Good morning Chief Belleau and Chief Robbins,

Please find attached a letter from the federal panel reviewing the proposed Prosperity Gold-Copper Mine project, in response to your two letters dated February 17, 2010 regarding your request for a site visit during the public hearing and your request for confidentiality during the public hearing. As per the direction from the Panel, I will be contacting the Esketemc in the near future to discuss your requests.

Best Regards,

Colette

Colette Spagnuolo
Panel Manager | Gestionnaire de commissions
Canadian Environmental Assessment Agency | Agence canadienne d’évaluation environnementale
160 Elgin St. Ottawa ON K1A 0H3 | 160, rue Elgin, Ottawa ON K1A 0H3
prosperity.review@ceaa-acee.gc.ca
Telephone | Téléphone 1-866-582-1884
Facsimile | Télécopieur 613-957-0941
Government of Canada | Gouvernement du Canada

Do you really need to print this e-mail? Please think of the environment! Avez-vous réellement besoin d’imprimer ce courriel? S.V.P. Pensons à l’environnement!
Chief Charlene Belleau  
Chief Fred Robbins  
Esketemc First Nation  
P.O. Box 4479  
Williams Lake, BC  V2G 2V5  

Dear Chief Belleau and Chief Robbins:

The federal Panel (the Panel) reviewing the proposed Prosperity Gold-Copper Mine project (the Project) is in receipt of two letters from the Esketemc First Nation dated February 17, 2010. In one letter, you request confidentiality for the written report that is to be submitted to the Panel in advance of the public hearing, and for portions of the Esketemc’s oral submission during the public hearing itself. In the other letter, you request that the Panel visit portions of the proposed transmission line with community members during the community hearing sessions to be held in Alkali Lake, and that the site visit be conducted confidentially. The purpose of this letter is to address both requests for confidentiality.

In conducting its review, the Panel is governed by the rules of administrative law. A fundamental requirement of administrative law is the duty to act fairly; this duty applies to all procedures followed by the Panel in carrying out the review. One of the primary components of the duty to act fairly is that the proponent has the right to know the information being presented to the Panel regarding its project, and must be given an opportunity to reply to arguments contrary to its position.

In CEAR document #1686, the Esketemc First Nation requests that both the written report it intends on submitting in advance of the hearing, as well as portions of its oral submissions during the hearing, be kept confidential from both the general public and Taseko Mines Ltd. In keeping with the principles of procedural fairness, the Panel is unable to grant the Esketemc’s request that information be kept confidential from Taseko Mines Ltd. As outlined above, Taseko Mines Ltd. must be privy to all information that is being presented to the Panel regarding the potential environmental effects of its proposed project and be given the opportunity to respond.

Based on the information provided in your letter related to the site visit (CEAR document #1685), the Panel understands that the Esketemc First Nation is requesting that the site visit be kept confidential from the general public only. As this position regarding Taseko’s participation differs from the position taken by

1 Prosperity Public Registry, CEAR document # 1686  
2 Prosperity Public Registry, CEAR document # 1685
the Esketemc in its other request (CEAR document #1686) the Panel would like confirmation that its understanding is accurate.

If the Esketemc First Nation is willing to agree to the disclosure of the information to Taseko Mines Ltd., the Panel would be prepared to consider the requests for confidentiality from the general public with respect to the site visit, the written submission in advance of the hearing, and oral submissions during the community hearing session in Alkali Lake. As per the Procedures for Requesting Confidentiality, the Panel would make the requests for confidentiality available for a short comment period in order to solicit comments from interested parties. If the Panel decides to grant the request for confidentiality, it could, similar to other requests for confidentiality that have been received\(^3\), require parties accessing the confidential information to sign a Confidentiality Undertaking, which would specify the conditions under which the confidential information could be used.

The Panel has directed Colette Spagnuolo, Panel Manager, to contact you as soon as possible to discuss your requests for confidentiality. It is hoped that an approach which respects both the oral tradition of the Esketemc First Nation and the public nature of the hearing process can be agreed upon.

Sincerely,

<original signed by>

Bob Connelly
Panel Chair

c.c. Beth Bedard, Esketemc First Nation
Rod Bell-Irving, Taseko Mines Ltd.

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\(^3\) Please see the Prosperity Public Registry, CEAR documents #1201 and #1387