

## **PROCEDURES FOR PUBLIC HEARINGS**

### **1 INTRODUCTION**

This document outlines procedures for public hearings to be conducted by the Joint Review Panel (the Panel) appointed by the Ministers of Environment for Canada and Environment and Labour for Nova Scotia to review the proposed Whites Point Quarry and Marine Terminal Project.

1.1 The Panel will conduct public hearings in a manner that ensures a thorough examination of all matters relevant to its mandate. In addition, it will encourage public input, as directed by the Joint Panel Agreement (2003) between the respective Ministers for Canada and Nova Scotia. The Panel will hold public hearings in the project area as detailed in the Panel's announcement of May 1, 2007.

1.2 The objective of the public hearings is:

- (a) to provide an opportunity for the project proponent, Bilcon of Nova Scotia Corporation (Bilcon), to explain the proposed project and respond to concerns and questions raised by the Panel and other participants in the hearings;
- (b) to enable government representatives and interested parties to provide their views on the implications of the proposed project; and,
- (c) to facilitate the receipt of information by the Panel so that it may properly address all factors identified in the Joint Panel Agreement and detailed in the Panel's Environmental Impact Statement Guidelines (March 2005), thereby permitting it to properly prepare a report for submission to the Ministers.

1.3 These procedures are intended to ensure that the public hearings take place in a fair and equitable manner, with maximum co-operation and courtesy. The Panel Chair will maintain order and efficiency in a structured atmosphere consistent with the procedures outlined in this document. However, the hearings will not conform to the strict rules of procedure and evidence required in a court of law which would require witnesses to offer evidence under oath. The Panel encourages individuals and groups to speak on their own behalf and to ask their own questions during the hearings. Representation by legal counsel is generally discouraged. The Panel considers the hearings to be an essential part of the review process, and will give careful consideration to all submissions, both oral and written.

1.4 The Panel Chair has the discretion to alter or waive specific procedures if, in the Panel's opinion, hearing objectives might be better met with that change.

## **2 PROCEDURES**

The Panel has adopted the following procedures for the hearings:

### **2.1 General**

2.1.1 Persons wishing to make a presentation are asked to register at least 10 calendar days in advance of the start of hearings by contacting the Panel Secretariat, at the coordinates found at the end of this document.

2.1.2 Persons who fail to register in advance may register immediately prior to or even during a hearing session but will only address the Panel at the discretion of the Panel Chair, and if time allows.

2.1.3 The Panel encourages participants to provide brief written summaries of their presentations in advance, while participants scheduled for thematic sessions are requested to provide written summaries (hard copy and electronic) to the Panel Secretariat 10 days in advance of their scheduled presentation.

2.1.4 Some participants may choose to submit a written brief without making a formal presentation. In that case, the written brief should be sent to the Panel Secretariat 10 days prior to the start of hearings so that the Panel and other participants may consider this information during the hearing process.

2.1.5 Participants making presentations at the hearings may be asked questions by the Panel, Bilcon and other participants for the purpose of clarification. Presentations will normally be followed by a question and answer session directed by the Panel.

2.1.6 All submissions to the Panel will be entered into the project's public registry.

2.1.7 Presenters are encouraged to bring an electronic copy plus three hard copies of any additional documentation (for example, slideshows) they intend to present as part of their scheduled presentation.

2.1.8 The hearings will include the following:

a) The Panel Chair will deliver opening remarks at the start of hearings.

b) Bilcon will present its proposed project. This presentation will be limited to two hours and is intended to provide a detailed description of the project.

c) Bilcon will present its environmental assessment in a series of presentations to be scheduled by the Panel.

d) Presentations will be made by Government Departments and Agencies during the first week of hearings. The Panel will conduct thematic sessions to explore specific issues in depth. Topics include hydrogeology, marine environment and socioeconomics. Each Department or Agency presentation will normally be limited to 30 minutes.

e) The Panel will hear presentations from registered participants. Each will be held to a maximum 15 minute or 30 minute presentation time. More than one individual may participate in a presentation by a group but when several individuals are involved the collective presentation must take place within the assigned time period. Additional time may be granted at the discretion of the Panel Chair.

f) In the event that presentations by registered participants conclude before the second to last day of hearings, the Panel may choose to declare a break and adjourn the hearings until closing remarks on the final day of hearings.

g) The final day of the public hearings will be reserved only for closing remarks by participants, Bilcon and the Panel. At this time, presenters should be summarizing their views rather than bringing forward new information. Only previous presenters will be permitted to make closing remarks, which will be limited to 15 minutes per presentation.

## **2.2 Questioning**

2.2.1 All persons making presentations at the hearings may be asked questions by the Panel, Bilcon and other participants for the purposes of clarification. The question process during the hearings will allow the Panel and all other participants to gather information and explore issues related to the potential environmental effects of the Project. The purpose of the questions should always be to elicit information that will help the Panel better understand the issues that relate directly to its mandate. All participants should pose questions in a manner that is courteous and respectful. Clarity and brevity are encouraged. The order of questioning will be at the discretion of the Panel Chair but typically the Panel will begin, followed by Bilcon, and interested parties and the public. Panel members may ask questions at any time during the hearings.

2.2.2 Questions should be directed through the Panel Chair who may subsequently allow a participant to put questions directly to the presenter. Where an individual does not adhere to the established procedures, the Panel Chair has the authority to refuse permission for further questioning.

2.2.3 The Panel Chair may limit or exclude questions or comments that fall outside the mandate of the Panel, or are deemed to be repetitive, irrelevant, or immaterial.

2.2.4 The Panel Chair may limit any discussion that exceeds the assigned time limit.

### **2.3 Close of Hearings**

No new information will be considered by the Panel following the close of public hearings.

### **2.4 Interpretation**

English and French interpretation services will be provided during the hearings.

### **2.5 Audio Visual Equipment**

If audio-visual equipment is required for a specific presentation, the presenter should inform the Panel Secretariat not less than 10 days before the presentation date. Presenters must ensure that all presentation materials, including audio-visual aids, are setup to fall within the allotted time periods.

### **2.6 Posted Schedule**

A public hearings schedule listing the order of registered participants will be available at the beginning of the hearings. The schedule will be regularly updated.

### **2.7 Media**

2.7.1 Media inquiries regarding the Panel's activities should be directed to the Panel Secretariat.

2.7.2 Media may attend the hearings and sit in the public seating area. No questions, filming, taping or photographs will be allowed in the hearing room, unless prior approval has been received from the Panel Chair. No media interviews or reporting will be allowed in the hearing room.

### **2.8 Transcripts**

Written transcripts of each hearing day will be made available to the public within a reasonable period of time.

**For further information or to register to participate in the hearings, please write or call:**

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**(Aussi disponible en français)**