

March 21, 2007

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Eric Soprovich,
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RE: Public Hearing, Water Use Application QZ04-063, Ketza River Holdings Ltd.

This letter is being sent to all parties, to provide information about the public hearing that will take place April 11, 2007 at the High Country Inn.

The public hearing will be conducted according the Board's Rules of Procedure. Copies of the rules are available at our website, and additional copies can be provided in either paper or electronic form by contacting the Water Board office.

The information in this letter is only supplemental to the Rules of Procedure, and where there is a discrepancy, the rules will prevail.

Date and Location of Public Hearing

The hearing will take place at the High Country Inn, 4051 4th Avenue, Whitehorse. It will begin at 9.30 am on April 11, 2007. It is likely that it will begin earlier on subsequent days, with a break for approximately 20 minutes in both the morning and afternoon, 60 to 90 minutes at noon, and end at 5 pm each day. However, that determination will be made by the Chairperson and it may change as the hearing progresses.

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Duration of Public Hearing

The duration of any public hearing is impossible to predict, because it is affected by so many factors such as the complexity of the issues, the duration of the presentations, and delays caused by late submissions and procedural discussions. I can advise that we have booked the hearing facility for three days. It is unlikely that there will be evening sessions, because that time is usually needed to review any late material and prepare for the next session; but that decision will be made by the Chairperson as the hearing progresses. If the hearing is not concluded by the end of the third day, then the Board will make a determination about whether to continue through the weekend or whether to adjourn and reconvene at some point in the future. None of this can be determined in advance.

Number of Participants

In order to assist us in arranging the hearing room to accommodate everyone as comfortably as possible, we need to know how many people will be attending and, if possible, their names. This information isn't binding, you are free to change the numbers and the names. But if we don't know who will be attending, then we will have to make some arbitrary assumptions and that could mean that your delegation may not be provided with enough table space for everyone.

Please advise us of the names of the people in your party no later than April 4, 2007. If you do not have names, a number will be helpful.

Order of Appearance

At the hearing, the applicant will first be asked to give a presentation about the application. Then, each of the interveners may ask questions, after which the Board members and consultants may ask questions. Next, each intervener will, in turn, be asked to present their interventions and respond to questions from all other parties. After that, the applicant may respond to the interventions, and everyone may ask questions about the response. Finally, each party will be given an opportunity to make closing statements. It is quite acceptable for a party to rely on their written submission, without further elaboration (although that doesn't relieve the party from the responsibility to respond to questions). Similarly, parties may choose whether or not to make a closing statement.

The following is the current order of appearance for interveners, and it is subject to change:

1. Government of Yukon
2. Environment Canada
3. Ross River Dena Council

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The Yukon Conservation Society have advised that they will not be participating in the hearing.

Late Filings

The Rules of Procedure (rule 8 and rule 17) require that interventions must be submitted by the intent date, and must be accompanied by all supporting documentation. It does not appear that there will be any late submissions at this hearing. However, the following information is included in this letter in case anyone is considering filing a late submission:

The Rules allow late filings where a submission is in response to a matter raised by another party or by the Board, or where the implementation of that requirement would otherwise be unfair to a party, and where the Board agrees to accept the late filing.

I urge everyone to please review Rule 17 prior to the hearing.

The Board has developed a standard practice regarding administrative requirements that parties must meet when they intend to ask for leave to submit late exhibits. These requirements have been developed in order to minimize delays at hearings, while still complying with the principles of fairness. Please review the following carefully and contact our office if you have any questions.

Except for the applicant's response to interventions, any party who wants the board to consider any paper whatsoever that is not already included in the water use register (as per the exhibit list dated March 16, 2007, which is included with this letter) will be expected to comply with these administrative requirements:

- ▶ Contact our office as soon as possible, and before the hearing, give us a title for each document, and obtain a tentative exhibit number for each document.
- ▶ Indicate the application number (QZ03-064) and the tentative exhibit number on the lower right hand corner of *each* page of your proposed exhibit.
- ▶ Before the hearing, distribute a copy of your proposed exhibit to each other party.
- ▶ Before the hearing, provide the water board staff with an additional 20 copies. All of these copies must be three hole punched. You are responsible for providing the appropriate number of copies; water board staff will not be able to help you.

At the commencement of the hearing, the Chairperson will provide an opportunity for parties to ask for approval to submit late exhibits, and will ask if any party objects to the late submissions. There is an expectation that, in fairness, you will have provided the other parties with their copies

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sufficiently in advance so that they can speak to the matter. It is also possible that the Chairperson will ask how these proposed late submissions comply with the intent of Rule 17.

Your cooperation in complying with the process described above will help us to avoid unnecessary delays during the public hearing.

Visual Aids

If you plan to use any visual aids, such as a power point presentation, pictures or overheads, then we will need to keep a copy as part of the register, and you will still need to obtain an exhibit number before the hearing, so that you can mark that number on the copy that you give us. However, it is not necessary to provide copies of those visual aids to the other parties, **providing that they do not contain any information except what is already included in the current water use register**, as of March 16, 2007.

If a visual aid includes any information that is not already in the water use register, then it will be part of the application, the applicant's response, or an intervention. For example, if your power point presentation includes a chart, graph, photo that is not already in the register, then it is a new exhibit. In that case, you must comply with the requirements for late filings discussed elsewhere in this letter, including distributing it to all parties in advance and providing 20 copies to the Board.

When using visual aids at the hearing, please make sure that your verbal presentation includes specific cross references to your visual presentation. This will help the Board during their subsequent deliberations, because they will be able to refer to the correct part of your visual aid as they review the transcript. One successful method has been to number each slide/page and then say the number before you begin your remarks about that slide/page.

If you have any doubts about whether something is a visual aid, or a new exhibit, please discuss it with water board staff before the hearing.

Applicant's Response to Interventions

The applicant does not need to provide the other parties with copies of their responses to interventions in advance of the hearing, since this would not be a late submission. The applicant does not have to provide their response in writing.

However, in the interests of avoiding delays, if the applicant does intend to respond in writing, then they are requested to obtain tentative exhibit numbers, and to provide 20 copies, annotated with the application and exhibit numbers, and 3 hole punched.

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Conduct During the Hearing

Your cooperation is requested in helping us to maintain the public nature of our process by not initiating private conversations with Board members, because such conversations could be misconstrued as a conversation about the application. If you have any questions about procedure, water board staff will be available to assist.

Public Participation at the Hearing

The Board's Rules of Procedure set out clear requirements for parties to announce their intention to participate well in advance of the hearing, and there is no provision for members of the public, who have not intervened, to actively participate in the hearing. The Rules only allow people to make a statement at the end of the hearing, immediately prior to the applicant's closing remarks, but they cannot participate in questioning any of the parties, or make any statement except at the time provided. If you are aware of any person who intends to be at the hearing and wants to speak, please tell them about this limitation. Anyone wanting to attend the hearing only to observe the proceedings is welcome.

Telephone Participation

We have not received any requests for participation by telephone by any of the parties, and we will not have the ability to accommodate any late requests for telephone participation.

Water Board Contact Information

Water Board staff will be happy to receive the information that's been requested in this letter, provide additional copies of any exhibits, respond to your questions, or provide tentative exhibit numbers, via the following contact information:

Phone: 867 456 3980. We accept collect calls.

Email: ywb@yukonwaterboard.ca

Fax: 867 456 3890

Website: <http://www.yukonwaterboard.ca>

A copy of the current exhibit list is enclosed with this letter, and the register has been posted to our website. Please call me if you want additional copies of any exhibits, if you would like to discuss the public hearing process, or if I can provide any other assistance.

Water board staff will also be available at the hearing to assist you with your participation in the public hearing.

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Please keep in mind, as you prepare for the hearing, that the primary purpose of the hearing is to provide the Water Board with information to assist the Board in making decisions about this application. The Board will interpret its Rules of Procedure liberally, in the interests of fairness and efficiency.

Judi White, Manager
Yukon Water Board

encl: exhibit list, March 16, 2007

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