

## PUBLIC HEARING PROCEDURES

– FINAL –

### 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 *Canadian Environmental Assessment Act, 2012* (CEAA 2012) and the Panel's amended Terms of Reference issued on August 3, 2012 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 include opportunities for:
  - the Proponent to explain the Project as proposed and respond to concerns and questions raised by other participants during the hearing;
  - the Proponent and participants to share with the Panel information and 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 provide opportunity for the general public to participate in the public hearing. However, the Panel will restrict participation in the Topic-Specific hearing sessions and the Closing Remarks Session to those who have been designated an Interested Party. 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](#), CEAR # 154.
- 1.6. All participants may 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 describe and explain their interests and how the Project may affect their interests. The Panel will have due regard to community and Aboriginal traditional knowledge in all of its proceedings.
- 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 community members in the respective communities.
- 1.10. The public hearing 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 permitted but 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 are relevant to the 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. Following the completion of these public hearing sessions, a session will be held for the Proponent and Interested Parties to present their closing remarks.
- 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. In order for the Panel and others participating in the review to be able to properly consider this information as part of the hearing process, it is recommended that written submissions be submitted to the Panel Secretariat in advance of the public hearing. However, the Panel will accept written submissions until the last day of the public hearing sessions prior to the Closing Remarks session.
- 2.4 The Panel will determine the weight it will give to an untested written submission on its own merits, but generally will give more weight to submissions that are available to be questioned as part of the hearing (e.g., having someone at the hearing to respond to questions, having someone available by teleconference to respond to questions, or having someone available to respond to questions electronically).
- 2.5 The Panel has the power to summon persons to appear as witnesses and provide evidence orally or in writing that the Panel considers necessary for its review.

- 2.6 At the end of the Closing Remarks session, 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 only for the purpose of receiving such information.

#### *Technical Experts*

- 2.7 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 as part of the hearing when the submission is presented.
- 2.8 Technical experts who are presenting expert information or specialized knowledge to the Panel must file a written statement of their relevant qualifications and experience along with their written submission.

#### *Questioning*

- 2.9 After each presentation, presenters may be asked questions by the Proponent, Interested Parties, the Panel, and, for General and Community hearing sessions, by other participants, time permitting.
- 2.10 The Panel Chair will determine the order in which participants may question presenters. The Panel members may also ask questions at any time.
- 2.11 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.
- 2.12 The Panel Chair may require participants to direct questions to the presenter through the Panel Chair.
- 2.13 If a participant does not adhere to these procedures, the Panel Chair may refuse to permit further questioning from that participant.
- 2.14 If a presenter is unable to answer a question, the Panel Chair may ask the presenter to undertake to answer the question later.
- 2.15 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.
- 2.16 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*

- 2.17 After the completion of the General, Community and Topic-Specific hearing sessions, a Closing Remarks session will be held for the Proponent and Interested

Parties to present closing remarks. The Panel will confirm the timing of the Closing Remarks session after the completion of the General, Community and Topic-Specific hearing sessions. The Panel expects to adjourn for a few days before the start of the Closing Remarks session, as time permits. Closing remarks may be submitted in writing, orally or both. Those who wish to present oral closing remarks should register with the Panel Secretariat no later than the last day of the General, Community and Topic-Specific hearing sessions, 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 breadth of the issues to be presented, total estimated speaking time and the time available. The Proponent will present its closing remarks last.

- 2.18 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.
- 2.19 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.
- 2.20 Interested Parties who choose not to present their closing remarks orally may file written closing remarks with the Panel before the Closing Remarks session, which will mark the close of record.

### **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 The Panel may agree to allow participation 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 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 should and 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](#), CEAR # 376.

## **8.0 Posted Schedule**

- 8.1 A schedule for the public hearing will be available no less than thirty (30) days 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.
- 8.2 A schedule for each hearing session, listing the order of presenters and estimated time allotted, 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.

## **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 spokesperson, Lucille Jamault at the contact information provided at the end of this document. The Panel will not be available for media interviews.
- 10.2 Members of the media are welcome to attend the public hearing and sit in the public seating area. The conduct of media interviews will not be allowed in the room while the public hearing is underway.
- 10.3 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.

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  
Canadian Environmental Assessment Agency  
160 Elgin Street, 22<sup>nd</sup> Floor  
Ottawa ON K1A 0H3  
Telephone: 613-948-1359  
Telephone (Toll-free): 1-866-582-1884  
Email: [NewProsperityReview@ceaa-acee.gc.ca](mailto: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](mailto:Lucille.Jamault@ceaa-acee.gc.ca)

## **Attachment A – 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 Hearing Sessions**

- 1.1 The Panel will open the hearing with a General hearing session in Williams Lake, British Columbia to provide an opportunity in this central location for public input into the review. 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 Presentations may be on any aspect within the scope of the review as established by the Terms of Reference.
- 1.3 Participants wishing to make an oral presentation at the General hearing sessions are asked to register with the Panel Secretariat seven (7) days in advance of the day on which they wish to present. Advance registration will allow for the hearing sessions to be planned in a logical and organized manner. Registration to speak on a given day must be completed before the commencement of that day of the General hearing Session.
- 1.4 Participants should 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 seven (7) in advance of the day on which they wish to present. This will allow the Panel and others participating in the review to consider submissions in advance of being presented.
- 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 The Panel asks that presentations be no more than 15 minutes; however, a longer period may be allowed if a request for extended time is made at the time of registration for presenting at a General hearing 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, with the greatest priority given to Interested Parties.

- 1.8 Presenters who intend to support their presentation with additional material (e.g., power point slideshow) should bring one electronic and four hard copy versions of the additional documentation.

#### *General Hearing Sessions Outline*

- 1.9 A General hearing session will generally progress as follows:
- 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 be no longer than 45 minutes and should provide a general overview of the Project and main findings of the environmental impact statement (EIS).
  - 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.
  - Closing comments 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 2.9 to 2.16 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. There will be one Community hearing Session in each community visited; each such session 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.
- 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. Aboriginal Elders will be able to express their views at any time throughout the Community hearing sessions.
- 2.3 Presentations may be on any aspect within the scope of the review as established by the Terms of Reference.

- 2.4 Participants wishing to make an oral presentation at the Community hearing sessions are asked to register with the Panel Secretariat seven (7) days in advance of the community session in which they wish to participate. Advance registration will allow for the hearing sessions to be planned in a logical and organized manner. Registration must be completed before the commencement of each session.
- 2.5 Participants should 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 seven (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 The Panel asks that presentations be no more than 15 minutes; however, a longer period may be allowed if a request for extended time is made at the time of registration for presenting at a Community hearing session.
- 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 community members, with the greatest priority given to the community members who have registered in advance.
- 2.9 Presenters who intend to support their presentation with additional material (e.g., power point presentation) should bring one electronic and four hard copy versions of the additional documentation.

#### *Community Hearing Sessions Outline*

- 2.10 A Community hearing session will generally progress as follows:
  - 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 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 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.

- Presentations by other participants, time permitting.
- Proponent response to information presented.
- Closing comments 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 2.9 to 2.16 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 make presentations and ask questions.
- 3.4 Interested Parties who wish to make a presentation at a Topic-Specific session must register with the Panel Secretariat at least seven (7) days in advance of the Topic-Specific session in which they plan to present. A list of topics to be discussed at these sessions will be confirmed at the time the schedule is released by the Panel.
- 3.5 The Panel expects that participation at the Topic-Specific sessions will include the following parties:
  - 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.
  - Technical experts who are providing specialized information to the Panel on behalf of the Proponent or Interested Parties.
  - Specialist Advisors to the Panel, as required.
- 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 seven (7) days in advance of the start of the Topic-Specific hearing sessions.

- 3.7 All oral presentations must be accompanied by a written submission. Presenters must file their written submission with the Panel Secretariat at least seven (7) days in advance of the Topic-Specific session in which they plan to present. This will allow the Panel and others participating in the review to consider submissions prior to the start of the session. Oral presentation only will not be permitted for the Topic-Specific hearing sessions.
- 3.8 Presentations should be no more than 30 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.

#### *Questions*

- 3.9 Questioning of the Proponent will proceed in order of presenters. The Panel may ask questions at any time.
- 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:
  - Short opening ceremony, as appropriate for the circumstances.
  - 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.
  - Short closing comments 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 Section 2.9 to 2.16 of the *Public Hearing Procedures*.