

New Prosperity Gold-Copper Mine Project Federal Review Panel

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PUBLIC HEARING PROCEDURES

- DRAFT FOR CONSULTATION -

1.0 Introduction

- 1.1. This document establishes the procedures for the public hearing to be conducted by the Federal Review Panel (the Panel) appointed on May 9, 2012 to review the New Prosperity Gold-Copper Mine project (the Project) proposed by the Proponent, Taseko Mines Limited. The Panel has been mandated to conduct a review of the environmental effects of the Project in accordance with the Panel's Terms of Reference issued by the Minister of the Environment.
- 1.2. These procedures are designed to allow input and participation by the public and Interested Parties in a fair and equitable manner.
- 1.3. 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 Environmental Impact Statement (EIS), as supplemented by any additional information provided by the Proponent during the Panel's review of the EIS. The Panel will provide 30 days notice of the start of the public hearing.
- 1.4. The objectives of the public hearing are to provide opportunities for:
 - the Proponent to explain the Project and respond to concerns and questions raised by other participants during the hearing;
 - participants to share with the Panel their perspectives on the Project and its environmental effects; and
 - the Panel to receive information consistent with its Terms of Reference that will help it complete its assessment of the environmental effects of the Project.
- 1.5. The Panel will allow opportunity for general public input to the public hearing. However, the Panel will restrict participation in the Topic-Specific hearing sessions to those who have received status as Interested Parties. Participants who wish to be registered as an Interested Party must submit an application with the Panel to be designated an Interested Party. Required information for applying for Interested Party status may be found on the [Canadian Environmental Assessment Registry site for the Project](#).
- 1.6. All participants are invited to file written submissions with the Panel.
- 1.7. Hearing sessions are open to all members of the public wishing to observe the proceedings.

- 1.8. As part of the review, the Panel invites Aboriginal groups to explain their interests and how the Project may affect their interests.
- 1.9. The Panel may vary these procedures if it is satisfied that the objectives of the public hearing can be better achieved by taking a different approach. In particular, when hearing sessions are held in Aboriginal communities, the Panel will adapt the procedures to respect the specific cultural circumstances and to facilitate participation by Interested Parties in the respective communities.
- 1.10. The public hearings will follow a fair and orderly process, but will not be bound by the strict rules of procedure and evidence applicable to judicial proceedings. Participants may speak on their own behalf and ask their own questions. Representation by legal counsel is not necessary.
- 1.11. The Panel may deal with any non-compliance with these procedures as it deems appropriate, including by rescinding standing of an Interested Party, imposing restrictions on a participant, or excluding any person from participating in or attending the public hearing.

2.0 Conduct of the Public Hearing

- 2.1 The Panel will conduct the public hearing in a manner that promotes a thorough examination of the issues that the Panel deems relevant for the completion of its environmental assessment of the project.
- 2.2 The public hearing will consist of General, Community and Topic-Specific hearing sessions. A description of each type of hearing session is provided in Attachment A.
- 2.3 Participants who choose not to make oral presentations during the public hearing or have not received status as an Interested Party may still participate in the review by filing a written submission with the Panel. Submissions (electronic or hard copy) must be sent to the Panel Secretariat no later than 7 days before the end of the public hearing. The Panel will weigh the relevance it will give to an untested written submission on its own merits, but generally will give more weight to submissions that have been presented in the hearing when an opportunity to question the information is afforded to other participants.
- 2.4 The Panel has the power to summon persons to appear as witnesses and provide evidence in the hearing if the Panel considers it necessary for its review.
- 2.5 At the end of the public hearing, the Panel will close the review record and no additional information will be considered. If there are outstanding undertakings when the hearing ends, the record will remain open for the purpose of receiving such information only.

Technical Experts

- 2.6 If a participant files an expert report as part of its submission, then that participant must arrange to have the expert available to answer questions in the hearing when the submission is presented.
- 2.7 Technical experts who are providing specialized knowledge to the Panel on behalf of the Proponent or other participants must file a written statement of their relevant qualifications and experience along with their written submission.

Questioning

- 2.8 After each presentation, presenters may be asked questions by the Proponent, Interested Parties, other participants (time permitting) and the Panel.
- 2.9 The Panel Chair will determine the order in which participants may question presenters. The Panel members may also ask questions at any time.
- 2.10 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.
- 2.11 The Panel may require participants to direct questions to the presenter through the Panel Chair.
- 2.12 If a participant does not adhere to these procedures, the Panel Chair may refuse to permit further questioning from that participant.
- 2.13 If a presenter is unable to answer a question, the Panel Chair may ask the presenter to undertake to answer to the question later.
- 2.14 The Panel Chair may 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.
- 2.15 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.

Closing Remarks Session

- 2.16 At the end of the public hearing, a session will be reserved for the Proponent and Interested Parties to present closing remarks. Those who wish to make closing remarks should register with the Panel Secretariat no later than 7 days before the closing remarks session, with a written outline of the closing remarks and an estimate of their speaking time. The Panel will allocate time for closing remarks based on the estimated times and the time available. The Proponent will present its closing remarks last.

- 2.17 Closing remarks must not be used to present new information but should summarize the Interested Party's perspective on the hearing record and recommendations to the Panel.
- 2.18 Questioning by other Interested Parties will not be permitted during closing remarks. The Panel may ask questions of clarification so it has a better understanding of each presenter's closing remarks.
- 2.19 Interested parties who choose not to present their closing remarks may file written closing remarks with the Panel Secretariat no later than 7 days before the closing remarks session.

3.0 Record of the Public Hearing

- 3.1 Participants who make an oral presentation at the public hearing will have their views entered into the record of the proceedings through the official transcripts.
- 3.2 Written transcripts of all public hearing sessions will be prepared in English, and will be made available on the public registry as soon as possible.
- 3.3 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.

4.0 Interpretation

- 4.1 The public hearing will be conducted in English. However, 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 (Attachment A) so arrangements for interpretation services can be made. The Panel Secretariat will try to accommodate such requests for interpretation.

5.0 Participation via Teleconference

- 5.1 In exceptional circumstances, the Panel may agree to hear a presentation via teleconference when a participant is unable to attend a hearing session in person. To request participation via teleconference, the participant should contact the Panel Secretariat as early as possible.

6.0 Audio-Visual Equipment

- 6.1 A laptop computer and a projector will be available at all public hearing sessions. If a participant requires additional audio-visual equipment for a presentation, a request should be made at the time of registering for the Public Hearing session (Attachment A) so that arrangements can be made.

7.0 Sensitive Information

- 7.1 If a participant requests that information be kept confidential, the Panel will decide whether it can be protected. In deciding whether the information can be kept

confidential, the Panel will follow the process outlined in the *Procedures for Requesting Confidentiality* found on the [Canadian Environmental Assessment Registry site for the Project](#).

8.0 Posted Schedule

- 8.1 A schedule for the hearing sessions, listing the order of presenter and estimated time allotted will be available as early as possible in advance of each 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 sessions.

9.0 Maintaining Order

- 9.1 The Panel may take action considered necessary to maintain order during the public hearing. In particular, the Panel Chair may limit the participation in the hearing, or eject from the hearing any person who disrupts the proceedings.

10.0 Media

- 10.1 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.
- 10.2 Members of the media are welcome to attend the public hearing and sit in the public seating area. Media interviews or reporting will not be allowed in the room while the public hearing is underway.
- 10.3 Filming or photography will not be allowed in the room while the public hearing is underway unless the Panel has provided prior approval. Requests should be forwarded to the Panel Secretariat in advanced of the hearing session.
- 10.4 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:

Livain Michaud
Panel Manager
New Prosperity Review Panel Secretariat
160 Elgin Street, 22nd Floor
Ottawa ON K1A 0H3
Telephone: 613-948-1359
Telephone (Toll-free): 1-866-582-1884
Email: NewProsperityReview@ceaa-acee.gc.ca

Media may contact:

Lucille Jamault

Communications

New Prosperity Review Panel Secretariat

Telephone: 613-957-0434

Email: Lucille.Jamault@ceaa-acee.gc.ca

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

This attachment outlines the specific procedures for the 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 Hearing Sessions

- 1.1 The Panel will hold General hearing sessions in Williams Lake, British Columbia to provide an opportunity in this central location for public input into the review.
- 1.2 Presentations may be on any aspect within the scope of the review as established by the Terms of Reference.
- 1.3 Advance registration is not essential for General Hearing sessions, but is encouraged to facilitate planning. Participants wishing to make an oral presentation are asked to contact the Panel Secretariat in advance of the hearing session in which they wish to participate and register for the session. Registration will allow for the hearing sessions to be planned in a logical and organized manner.
- 1.4 Participants are encouraged to provide a copy or outline of their submission and any documentation they will be referring to during their oral presentation in advance of the General hearing session. Any such information should be sent to the Panel Secretariat at least 7 days before the start of the session in which they have requested to participate. This will allow the Panel and others participating in the review to consider submissions prior to the start of the session.
- 1.5 Presenters may present individually or collectively. Participants who are of similar views should consider how to make a collective presentation. The Panel may require such parties to do so in the interests of making efficient use of the hearing time and resources. A spokesperson should be identified to receive questions and direct responses from members of the group.
- 1.6 Presentations should be no more than 15 minutes in length. A longer period may be allowed in exceptional circumstances, but any request for extended time must be made in advance upon registration for the hearing.
- 1.7 A schedule of presenters will be made available at the start of each hearing session. 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, with the greatest priority given to Interested Parties.

- 1.8 Presenters who intend to support their presentation with any additional material (e.g., power point slideshow) should bring one electronic and four hard copy versions of the additional documentation.
- 1.9 Participants wishing to file written submissions, and not make oral presentations, should send them to the Panel Secretariat before the start of the General hearing session. The Panel, and others participating in the review, need to be able to consider this information as part of the hearing process. Written submissions will be accepted by the Panel from all persons wishing to participate in the review until the last day of the General hearing sessions.

General Hearing Sessions Outline

1.10 A General Hearing session 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 45 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 who have registered as an Interested Party in advance of the hearing session.
- Presentations by participants who registered before the day of the general hearing session, time permitting.
- Presentations by participants who registered on the day of the hearing session, time permitting.
- Proponent response to information presented.

Each presentation will be followed by a question period. Questioning will be conducted according to the provisions described in Section 2.8 to 2.15 of the *Public Hearing Procedures*.

2.0 Community Hearing Sessions

- 2.1 The Community hearing sessions are intended to be informal so participants have the opportunity to communicate community views about the proposed project. The Panel Chair will apply the Public Hearing Procedures to maintain order and procedural fairness.
- 2.2 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. The Panel Chair will highlight any variations to these procedures at the start of the session.
- 2.3 Presentations may be on any aspect within the scope of the review as established by the Terms of Reference.
- 2.4 Advance registration is not essential for Community hearing sessions, but is encouraged to facilitate planning. Participants wishing to make an oral presentation should contact the Panel Secretariat in advance of the hearing

session in which they wish to participate and register for the session. Registration will allow for the hearing sessions to be planned in a logical and organized manner.

- 2.5 Participants are encouraged to provide a copy or outline of their submission and any documentation they will be referring to during their oral presentation in advance of the Community hearing session at which they will be presenting. Any such information should be sent to the Panel Secretariat at least 7 days before the start of the session in which they have requested to participate. This will allow the Panel and others participating in the review to consider submissions prior to the start of the session.
- 2.6 Presenters may present individually or collectively. Participants who are of similar views should consider how to make a collective presentation. The Panel may require such parties to do so in the interests of making efficient use of the hearing time and resources. A spokesperson should be identified to receive questions and direct responses from members of the group.
- 2.7 Presentations should be no more than 15 minutes in length. A longer period may be allowed in exceptional circumstances, but any request for extended time must be made in advance upon registration for the hearing.
- 2.8 A schedule of presenters will be made available at the start of each hearing session. Within the limits of the time available for each hearing session, 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, with the greatest priority given to Interested Parties.
- 2.9 Presenters who intend to support their presentation with any additional material (e.g., power point slideshow) should bring one electronic and four hard copy versions of the additional documentation.
- 2.10 Participants wishing to file written submissions, and not make oral presentations, should send them to the Panel Secretariat before the start of the Community hearing session. The Panel, and others participating in the review, need to be able to consider this information as part of the hearing process. Written submissions will be accepted by the Panel from all persons wishing to participate in the review until the last day of the Community hearing sessions.

Community Hearing Sessions Outline

- 2.11 A Community hearing session will generally progress as follows:
 - Welcoming statements given by Aboriginal or local 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 30 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 as an Interested Parties.
- Presentations by participants who registered before the day of the community hearing session, time permitting.
- Presentations by participants who registered on the day of the community hearing session, time permitting.
- Proponent response to information presented.
- 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 Section 2.8 to 2.15 of the *Public Hearing Procedures*.

3.0 Topic-Specific Hearing Sessions

General

- 3.1 The Topic-Specific hearing sessions will be held in Williams Lake, British Columbia.
- 3.2 The overall purpose of the Topic-Specific hearing sessions is to provide an opportunity for experts who possess specialized knowledge or expertise to present to the Panel the results of their technical review of the potential effects of the proposed project. The sessions are also designed to allow an opportunity to assess the technical aspects of the project.
- 3.3 Anyone may attend the Topic-Specific hearing sessions and observe the proceedings. However, given the purpose of the sessions, only those presenting a technical review of the Project may register to present at these sessions. Only Interested Parties will be permitted to present.
- 3.4 Participants wishing to make a presentation must register as an Interested Party with the Panel. Registration will not be possible on the day of these hearing sessions. A list of topics to be discussed at the Topic-Specific hearing sessions will be released by the Panel.
- 3.5 To make efficient use of the hearing time, the Panel will give priority to:
 - the Proponent;
 - federal departments who have legislated responsibilities under the *Canadian Environmental Assessment Act, 2012*;
 - provincial ministries with specialized knowledge;
 - other participants who have been designated an Interested Party by the Panel; and
 - technical experts who are providing specialized information to the Panel on behalf of the Proponent or Interested Parties.

- 3.6 Interested Parties who wish to file a written submission only must advise the Panel in writing that they will not be presenting at the hearing and file the written submission 7 days in advance of the start of the Topic-Specific hearing sessions
- 3.7 Oral presentation only will not be permitted for the Topic-Specific hearing sessions. All oral presentations must be accompanied by a written submission submitted to the Panel Secretariat at least 7 days in advance of the start of the hearing sessions.
- 3.8 Presentations should be no more than 30 minutes in length. A longer period may be allowed but any request for extended time must be made in advance upon registration for the hearing.

Questions

- 3.9 Questioning of the Proponent will proceed in order of presenters. The Panel may ask questions at any time. Questions from members of the public and other organizations will be accommodated if time permits.
- 3.10 Questions must be specifically related to the topics being reviewed in the hearing sessions.
- 3.11 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

- 3.12 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 45 minutes and should provide a general overview of the main findings of the EIS in relationship to the topic.
 - Presentations by Interested Parties who have registered for the specific topic (maximum 30 minutes).
 - Proponent response to information presented.

Each presentation will be followed by a question period. Questioning will be conducted according to the provisions described in Section 2.8 to 2.15 of the *Public Hearing Procedures*.