From: on behalf of Panel Registry
Subject: FW: Prosperity - Update to Interested Parties - Alkali Lake Community Hearing session
Attachments: 2010-04-17 - Response to Esket Request for Confidentiality.pdf

From: Prosperity Review [CEAA]
Sent: Saturday, April 17, 2010 9:51 AM
To: Prosperity Review [CEAA]
Subject: Prosperity - Update to Interested Parties - Alkali Lake Community Hearing session

Dear Interested Parties,

The Esketemc First Nation submitted a request for confidentiality, including an in camera session, during the community hearing session scheduled in Alkali Lake from April 19-21, 2010. For the information of those individuals who are planning on attending this community hearing session, the Panel's response to this request is attached.

Best Regards,
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!
April 17, 2010

Chief Fred Robbins
Esketemc First Nation
P.O. Box 4479
Williams Lake, BC V2G 2V5

Dear Chief Robbins:

RE: Alkali Lake Community Hearing Session
   - Request for confidentiality for written submission
   - Request for an in camera session

The Panel is writing in response to your letters dated March 17, 2010\(^1\) and email dated April 12, 2010\(^2\) regarding the requests by the Esketemc First Nation that certain information that it intends on submitting to the Panel with respect to the upcoming community hearing session in Alkali Lake be deemed confidential. Specifically, the Esketemc First Nation has requested the following:
   - that its written submission be kept confidential and only disclosed to the Panel and specified representatives of Taseko Mines Ltd; and
   - that an in camera session be held during the public hearing session in Alkali Lake to allow for the presentation of sensitive cultural information related to the proposed transmission line.

As outlined in the Procedures for Requesting Confidentiality, the Panel posted the Esketemc First Nation’s request on the public registry and invited interested parties to provide comments on the request in writing by April 16, 2010. All of the comments received are available on the project’s public registry.

After reviewing the Esketemc’s request and the comments received from interested parties, the Panel is satisfied that disclosure of the written submission and sensitive information during the public hearing could potentially result in harm to either the environment or to the Esketemc people. As such, the Panel is granting the requests for confidentiality as requested by the Esketemc First Nation, subject to the signing of Confidentiality Undertakings by the Panel, the Panel’s Secretariat, and specified representatives from Taseko Mines Ltd. (see attached). The signatories to the Confidentiality Undertaking will treat as confidential the information received, as per the Confidentiality Undertaking.

Given that the in camera hearing session will be closed to members of the public who have not signed a Confidentiality Undertaking, the Panel is proposing the in camera portion of the community hearing session be held on Monday, April 19,

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\(^1\) Prosperity Public Registry, CEAR Document #1685 and #1686
\(^2\) Prosperity Public Registry, CEAR Document #2091
immediately following the dinner break. This will allow interested parties to plan their participation accordingly:

Please note that written and audio transcripts of the in camera session will be created; however, they will not be made available on the project’s public registry and would be subject to the document control provisions in the Confidentiality Undertaking.

The Panel also notes that while a request for a site visit as a component of the Alkali Lake community hearing session was initially included in the request by the Esketemc First Nation, this request has been rescinded in order to maximize the time available for presentations.

A copy of this letter will be sent to the list of interested parties, so that members of the public may plan their participation at the community hearing session with the Esketemc First Nation accordingly.

Thank you for your continued interest in this environmental assessment.

Sincerely,

<original signed by>

Robert Connelly

c.c. Rod Bell-Irving, Taseko Mines Ltd.
Prosperity Distribution List

³ Telephone call dated 2010-04-14 between Panel Secretariat staff (Carolyn Dunn) and Esketemc First Nation staff (Beth Bedard)
CONFIDENTIALITY UNDERTAKING
PURSUANT TO THE PROCEDURE FOR REQUESTING CONFIDENTIALITY OF THE
FEDERAL REVIEW PANEL FOR THE
PROSPERITY GOLD-COPPER MINE PROJECT

To: Federal Review Panel for the Prosperity Gold-Copper Mine Project (the “Panel”)

And to: Esketemc First Nation (“Esketemc”)

WHEREAS Esketemc made a request under the Panel’s Procedure for Requesting
Confidentiality to treat as confidential information contained in a Traditional Use Study (“TUS”),
proposed to be submitted by Esketemc to the Panel as part of the Panel’s review of the
proposed Prosperity Gold-Copper Mine Project (the “Project”); and

WHEREAS Esketemc made a request under the Panel’s Procedure for Requesting
Confidentiality to treat as confidential site-specific information about hunting areas, winter deer
and moose habitat, archaeological sites, cultural and sacred areas, and burial areas, to be
presented by Esketemc members at the Community Hearings, as part of the Panel’s review of
the Project; and

WHEREAS Esketemc made a request under the Panel’s Procedure for Requesting
Confidentiality for the above information to be presented at the Community Hearings by way of
an in camera session at the request of Esketemc members, at time of the Community Hearing
session in Alkali Lake, BC; and

WHEREAS the Panel, by letter dated __April 17, 2010__ (the “Decision”), granted Esketemc’s
motion and ruled that information contained in the TUS, and presented at an in camera session
at the Community Hearing session in Alkali Lake, shall be treated as confidential (“Confidential
Information”); and

WHEREAS pursuant to the Panel’s Decision, certain parties to the review process are identified
as being entitled to receive access to and/or request to view the Confidential Information on
condition that they shall sign a Confidentiality Undertaking; and

WHEREAS _____________________ (“Recipient”) is entitled, pursuant to the Decision,
to receive access to the Confidential information presented at the In-Camera sessions at the
Community Hearings; and/or is entitled to, pursuant to the Decision, and has made a request to
view the Confidential Information;

NOW THEREFORE, in consideration of receiving access to the Confidential Information, the
Recipient agrees and undertakes as follows:

1. I have read the Decision and agree to observe the terms and conditions thereof insofar
   as they relate to the use and protection of the Confidential Information.

2. I am an officer or employee of, consultant to, or service provide or contractor working for
   _____________________, one of the parties identified in the Decision as being
   entitled to view the Confidential Information. I am involved in _____________________’s
   participation in the environmental review of the Project.
3. I shall not use any of the Confidential Information except for the purpose of carrying out my responsibilities to the Panel in respect of the Project.

4. Any notes, transcripts, written summaries, evidence or other written materials I create which are based on or refer to the Confidential Information ("Related Materials") will also be held by me as Confidential.

5. I shall maintain all of the Confidential Information and Related Materials in confidence and shall not provide or disclose the Confidential Information or Related Materials to any person except to the Panel or to Esketemc or, for the purpose of conveying it to the Panel or Esketemc, to a courier or shipping agent, provided such disclosure is made in connection to the Project. Notwithstanding the foregoing, I may share and discuss the Confidential Information with any other individual who is also entitled, pursuant to the Decision, to view the Confidential Information and who has executed a Confidentiality Undertaking in this form.

6. I will not copy or reproduce any Confidential Information or Related Materials except in connection with the Project.

7. I shall use all reasonable, necessary, and appropriate efforts to safeguard the Confidential Information and Related Materials from disclosure or use, other than as permitted hereby.

8. Within 40 days of the Responsible Authority, after having received and taking into consideration the Panel’s report on the Project, making a decision under section 37 of the Canadian Environmental Assessment Act, I shall:

   a. Expunge all electronic copies of the Confidential Information and Related Materials from all electronic apparatus and data storage media under my direction or control; and

   b. Deliver to the Panel or destroy all paper copies of the Confidential Information and Related Materials in my possession or under my direction or control.

MADE at ___________________, in the Province of _______________, this _____ day of _______________, 2010.

________________________________________  __________________________________
Recipient’s Signature                   Witness’s Signature