

Mackenzie Valley Review Board



March 6, 2009
EA-0708-001

Dear Parties:

Re: Additional Information for the Pre-Hearing Conference for Selwyn Project-Howard's Pass mineral exploration environmental assessment

In preparation for public hearings to be held on April 7th, 2009 in Tulita, the Mackenzie Valley Review Board is hosting a Pre-Hearing Conference (PHC). The purpose of the PHC is essentially to set the agenda for the public hearing, to clarify the process for preparing for the hearing and to establish what issues are likely to be brought up during the hearing. The PHC will take place on March 23rd, 2009, starting at 1:00 p.m. Mountain Time in the MVEIRB board room in the Scotia Centre, Yellowknife. Parties outside of Yellowknife will be able to participate by teleconference. To enter the teleconference, please dial **1-866-512-0904**. You will be prompted for a participant code, which is **3404306** and then dial the # key. A teleconferencing guide has been attached to this notice for the benefit of parties intending to attend remotely.

A draft agenda of the PHC was provided in the previous announcement. Provided in this notice is a three page document which explains the purpose of the pre-hearing conference and how it is intended to be conducted. You are strongly encouraged to review this guide prior to the PHC. Please note that based on the discretion of the Chair, the PHC procedures may vary from the guidelines. Martin Haefele and myself will be attending the PHC on behalf of the Review Board. The proceedings may be recorded to assist MVEIRB staff in producing minutes.

If you have any questions regarding any aspects of the EA process, please do not hesitate to contact me at (867) 766-7062.

Regards,

Nicole Spencer
Project Lead
Mackenzie Valley Review Board

What is a Pre-Hearing Conference?

The pre-hearing conference offers you an important opportunity to get involved in the planning for the public hearing. 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 the community hearing of Selwyn Project –Howard’s Pass mineral exploration program. The hearing is scheduled for April 7th, 2009. The pre-hearing conference on Monday, March 23rd, 2009 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 that 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.

What to Expect at a Pre-Hearing Conference

The pre-hearing conference will be informal. 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; and

- Based on the number of issues under each topic, an estimate of the time required for the presentation of issues by the parties to be given at the public hearing will be considered at the pre-hearing conference. The Review Board will develop an agenda for the public hearing that takes this estimate into consideration.

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 expert 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.

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.

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 prehearing conference, and introduction of the parties with standing participating in the prehearing 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 the developer. The developer also has an opportunity to respond after all participants have presented their views.

entering your conference:

1. Dial the audio conferencing Access Phone Number.
2. Once connected to our system, you will be prompted to enter the 7 digit Participant Passcode followed by the # (pound) key.
3. If the Moderator has not yet entered the conference, you will be prompted to press the * (star) key.
 - a) If you are the Moderator, press the * (star) key and , when prompted, enter your Moderator code followed by the # (pound) key.
 - b) If you are not the Moderator, simply wait to be connected to the conference.
4. You will then enter the teleconference.

note: If the Moderator has requested it, you may also be prompted to state your name, followed by the # (pound) key.

command	description	availability	
#	bypass charge code	moderator only	After entering your Moderator code, you will be prompted to enter an optional Reference Number (Charge Code) for your teleconference, if you have requested this option. Bypass this prompt by pressing #, if the conference does not need to be coded.
*0	operator assistance	everyone	Once in the audio conference, anyone can receive assistance from a Momentum Operator by pressing *0 on a touch tone phone.
*1	moderator dial out	moderator only	Once in the audio conference, the Moderator can dial out to connect additional Participants by pressing *1, entering the phone number and pressing # 3 times. Once the number has been dialed and connected, you are able to utilize one of the four options below: *1 - Join Participant and Moderator back into call *2 - Connect Participant and continue to dial out *3 - Return Moderator back into the call without participant *4 - Disconnect and continue dialing out
*4	call record	moderator only	At any time during the audio conference, the moderator can press *4 to have the call recorded. You can stop recording any time by pressing *4 again. Playback instructions will be emailed to you at the completion of your conference call.
*5 on #5 off	listen mode only	moderator only	If you want to speak without any interruptions or background noise, press *5. This will mute all participant lines and allow them to only hear your line. When you want to open up their lines so that they can speak and be heard, simply press #5.
*6 on #6 off	individual line mute	everyone	If your individual phone does not have a Mute button, you can mute your own line by pressing *6. When you wish to speak, simply press #6 to open your line.
*7 on #7 off	call security	moderator only	To ensure privacy, you can lock the call to any additional participants by pressing *7. Incoming participants will be denied access once this feature has been activated. Pressing #7 deactivates the feature.
*8	automated roll call	everyone	To hear a playback of the recorded names of all participants, press *8.
*9	participant count	everyone	By pressing *9, you will hear the number of people currently on the call.
##	automatic disconnect	moderator only	By pressing ## and then hanging up the receiver, the Moderator automatically disconnects all lines that are on the audio conference. We recommend that you use this option at the conclusion of every conference call.
00	operator on line	everyone	The Operator will come on the line and be able to communicate with everyone on the conference.

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