

## **What is a Pre-Hearing Conference?**

The pre-hearing conference offers you an important opportunity to get involved in the planning for the joint public hearing of Consolidated GoldWin Ventures, North American General Resources Corp., and New Shoshoni Ventures diamond exploration programs in Drybones and Wool Bay. By participating you can help to focus discussions on the most important issues and to shape the decision processes for considering the most beneficial outcomes for all parties.

A pre-hearing conference is a meeting of all the parties in an environmental assessment with the Review Board staff and counsel. This pre-hearing conference will prepare for a public hearing, currently scheduled for October 9-10, 2003. The pre-hearing conference will:

- define the purpose for the public hearing;
- set the agenda for the public hearing by verifying unresolved issues raised during participant comment periods;
- discuss and seek agreement on the process to prepare for a public hearing (i.e., preparation and exchange of documents), and,
- clarify the process, procedures and technical requirements for the hearing.

The pre-hearing conference will be more efficient if parties are familiar with the Review Board's procedures, and are aware of any outstanding issues not resolved during the participant comment period. This process further ensures that no new documents are introduced for the first time at the hearing. This approach ensures the process is fair and that each party can properly prepare a thoughtful response to the issues and questions highlighted for the public hearing.

Each participant should ensure that at least one of its representatives attending has full knowledge of the environmental assessment. This will ensure that those present are aware of the issues and questions outstanding and are fully capable of making an informed decision about the most important issues to be discussed at the pre-hearing conference.

## **Notice of a Pre-Hearing Conference**

The Review Board will publish a notice of the pre-hearing conference in local and regional newspapers and if appropriate, on local or regional radio. Directly affected parties and intervenors are automatically invited to attend the pre-hearing conference. Others may participate if they notify the Review Board of their intention to do so as soon as possible after the public notice of the pre-hearing conference is published. The notice announcing the date time and location of a pre-hearing conference may contain a listing of the topics to be addressed.

## **What to Expect at a Pre-Hearing Conference**

The pre-hearing conference will be informal. In all cases, however, the actual format will reflect the style of the Chair and the objectives of the pre-hearing conference. For the pre-hearing conference to be successful, the participants must speak freely.

At the pre-hearing conference,

- The process and procedures related to the public hearing will be discussed;
- The hearing topics will be presented and discussed;
- Parties to the environmental assessment will briefly state or clarify their unresolved issues, and the issues will then be slotted under the appropriate topics<sup>1</sup>;
- Based on the number of issues under each topic, time allotments will be assigned for the presentation of issues by the parties to be given at the public hearing; and
- Date, time and location of the hearing will be finalized.

## **How to Prepare for the Pre-Hearing Conference**

Reading the Rules of Procedure issued by the Review Board is important. It will be useful for participants to ask themselves the following questions as they prepare for the pre-hearing:

- Exactly what are the issues of the environmental assessment?
- Why are these issues being raised?
- Is there any chance of resolving or addressing a particular issue or series of issues?
- What are the relevant facts in the environmental assessment?
- Do we agree with the facts?
- Will we be calling experts witnesses?
- On what documents will we be relying?
- What documents should we provide to the other participants?
- Can we provide these documents before or at the pre-hearing?
- What documents do we need from other parties and why do we need them?
- How many days of hearing do we expect our matters to take?
- How many days of hearing in total do we need?

After the pre-hearing conference, the parties will have time to shape and prepare their presentations/interventions, which are to be submitted to the Review Board and circulated to all parties prior to the hearing.

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<sup>1</sup> Where topics have already been defined in an issues summary table, the organization of topics will be reviewed for acceptability to the participants.

## **What to Bring to the Pre-Hearing Conference**

Please come to the pre-hearing conference with the following material:

- A list of issues to be addressed in the hearing;
- A list of documents you require from other parties and the reasons why you require the documents;
- A list of expert witnesses you intend to use, if any and why; and
- Description of issues about which there is disagreement; description of efforts made to reach agreement, description of why agreement was not reached and, resolution requested of the MVEIRB.

## **Need for Legal Counsel and Experts**

It is not necessary that you retain the services of a lawyer to represent your interests at a pre-hearing conference or public hearing. However, you may wish to retain the services of a lawyer if there will be issues that involve legal complexities.

## **Overview of the Pre-Hearing Conference Process**

The Review Board's pre-hearing conference provides a structured format for the presentation of information and discussion. Typically, the pre-hearing conference begins with opening remarks of the Chair. These may include a statement of purpose of the pre-hearing conference, and introduction of the parties with standing participating in the pre-hearing conference. Preliminary matters such as procedural or legal issues are usually considered next. This includes information needs of participants, timing, location, and issues to be considered at the public hearing. Each participant is asked to present his or her concerns and suggestions for the upcoming hearing session, starting with then developer. The developer also has an opportunity to respond after all participants have presented their views.