



**Yukon  
Water Board**

*Office des eaux  
du Yukon*

October 11, 2007

Selkirk First Nation  
Box 40  
Pelly Crossing YT Y0B 1P0

Jerry Kruse, Co-Chair  
Selkirk Renewable Resources Council  
Box 32  
Pelly Crossing, Yukon Y0B 1P0

J. Chown  
JC Environmental Consulting  
7 Aster Place  
Whitehorse, YT Y1A 5T9

Pat Paslwawski, V-8  
Environmental Affairs Section  
GY Environment  
Box 2703  
Whitehorse, YT Y1A 2C6

**RE: Public Hearing, Water Use Application MN07-071, Selkirk First Nation**

The public hearing into this application has been rescheduled and will now take place on February 7, 2008.

The public hearing will be conducted according to the Board's Rules of Procedure. Copies of the rules are available at our website, and additional copies can be provided in either paper or electronic form by contacting the Water Board office.

The information in this letter is only supplemental to the Rules of Procedure, and where there is a discrepancy, the rules will prevail.

Date and Location of Public Hearing

The hearing will take place at the High Country Inn, 4051 4<sup>th</sup> Avenue, Whitehorse. It will begin at 9. am on Thursday February 7, 2008

Duration of Public Hearing

The duration of any public hearing is impossible to predict, because it is affected by so many factors such as the number of participants, the complexity of the issues, the duration of the presentations, and delays caused by late submissions and procedural discussions. I can advise that

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Exhibit 4.3

we have booked the hearing facility for one day. If the hearing is not concluded by the end of the day, then an evening session is possible, or the Board may decide to adjourn and reconvene at some point in the future. None of this can be determined in advance.

#### Number of Participants

In order to assist us in arranging the hearing room to accommodate everyone as comfortably as possible, we need to know how many people will be attending and, if possible, their names. This information isn't binding, you are free to change the numbers and the names. But if we don't know who will be attending, then we will have to make some arbitrary assumptions and that could mean that your delegation may not be provided with enough table space for everyone.

Also, we can't always sit everyone where they would like to sit, and we may have to split your delegation into two rows of seating, rather than have everyone at the front.

Please advise us of the names of the people in your party no later than January 4, 2008. If you do not have names, a number will be helpful.

#### Order of Appearance

At the hearing, the representatives of Selkirk First Nation (the applicant) will first be asked to summarize the proposed project. Then, each of the interveners may ask questions, after which the Board members and the Board's consultants may ask questions.

Next, representatives of Government of Yukon and of Selkirk Renewable Resource Council (the interveners) will each be asked to present their interventions and, after each presentation, to respond to any questions from all other parties, as well as the Board members and consultants.

After both of the interveners have presented their interventions, and all questions have been dealt with, the applicant may respond to the interventions. For this hearing, there will be a minor modification to the rules, and the interveners will not have an opportunity to question the applicant's response. However, if it appears, at the time of the hearing, that it would be helpful to provide that opportunity, then the Chairperson will consider such requests. The reason for this minor modification is that applicants' responses do not usually result in questions for clarification.

Finally, each party will be given an opportunity to make closing statements. Selkirk First Nation will have the final statement.

It is quite acceptable for a party to rely on their written submission, without further elaboration (although that doesn't relieve the party from the responsibility to respond to questions). Similarly, parties may choose whether or not to make a closing statement.

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### Late Filings

The Rules of Procedure (rule 8 and rule 17) require that interventions must be submitted by the intent date, and must be accompanied by all supporting documentation. It does not appear that there will be any late submissions at this hearing. However, in case anyone is considering filing any more material, the process is described in the attachment to this letter. In the interests of avoiding preventable delays, everyone is asked to please review the attachment and contact our office if you have any questions at all.

### Visual Aids

If you plan to use any visual aids, such as a power point presentation, pictures or overheads, then we will need to keep a copy as part of the register, and you will still need to obtain an exhibit number before the hearing, so that you can mark that number on the copy that you give us. However, it is not necessary to provide copies of those visual aids to the other parties, **providing that they do not contain any information except what is already included in the current water use register**, as of October 11, 2007.

If a visual aid includes any information that is not already in the water use register, then it will be part of the application, the applicant's response, or an intervention. For example, if your power point presentation includes a chart, graph, or photo that is not already in the water use register, then it is a new exhibit. In that case, you must comply with the requirements for late filings discussed elsewhere in this letter, including distributing it to all parties in advance and providing 15 copies to the Board.

When using visual aids at the hearing, please make sure that your verbal presentation includes specific cross references to your visual presentation. This will help the Board during their subsequent deliberations, because they will be able to refer to the correct part of your visual aid as they review the transcript. One successful method has been to number each slide/page and then say the number before you begin your remarks about that slide/page.

If you have any doubts about whether something is a visual aid, or a new exhibit, please discuss it with water board staff before the hearing.

### Applicant's Response to Interventions

The applicant does not need to provide the other parties with copies of their responses to interventions in advance of the hearing, since this would not be a late submission. The applicant does not have to provide their response in writing.

However, in the interests of avoiding delays, if the applicant does intend to respond in writing, then they are requested to obtain tentative exhibit numbers, and to provide 15 copies, annotated with the application and exhibit numbers, and 3 hole punched.

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### Conduct During the Hearing

Your cooperation is requested in helping us to maintain the public nature of our process by not initiating private conversations with Board members, because such conversations could be misconstrued as a conversation about the application. If you have any questions about procedure, water board staff will be available to assist.

Water board hearings are transcribed by a court reporter, and the transcript becomes part of the water use register. Each time you speak, you should begin your remarks with your name. If reading something, please try to read slowly so that the reporter can capture all of your words.

We have a professional sound technician at our hearings. You will be asked to speak into a microphone, and occasionally you may be asked to wait while some accommodations are made so that everyone can hear.

The Board's Rules of Procedure have been developed with an intent of ensuring fairness to all parties, and as with all Rules, they may appear to be too structured or formal. The Board wants to make it easy for everyone to participate, so if there is anything that staff can do to help you with the process, please let us know.

### Public Participation at the Hearing

The Board's Rules of Procedure set out clear requirements for parties to announce their intention to participate well in advance of the hearing, and there is no provision for members of the public, who have not intervened, to actively participate in the hearing. The Rules only allow people to make a statement at the end of the hearing, immediately prior to the applicant's closing remarks, but they cannot participate in questioning any of the parties, or make any statement except at the time provided. If you are aware of any person who intends to be at the hearing and wants to speak, please tell them about this limitation. Anyone wanting to attend the hearing only to observe the proceedings is welcome.

### Telephone Participation

We will not have the ability to accommodate telephone participation. Please ensure that all of your delegation is able to attend in person.

### Water Board Contact Information

Water Board staff will be happy to receive the information that's been requested in this letter, provide additional copies of any exhibits, respond to your questions, or provide tentative exhibit numbers, via the following contact information:

Phone: 867 456 3980. We accept collect calls.

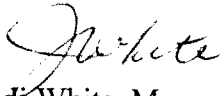
Email: [ywb@yukonwaterboard.ca](mailto:ywb@yukonwaterboard.ca) /Fax: 867 456 3890 Website: <http://www.yukonwaterboard.ca>

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A copy of the current exhibit list is enclosed with this letter, and the register has been posted to our website. Please call me if you want additional copies of any exhibits, if you would like to discuss the public hearing process, or if I can provide any other assistance.

Water board staff will also be available at the hearing to assist you with your participation in the public hearing.

Please keep in mind, as you prepare for the hearing, that the primary purpose of the hearing is to provide the Water Board with information to assist the Board in making decisions about this application. The Board will interpret its Rules of Procedure liberally, in the interests of fairness and efficiency.



Judi White, Manager  
Yukon Water Board

encl: exhibit list, Oct 11, 2007  
process for late filings

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PUBLIC HEARING, MN07-071, SELKIRK FIRST NATION  
PROCESS FOR LATE FILINGS

The Rules of Procedure (rule 8 and rule 17) require that interventions must be submitted by the intent date, and must be accompanied by all supporting documentation. In other words, everything that you want the board to read should have been submitting with your intervention on September 14.

The Rules allow late filings where a submission is

- a) in response to a matter raised by another party or by the Board, or
- b) where the implementation of that requirement would otherwise be unfair to a party, and
- c) where the Board agrees to accept the late filing.

The Board has developed a standard practice regarding administrative requirements that parties must meet when they intend to ask for leave to submit late exhibits. These requirements have been developed in order to minimize delays at hearings, while still complying with the principles of fairness. Please review the following carefully and contact our office if you have any questions.

Except for the applicant's response to interventions, any party who wants the board to consider any paper whatsoever that is not already included in the water use register (as per the exhibit list dated October 11, 2007, which is included with this letter) will be expected to comply with these administrative requirements:

- ▶ Contact our office as soon as possible, and before the hearing, give us a title for each document, and obtain a tentative exhibit number for each document.
- ▶ Indicate the application number (MN07-071) and the tentative exhibit number on the lower right hand corner of *each* page of your proposed exhibit.
- ▶ Before the hearing, distribute a copy of your proposed exhibit to each other party.
- ▶ Before the hearing, provide the water board staff with an additional 15 copies. All of these copies must be three hole punched. You are responsible for providing the appropriate number of copies; water board staff will not be able to help you.

At the commencement of the hearing, the Chairperson will provide an opportunity for parties to ask for approval to submit late exhibits, and will ask if any party objects to the late submissions. There is an expectation that, in fairness, you will have provided the other parties with their copies sufficiently in advance so that they can speak to the matter. It is also possible that the Chairperson will ask how these proposed late submissions comply with the intent of Rule 17.

Your cooperation in complying with the process described above will help us to avoid unnecessary delays during the public hearing.