

Site C Clean Energy Project Joint Review Panel

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PUBLIC HEARING PROCEDURES

– DRAFT –

1.0 Introduction

- 1.1. This document outlines the procedures for the public hearing to be conducted by the Joint Review Panel (the Panel) established to review the proposed Site C Clean Energy project proposed by the Proponent, BC Hydro and Power Authority. The Panel has been mandated by its Terms of Reference, appended to the *Agreement To Conduct a Cooperative Environmental Assessment, Including the Establishment of a Joint Review Panel, of the Site C Clean Energy Project* issued on February 13, 2012 by the federal Minister of the Environment and the provincial Minister of Environment and amended on August 3, 2012 (the Agreement), to conduct an assessment of the environmental, economic, social, health and heritage effects of the Project in a manner consistent with the *Canadian Environmental Assessment Act, 2012 (CEAA, 2012)* and the *British Columbia Environmental Assessment Act (BCEAA)*.
- 1.2. The purpose of these procedures is to ensure that the Panel may conduct the public hearing so that it is thorough, timely and fair. The Panel may vary these procedures or dispense with their compliance to achieve that end.
- 1.3. In these procedures, “person” includes any individual, Aboriginal group, government, agency, institution or other entity. “Participant” means any person, including the Proponent and an Interested Party who participates in this public hearing process. “Interested Party” means a person who participated in the Pre-Panel Stage of the review. Other persons who wish to be considered for Interested Party Status are required to provide the information requested in Attachment A to the Panel Secretariat.
- 1.4. The Panel may deal with any non-compliance with these procedures as it deems appropriate, including imposing restrictions on a participant, or excluding any person from participating in or attending the public hearing.

2.0 Background Information

- 2.1 The Project is a proposal by the Proponent to develop and operate a dam and hydroelectric generating station on the Peace River approximately 7 kilometres southwest of the city of Fort St. John. The scope of the Project would include the following major components: a dam, a generating station and associated structures, a reservoir, transmission lines connecting the Project to the Peace Canyon Dam, highway realignments, access roads and other temporary project components and activities.

- 2.2 Information provided by the Proponent in the form of its Environmental Impact Statement and supplementary material, and information provided by persons during the review, can be found on the Canadian Environmental Assessment Registry (<http://www.ceaa.gc.ca/050/details-eng.cfm?evaluation=63919>) and at the Electronic Public Information Centre (http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_371.html).

3.0 Role of the Panel

- 3.1 The Panel was appointed by the federal Minister of the Environment and the provincial Minister of Environment to conduct an environmental assessment of the Project in accordance with *CEAA, 2012* and the Agreement.
- 3.2 The Panel will conduct the public hearing portion of the environmental assessment in a manner that ensures a thorough, timely and fair examination of matters within its mandate and that provides for meaningful public participation. The Panel considers the public hearing to be an essential part of the review process, and will give careful consideration to all submissions and presentations.
- 3.3 Within 90 days of the close of the public hearing record, the Panel will submit an environmental assessment report to the federal Minister of the Environment and the EAO Executive Director outlining the information that the Panel received through the process, its conclusions and recommendations as they relate to the Project and supporting rationale.

4.0 Objective of the Public Hearing

- 4.1 The objective of the public hearing is to provide the Panel with relevant information from participants in a fair manner, to enable it to conduct a thorough and timely review of the Project.
- 4.2 The public hearing will provide opportunities for:
- the Proponent to explain the Project and respond to concerns and questions raised by other participants during the hearing;
 - the Proponent and other participants to share with the Panel information and perspectives on the Project as outlined in Section 4.4; and
 - the Panel to receive information consistent with the Agreement that will help it complete its assessment of the Project.
- 4.3 Factors to be considered in the environmental assessment include:
- the purpose of the Project;
 - the need for the Project;
 - alternatives to the Project;
 - alternative means of carrying out the Project that are technically and economically feasible and the environmental effects of any such alternative means;

- the environmental, economic, social, health and heritage effects of the Project, including the cumulative effects that are likely to result from the Project in combination with other projects or activities that have been or will be carried out;
- the environmental effects of malfunctions and accidents that may occur in connection with the Project;
- any change that the Project may cause in the environment on the current use of lands and resources for traditional purposes by Aboriginal persons;
- the significance of the environmental, economic, social, health and heritage effects;
- measures that are technically and economically feasible that would mitigate any significant adverse environmental, economic, social, health or heritage effects of the Project;
- the capacity of renewable resources that are likely to be significantly affected by the Project to meet the needs of the present and those of the future;
- the need for, and the requirements of, any follow-up program in respect of the Project;
- comments from the public and Aboriginal persons and groups that are received during the assessment; and
- community knowledge and Aboriginal traditional knowledge.

5.0 Participation in the Public Hearing

- 5.1 The Panel will announce the start of the public hearing once it is satisfied that it has received sufficient information from the Proponent in its EIS, as supplemented by any additional information provided as a result of the review by the Canadian Environmental Assessment Agency, British Columbia Environmental Assessment Office and the Panel. The Panel will provide at least 30 days of notice before the start of the public hearing.
- 5.2 The public hearing will provide for three types of sessions: General, Community and Topic-Specific. A description of each type of hearing session is provided in Attachment B. General sessions seek to gather information from Interested Parties who are directly affected by the Project. Topic-Specific sessions focus on Interested Parties with expert knowledge on the topic of the session and the Community sessions are designed to gather information from Interested Parties living in potentially affected communities.
- 5.3 Hearing sessions are open to all members of the public wishing to observe the proceedings, except in cases where a confidential session has been requested and agreed by the Panel.
- 5.4 Participants may present information to the Panel in the public hearing and may ask questions.
- 5.5 To ensure the Panel can complete the public hearing in accordance with the time limits in the Agreement, persons who wish to participate are requested to register as soon as possible, and to provide a summary of their presentation at the time they register for the session. Instructions to register can be found in Attachment C.

- 5.6 Appearance before the Panel during the public hearing is not required for participation in the process. Participants who choose not to make oral presentations during the public hearing may participate in the review by filing a written submission with the Panel.
- 5.7 Prior to the conclusion of the public hearing, the Panel will determine when the public record will be closed, and will advise participants whether and by what date they may provide additional information in writing to the Panel. The record will remain open for a brief period for the purposes of receiving outstanding information from undertakings and any closing remarks. While the public record is open, the Proponent will have the opportunity to respond to any information provided.
- 5.8 The public hearing will conform to the principles of procedural fairness, but the Panel is not required to follow the rules of procedure and evidence of a Court. Participants may appear without counsel.
- 5.9 As part of the review, the Panel invites Aboriginal groups to describe their asserted or established Aboriginal rights and treaty rights. The Panel will receive information on the location, extent and exercise of asserted or established Aboriginal rights and treaty rights that may be affected by the Project, and on measures to avoid or mitigate potential adverse effects of the Project. The Panel will have due regard to community and Aboriginal traditional knowledge in all of its proceedings.
- 5.10 Where the Panel considers it necessary, it may require persons to provide information orally or in writing, and may require the production of documents.

Written submissions

- 5.11 Participants must provide written submissions to the Panel no later than 2 weeks before the start of this public hearing. Participants are requested to limit all written submissions to a reasonable number of pages, including appendices.
- 5.12 The Panel will generally give more weight to submissions from participants who are available to answer questions as part of the hearing, whether in person or by teleconference.
- 5.13 Panel analysis of the environmental effects of the Project will be based on the substantive information it receives and not on the number of individuals that relay the same message.

Oral presentation at the public hearing

- 5.14 Participants must register in advance to make an oral presentation at the public hearing.
- 5.15 Participants may present information to the Panel individually or collectively. Participants with similar views should consider how to make a joint presentation and should identify a spokesperson to receive questions for the group when

registering. The Panel may require Participants to do so in the interests of making efficient use of hearing time and resources.

- 5.16 If a Participant relies on an expert report, the report must include the expert's relevant qualifications and experience and the expert must be available to answer questions as part of the session at which the report is presented.
- 5.17 Oral presentations should be as brief as possible and in any event should not exceed 20 minutes. This will apply to all participants, including the Proponent's presentations. The Panel may allow a longer time if warranted. A request for extended time must be made when the participant registers for the particular hearing session.
- 5.18 The Panel may allow for members of the general public that have not registered in advance to make a presentation to the Panel, time permitting.
- 5.19 In exceptional circumstances the Panel may allow participation via teleconference or videoconference. To request participation via teleconference, the participant should contact the Panel Secretariat as early as possible.

Questioning

- 5.20 Presenters may be asked questions by the Panel, the Proponent and Interested Parties. The Panel may limit the time for questions.
- 5.21 The Panel Chair will determine the order in which participants may question presenters.
- 5.22 Participants must be courteous and respectful when asking questions. The Panel Chair may refuse to permit further questioning from an individual who is being discourteous or disrespectful. Clarity and brevity in questions and responses is encouraged. No demonstrations of approval or disapproval of the Project or opinions expressed during the public hearing will be permitted inside the public hearing room or hall.
- 5.23 If a presenter is unable to answer a question, the Panel Chair may ask the presenter to undertake to answer the question later orally or in writing.
- 5.24 The Panel Chair will limit or exclude questions or comments that fall outside the mandate of the Panel, or are repetitive, irrelevant, or immaterial. The Panel Chair may also limit questions if, in the opinion of the Panel, sufficient information on a specific topic has been received.
- 5.25 Questions should seek to clarify, expand or inform the discussion and should not be used as an opportunity to state or restate the questioner's position.

Record of the Public Hearing

- 5.26 All hearing sessions will be transcribed.

- 5.27 Written transcripts will be prepared in English, and will be made available on the Canadian Environmental Assessment Registry for the Project as soon as possible following the completion of a daily session.
- 5.28 All documents related to the public hearing, including submissions, transcripts, schedules, exhibits and undertakings, will be placed on the public registry in a timely manner.

Interpretation

- 5.29 The public hearing will be conducted in English. Participants wishing to speak in a language other than English must advise the Panel Secretariat at the time of registering for a public hearing session. The Panel Secretariat will try to accommodate requests for interpretation or translation.

Audio-Visual Equipment

- 5.30 A laptop computer and a projector will be available at all hearing sessions. If a participant requires additional audio-visual equipment for a presentation, a request should be made at the time of registering.
- 5.31 Presenters should bring four hard copies of any additional documentation they refer to in their presentation.

Posted Schedule

- 5.32 A schedule for the public hearing will be available before the start of the public hearing. It will list the dates, locations and the order of all General, Community, and Topic-Specific hearing sessions. This schedule will be subject to change as required but the Panel will make every effort to adhere to the schedule as originally planned.
- 5.33 A schedule for each hearing session, listing the order of presenters will be available as early as possible in advance of each hearing session. A copy of the list of presenters will be updated as required and a final list will be available at the start of each day of the hearing session. This schedule will be subject to change as required but the Panel will make every effort to adhere to the original schedule.

6.0 Media

- 6.1 Media inquiries regarding the Panel's activities should be directed to the Panel's communications advisor, Lucille Jamault, at the contact information provided at the end of this document. The Panel will not be available for media interviews.
- 6.2 Members of the media are welcome to attend the public hearing or set up in the designated media area. The conduct of media interviews will not be allowed in the room while the public hearing is underway.

- 6.3 Filming or photography will be allowed in the room while the public hearing is underway with prior approval of the Panel. Requests should be forwarded to the Panel's communication advisor in advance of the hearing session.
- 6.4 Media may receive live audio feed of the proceedings, provided the equipment being used by the audio-visual technician is compatible.

All questions relating to the conduct of the public hearing may be addressed to the Panel Secretariat at the following coordinates:

Courtney Trevis
Panel co-Manager
Site C Review Panel Secretariat
Canadian Environmental Assessment Agency
160 Elgin Street, 22nd Floor
Ottawa ON K1A 0H3
Telephone: 613-960-0286
Telephone (Toll-free): 1-866-582-1884
Email: SiteCReview@ceaa-acee.gc.ca

Sean Moore
Panel co-Manager
Site C Review Panel Secretariat
British Columbia Environmental Assessment Office
4th Floor 836 Yates St.
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1
Telephone: 250-213-8754
Email: sean.moore@gov.bc.ca

Media may contact:

Lucille Jamault
Communications Advisor
Site C Review Panel Secretariat
Telephone: 613-957-0434
Email: Lucille.Jamault@ceaa-acee.gc.ca

Attachment A – Application to become an Interested Party

This attachment outlines the application process to become an Interested Party in accordance with subsection 2(2) of *CEAA, 2012*. The Panel considers an Interested Party to be any individual, organization or Aboriginal group that participated in the Pre-Panel Stage of the review. Individual, organizations, or Aboriginal groups that participated in the Pre-Panel Stages of the review do not need to apply. Other persons who wish to be considered for Interested Party Status are required to provide the information below to the Panel Secretariat. The Panel will then determine if you qualify to be an Interested Party.

- (a) Your name or organization name, address, phone number, and email address.
- (b) If you are applying on behalf of an organization, briefly describe its objectives and membership.
- (c) A brief explanation of:
 - The relevance of the Project to you;
 - Your specific connection with the Project area or activities; and
 - How the Project may affect your interests.
- (d) A summary of the relevant information or expertise that you or your organization can provide to assist the Panel.
- (e) A brief statement describing:
 - how you or your group or a representative intend to participate in the environmental assessment process; and
 - the issues that you or your group intend to address and why those issues are relevant to your interests.
- (f) An explanation of how you or your group may collaborate with other persons or groups whose interests or perspectives may overlap with yours.

Attachment B – General, Community and Topic-Specific Hearing Sessions

This attachment outlines the specific procedures for the different hearing sessions to be conducted by the Panel. All of the procedures outlined in the *Public Hearing Procedures* will apply during the General, Community, and Topic-Specific hearing sessions.

More information on the locations, dates, and schedule for the hearing sessions will be available in advance of the public hearing.

1.0 General and Community Hearing Sessions

- 1.1 The Panel will open the hearing with a General hearing session in Fort St. John, British Columbia to provide an opportunity in this central location for public input into the review. The first topic will be any motions, procedural or otherwise, that participants wish to register. Any such motions must be received by the Panel Secretariat no less than a week before the hearing. The number of days required to complete this hearing session will be confirmed at the time the hearing schedule is released by the Panel.
- 1.2 The Community hearing sessions are intended to be informal so participants have the opportunity to communicate community views about the Project. Such sessions will be one day or longer as needed. The number of days in each community visited will be confirmed at the time the schedule is released by the Panel. The Panel Chair will apply the Public Hearing Procedures to maintain order and procedural fairness.
- 1.3 The Panel will respect the customs of individual communities to the extent it can reasonably do so and will accommodate a flexible approach to Community hearing sessions as appropriate for the circumstances of each community.
- 1.4 Presentations at General and Community hearing sessions may be on any aspect within the scope of the review as established by the Agreement.
- 1.5 Participants wishing to make an oral presentation at the General or Community hearing sessions are asked to register with the Panel Secretariat as soon as possible. Advance registration will allow the hearing sessions to be planned to accommodate participants wishing to express their views.
- 1.6 Time permitting, the Panel may allow participants to register and speak in the Community hearing session on the day of that session.
- 1.7 A schedule of presenters will be made available at the start of each hearing session and at the beginning of each day. Within the limits of the time available for each hearing, the Panel will try to accommodate all participants wishing to make an oral presentation. However, priority will be given to parties who have registered in advance.

General Hearing Sessions Outline

1.8 These sessions will generally progress as follows:

- Call to order by the Panel Chair
- Welcoming statements or cultural ceremony by local or Aboriginal leadership on the opening day and short opening ceremonies, as appropriate, on other days.
- Opening remarks by the Panel Chair.
- Presentation by the Proponent. The presentation by the Proponent should provide a general overview of the Project and main findings of the environmental impact statement (EIS).
- Presentations by participants who have registered in advance of the hearing session.
- Presentations by participants who registered on the day of the hearing session, time permitting.
- Proponent response to information presented.
- Closing remarks by the Panel Chair.
- Short closing ceremony, as appropriate for the circumstances.

Each presentation will be followed by a question period. Questioning will be conducted according to the provisions described in Sections 5.19 to 5.24 of the *Public Hearing Procedures*.

Community Hearing Sessions Outline

1.9 A Community hearing session will generally progress as follows:

- Call to order by the Panel Chair
- Welcoming statement given by Aboriginal leadership.
- Opening cultural ceremony by an Aboriginal Elder(s)/representative, as appropriate.
- Opening remarks by the Panel Chair.
- Presentation by the Proponent. The presentation by the Proponent should be no longer than 20 minutes and should provide a description of the Project in plain language and focus on the Project's relationship to the community.
- Presentations by participants from the community who registered before the day of the community hearing session.
- Presentations by participants from the community who registered on the day of the community hearing session, time permitting.
- Proponent response to information presented.
- Closing remarks by the Panel Chair.
- Closing cultural ceremony by an Aboriginal Elder(s) / representative, as appropriate.

Each presentation will be followed by a question period. Questioning will be conducted according to the provisions described in Sections 5.19 to 5.24 of the *Public Hearing Procedures*.

2.0 Topic-Specific Hearing Sessions

- 2.1 Topic-Specific hearing sessions will be held in locations determined by the Panel to allow thorough evaluation of the particular topic of the session.
- 2.2 The purpose of the Topic-Specific hearing sessions is to provide an opportunity for experts with specialized knowledge or expertise to inform the Panel of the results of their technical review of the potential effects of the Project, to assist the Panel in its assessment of the technical aspects of the project.
- 2.3 Anyone may attend the Topic-Specific hearing sessions, observe the proceedings and ask questions.
- 2.4 Participants who wish to make a presentation at a Topic-Specific session must register with the Panel Secretariat as soon as possible in advance of the start of the public hearing. A list of topics to be discussed at these sessions will be confirmed at the time the schedule is released by the Panel.
- 2.5 All oral presentations in Topic-Specific sessions must be accompanied by a written submission. Written submissions should be filed with the Panel Secretariat no later than 2 weeks before the first public hearing session. This will allow the Panel and others participating in the review to consider submissions prior to the start of the session. A statement of author qualifications must accompany the written submission.
- 2.6 Presentations should be no more than 20 minutes in length. A longer period may be allowed if a request for extended time is made at the time of registration for presenting at a Topic-Specific hearing session.
- 2.7 The Panel expects that participation at the Topic-Specific sessions will include the following parties:
 - The Proponent.
 - Federal departments who have specialized knowledge or legislated responsibilities under the *CEAA, 2012*.
 - Provincial ministries with specialized knowledge.
 - Technical experts who are providing specialized information to the Panel on behalf of the Proponent, participants, or at the request of the Panel.
 - NGOs, local governments or other participants with specific expertise related to the topic in question.

Questions

- 2.8 Each presentation will be followed by a question period. Questioning of other presenters will proceed in an order determined by the Panel Chair, dependent on the session. The Panel may ask questions at any time. Questioning will be conducted according to the provisions described in Section 5.19 to 5.24 of the *Public Hearing Procedures*.
- 2.9 Questions must be specifically related to the topics being reviewed in the hearing sessions.

- 2.10 The Panel will identify the topics to be discussed at the Topic-Specific sessions based on the issues that are raised during the course of the review. Issues that do not relate to one of the identified topics will normally not be discussed during the Topic-Specific sessions. However, if the Panel receives written comments or questions on a topic not included in the sessions, and determines that the comments or questions are relevant, the Panel may allow the questions to be asked of the party to whom they are addressed.

Topic-Specific Hearing Sessions Outline

- 2.11 A Topic-Specific hearing sessions will generally progress as follows:

- Opening remarks by the Panel Chair.
- Presentation by the Proponent. The presentation by the Proponent should be no longer than 20 minutes and should provide the main findings of, and references to, the EIS in relation to the topic.
- Questions to the Proponent related to the hearing session topic.
- Presentations by participants who have registered for the specific topic (maximum 20 minutes).
- Time permitting, questions and comments from the public.
- Proponent response. (maximum 10 minutes)
- Short closing remarks by the Panel Chair.

Closing Remarks Session

- 2.12 At the last session of the public hearing, the Panel will determine when the public record will be closed. Participants will be advised at that time of the timelines for submitting any closing remarks in writing to the Panel.
- 2.13 Closing remarks must not be used to present new information but should summarize the participant's perspective on the hearing record and include any specific recommendations to the Panel.

Attachment C – Public Hearing Registration Form

This attachment outlines the process for registering to participate in the public hearing. When registering to give an oral presentation at the public hearing, please include the following information:

Full name	
Organization	
Email address	
Mailing address	
Telephone	
I intend to participate	<input type="checkbox"/> In a general session <input type="checkbox"/> In a community session <input type="checkbox"/> In a topic-specific session
If you require translation, specify language	
What is the nature of your interest or expertise in the project? (attach a separate sheet if necessary)	