

Intervener Funding

Under the Natural Resources Conservation Board Act

What is intervener funding?

Intervener funding ensures that individuals or groups of individuals who are or may be directly affected by a project are able to effectively participate in the Natural Resources Conservation Board (NRCB) review process. Intervener funding may be given to assist “directly affected” individuals in providing the Board with information regarding those issues that have a direct effect on them.

What is the role of the NRCB?

The NRCB, established in 1991, provides an impartial process for reviewing projects that will or may affect the natural resources of Alberta.

What is the role of interveners?

Interveners participate in a hearing either to support or oppose an application, or to provide relevant information to the NRCB. Participation may involve preparing a written submission, the cross-examination of other participants and presentation of final arguments.

Who is eligible for intervener funding?

Individuals or groups of individuals, Aboriginal organizations, and incorporated not-for-profit organizations may apply for intervener funding. Eligible parties must establish that they are or may be directly affected by a proposed project, or plan to provide expert or relevant knowledge regarding the anticipated effects of the project.

For-profit organizations, governments, government organizations or other publicly funded bodies, or not-for-profit entities with goals and objectives not specifically

related to the project, may not qualify. While not everyone is eligible for intervener funding, any party with an interest in the review is welcome to provide relevant information that will help the Board reach a decision.

What is a “direct effect”?

For participants to establish a direct effect, the project must cause a detectable impact on them. Potential direct effects may include those on health, livelihood, property or statutory rights. The Board’s interpretation of “directly” excludes the broad public that may be indirectly affected by a project. The effects must be of a personal and individual nature. The effects therefore are different, special or unique from effects that would apply to any other citizen in Alberta.

Having a special interest in the project does not necessarily mean the project will have direct effects on an intervener or that the intervener is eligible for funding.

Who may be judged as directly affected?

You may be judged as directly affected if you are an adjacent property owner, live or work near the proposed project or are able to see or hear the proposed facility or the traffic that may pass into or out of it. You may also be considered directly affected if you would experience direct financial effects or regularly use air, water, land or living organisms that would be affected by the proposed project, exposing you to an elevated risk of adverse effects.

...continued

When should I apply for intervener funding?

You should apply early in the review process for a ruling on your eligibility to receive funding. This is usually done at the pre-hearing conference.

What costs does intervener funding cover?

Intervener funding may cover the cost of expert witnesses, legal advice, travel and other expenses. An intervener the Board determines to be “directly affected” by the proposed project is not automatically entitled to an award of intervener costs. Your expenses must involve work necessary to establish a direct effect, the work cannot duplicate that of others, and the information must assist the Board in making its decision.

Does intervener funding cover 100 percent of the costs associated with making a submission to the NRCB?

While funding is available for those who are eligible, participants are expected to cover a significant portion of their costs

Where can I find more information about intervener funding?

For more information you should refer to the Rules of Practice of the Natural Resources Conservation Board Regulation available through Queen’s Printer. You may also request a copy of the NRCB’s Intervener Funding Process Guide, available through the NRCB’s Edmonton office or website.

February 23, 2015