Dear Ms. Cotton:

Please find as follows our response to your questions below relating to the participation of individual members of the Esketemc Nation and experts at the hearing.

Individual members from Aboriginal communities and experts appearing on behalf of the Aboriginal community are not required to apply for separate interested party status. They may participate by way of oral presentation or written submission as part of their community’s presentation at the appropriate hearing session. Technical presentation from the experts should be part of the topic-specific sessions. However, for planning purposes, they should follow the hearing registration procedures for the sessions in which they wish to participate. The representatives for the Aboriginal community should coordinate the individual presentations from their community. The Panel Secretariat can assist with the registration and planning.

If you have any questions, please do not hesitate to contact me.

Regards,

Livain

Livain Michaud | Gestionnaire de commission
Canadian Environmental Assessment Agency | Agence canadienne d'évaluation environnementale
160 Elgin St. Ottawa ON K1A 0H3 | 160, rue Elgin, Ottawa ON K1A 0H3
livain.michaud@ceaa-acee.gc.ca
Telephone | Téléphone 613-948-1359 | 1-866-582-1884
Facsimile | Télécopieur 613-957-0941
Government of Canada | Gouvernement du Canada

Dear Ms. Michaud,

As per our email correspondence below (with CEAA), I am following up on behalf of Jaela Shockey for Esketemc Nation, a registered organization in the New Prosperity Federal Review.

With regards to interested parties’ (individual members of Esketemc and experts) involvement in the review process in support of Esketemc Nation:
1. Will the Panel allow these individual members of Esketemc to contribute either by document submission and/or presentation, as part of Esketemc Nation? Or, are they required to register as an individual Interested Party?
2. Will the Panel allow experts, in support of Esketemc Nation, to contribute either by document submission and/or presentation, as part of Esketemc Nation? Or, are they required to register as an individual Interested Party?
3. If the Panel requires individual members of Esketemc and/or experts to register as Interested Parties, can they still do so even though the deadline for registration has passed?

We do not expect that the Panel Procedures are designed to restrict participants who will make meaningful contributions on behalf of a Registered Party. Our understanding from the Panel Procedures, as noted below by Ms. Anderson, is that an individual may participate as part of the Registered Organization, but would appreciate clarity with the above concerns.

Thank you for your consideration and time. We look forward to receiving a response at your earliest convenience.

Regards,

Monique Cotton
Legal Assistant to Jaela Shockey
Janes Freedman Kyle Law Corporation
816-1175 Douglas Street
Victoria, B.C. V8W 2E1
www.jfklaw.ca

Please consider the environment before printing this email.

CONFIDENTIALITY: This e-mail message (including attachments, if any) is confidential and is intended only for the addressee. Any unauthorized use or disclosure is strictly prohibited. Disclosure of this e-mail to anyone other than the intended addressee does not constitute waiver of privilege. If you have received this communication in error, please notify us immediately and delete this. Thank you for your cooperation. This message has not been encrypted. Special arrangements can be made for encryption upon request.

From: Anderson,Candace [CEAA] [mailto:Candace.Anderson@ceaa-acee.gc.ca]
Sent: Friday, October 26, 2012 1:44 PM
To: Jaela Shockey
Cc: Pierce,Jon [CEAA]; <email address removed>
Subject: RE: Panel Hearing - question

Hi Jaela,

Jon and I are not best placed to respond to this question. The procedural aspects of the panel hearings and the involvement of interested parties is a matter for the panel secretariat to respond to. Please
Good afternoon,

Re: Esketemc Participation at Federal Panel Hearings

I am following up with one of the outstanding questions raised by Esketemc with respect to the Panel hearing process. In our letter of September 28, 2012, we raised concerns respecting whether or not (A) members of Esketemc, and (B) those whom Esketemc wishes to have present to the Panel in support of the First Nation (such as those who presented previously, Dr. Andie Palmer and others, etc.), are required to register as Interested Parties. It appears from the Panel Procedures that this is so; however, we had raised our concerns with this issue with you in a subsequent tele-conference call. Could you please indicate at your earliest convenience whether it is the case that persons in both categories (A) and (B) above must register as Interested Parties in order to be guaranteed to be heard.

If this is the case, as we had indicated previously, we are concerned, as the Interested Person ruling from the Panel and application deadline in this respect has passed. However, we do not
anticipate that the Panel Procedures have been crafted so as to exclude meaningful participation by Esketemc and persons presenting to support the Nation. If it is still the case that all must register, please advise of the process, given that the deadline for Interested Parties has passed.

We look forward to your response.

Jaela Shockey
Janes Freedman Kyle Law Corporation
816-1175 Douglas Street
Victoria, BC  V8W 2E1

<phone and fax number removed>
<email address approved for release>

Please consider the environment before printing this email.

CONFIDENTIALITY: This e-mail message (including attachments, if any) is confidential and is intended only for the addressee. Any unauthorized use or disclosure is strictly prohibited. Disclosure of this e-mail to anyone other than the intended addressee does not constitute waiver of privilege. If you have received this communication in error, please notify us immediately and delete this. Thank you for your cooperation. This message has not been encrypted. Special arrangements can be made for encryption upon request.

Visit our website at www.jfklaw.ca for information about our firm and the services we provide.