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**From:** Prosperity Review [CEAA]  
**Sent:** Tuesday, June 23, 2009 7:49 AM  
**To:** Prosperity Review [CEAA]  
**Subject:** Prosperity - Update to Parties - Confidentiality Procedures

Dear Interested Parties,

For your information, please find attached procedures that the federal panel (the Panel) reviewing the proposed Prosperity Gold-Copper Mine project have drafted regarding the process for requesting that information be submitted to the Panel in confidence. Any specific questions or concerns regarding these procedures should be provided by June 30, 2009.

Best Regards,

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# FEDERAL REVIEW PANEL PROSPERITY GOLD-COPPER MINE PROJECT

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## Draft Procedure for Requesting Confidentiality

### 1.0 Introduction

- 1.1 The federal Review Panel (the “Panel”) appointed to review Taseko Mines Ltd’s proposed Prosperity Gold-Copper Mine Project (the “Project”) will be conducting a public hearing as part of its review.
- 1.2 The objectives of the public hearing include providing opportunities for the proponent to explain the project and for aboriginal groups, government representatives and the public to provide their views on the implications of the Project.
- 1.3 Pursuant to section 1.12 of the hearing procedures established by the Panel for the public hearing (the “Hearing Procedures”), all submissions – written, oral or otherwise – will be placed in a public registry and made available for viewing by any interested party.
- 1.4 Notwithstanding, the Hearing Procedures also contemplate, in sec. 1.10, that a participant in the review proceeding may request that information be kept confidential and that the Panel will make a decision whether the requested information can be protected after considering the Panel’s powers set out in section 35 of the *Canadian Environmental Assessment Act* (the “Act”). Section 35 of the Act provides a review panel with the power to order that the evidence, documents or other information of a witness be held confidential during a public hearing.
- 1.5 The Hearing Procedures encourage participants who wish to make a presentation at the general hearing sessions to file written submissions 10 days in advance of their scheduled presentation. Participants in the community hearing sessions are similarly encouraged to file written submissions in advance of their presentations.
- 1.6 Therefore, the Panel wishes to establish a process for participants to request confidentiality prior to the commencement of the public hearing and for the Panel to consider and decide on such requests.

### 2.0 Procedure for Requesting Confidentiality

- 2.1 Any participant intending to submit to the Panel information or documents which the participant wishes to keep confidential must make a request in writing to the Panel.
- 2.2 The request must clearly identify which information or documents the participant wishes to keep confidential. It must also identify from whom the participant wishes to keep the information or documents confidential. The request must indicate whether the participant making the request is also requesting that the Panel modify the Hearing Procedures to allow for the presentation of evidence at the hearing in such a way as to keep the

## **FEDERAL REVIEW PANEL PROSPERITY GOLD-COPPER MINE PROJECT**

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evidence confidential (for example, by the Panel holding an *in camera* session). Finally, a request for confidentiality must clearly and concisely set forth the grounds on which the request is made, including a discussion of what prejudice the participant will suffer should the information or documents not be held confidential.

- 2.3 A request for confidentiality will be placed in the public registry. The Panel will provide all interested parties with the opportunity to comment on a request for confidentiality. The participant making the request will then be afforded the opportunity to respond to comments submitted.
- 2.4 After it has received a request for confidentiality, any comments on that request and any response to those comments by the party making the request, the Panel will consider and make a decision on the request. In deciding a request for confidentiality, the Panel may approve or deny the request or approve it subject to conditions intended to protect the confidential information while at the same time ensuring that the public hearing is conducted in a manner that encourages public input and participation.