

## Preparing for a Pre-Hearing Conference

### Under the Natural Resources Conservation Board Act

#### **What is a pre-hearing conference?**

It is a public meeting for the Board to consider preliminary and procedural matters prior to a formal hearing to review the development project.

#### **What is the purpose of the pre-hearing conference?**

The NRCB is accountable to Albertans for the responsible use of public funds. That is why the NRCB encourages participants to resolve issues before the hearing process, minimizing review time and expense.

The pre-hearing conference is an opportunity for interveners to become involved early in the review process and to participate in shaping that process.

#### **What does the pre-hearing cover?**

The pre-hearing addresses the appropriate scope and jurisdiction of the review, the location and timing of a hearing and deadlines for filing hearing submissions. Applications concerning eligibility for intervener funding and advance awards are considered. There are also discussions of the major issues to be examined at the hearing and of hearing procedures.

The Board does not hear submissions regarding the effects of a proposed project at the pre-hearing. Those submissions are considered at the hearing, following the pre-hearing conference.

#### **Who can participate in the pre-hearing?**

The Board encourages all Albertans, particularly those “directly affected” by a proposed development, to participate in the review process.

#### **What is the format of the pre-hearing?**

While the pre-hearing conference is less formal than a court proceeding, it does have a structured format. The meeting begins with opening remarks by the Panel Chair, followed by preliminary matters such as procedural or legal issues.

After the participants present their concerns addressing each agenda item, the project applicant may respond. All parties then present closing arguments, summarizing their main issues and evidence outlining the reasons they believe the Board should reach preliminary and procedural decisions.

You should only discuss those items of particular concern to you.

#### **How do I prepare for the pre-hearing?**

- Familiarize yourself with aspects of the project that interest you.
- Speak with NRCB staff members who will be acting as project coordinators.
- Read NRCB guides, fact sheets, and legislation to learn about the review process.
- Prepare arguments for directly affected status in advance.
- Prepare arguments on the scope and kinds of issues the public hearing should address.
- Consult with other interveners. If you share common concerns, you could form a coalition.

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### **How do I establish eligibility to receive intervener funding?**

To receive intervener funding to participate in the hearing, participants must establish a direct effect. The project would have to cause a detectable impact on them.

Potential direct effects may include those on health, livelihood, property or statutory rights.

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 be directly affected by the proposed project.

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, you may also be directly affected.

The effects must be of a personal and individual nature. This means the effects are different or unique from effects that would apply to any other citizen in Alberta.

For more information about intervener funding, refer to the NRCB's *Intervener Funding Process Guide* (available on the NRCB's website or through the NRCB's Edmonton office) and the *Rules of Practice of the Natural Resources Conservation Board Regulation* (available through Queen's Printer).

### **What does the NRCB do with the information gathered at the pre-hearing conference?**

NRCB Board members review the information presented. Their decision on preliminary and procedural matters is made public as a decision report. Timing and location for the hearing and eligibility to receive intervener funding are also determined.

### **Tips for participating in the pre-hearing conference**

- Address the agenda items in turn.
- Do not present your hearing arguments unless they affect a matter under discussion.
- Familiarize yourself with the position of other participants and coordinate your efforts with other groups/individuals where possible.

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