall have an opportunity to file a written reply to any responses from the other Parties before the Review Board considers the Request for Ruling.

2.6.6 The process and associated timelines leading to a decision respecting a Request for a Ruling shall be at the Review Board's discretion and provided to the Parties by way of a Direction on Procedure.

2.6.7 The Review Board may respond orally to a Request for Ruling made during a Formal Hearing or Community Hearing, in accordance with the Review Board’s discretion.

3 ENVIRONMENTAL IMPACT REVIEW BOARD PROCEEDINGS

3.1 Initiating an Environmental Review Proceeding

3.1.1 The Review Board shall, upon receipt of a referral from the EISC, publish a public notice of the referral using appropriate media. The notice of the referral shall include a brief description of the proposed Development.

3.1.2 The Review Board shall place its initial Review Schedule and Workplan as developed pursuant to paragraph 4.4.5 of the EIRB Guidelines on the Registry within 21 days of the receipt of a referral. The Review Schedule and Workplan may be amended from time to time at the discretion of the Review Board.

3.2 Participation in Environmental Review Proceedings

3.2.1 The following entities are automatically granted Party status in an Environmental Review Proceeding:

a) The Developer proposing the Development

b) Government agencies and government departments

c) Inuvialuit co-management bodies

d) Inuvialuit Organizations

e) Inuvialuit Communities

f) Competent Authorities

3.2.2 In order to participate in an Environmental Review Proceeding, Parties listed in Rule 3.2.1 with the exception of the Developer, must provide written notice of their intention to participate to the Review Board in accordance with the EIRB Work Plan.

3.2.3 Any person or entity not deemed to be a Party under Rule 3.2.1 that wishes to participate as a Party in an Environmental Review Proceeding must apply to the Review Board for Party status. An application for Party status must be made in accordance with the Instructions for Making a Request for Party Status in **Appendix "B".**

3.2.4 A Request for Party Status must be filed with the EIR Coordinator within the time specified by the Review Board in the Work Plan for the proceeding.

3.2.5 Upon receipt of a Request for Party Status, the Review Board shall, in its sole discretion, determine whether to grant such status, and shall place its Ruling on the Record. Applicants for Party Status will be notified of the Review Board's Ruling in writing.

3.2.6 The Review Board may request additional information from other Parties or any person or organization before making a determination on Party status.

3.2.7 The Review Board may require applicants for Party status with similar interests or proposing similar evidence or presentations to present that material jointly.

3.2.8 Any Member of the Public may provide written information or comments to the Review Board at any time during an Environmental Review Proceeding. Such written information or comments shall be placed on the Registry. Parties shall be given the opportunity to respond in writing to such information or comments before the conclusion of the Environmental Review Proceeding.

Specialists, Experts & Consultants

3.2.9 The Review Board may engage independent specialists or experts (collectively "specialists") to provide evidence relevant to the issues raised in any Environmental Review Proceeding. Any evidence received from a specialist shall be placed on the Registry and disclosed to all Parties.

3.2.10 The IR process set out under Part 2.5 applies to the evidence provided by a specialist. In addition, the specialist may be questioned by any Party or Member of the Public during a hearing.

3.3 Scoping an EIRB Review Proceeding

3.3.1 The Review Board shall conduct scoping activities and will require a report on community engagement by the Developer before determining the whether a Standard or Expedited Review Option, as described in the EIRB Guidelines, will be applied to the Environmental Review Proceedings and before determining requirements for an Environmental Impact Statement ("EIS").

3.3.2 Once the Review Board has completed the scoping process and is satisfied with the Developer's community engagement report, it will issue a Direction on Procedure stipulating whether the Environmental Review Prodeeding will be conducted on a standard or expedited basis.

3.3.3 In accordance with the Work Plan, the Review Board will seek input and comment from the Parties and Members of the Public on the Developer's community engagement and on the scope of both the Development and Environmental Review Proceeding before they are finalized.

3.3.4 After requesting input from the Parties and Members of the Public, the Review Board will issue a Direction on Procedure which includes draft Terms of Reference for an Environmental Impact Statement ("EIS") and timelines for the Environmental Review Proceeding.

4 ANALYSIS OF THE ENVIRONMENTAL IMPACT STATEMENT

4.1 The EnvironmentaL Impact Statement

4.1.1 Once submitted, the EIS can only be amended with permission of the Review Board. An amendment must be authorized through a Requests for Ruling as described in Part 2.6.

4.1.2 Any request for an amendment to the EIS by the Developer must be accompanied by supporting evidence to justify those amendments. To provide an indication of how the impacts of the proposed Development will be affected by the amendments.

4.1.3 Any amendments the Developer wishes to make to the EIS should be requested following completion of the Technical Review Phase as described in ss. 4.7 of the EIRB Guidelines and prior to the Pre-Hearing Conference, if one is held.

4.1.4 If the Request for Ruling to amend the EIS is approved, the Review Board may re-open the Technical Review Phase and IR processes.

4.1.5 The Review Board's decision to permit the amendment of the EIS will be issued in an updated Direction on Procedure and posted on the Registry.

4.2 Technical Sessions

4.2.1 The Review Board may at any time during an Environmental Review Proceeding and upon such terms as it deems appropriate, organize technical sessions or workshops or take such other steps as are necessary to encourage the Parties to communicate and/or attempt to resolve technical issues and other questions before a Hearing.

4.3 Site Visits

4.3.1 At any time during an Environmental Review proceeding, the Review Board may schedule a visit to the proposed Development site.

5 RULES FOR VARIOUS TYPES OF HEARINGS

5.1 Rules for all Hearings

NOTICE OF HEARING

5.1.1 Upon completion of the EIS review, the Review Board may determine that the proposed Development is ready for a Hearing. If it does, the Review Board will notify the Parties and publish a Notice of Hearing in appropriate media.

5.1.2 The Review Board will determine the type of Hearing and the schedule for that Hearing.

5.1.3 The Review Board may amend the arrangements for or cancel a Hearing at any time as required.

EVIDENCE, RECORD AND ORAL PRESENTATIONS IN HEARINGS

5.1.4 Copies of record filed in an Environmental Review proceeding shall be placed on the Registry and made available to all Parties and the Parties shall be given an opportunity to respond to the document. This Rule applies to all information in a proceeding that is not protected under Part 2.3.

5.1.5 In the case of an oral presentation made during an Environmental Review Proceeding, the Parties shall be allowed to ask questions of the person who made the presentation.

5.1.6 The Review Board may, in its discretion, arrange for any Hearing to be electronically recorded or for transcripts of the Proceeding to be produced.

FILING AND EXCHANGING EVIDENCE

5.1.7 All evidence filed with the EIRB during an Environmental Review Proceeding must be provided in accordance with any timelines set by the Review Board and must be filed with the EIR Coordinator.

5.1.8 The evidence shall be placed on the Registry and all Parties shall be notified of such placement. This Rule applies to all information in an Environmental Review Proceeding to which public access is not limited under ss. 2.3.

5.1.9 Failure to disclose evidence as required by a Direction on Procedure or these Rules will be dealt with as a matter of non-compliance in accordance with ss. 1.4.

5.1.10 The Review Board may direct an exchange of evidence among the Parties to ensure focus, efficiency and fairness in the Environmental Review Proceedings.

COPIES OF EVIDENCE AND SERVICE

5.1.11 Any Party wishing to file Evidence during an Environmental Review Proceeding may be directed by the Review Board to provide sufficient copies for distribution to the other Parties.

5.1.12 The Review Board may, in its discretion, direct that Evidence be filed in both printed and electronic format. The Board may direct the evidence be translated in the official languages and Inuvialuktun.

5.1.13 The Review Board may direct that certain information or Evidence be provided to the Parties by way of personal delivery, mail, electronic transmission or any other way directed by the Review Board.

5.1.14 When proof of delivery of information or Evidence is required, it may be provided by affidavit, by Document showing electronic transmission and receipt by another Party or by any other reasonable means acceptable to the Review Board.

5.2 PROCEEDINGS FOR WRITTEN HEARINGS

5.2.1 The Review Board may, in its discretion, issue a Direction on Procedure specifying that an Environmental Review Proceeding be conducted by way of written submissions.

5.2.2 The Parties and Members of the Public must provide information, Evidence and submissions to the EIR Coordinator in a manner consistent with the Direction on Procedure.

5.2.3 The Parties and Members of the Public may respond to written information, Evidence or submissions received by the Review Board before a Review Board decision is made.

5.3 RULES FOR FORMAL AND COMMUNITY HEARINGS

Hearing Notice for Formal or Community Hearings

5.3.1 When an Environmental Review Proceeding is to include a Formal Hearing or Community Hearing, the Review Board shall, at least 60-days in advance of that Hearing, ensure that notice of the date of that Hearing is given to the Developer, the Parties and to Members of the Public.

5.3.2 The Hearing notice shall include the following information:

a) The date, time, place and nature of the Hearing, whether a Formal or a Community Hearing;

b) The matters to be considered at the Hearing;

c) The opportunity for Members of the Public to participate;

d) The date by which interventions to be presented in the Hearing must be filed; and

e) Any other information relevant to the conduct of the Hearing;

5.3.3 The Review Board shall arrange for a Pre-Hearing Conference at any time but at least 30 days before the date set in the public notice for the community hearing.

5.3.4 Notice of any preliminary, legal or jurisdictional issue in a Hearing must be raised with the Review Board at or before the Pre-Hearing Conference as a Request for Ruling in accordance with Part 2.6 and Appendix "A" of these Rules.

5.4 PROCEEDINGS FOR A FORMAL HEARING

PARTICIPANTS IN A FORMAL HEARING

5.4.1 A Party may appear in a Hearing on its own behalf. A Party represented by a contact person or legal counsel must notify the EIR Coordinator of that representation.

5.4.2 The Review Board shall maintain a list of Parties registered for a Proceeding under Rule 3.2.1 and 3.2.3.

5.4.3 Any Member of the Public who wishes to participate in a Proceeding may:

a) Provide his or her views, in writing, to the Review Board in advance of the Hearing; or

b) Make an oral presentation during that portion of the Hearing that has been set aside by the Review Board to hear the views of the Members of the Public.

PRE-HEARING CONFERENCES

The Review Board shall arrange for a Pre-Hearing Conference at least 30 days before the date set in the public notice for a formal hearing.

5.4.4 Notice of any preliminary, legal or jurisdictional issue in a Hearing must be raised with the Review Board at or before the Pre-Hearing Conference as a Request for Ruling in accordance with Part 2.6 and Appendix "A" of these Rules.

5.4.5 The Pre-Hearing Conference among the Parties is intended to:

a) Finalize the list of issues to be discussed at the Hearing;

b) Seek a Clarification or amplification of the issues in a Hearing;

c) Encourage the resolution of an issue by alternative means;

d) Set a timetable for the exchange of information and for preparations for the Hearing;

e) Set out and explain the procedures to be used at the Hearing; and

f) Consider any matter that may aid in the simplification and disposition of the Hearing.

5.4.6 The Review Board shall provide notice of a Pre-Hearing Conference to the Parties and the public in an Environmental Review Proceeding. The notice shall include the date, time and place of the Pre-Hearing Conference and a brief description of the agenda and shall identify the individual who is the point of contact within the Review Board for the Pre-Hearing Conference.

CONDUCT OF A FORMAL HEARING

5.4.7 The Chair of the Review Board or his/her designate will preside at all Formal Hearings.

5.4.8 Formal Hearings shall be conducted in an orderly and professional manner.

5.4.9 Formal Hearings may be conducted with one or several of the Parties participating in person.

5.4.10 Parties, Members of the public and specialists presenting information at Formal Hearings shall be subject to such questioning as the Review Board may allow.

5.4.11 The Review Board may set time limits for oral submissions and questions by any Party or participant at a Formal Hearing.

5.4.12 The Review Board may address any issue raised by a Party during the course of a Formal Hearing and dispose of it by way of a Ruling.

WITNESSES AND EVIDENCE

5.4.13 The Review Board may, where it considers that information or technical data are required to carry out its review of a Development:

Request the attendance of the Developer whose proposed Development is under review, its directors, officers, servants and agents and all other persons participating in the review, their directors, officers, servants and agents, for the purpose of examination and taking the testimony of such persons; and

Request the production of books, plans, specifications, drawings and other Evidence from such persons.

5.4.14 In the event that the Developer or any other person referred to in Rule 5.4.15 fails to comply with requirements of that Rule in a timely fashion, the Review Board may deal with the matter in accordance with ss. 1.4.

ADJOURNMENT OF A FORMAL HEARING

5.4.15 Any Party may apply for an adjournment of a Formal Hearing. If made in advance of a Hearing, such an application must be made by way of Request for Ruling in accordance with these Rules.

5.4.16 The Review Board may on its own motion adjourn or reschedule a Formal Hearing at any time.

5.5 PROCEEDINGS WITH A COMMUNITY HEARING

COMMUNITY HEARINGS OR SESSIONS

5.5.1 The Review Board may hold informal Community Hearings to hear the views of any community potentially affected by a proposed Development.

5.5.2 When it decides to hold a Community Hearing, the Review Board shall give written Directions for Procedure for the Community Hearing at least sixty (60) days in advance of the Community Hearing. The Developer must be present at a Community Hearing.

5.5.3 The Chair of the Review Board shall preside at Community Hearings.

5.5.4 Procedure at a Community hearing will be informal and managed at the discretion of the Chair.

5.6 CLOSURE OF THE RECORD

5.6.1 The conclusion of the Hearings brings to an end the public portion of the Environmental Review Proceeding, and the Record will be closed once all Information Requests and undertakings by the Parties have been answered and arguments have been filed in accordance with these Rules.. The Review Panel will then convene to render a decision and complete its decision report.

5.7 REVIEW PANEL DECISION

5.7.1 The Review Board shall expeditiously review all projects referred to it and on the basis of the evidence and information before it shall recommend whether or not the Development should proceed and, if it should, on what terms and conditions, including mitigative and remedial measures. The Review Board may also recommend that the Development should be subject to further assessment and review and, if so, the data or information required.

APPENDIX A

INSTRUCTIONS FOR MAKING A REQUEST FOR RULING

These instructions are to be used when a Party wishes to make a legal or procedural Request for Ruling by the EIRB (pursuant to Part 2.6). A Request for a Ruling is made during an Environmental Review Proceeding when a legal, procedural or a jurisdictional issue arises that needs resolution so the proceeding can move on and be completed. The Review Board will make the decision as a Ruling.

The following information is required when making a Request for Ruling:

a) Name of Party
b) Name of Proceeding
c) Explanation of the Ruling requested (state the relief sought as clearly as possible)
d) Facts or information and Evidence relevant to the request for a Ruling
e) Authority or grounds for the Ruling (e.g., any rules or law)
f) List of supporting Evidence
g) Argument supporting the Request, and
h) A dated and signed application

When a Request for Ruling has been received by the EIR Coordinator it shall be placed on the Registry. Once the Ruling has been made, a copy of the Ruling will be placed on the Registry.

APPENDIX B

INSTRUCTIONS ON MAKING A REQUEST FOR PARTY STATUS

These instructions must be followed when making a Request for Party Status to the EIRB for all participants who want to register as a Party to an Environmental Review proceeding, other than those entities deemed to be Parties under Rule 3.2.1.

The following information is required when making a Request for Party Status:

a) Name of the Environmental Review Proceeding

b) Name of the individual or organization seeking Party status

c) Brief explanation of the relevance of the Development to the applicant; the applicant's specific connection with the Development area or activities; and how the Development might affect the applicant's interests

d) Description of how the individual or organization plans to participate (e.g., what information, witnesses, or presentations), and who will participate on the applicant's behalf if relevant (e.g., legal counsel, third party)

e) Summary of the relevant information or expertise that the applicant could provide to assist the Review Panel

f) Explanation of how the applicant might collaborate with other persons or groups whose interests or perspectives might overlap with those of the applicant

g) Address and other contact information

h) Dated and signed application

When a Request for Party Status has been received by the EIR Coordinator, a notice of the Request for Party Status will be placed on the Registry. Once a decision respecting Party status has been made, a formal Notice of Party Status will be placed on the Registry.

APPENDIX C

INSTRUCTIONS FOR MAKING AN INFORMATION REQUEST

The purpose of an Information Request is to provide the EIRB with the information it needs to decide whether the proposed Development is likely to have a significant adverse environmental effect. An Information Request is a tool for the Review Board and the Parties to obtain additional information and/or Clarification on issues, and to answer questions that arise during an Environmental Review Proceeding.

Information Requests can originate from and be directed to any of the Parties to the Proceeding. A Party can request information that is necessary for its technical analysis of the Development's potential environmental effects. All IRs are subject to the Review Board's approval. The Review Board will generally not accept any Information Requests which seek information outside the scope of the Environmental Review Proceeding.

Please provide the following information when making an Information Request:

IR Number: Number is assigned by EIRB.

Source: Organization proposing the request (your organization).

To: Who the request is directed to, or the organization(s) expected to answer or provide information (e.g., the Developer or a government department).

Subject: What is the general subject of the request (e.g., fish, water, cultural impacts, permafrost)?

Preamble: Provide background information and a rationale for your request. The preamble should identify any shortcomings of available information and how the requested information will be relevant. For example: "The Developer's correspondence to date describes various mitigation measures to minimize impacts on wildlife, but does not specify which measure is aimed at which species. To determine the effectiveness of proposed mitigation measures the species they are aimed at should be known".

Request: The question the Party is directed to answer. For example: "Please identify which mitigation measures are aimed at minimizing impacts on moose". A question may consist of several parts. Please make your questions as specific as possible.

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