

Closing Comments – Chief Fred Robbins

For the past week I have listened closely to all of the speakers from my community who shared their knowledge and views with you about the New Prosperity Project. I also heard a great deal from experts and from Taseko representatives. And every time someone referred to the Project as the “**New** Prosperity Project” I confess I cringed a little inside. For Esk’etemc there is nothing NEW about this Project and it seems silly and irresponsible to pretend otherwise.

Taseko has told us that it spent a lot of money and time to revise its project for the Prosperity mine. But we all know that it did NOT consider or make any revisions to the transmission line corridor, which is just as significant as the mine itself. Without the electrical line, there won’t be much happening at the mine.

I would like you to remember that one of the main reasons Taseko is asking this Federal Panel for a second chance is because the last panel decided that the mine would have significant adverse impacts to aboriginal rights and title. Specifically, the Last Panel said that the mine would result in significant adverse impacts to the Tsilquo’tin’s rights, and that these could not be mitigated or accommodated. The Last Panel ALSO said that the transmission line would result in significant adverse impacts to Esk’etemc’s aboriginal title claims and that those impacts could not be mitigated or accommodated.

Taseko went away and took over 3 years to revise its proposal – but only changed its plans for the mine.

So the question I have for the Panel here today is why should the “New” Prosperity project be given a second chance when Taseko only bothered to change the mine proposal and ignored the impacts to Esk’etemc from the Transmission Line Corridor?

The blunt answer is that it shouldn’t be given a second chance and I would like to take a little time today to explain why.

FIRST Taseko has not considered alternatives to the Transmission Line Corridor.

One of the factors that must be considered in any environmental assessment is, and I am quoting from section 19 of the *Canadian Environmental Assessment Act* here:

alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means;

In the “New Prosperity Project” Taseko has not described any alternatives to the currently proposed transmission line, despite the fact that the Last Panel clearly found that there would be adverse impacts to our title claims.

Taseko has come to this Federal Panel and is asking for a second chance at a federal review process without addressing all of the significant impacts to First Nations. It has ignored the very serious impacts to this community.

There have been **no** changes to the transmission line corridor. Essentially, Taseko has proposed a “New” Prosperity mine project with an “Old” transmission line corridor. It is this “Old Corridor” that will cause irreversible loss to our culture, our rights and our ability to protect and make decisions about our title lands.

I’d like this Panel to remember that the original Panel was concerned that the adverse impacts to Esk’etemc’s cultural areas, hunting rights and gathering could become “significant”, and would be long-term and potentially irreversible, if there was no progress made with respect to re-routing the Transmission Line to avoid areas of importance to Esk’etemc.

Taseko has made no progress in this regard to date. Taseko has not proposed any Alternative Corridor that would avoid impacting Esk’etemc, our sacred areas, fishing sites and the areas of critical habitat for the animals we harvest.

Taseko took three years to revise its proposal for the Prosperity mine. I cannot understand why it did not also study alternative routes to the proposed transmission line corridor. I cannot understand why Taseko chose only focus on the significant impacts to the Tsilquo’tin and not focus on addressing the significant impacts to Esk’etemc.

The question for this Panel is – can you accept the “Old Corridor” when Taseko has clearly failed to meet the basic requirements of the *Canadian Environmental Assessment Act* to examine alternatives to the project? Can you accept the “Old Corridor” when Taseko has not made any attempt to address the significant impacts to our rights and title identified by the last Federal Panel?

At the Community Hearing three days ago, Taseko said that it understands that there is a “Lands” Issue with the Esk’etemc. Taseko knew this from the first Panel hearing.

Taseko could have avoided the “Lands” Issue if it had chosen to study and propose an Alternate Transmission Line Corridor that avoided Esk’etemc completely.

Instead, Taseko’s Environmental Impact Statement says that it has considered “No new alternatives” for the transmission line, beyond alternatives previously assessed (EIS at 160). There was no consultation with Esk’etemc on any Alternative Corridors for the Transmission Line, despite the previous Panel’s conclusion that the location of the

Transmission Line within Old Corridor proposed has the potential to cause significant adverse impacts to title, and potential long-term and irreversible impacts to our cultural sites, hunting rights and access rights.

It remains unclear to Esk'etemc why there was no re-assessment of Alternative Corridors for the Transmission Line, given the Previous Panel's findings. I am talking here about the need to consider a completely different Corridor, rather than simply trying to shift the location of the proposed route slightly within the same old Corridor that will cause our Nation significant loss that cannot be accommodated.

In Taseko's Project Description, it says that Alternative Corridors were considered in the 1990s by Taseko, and while 9 routes were studied, 7 were eliminated because they were "impossible or difficult". The **Old** Corridor that Taseko seeks to have approved in the **New** Prosperity proposal is – without question – impossible or difficult in terms of impacts to Esk'etemc's rights.

It would be irresponsible and blind to think that if the New Prosperity project is approved this time around, that somehow, magically, the concerns about impacts to Esk'etemc's title, and the potential serious impacts to our hunting grounds and sacred areas will be addressed.

In the New Prosperity Project Description, Taseko notes that the Province has approved a 500 metre wide transmission line corridor selected from the original 3 km corridor Taseko proposed in the first Federal Panel review. This 500 metre wide corridor would not avoid any of the areas we have identified as sacred and critical to our title claim and our ability to exercise our rights.

The problem with accepting the 500 meter corridor approved by B.C. as the starting point is that the Province approved this corridor before the previous Federal Panel Report was released.

In other words, when the Province approved the 500 meter Corridor, it did not take into account or consider the impacts identified in the previous Federal Panel Report. It did not take into account the potential significant impacts to our title, the potential long-term and irreversible impacts to our rights, and interference with our cultural and sacred sites. And there was no consultation with Esk'etemc about the Corridor approved by B.C..

Also, since the Province was only examining those elements of the projects that had changed – which did NOT include the transmission line – the Province did not consider the impacts of the transmission line when it issued its amended Environmental Assessment Certificate for New Prosperity. This Panel should NOT rely on the Province's decision that the 500 meter corridor is acceptable.

The reality is that there is nothing “new” about Taseko’s proposed transmission line and since no “new” alternative corridors have been considered since the Last Federal Panel found significant impacts to our title, **this** panel cannot responsibly determine that the Old Corridor is the best option. Taseko chose to ignore what the last panel said about the impacts to our title, and had failed to provide information about alternative corridors. This is a failure to meet the requirements of the Environmental Assessment Act.

This Panel has no option but to decide exactly as the previous Panel did: that the transmission line corridor will have significant adverse impacts on Esk’etemc’s aboriginal title claims and that those impacts cannot be mitigate or accommodate the significant loss that will result to our First Nation.

2. I would now like to talk a little about what those impacts are.

This week, our community told this Panel that the impacts to our hunting rights, our sacred areas, our burial grounds, our pit houses, our village sites and our fishing rocks cannot be mitigated by simply “shifting” the location of the transmission line route slightly, within the Old Transmission Line Corridor.

One day, the areas where our pit houses and burial grounds are will be designated to be a World Heritage Area because of the concentration of important cultural and heritage values in this area. The last Panel acknowledged these important values when they said that the area along the Fraser River “is rich with archaeological sites and burial grounds”. These sacred sites have incredible importance to Esk’etemc’s cultural and heritage.

I cannot emphasize this enough: The proposed transmission line corridor goes directly through one of the most important parts of our Traditional Territory. It goes through the heart of our sacred village sites, our pit houses, and our graveyards. There is no way to simply “shift” the location of the transmission line to avoid our sacred areas. The entire Corridor proposed by Taseko goes right over the Fraser River by Little Dog where the history and culture of our identity as Esk’etemc peoples is stored. Our history, our identity, and our culture is rooted in the lands and waters that the Transmission Line crosses.

To disturb this part of our territory, would create a permanent loss in our ability to teach our children who we are as Esk’etemc people. If we cannot come to this area to practice our rights and culture without interference and disruption from the transmission line, we stand to lose our rights, our identity, our culture and our way of life as Esk’etemc people. We will lose the ability to teach our future generations what it means to be Esk’etemc and why these specific lands are so important to use as Sec’wepemc people.

The area that the Transmission Line crosses directly overlaps with the area where we claim Aboriginal title. We were placed in this area by Chief Coyote. We heard from Irvine Johnson at the site visit say that Esk'etemc people were put here on these specific lands by Chief Coyote to protect these lands – the very lands that the transmission line will cross. As Secwepemc people, we have occupied these lands exclusively since time immemorial, and continue to do so today.

The transmission line will also devalue our title lands in this area. If the transmission line is approved in this area, it will destroy our ability to make different land use decisions. This is an adverse impact to our Aboriginal title, quite apart from any adverse impact to the lands available to us in the treaty process.

What I am saying here is that the impact to our title lands in this area will be significant, regardless of whether we receive recognition of our title to these lands through the treaty process or through the court.

We have never surrendered these lands, and we continue to regularly and intensively use the lands around the transmission line and at Little Dog today, to live as a unique society. These lands are at the center of importance to us as Esk'etemc people because they make us who we are. They give us our identity. They hold our creation stories and the lessons of our ancestors. These lands are the foundation of our society and our living culture. Without these lands, we would not be Esk'etemc.

We, as Esk'etemc people, have Aboriginal title to these lands. Aboriginal title includes the right to make our own decisions about how to use these lands. Aboriginal title includes the right to decide whether to allow certain activities to proceed. Aboriginal title includes the right to make laws to protect areas of importance to us for their heritage value, and for their cultural values. We have the right, and the responsibility, to protect these particular lands for our future generations, so that our children, will have the opportunity to teach their children what it means to be Esk'etemc, and to live a traditional way of life on these lands.

If the transmission line goes through these lands that we claim title to, it will devalue the lands economically. But more importantly, it will reduce the value of the lands to us from a cultural and spiritual perspective. Even if these lands become our treaty settlement lands, if the transmission line is crossing these lands, we will not be able to make laws to protect our cultural and heritage values in the area. We will lose the cultural and heritage value of these lands if the transmission line is approved.

We do not want to become the “landowner” of treaty settlement lands that are crossed by this transmission line, because they would no longer have value to us from an economic, cultural, spiritual and hunting perspective. We want to use these lands to maintain our connection to our culture, our Traditional Economy and our traditional way

of life. We have the right to make this decision – these are some of the most important lands to our people from a cultural and heritage perspective.

Taseko had mentioned at our community hearing that there wouldn't be any impact to our treaty settlement land claims in the area of our sacred village and burial sites, because some of the lands are privately owned. However, private land ownership does not in any way reduce our claims to Aboriginal title over these lands. We claim title to these lands, whether or not our title claims are settled in the treaty process.

I also wanted to mention that, in the event that we do settle our claims through treaty, private lands can become part of our treaty settlement lands. For example, we have the option of negotiating specific lands as pre-approved "Additions to Treaty Settlement Lands" in the treaty process, so that in the event that we acquire those lands, they will automatically become TSL. We will be exploring this option going forward in our treaty negotiations, as we are moving into more intensive negotiations in September, and have specifically set up a Lands Technical Side Table to address our land selection priorities going forward.

Little Dog

Now I want to focus a bit more about the area around Little Dog. This area is not just part of our territory – it is one of the most important parts of our territory, because of our connections to our ancestors in this area, and because it is the place that we go to teach our children today about their culture. You heard that it is not only a favorite place for our young male and female hunters, but that it is such an important place, that our members are willing to put their lives on the line to protect this area. You heard that our members prefer to go to Little Dog, when they go to hunt, trap, fish, and gather. You heard that the mule deer and moose habitat in and around the community forest, is rare and unique. You heard that it is a critical habitat for the animals that we rely on as a food source – they give us life.

You heard as well of the importance of the areas by Dog Creek Road, and the importance of the sites and the stories that have their location in this area. You learned how important these areas are to our culture. You heard about the traditional and continuous use of the areas along the transmission line from a number of our members, and reference to a number of particular places by our Elders, Dorothy Johnson and many others who continue to use the lands and teach their children.

You have also heard that members of our community live in "poverty" when richness is measured in dollars. You have heard that our fridges are often empty, and that how we survive and feed our families is by hunting and fishing in the area of the proposed transmission line. You have heard that the area of the proposed transmission line is one of the most important places where we go to teach our youth and our children how

to hunt, how to fish, how to trap and gather. We teach our children how to survive off of the land, in the area of the transmission line. Our members have important connections specifically to this area, and the area of Little Dog, because it is where they learned how to be Esk'etemc and our traditional way of life. It is where our ancestors taught their children how to survive, and how to live in accordance with our laws of respect, honesty, trust and patience.

Community Forest

I would now like to clarify some points about the previous Panel's recommendation to consider going around the Community Forest. To be blunt, this is not sufficient to mitigate or address the impacts to our title and rights. The Panel did not **require** Taseko to avoid our community forest. Taseko was to **consider** it. This left room for Taseko to simply discuss the possibility and then proceed with its original plan regardless of the consequences for Esk'etemc. This is precisely what happened.

You heard from our community that there is no possible compensation for the impacts to our rights in this area if the transmission line were to go through the Community Forest. The mitigation proposed by the last Panel left it open for Taseko to clear-cut through the Community Forest, as long as Taseko tried to talk to us first.

It should not be open to Taseko to clear cut through our old growth management areas, and through the winter range for mule deer and moose.

As you heard from our community, that winter range for mule deer and moose goes beyond the borders of our Community Forest. The entire winter range for mule deer and moose is a critical habitat that Esk'etemc Nation relies on for our hunting rights. If this whole critical winter range is not protected (and this means beyond the Community Forest too), our food staples are at risk, our livelihoods are at risk, our ability to survive is at risk, and our culture will be lost. To clear cut the winter range is to clear away our food supply. It is to empty our fridges, which we already struggle to fill.

You heard about how avoiding straight lines of sight will not reduce the problem of increased access along the transmission line, and you heard that this mitigation will not address the concerns our members have about an increase in both predators, and poachers, and other people accessing the area.

You heard about the importance of our fishing rocks at Little Dog, and about the importance of the burial sites, our pit houses and our village sites in this area. You saw that we come from this area when you saw the white rock which means "Esket". You heard our members tell you that this whole area is used by our community to exercise our traditional way of life.

You heard from us that archaeological work won't uncover a lot of the traditional use values and spiritual sites which have qualities that are not easy to physically uncover.

Taseko has come to the Panel, without any proposed Alternatives for the transmission line Corridor. The Environmental Impact Statement suggests that Taseko has internally considered and has decided "No" to a few Alternative Corridors, but Esk'etemc was not consulted on these other options that Taseko considered years ago. Taseko did not consider Alternative Corridors that would avoid the impacts to our title, which were identified as significant by the last Panel.

We asked that Taseko be required to consider entirely different Transmission Line Alternative Corridors at the beginning of this New Prosperity process, but this did not happen.

Conclusion

For Esk'etemc, there are **no alternatives** for the survival of our culture and identity if the transmission line is put in place in the Old Corridor route.

As the Panel tasked with applying the Canadian Environmental Assessment Act to the New Prosperity Project – I ask you to carefully ask yourselves whether Taseko has actually considered "alternative means" of carrying out the project that are financially feasible and the "environmental effects" of the alternatives.

I want to ask you to carefully consider whether alternative transmission line corridors have been seriously considered in terms of outlining the impacts to our current use of lands for traditional purposes.

If the answer to the above two questions is no – it would logically follow that Taseko's proposed transmission line corridor cannot be approved.

In the past, Esk'etemc has said "okay" to Transmission Lines in our territory. We are not against all Transmission Lines, even though we know that they cause our animal populations to collapse, our berries and medicines to dry out, and invade our privacy with increased access and predators. In the past, Esk'etemc has said "okay" to Transmission Lines, when they did NOT go through the MAIN AREA where we are trying to have our title recognized, whether through the Treaty Process or otherwise. In the past, Esk'etemc has said "okay" to Transmission Lines that did NOT go through our burial grounds, and sacred sites.

The Transmission Line corridor proposed by Taseko fails, because:

- It goes through our burial grounds where our ancestors live.

- It goes through a main area where our villages were and where our society was formed.
- It goes through a critical and unique, winter habitat for mule deer and moose that we need for survival.
- It goes through an old growth management area that needs to be protected in order to protect the habitat for the species we rely on as a food source.
- It goes through a main area that we use for our salmon fishing.
- It goes through our preferred area for salmon fishing, hunting and gathering.
- It goes through our preferred area for teaching our children about our culture and our way of life.
- It goes through an area that is in close proximity to where we live, and is easily accessible for Esk'etemc members to hunt, fish, trap and gather.
- It goes through areas of land that are presently undisturbed.
- It goes through area of lands and waters that are pristine and untouched.
- It goes through an area that we claim title to.
- It interferes with our right to make land use decisions as part of our Aboriginal title over these lands.
- It will interfere with our right to make laws to protect our heritage values in this area, under the Heritage Conservation Act, as a treaty first nation
- It has direct, local impacts to our rights, which are "significant" to Esk'etemc BECAUSE they are LOCAL. The Local nature of the impacts to our rights and title make the impacts more severe to our people.
- The impacts are permanent, and the loss to our culture will be irreversible.

These impacts will not "only occur once" as Taseko says. The impacts will occur Every Single Time that an Esk'etemc member wants to go out on the land, to hunt, to fish, to trap, to gather and to pray. Each time there will be a transmission line in the way, which will result in our members not being able to freely exercise their rights and access the area of the transmission line without interference.

Taseko has not addressed any of these impacts in its "New" Prosperity proposal. There is nothing that is "New" about Taseko's proposed Transmission Line.

There is nothing that is "New" about the proposal to approve the "Old Corridor" which will create a permanent and irreversible loss to Esk'etemc's culture, rights and title.

Thank You.