

NEW PROSPERITY GOLD COPPER MINE PROJECT  
**FEDERAL REVIEW PANEL**  
**CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY**  
AGENCE CANADIENNE D'ÉVALUATION ENVIRONNEMENTALE

**HEARING HELD AT**  
CJ's Southwestern Grill, 1527 Highway 97S  
Williams Lake, British Columbia

**Friday, August 23, 2013**

Volume 22

**FEDERAL REVIEW PANEL**

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1 Williams Lake, British Columbia

2 --- Upon commencing at 9:00 a.m.

3 OPENING REMARKS BY PANEL CHAIR:

4 CHAIRPERSON ROSS: Good

5 morning, everyone. Welcome to the closing remarks  
6 session for the hearing related to Taseko's  
7 proposed New Prosperity Gold Copper Mine. I would  
8 like to thank the town of Williams Lake and the  
9 members of the Tsilhqot'in and Secwepemc First  
10 Nations within whose traditional territory we are  
11 holding this hearing today. I would also like to  
12 thank the combined Tsilhqot'in and Secwepemc  
13 drummers for their opening ceremony.

14 My name is Bill Ross. On my  
15 right is George Kupfer. On my left is Ron Smyth.  
16 Behind me are Livain Michaud, our panel manager,  
17 Jason Patchell and Joanne Smith. The staff  
18 members are identified by name tags and will be  
19 able to assist you with any logistic or  
20 process-related questions you might have.

21 Before we begin the hearing  
22 session, I have a few housekeeping items I would  
23 like to go over. First, safety. In the event of  
24 an emergency, I will do my best to make an  
25 announcement if possible and appropriate at this

1 microphone. In the event of a fire we ask  
2 everyone proceed calmly out the nearest exit door.  
3 There are some exit doors off to my left in this  
4 corner and there's the door we came in over there.  
5 I'm not at all sure what those doors go to so  
6 don't use them unless you're sure. In the event  
7 of a medical emergency, let one of our secretariat  
8 members know immediately and we will do our best  
9 to find some first aid supplies.

10 My opening remarks are  
11 relatively short today. I will focus on the  
12 procedures for today. The purpose of the closing  
13 remarks session is for the Panel to receive advice  
14 from interested parties. No new information is  
15 permitted. Our terms of reference were appointed  
16 by the Federal Minister of the Environment to  
17 conduct an assessment of the environmental effects  
18 of the proposed project under the Canadian  
19 Environmental Assessment Act 2012.

20 Following the completion, I'm  
21 going to come to that later on -- the cell phone.  
22 Anyway, following the completion of our  
23 assessment, we will prepare a report for the  
24 Minister of the Environment. This report will be  
25 submitted within 70 days of the close of this

1 hearing and will be made available to the public  
2 by the Minister of the Environment. Your advice  
3 is important to us. We respect it. Please  
4 respect the process. Everyone should be courteous  
5 and respectful when presenting. The use of  
6 demeaning language is not appropriate here. I  
7 would like to highlight a few of the important  
8 procedures that apply today.

9 All participants should note  
10 that transcripts are being kept through the  
11 services of our Court Reporter, off to my left.  
12 When you come to speak we ask you identify  
13 yourself so that your name is on the record and  
14 spell your last name for the Court Reporter. This  
15 will allow us to make sure the record accurately  
16 reflects who was speaking. Please remember to  
17 speak slowly and clearly. We also have  
18 interpreters with us who will be able to translate  
19 what is being said into Tsilhqot'in. At least I  
20 think we do. Let me put on my glasses and see. I  
21 think so. No questions are permitted today,  
22 except questions of clarification by the Panel.  
23 So each presenter will present and then the panel  
24 may ask questions of clarification.

25 Closing remarks -- I've already



1 the procedures for today? Seeing none, I will  
2 proceed directly to the first speaker, who is  
3 Chief Ann Louie.

4 PRESENTATION BY CHIEF ANN LOUIE:

5 CHIEF ANN LOUIE: (Native being  
6 spoken). I just want to say welcome to the  
7 Williams Lake Indian Band traditional territory.  
8 My name is Chief Ann Louie. I'm a member of the  
9 Northern Shuswap Tribal Council and also a member  
10 of the 17 tribes of the Shuswap Nation. We have  
11 unity agreement as I indicated at Canoe Creek the  
12 other day. I'd just like to say thank you to the  
13 people who said the prayer plus all of the  
14 drummers who participated this morning. Thank you  
15 very much. I'd like to say welcome to Grand Chief  
16 Stewart Phillip, who I see present, and Donna  
17 Barnett Emile. I just want to reiterate, again,  
18 that the Williams Lake Band and the Northern  
19 Shuswap Tribal Council are both in full support of  
20 Xeni Gwet'in Nation and the TNG members. As I  
21 indicated in my speech at Canoe Creek the other  
22 day, the participation agreement that we have with  
23 Taseko is in no way to be construed and taken out  
24 of context as support for Prosperity. We do not  
25 agree that with the statements that are being made



1 out in the general public that that's the case.  
2 Our Band has always said and I've explicitly said  
3 that to the MLAs and to the mayor of the City of  
4 Williams Lake that we support Xení Gwet'in in  
5 their fight. This fight is about our fish stocks,  
6 our salmon stocks, our rivers, our waters, and I  
7 presented that clearly the other day. I stick by  
8 that. Our people stick about that. And also I  
9 just want to say to the Xení Gwet'in, I appreciate  
10 the long fight that you guys have had, especially  
11 this past month. It's been trying. I see many of  
12 the Chiefs out in the areas of the meetings that I  
13 also attend fighting for the same fight that we  
14 fight, although are not in the public forefront as  
15 you are. So I wish you well, and I hope that this  
16 Panel that's present will listen clearly to the  
17 words that are spoken by all. I know that there's  
18 people for and against, and I've said in my  
19 statements that hundreds of millions of dollars  
20 are proposed to be injected into our local  
21 economy; however, our First Nations do not benefit  
22 from those dollars.

23 BCAMTA came to our territory  
24 within the last couple of years, and we've only  
25 seen a handful of our people that have been

1 employed in both mines that sit directly in ours.  
2 I also encourage Taseko with your active mine in  
3 Gibraltar to work harder and smarter at getting  
4 agreements in respect to First Nations and honour  
5 full and proper consultation at the beginning of  
6 any of the projects.

7 One of the statement that I'd  
8 like to make is that in the 40 years plus that  
9 Taseko's been here, I'm not sure that there's any  
10 other participation agreement except the one with  
11 our Band. I think it's critical that those are  
12 put in place prior to this new mine completion.  
13 The assessment must be fully completed properly  
14 with all of the things that the TNG has put  
15 forward. A lot of spots in our traditional  
16 territory are sacred grounds and those must be  
17 honoured. I indicated that the drainage in and  
18 around the Fish Lake area can be detrimental to  
19 the fish stocks and that's critical. When I spoke  
20 the other day, I talked about the Fraser River  
21 fishery being closed. Yesterday I got the  
22 unfortunate notice that the Tsilhqot'in River for  
23 the first time in my lifetime I've seen is  
24 proposed to be closed. This is a very scary  
25 thought for our people.

1                   And with that I'd just like to  
2                   ask our elder if she wanted to say a few words  
3                   because I know that she felt pressured with the  
4                   time in Canoe Creek. Virginia Gilbert. Thank you  
5                   very much.

6                   PRESENTATION BY VIRGINIA GILBERT:

7                   MS. GILBERT: Good morning,  
8                   everyone. (Native being spoken). My heart is  
9                   glad to be here. I'd like to welcome all the  
10                  (Native being spoken), my relatives. I have  
11                  grandchildren and great grandchildren out west as  
12                  I said at Dog Creek, and I fully support the  
13                  Tsilhqot'in people. And the reason why I have a  
14                  few words to say is that I didn't mention that  
15                  over there in Horsefly and Likely area is our  
16                  hunting grounds, our fishing grounds, and we used  
17                  to travel around there. We are seasonal people,  
18                  our Secwepemc people. We are seasonal. We go  
19                  with the animals and we follow the deer and the  
20                  moose and we follow the salmon. Right across this  
21                  lake you could see over here, and Sugar Cane's  
22                  over there. That's where we used travel by team  
23                  and wagon and saddle horses and go over here to  
24                  the Fraser River and it used to take us most of  
25                  the day to get down there, but today we have

1 trucks and pick ups and it only takes us a few  
2 minutes to get down there. That's all I have to  
3 say.

4 Thank you. I heard the bell.

5 CHAIRPERSON ROSS: Thank you  
6 very much. The timing was excellent. The next  
7 speaker is Herb Nakada.

8 PRESENTATION BY HERB NAKADA:

9 MR. NAKADA: My name's Herb  
10 Nakada. It's spelled N-A-K-A-D-A. I asked for 10  
11 minutes, I got 5 I found out this morning. If you  
12 want to encourage active democracy, you shouldn't  
13 be limiting us. You should be expanding our  
14 opportunities. Judgement at Teztan Biny.

15 Thank you for this opportunity  
16 to speak of my concerns for the record. Thank you  
17 Ron Smyth. Thank you George Kupfer. Thank you  
18 Bill Ross.

19 Please consider and fervently  
20 honour our children and grandchildren. I hope we  
21 will live in a world of equality, justice and  
22 peace. We need your help to make it happen.

23 Thank you for coming to  
24 Williams Lake. My preface. Taseko concludes no  
25 adverse environmental effect. Adverse

1 environmental effects do exist. These adverse  
2 effects must be mitigated into perpetuity; no one  
3 can mitigate adverse effects into perpetuity. For  
4 this reason, Taseko's application should be  
5 rejected.

6 My introduction. Assuming  
7 that human civilization itself will last even in  
8 the near future is in question under current  
9 conditions. This includes the Government of  
10 Canada and Taseko. Perhaps 99.9 percent of all  
11 life species on this planet have gone extinct, we  
12 will too. But must we be in a hurry?

13 Extraordinary precautionary principles apply here.

14 The IEA, International Energy  
15 Agency, warned us last year on May 1st, 2012 that  
16 the world is headed for irreversible climate  
17 change in five years. A year has passed  
18 exponentially adding greenhouse gases, planned or  
19 expansions of greenhouse gases in this dominant  
20 exponential growth economy based on cheap fossil  
21 fuels. Taseko should be part of greenhouse gas  
22 mitigations as a precaution. Conditions of our  
23 own extinction are close at hand from irreversible  
24 human-made global warming. New Prosperity doesn't  
25 exist in a climate bubble. Extreme weather events

1 are more frequent than accounted for. Taseko  
2 should account for extreme floods and droughts,  
3 which may affect their tailing storage facility,  
4 for the public and environmental safety. Floods,  
5 droughts, fires cannot be ruled out. Dr.  
6 Desbarats was concerned. Taseko's tailings  
7 storage facility could be overwhelmed by extreme  
8 weather events. Teztan Biny, Nabas will be  
9 destroyed. Trouts spawning wetlands will be lost,  
10 maybe 60 percent or more. Teztan Biny will be  
11 destroyed. To believe there are no adverse public  
12 or environmental effects is a false belief.  
13 Taseko's new image minimizes adverse human and  
14 environmental effects, ignores climate change and  
15 maximizes unproven, great economic benefits for  
16 the commonwealth. Humans will not last forever,  
17 neither will Taseko's mitigation plans in  
18 perpetuity.

19 Living with human and Aboriginal  
20 rights. The only known planet supporting life in  
21 this universe of a billion, trillion galaxies is  
22 this planet we call Earth. Do we measure this  
23 rare life with gold or money? This rare treasure  
24 makes possible all that matters for social beings  
25 sustained beyond sociopathic idol worship of

1 economic power, mattering most over adverse  
2 effects -- that should have been a period. It's  
3 okay to take anybody's life for any reason if you  
4 are a sociopath. A socially just, healthy planet  
5 is made possible with deserving regard, proper  
6 honour and respect for all social beings. I give  
7 up.

8 CHAIRPERSON ROSS: Thank you  
9 Mr. Nakada. Our next speaker is Ramsey Hart.

10 PRESENTATION BY RAMSEY HART:

11 MR. HART: I'd like to begin by  
12 acknowledging the Secwepemc Nation for hosting us  
13 as well as the town of Williams Lake. Thank you  
14 for your hospitality.

15 Greetings to leaders and elders  
16 with us today and thanks very much for the  
17 drummers for welcoming us. Thanks very much to  
18 the Panel for your dedication to this process. I  
19 regret that this is the first opportunity I've had  
20 to speak before you due to a variety of  
21 circumstances.

22 In my closing remarks, I would  
23 like to address 3 points: The extent to which  
24 Taseko's proposed mitigation measures address a  
25 subset of the adverse effects identified by the

1 previous review panel; the importance of the  
2 standard of free, prior and informed consent in  
3 this process; and the need and justification for  
4 the project.

5                   Given the previous rejection  
6 of this project, given the very cultural and  
7 ecological values identified through the previous  
8 review process, given the strong rights and title  
9 assertions of the Tsilhqot'in and the Secwepemc  
10 people, and given their strong opposition to this  
11 project, this project is not the straightforward,  
12 low-risk project that Taseko likes to portray it  
13 as. It's a high-risk, highly sensitive endeavour.  
14 We would advocate the companies look for other  
15 options and not pursue such high-risk  
16 opportunities. But in the event that they do, we  
17 would expect to see extensive field work,  
18 meaningful and deep consultation, a high degree of  
19 certainty for success for any proposed mitigation  
20 processes. The mitigation measures need to be  
21 well tested at comparable scales and time frames.  
22 They would need to create resiliency by working  
23 with natural systems and minimize the risks of  
24 failures.

25                   The re-submitted proposal



1 before us meets none of these expectations. We  
2 have before us a proposal that has important gaps  
3 in baseline data, that feeds into models which are  
4 only as good as the information that goes into  
5 them. We have a series of proposed mitigation  
6 measures that are not tested at the proposed scale  
7 or duration. When I first read the outline of  
8 Taseko's proposals to mitigate seepage issues and  
9 to recirculate the water at Teztan Biny, I was  
10 struck by the proponent's hubris and faith in  
11 engineering. Subsequent technical reviews by  
12 various regulators and contracted specialists have  
13 more than confirmed my concerns.

14 I'm aware that others are  
15 going to do a more thorough review of the  
16 technical submission, so I'm going to limit myself  
17 to commenting on one that I found particularly  
18 poignant, that of the B.C. Ministry of Energy and  
19 Mines. The depth and extent of concerns expressed  
20 by the Ministry of Energy and Mines is almost  
21 unprecedented in my experience for a ministry  
22 that's charged not only with regulating but also  
23 promoting mining. The apex of the Ministry's  
24 concerns were expressed in the July 30 submission  
25 stating that MEM concluded it is unlikely that the

1           projet can be developed as currently designed  
2           without adverse effects to the water quality of  
3           Fish Lake and it's tributaries from the TSF  
4           seepage. Even with expensive and long-term  
5           measures to mitigate TSF seepage, the protection  
6           of Fish Lake water quality may not be assured.  
7           The fact this carefully supported and well-argued  
8           conclusion was modified following the complaint  
9           from Taseko is a little bit surprising and  
10          disconcerting to me. But the revised conclusion  
11          continues to express deep concerns about the  
12          proposal, about the multiple layers of uncertainty  
13          within the proposed mitigation measures and it  
14          expresses concern about the reliance on future  
15          studies and adaptive management to deal with this  
16          uncertainty. We share the concern over projecting  
17          solutions into the future, to relying on  
18          monitoring and adoptive management. This is  
19          unacceptable for a project of this nature.

20                        As an example, the adaptive  
21          management plan for aquatic monitoring filed by  
22          Taseko earlier this week references the federal  
23          Environmental Effects Monitoring Program as a base  
24          for their program. We unequivocally support  
25          rigorous monitoring and adaptive management at all

1 operating mine sites. But the inherent challenges  
2 and limitations of monitoring complex ecosystems  
3 and the logistical and administrative limitations  
4 of the EEM make it inappropriate as a safety net  
5 for this project. Following through the various  
6 steps of the EEM can take upwards of 13 years.  
7 The structure of the program does not provide for  
8 shorter term responses that may be needed,  
9 especially given the context of this project with  
10 the recirculation of the water at Teztan Biny and  
11 the findings of the DFO and Dr. John Stockner's  
12 analyses that indicate there may be -- there is a  
13 potential for serious impact at Teztan Biny within  
14 a decade of operations.

15 Even if the proponent somehow  
16 is successful at sustaining the aquatic ecosystem  
17 at Teztan Biny, the adverse effects on the use and  
18 value of the area would be significant. Teztan  
19 Biny is more than a fish pond. The values  
20 associated with the area for ceremony, as a  
21 cultural training ground, as a refuge for the  
22 spirit would be significantly diminished if not  
23 lost entirely.

24 In your deliberations, the  
25 Panel will have to grapple with what an acceptable

1 level of uncertainty and risk is, and it must do  
2 with reference to the precautionary principle as  
3 required by CEAA 2012. The precautionary  
4 principle allows a certain latitude for accepting  
5 risks, but the principle should ensure that all  
6 reasonable actions have been taken to minimize  
7 those risks. The technical reviews of this  
8 project by NRCan, MEM, Environment Canada, Dr.  
9 Stockner and others demonstrate this is clearly  
10 not the case. The mitigation measures for Teztan  
11 Biny have been found inadequate, and other adverse  
12 effects of the project have not been addressed. I  
13 refer to the loss of Nabas or Little Fish Lake and  
14 the impacts of the power corridor.

15 The fact that mitigation  
16 measures previously posed for the power corridor  
17 were in part reliant on the power corridor being  
18 decommissioned, and now we have evidence before us  
19 that that line may need to stay in order to run  
20 pumps and water treatment plants. It means that  
21 we need to reevaluate the significance of the  
22 effects of that power corridor.

23 To conclude on this aspect, we  
24 do not have before us sufficient information to  
25 understand the sensitive and highly-valued

1 biological and physical systems in the area that  
2 would be adversely affected by this project. The  
3 proponent has not identified new mitigation  
4 measures for previously identified adverse  
5 effects, and mitigation measures that are  
6 presented to save Teztan Biny are uncertain in  
7 their technical and economic viability. They were  
8 contrary to natural principles, require a high  
9 degree of constant intervention and will likely be  
10 required in perpetuity. They have not been proven  
11 at the scale or duration they are being proposed.  
12 By any meaningful interpretation of the  
13 precautionary principle, this is not acceptable.  
14 Our recommendations related to the proposed  
15 mitigation measures are the Panel affirm the  
16 project has significant adverse effect to fish,  
17 fish habitat, the use of resources and Aboriginal  
18 rights and title; the Panel reject the proposed  
19 mitigation measures for the management of tailings  
20 impoundment, seepage and recirculation of water  
21 from Teztan Biny given the uncertainty of their  
22 technical success and economic feasibility; reject  
23 adaptive management and monitoring as adequate  
24 responses to the uncertainties and the information  
25 base and mitigation measures; and review the

1 findings of previous Panel related to the  
2 significance of adverse effects of power line  
3 corridor.

4 I'd briefly like to comment on  
5 the concept of free, prior and informed consent.  
6 We have submitted information about other examples  
7 in Canada where projects have been rejected  
8 because of their failure to obtain the consent of  
9 First Nations. We talked about the legal aspects  
10 and the international growth of this norm. But I  
11 think it's more than an abstract legal standard.  
12 It is also a representative of community-level  
13 demands for reconciliation, self determination,  
14 and respect from governments and businesses that  
15 would pretend to know what is best for them. The  
16 overall trend internationally, as in B.C. and  
17 Canada, is clearly in favour of greater  
18 recognition of Aboriginal rights. The path has  
19 not been smooth or direct. Against the backdrop  
20 of persistent challenges, the Tsilhqot'in, for  
21 example, have been trail blazers in protection of  
22 their rights and title with the Roger William  
23 case. A project such as this that opposes the  
24 trajectory of human rights and seeks to impose  
25 itself on unwilling host communities is more than

1           just a breach of an international legal standard.  
2           It is an act of oppression and confrontation. The  
3           review of the effects of such a project must  
4           therefore also consider more than just the  
5           material impacts of the project, but also the  
6           psychosocial and political implications of this  
7           oppression and confrontation. Our recommendations  
8           are that the Panel affirm the project's  
9           significant adverse effects on Aboriginal rights  
10          and title, acknowledge the normative standard of  
11          ethic and note the absence of consent and strong  
12          opposition to the project and consider the adverse  
13          psychosocial effects of this project proceeding  
14          against the consent of the affected First Nations.

15                        As per the terms of reference,  
16          the Panel's final report will have to consider the  
17          need for this project; and in the likely event  
18          that you find our significant adverse effects, the  
19          Panel is to provide information about potential  
20          justification for those effects.

21                        We've submitted evidence by  
22          economist Dr. Marvin Shaeffer that shows Taseko's  
23          portrayal of the economic development and job  
24          creation aspects of the project are exaggerated  
25          and do not account for considerable costs. In

1 other words, they are only showing us one side of  
2 the balance sheet. One of the most significant  
3 costs identified by Dr. Shaeffer is the estimated  
4 \$50 million a year in net costs to BC Hydro for  
5 supplying power to the project.

6 The Proponent's rebuttal of Dr.  
7 Shaeffer's report focussed on the distribution of  
8 those costs, something which was not the subject  
9 of Dr. Shaeffer's report. The fact remains, the  
10 cost of creating new generation capacity to supply  
11 power to the project are far more than Taseko will  
12 pay.

13 Taseko has not provided the  
14 necessary supporting information to be able to  
15 assess the method they use for calculating the tax  
16 contributions, but given the findings of the  
17 report we submitted by Chen and Mince(ph), we have  
18 great reason for skepticism given they determined  
19 the marginal tax rate for mining in B.C. was  
20 actually negative.

21 In recent years the B.C.  
22 mining sector has expanded, and new mines have  
23 been proposed for the region around Williams Lake  
24 and throughout the Province. There's not a need  
25 for this project to meet provincial objectives to



1 expand the sector, nor is there a need for this  
2 project to supply global demand for copper and  
3 gold. The demand for copper has fallen off in  
4 recent months and other projects within Canada or  
5 elsewhere can sustain the market. The arguments  
6 for local economic development provided by Mayor  
7 Cook and others are heartfelt and understandable.  
8 The reality is that the economy of Williams Lake  
9 is doing well without the mine. Property values  
10 and housing starts are up, and unemployment is  
11 down, in fact, below the provincial average. The  
12 suggestion that the mine will help diversify and  
13 transition to a more sustainable economy is just  
14 that, a suggestion. There are no substantial  
15 plans or examples of how other communities made  
16 this happen. Insisting on the need for this  
17 project based on future potential downturn in the  
18 economy places unjust burden on those that will  
19 bear most of the cost for the project, the  
20 Secwepemc and the Tsilhqot'in. Any projections  
21 about proposed economic benefits to the First  
22 Nations should be considered against the costs  
23 they will bear.

24 Our recommendations related to  
25 need and justification for the project are that

1 the Panel find that the proponent has not  
2 established a strong case of need for this project  
3 and that the Panel provide a balanced description  
4 of the costs and benefits of the project and any  
5 information provided about the justification for  
6 the project. The appropriate time to deal with  
7 these fundamental issues is now during the EA  
8 process, not during permitting. The proponent has  
9 not met the test to proceed and should not be  
10 given the opportunity to further entrench the  
11 project and expectations of it proceeding. To  
12 demand further energy and time and for  
13 consultation with Tsilhqot'in and Secwepemc on  
14 such a flawed plan, or to demand resources from  
15 regulators to further review and comment on  
16 proposed mitigation measures is not justified.

17 To close, I'd like to quote Ann  
18 Sam who responded, as you may recall, to questions  
19 from the chair saying -- I think you asked her for  
20 advice given her experience with the Mt. Milligan  
21 project, and Ann said:

22  
23 "I think the important thing  
24 thing that I've learned from  
25 our experience is that we

1 will really need to listen to  
2 the communities that are going  
3 to be directly impacted because  
4 they are the ones that are on the  
5 ground. We're the ones that  
6 can no longer fish and hunt  
7 in the area. You can't put  
8 a dollar value on that when  
9 our identity comes from  
10 the land."

11  
12 Thank you very much for your  
13 time.

14 CHAIRPERSON ROSS: Thank you,  
15 Mr. Hart. Our next speaker is Stanley Stump,  
16 Senior. Is Mr. Stump here? In that case, we will  
17 move on to our next speaker, who is Craig  
18 Benjamin.

19 PRESENTATION BY CRAIG BENJAMIN:

20 MR. BENJAMIN: Thank you for  
21 the opportunity to present today. My name is  
22 Craig Benjamin, B-E-N-J-A-M-I-N. I'm speaking on  
23 behalf of Amnesty International.

24 This Panel has heard extensive  
25 evidence of the significant impacts that the

1 proposed New Prosperity Mine would have on the  
2 Tsilhqot'in people's access to and use of lands  
3 and waters that are vital and irreplaceable for  
4 their health, social and economic well-being and  
5 cultural integrity. As Amnesty International  
6 argued in our initial submission, the cultures,  
7 heritage and well-being the indigenous peoples,  
8 their ownership of and use of their traditional  
9 lands and territories, their knowledge systems and  
10 participation and decision making are all human  
11 rights that have been protected under the Canadian  
12 Constitution and international human rights law.

13 While human rights are rarely  
14 absolute, a very high and strict standard of  
15 precaution is always required in any decision that  
16 has the potential to infringe, limit or undermine  
17 human rights. This is especially true in any  
18 context where a particular group such as  
19 indigenous nations have already been marginalized,  
20 impoverished or disadvantaged by the historic  
21 violation of their human rights, or ongoing  
22 serious human rights violations such as the denial  
23 of their land rights have yet to be addressed and  
24 where systemic discrimination continues to bar  
25 families and communities from enjoying a standard

1 of living and quality of life comparable to other  
2 communities around them.

3 In such a context, a wide  
4 range of international human rights tribunals,  
5 mechanisms, and independent expert within the  
6 United Nations and the organization of American  
7 States have consistently found that the best and  
8 surest way to protect the rights of indigenous  
9 peoples is to ensure their full and effective  
10 participation in the decision-making process, to  
11 take full account of their concerns and to proceed  
12 only on the basis of mutual consent.

13 In our initial submission,  
14 Amnesty International laid out the legal argument  
15 based on both Canadian constitutional law and  
16 international human rights law for the standard of  
17 free, prior and informed consent. I would like to  
18 underline that free, prior and informed consent in  
19 international law is not a veto, it is not  
20 absolute, it is not arbitrary, it's not  
21 necessarily the last word as decisions will be  
22 subject to recourse, to the oversight of judicial  
23 bodies.

24 What free, prior and informed  
25 consent is a protective measure and a

1 proportionate response which is applied as  
2 necessitated by the extremely serious consequences  
3 of further violations of indigenous people's  
4 rights. In this, it is our view that free, prior  
5 and informed consent as it is understood and has  
6 been applied in international law, is consistent  
7 with the key precedent in Canadian law, the  
8 Delgamuukw and Haida nation decisions which  
9 identify consent as being within the spectrum of  
10 substantial accommodation required by the  
11 constitutional protection of Aboriginal rights.  
12 The Haida nation decision is often cited in  
13 relation to the issue of a veto, which we believe  
14 is quite simply a red herring. It's important to  
15 note that the Haida nation decision also affirmed  
16 the words of the Delgamuukw decision which  
17 recognized that the consent of Aboriginal peoples  
18 was a valid and often necessary form of  
19 accommodation on very serious issues.

20 To this I'd like to add the  
21 importance of an alternative to the continued  
22 imposition of decisions on indigenous peoples,  
23 whether based on an assertion that non-indigenous  
24 people know what's best for indigenous peoples, or  
25 what were based on the explicit sacrifice of

1           indigenous culture and well-being for the benefit  
2           of others. Such attitudes and approaches must be  
3           relegated to the colonial past. As was stated in  
4           Canada's apology for the residential school  
5           system, there is no place in Canada for these  
6           attitudes to ever prevail again.

7                           In our initial submission, we  
8           cited the United Nation's Special Rapporteur on  
9           the rights of indigenous people, James Aniah(ph) f  
10          the University of Arizona College of Law. The  
11          Special Rapporteur has issued a report on  
12          extractive industries and indigenous peoples that  
13          provide helpful commentary on free, prior and  
14          informed consent as a reasonable standard of  
15          protection for the human rights of indigenous  
16          peoples. The Special Rapporteur states that it is  
17          now a general rule of international human rights  
18          law that extractive activities should not take  
19          place within the territories indigenous peoples  
20          without their free, prior and informed consent.  
21          The Special Rapporteur affirms that free, prior  
22          and informed consent is not a veto; rather, free,  
23          prior and informed consent is a precautionary  
24          measure based on the significance of the rights at  
25          stake and the potential for serious harm.

1                   The Special Rapporteur writes, for  
2                   example, that an exception might be made to the  
3                   general requirement of free, prior and informed  
4                   consent if such an exception would serve a valid  
5                   public purpose consistent with the protection and  
6                   promotion of human rights and any resulting impact  
7                   on indigenous people's rights would be necessary  
8                   and proportional to that purposes.

9                   Critically, the Special  
10                  Rapporteur goes on to note that this test will  
11                  generally be difficult to meet for extractive  
12                  industries that are carried out within the  
13                  territories of indigenous peoples without their  
14                  consent. The Special Rapporteur explains that the  
15                  vital importance of lands to the rights of  
16                  indigenous peoples and their legitimate claim to  
17                  rights over lands and resources weigh heavily  
18                  against a finding of proportionality, reinforcing  
19                  the general rule of indigenous consent to  
20                  extractive activities within indigenous  
21                  territories. The full citation is found in our  
22                  second written submission.

23                  The project proponent has  
24                  drawn the Panel's attention to statements by the  
25                  federal government concerning the UN Declaration



1 on the Rights of Indigenous People. As we noted,  
2 in fact, in our initial submission, the federal  
3 government has claimed that the Declaration  
4 doesn't have legal effect in Canada. In Amnesty  
5 International's experience, governments are often  
6 unreliable authorities on their human rights  
7 obligations. In this case as we pointed out in  
8 our original submission, the Federal Government's  
9 assertions have been directly refuted by UN human  
10 rights experts, including the UN Special  
11 Rapporteur, by Canadian courts and by public  
12 statements by the government itself. Clearly  
13 human rights declarations are not in and of  
14 themselves directly binding on governments in the  
15 same way as conventions and other treaties. This  
16 is as true of the UN Declaration on the Rights of  
17 Indigenous Peoples as it is of the Universal  
18 Declaration of Human Rights, the foundational  
19 instrument in the international human rights  
20 system. However, declarations can and do have  
21 legal weight, both through incorporating measures  
22 already established in binding international law,  
23 or by providing an authoritative interpretation of  
24 such obligations.

25 In his 2010 report to the UN

1 Human Rights Council, the UN Special Rapporteur  
2 specifically addressed the claim that the UN  
3 Declaration is nothing more than aspirational,  
4 stating:

5  
6 "The significance of the  
7 Declaration is not to  
8 be diminished by assertions  
9 of it's technical status.  
10 Implementation of the  
11 declaration should be regarded  
12 as a political, moral and,  
13 yes, legal imperative  
14 without qualification."

15  
16 In 2012, the government  
17 position of the Declaration has no legal effect  
18 was refuted by the Federal Court which ruled the  
19 Canadian Human Rights Tribunal had erred in law  
20 when it failed to consider international human  
21 rights standards, including the UN Declaration  
22 Rights of Indigenous Peoples cited there in  
23 interpreting and applying domestic law. This  
24 reasoning was explicitly upheld by the Federal  
25 Court of Appeal which is where this case ended.

1                   Also in 2012 in discussing  
2                   Canada's endorsement of the UN Declaration on the  
3                   Rights of Indigenous People, Canada's  
4                   representatives to the United Nations in Geneva,  
5                   acknowledged before the UN Committee on the  
6                   Elimination of Racial Discrimination that Canadian  
7                   courts could consult such sources of international  
8                   law when interpreting Canadian laws, including the  
9                   Constitution. It is true that the UN Declaration  
10                  of Rights of Indigenous Peoples has yet to be  
11                  brought before the Supreme Court of Canada.

12                  This will soon change as the  
13                  Court has recently accepted applications both by  
14                  the Holcomb Treaty Group(ph) and by Amnesty  
15                  International in partnership with the  
16                  Canadian Friends Service Committee to specifically  
17                  argue the UN Declaration and other sources of  
18                  international law in the Tsilhqot'in title case.

19                  What I would like to stress  
20                  today is that the Supreme Court of Canada has  
21                  already clearly and explicitly established all the  
22                  various sources of international human rights law,  
23                  including declarations, are relevant and  
24                  persuasive sources for the interpretation of  
25                  domestic law. There is absolutely no reason to

1           assume that the UN Declaration on the Rights of  
2           Indigenous Peoples is an exception to these  
3           general principles clearly set out by the Supreme  
4           Court. All of this is underlined by the fact the  
5           UN Declaration doesn't stand alone. The  
6           Declaration is the consolidation of a much larger  
7           body of human rights standards we reflected in the  
8           way the UN treaty bodies have interpreted the  
9           human rights conventions, in the statements of UN  
10          Special Rapporteurs and in the rulings of  
11          Inter-American Commission and Inter-American  
12          Court. Amnesty International in our submissions  
13          has relied on all these sources of international  
14          law as relevant and persuasive sources of  
15          interpretation of Canadian law.

16                           CHAIRPERSON ROSS: If you can  
17                           hit the stop there, that would be appreciated.  
18                           Thank you very much for your presentation.

19                           MR. BENJAMIN: Thank you.

20                           CHAIRPERSON ROSS: Our next  
21                           speaker is Philip Hochstein.

22                           PRESENTATION BY PHILIP HOCHSTEIN:

23                           MR. HOCHSTEIN: Thank you. My  
24                           name is Philip Hochstein, and I'm the president of  
25                           the Independent Contractors and Businesses

1 Association. The ICBA is the voice of the  
2 construction industry in British Columbia. Our  
3 1100-member company is building every sector of  
4 the industry, commercial, institutional and both  
5 single family and multi-family homes.

6 Over the past 15 years our  
7 members have been in part of every major project  
8 in British Columbia, Sea-to-Sky Highway, the  
9 Canada Line, rapid transit, the Gibraltar Mine,  
10 Vancouver Convention Centre, just to name a few.

11 I'm here today to voice the  
12 B.C. construction industry's support for this  
13 project. Mining is a special industry. It builds  
14 operations; it builds communities; builds  
15 prosperity. It does this by creating wealth out  
16 of raw resources. Only a few industries  
17 accomplish this: Fishing, agriculture, forestry,  
18 oil and gas and minings are the leaders in this  
19 field. And I wish I could say that about my  
20 industry, the construction industry, but I can't.  
21 My industry relies upon and supports this  
22 wealth-creating sector. We can build their  
23 operations and put up new homes for the workers  
24 and construct the commercial and industrial space  
25 used by companies supplying both the owners and

1 the workers but we don't start it. But once  
2 started, then the flow continues from our  
3 companies to our supplies, from construction  
4 workers to restaurants and retailers, from  
5 paychecks to government revenues to government  
6 services. Wealth-creation projects like New  
7 Prosperity Mine are the economic engines of  
8 British Columbia. Now what is the horsepower of  
9 the New Prosperity's economic engine? 11 billion  
10 in real GDP. This will generate 9 billion in  
11 consumer spending, it will drive residential  
12 investments of just shy of 800 million and it will  
13 boost industrial and commercial construction by  
14 more than a billion dollars.

15 Now, let me tell you one of  
16 the certainties of life is government will also  
17 get it's cut. On the company's income from the  
18 mine, on the sale of every piece of equipment,  
19 from the pay cheques of everybody building and  
20 working at the mine and the company's offices and  
21 the suppliers, on and on. In total, the B.C.  
22 government will pull in an extra \$5.5 billion in  
23 tax revenue over the life of the project. Think  
24 about that for a minute. That's billion with a  
25 'B.' Almost \$4.5 billion in new tax dollars will

1 flow to Ottawa. Projects like these can boost  
2 prosperity for the entire province. My industry  
3 wants to see these kind of benefits flow in  
4 British Columbia. My industry wants to see Taseko  
5 get chance to generate that economic prosperity.  
6 And I think that is something the majority of  
7 British Columbians want to see.

8 As you're likely aware,  
9 British Columbia just came through a provincial  
10 election. The May election was about many things  
11 but at the centre was the competition between two  
12 very different visions. One was about slamming  
13 the brakes on resource development and opposing  
14 projects like pipelines, LNG plants and mines.

15 The other vision was about  
16 saying yes to these projects and working toward  
17 responsible development of the British Columbia's  
18 wealth-creating resources. The positive vision  
19 was the victor. And that was most clear right  
20 here in the Cariboo. The same contrasting vision  
21 played out in the local riding centered around  
22 this very project we're here to talk about today.  
23 The visions were positive and negative, and the  
24 positive side won. Won by thousand's of votes  
25 when 4 years earlier the margin had just been a

1           handful.

2                           Let's be clear. People aren't  
3 saying move forward and do whatever you want to  
4 companies like Taseko, from it. What they're  
5 saying is if you have responsible plans, we're  
6 going to watch you like hawks, but we want to see  
7 you move forward. That's because the people in  
8 the Cariboo recognize the benefits are going to  
9 stay right here in the region and the Province.  
10 And this is their backyard and more than anyone  
11 else, they want to see responsible development  
12 that builds new communities. New Prosperity  
13 project will deliver that. They know about being  
14 responsible in the community. The project as it  
15 stands today is a responsible redesign of the one  
16 put forward 3 years ago and rest assured the  
17 construction industry will also help ensure the  
18 project is responsible and sustainable. Our  
19 sector has become global leaders in lightening the  
20 impact of our activities on the environment. From  
21 the source of materials to the recycling of  
22 construction site waste to using state-of-the-art  
23 technology that reduces impacts over the long  
24 term, the construction companies that will build  
25 New Prosperity will help Taseko protect the



1 environment. It's their backyard as well.

2 For Taseko, the commitment  
3 also extends to preserving First Nation archeology  
4 sites around the mine. Taseko has a track record  
5 of productive working relationships with First  
6 Nation. The company sees the project as a chance  
7 for local residents and First Nations to get  
8 training and develop a meaningful, prosperous  
9 long-term careers. We see that kind of commitment  
10 also from the construction contractors who will  
11 help build these projects. For example, Gizborn  
12 Group and ICBA members worked on plenty of mines.  
13 A multi-discipline, B.C. owned and operated  
14 industrial company in operation for 60 years and  
15 working with First Nations is a key part of their  
16 approach. They know the power of the  
17 partnerships. On Copper Mountain project, Gizborn  
18 partnered with the (unintelligible) band, hosted a  
19 general information session and then followed up  
20 with one-on-one interviews with workers the band  
21 pre-screened and recommended for employment.

22 At Taseko's Gibraltar mine,  
23 the company worked with First Nations to acquire  
24 needed manpower and provide training opportunities  
25 for it's youth. That's the kind of commitment and

1 the kind of partnerships we'll see when New  
2 Prosperity moves forward and we'll see benefits  
3 flow to the communities in the entire region.

4 For the Cariboo, when New  
5 Prosperity is up and running, it'll generate 550  
6 jobs on site and 1280 indirect jobs in the region.  
7 It will also mean more support for local merchants  
8 and service providers, more government services  
9 and revenues to pay for them. More families will  
10 be able to stay in the Cariboo and stay in the  
11 region and build a life. And let's be clear,  
12 these folks don't want development at any cost.  
13 They want to know the project will enhance their  
14 community, make them proud of the work they will  
15 do together with Taseko. And the company isn't  
16 coming at this from a short-term perspective.  
17 Over the past two decades, the company invested  
18 more than \$120 million to get this project off or  
19 should that be into the ground. They paid for  
20 intense research and study. The timeline is  
21 testament to the dedication of Taseko. It's clear  
22 to me this company knows the power of  
23 perseverance. Just look at Gibraltar. Back in  
24 1999 when Taseko bought the mine, it was shut  
25 down, not operating. It's production was zero.

1 Starting with 10 employees when it re-opened,  
2 today there are 700 workers on the project. 700  
3 families collecting pay cheques; 700 people paying  
4 taxes locally, provincially and federally; 700  
5 people building better futures for themselves.  
6 It's now the largest employer in the region and  
7 the section largest open pit copper mine in  
8 Canada. At Gibraltar project in 2012 the total  
9 expenditures with local suppliers was 92 million.  
10 This project is helping to build this Province.  
11 We can tap into this and more with the New  
12 Prosperity mine. Our industry, construction,  
13 rolls in at the start on projects like these.  
14 We're looking at 700 jobs during the construction  
15 phase. Let me repeat what I just said. It's more  
16 than a job. It's 700 families collecting pay  
17 cheques, 700 people paying taxes locally,  
18 provincially and federally and 700 people building  
19 their futures. It means busy times for all kinds  
20 of businesses in the region, realtors, hotels, car  
21 rental companies, restaurants, sign shops, you  
22 name it. That will continue in the 500 ongoing  
23 jobs at the mine and the 1280 new jobs in the  
24 region. The experience at Gibraltar was, 96  
25 percent of wages paid at the mine stayed in the

1 region.

2 But the benefits don't end in  
3 the Cariboo, they spill out throughout the  
4 province. Governments will bring in billions in  
5 revenues for schools, roads and hospitals or  
6 Province needs. There will be companies in  
7 Vancouver that benefit from the mine, whether it's  
8 brokering deals for the minerals or providing  
9 services to Taseko's head office or selling them  
10 machinery and equipment. Our Province, my  
11 industry, the construction industry, will also  
12 feel the benefits in the realm of skills training.  
13 There are worries about skill shortage in  
14 construction over the coming years. Projects like  
15 Prosperity are the key to getting people trained  
16 because companies take on new workers, new  
17 apprentices, and connect them with new skills  
18 under only one major condition: The knowledge  
19 that the company will have work for these young  
20 people tomorrow and the day after tomorrow and the  
21 day after that.

22 In the big picture, the B.C.  
23 GDP can expect a boost of \$11 billion over the  
24 life the mine. That's an economic engine of  
25 economic activity and it's one that can bring all

1 the benefits I've outlined above. But that can  
2 only happen if this Panel sees fit to give the  
3 project a thumb's up in it's report to the Federal  
4 Government. Taseko has proven that it's plan  
5 isn't developed at any cost, but rather developed  
6 in the right way for the benefit of a great many  
7 people, all the while protecting the community and  
8 respecting the environment.

9 I encourage you to say yes to  
10 the project and a much brighter future for the  
11 Cariboo residents, for British Columbian's and for  
12 Canadians. Thank you.

13 CHAIRPERSON ROSS: Thank you  
14 very much, Mr. Hochstein. I am also very pleased  
15 that all speakers have been on time so we're  
16 moving along without me having to do anything  
17 drastic. Dr. John Meech.

18 PRESENTATION BY DR. JOHN MEECH:

19 DR. MEECH: Mr. Chairman,  
20 assembled residents, it's been almost a month  
21 since I presented to you on behalf of the Williams  
22 Lake and District Chamber of Commerce and the  
23 Cariboo-Tsilhqot'in Resources Society. My purpose  
24 today is to summarize what I previously presented  
25 together with some issues presented by others that

1 I think are relevant to my remarks.

2                   You're task is a daunting one,  
3 and I trust you don't have to take the solomonic  
4 approach to cut the baby in two. Good luck.

5                   I'm particularly disappointed  
6 with how government agency experts have dealt with  
7 their presentations. In the case of NRcan and the  
8 seepage controversy, I suggest you place added  
9 weight on the views of your consultant who has  
10 significant, theoretical and practical experience.  
11 Dr. Desbarats' final statements were obfuscating  
12 and confused. Was it two times? Was it 11 times?  
13 Depends on your point of view. He claimed  
14 validity for un-validated models rather than  
15 measurements and experience.

16                   In the case of Environment  
17 Canada, redoing the multiple accounts analysis on  
18 the location of the TSF without input from First  
19 Nations, is an exercise in naval-gazing, in my  
20 opinion. How would the Proponent obtain such  
21 input when all approaches to First Nations have  
22 been rejected?

23                   Finally, Transport Canada spent  
24 considerable effort trying to find someone who  
25 walks on water. Waterway navigation between Fish

1 Lake and Little Fish Lake is not possible. You  
2 were clearly shown that. Compensation for the  
3 loss of Little Fish Lake will be required, but  
4 navigation issues to that pond should be dispensed  
5 with.

6 Our government experts seemed  
7 to want to act as regulators before all details  
8 are known. Yes, there are uncertainties, there  
9 always are with new projects, but these can be  
10 answered as the project moves into the permitting  
11 phase and more data becomes available.

12 Last week I attended the World  
13 Mining Congress in Montreal with over 1500  
14 delegates from around the world. Over 40 percent  
15 of the presentations dealt with sustainable  
16 mining. I can confirm that what I told you is  
17 true. Companies today are operating with these  
18 principles at the very centre of design operation  
19 and closure planning. Stories to the contrary  
20 inevitably concern legacy mine sites for  
21 small-scale artisanal mining in the third world.

22 So let's review some aspects  
23 of sustainable mining with respect to New  
24 Prosperity. The socioeconomic issues have just  
25 been mentioned by the previous speakers, so I

1 won't go into the details on the numbers other  
2 than to indicate we're talking about at least a  
3 \$35 billion economy created in this Province.  
4 71,000 person years of employment; new jobs,  
5 3,000. There's desperate need for this economic  
6 stimulation in this area with the economy having  
7 suffered so much from the pine beetle devastation.  
8 As one of the top 10 unexploited copper gold  
9 deposits in the world, the question is not should  
10 we mine, rather it's when will we do it?

11 Turning to the environment.  
12 Fish Lake will not be sacrificed since Taseko  
13 Mines is committing 300 million to guarantee that  
14 Fish Lake and the fish are not adversely effected.  
15 The tailings dam has been moved away from Fish  
16 Lake to ensure water seepage does not impact  
17 adversely on water quality and the like. The  
18 seepage will be captured and pumped back to the  
19 tailings dam, with a capture efficiency of at  
20 least 70 percent and estimates that will rise to  
21 over 85 percent. The company plans extensive  
22 environmental monitoring to support an adaptive  
23 management plan that is state-of-the-art in our  
24 industry. The design of the project precludes  
25 formation of acid rock drainage and metal



1 leechings; the material that might generate ARD  
2 will be placed under water at a depth of at least  
3 3 metres. ARD will not form under these  
4 conditions. But if necessary, Taseko has  
5 committed to a unique water treatment plant using  
6 processes that are used around the world to  
7 desalinate sea water by reducing metals,  
8 chlorides, sulphates, nitrates and selenium to low  
9 levels. Keep in mind that high quality rainbow  
10 trout are thriving in both the Gibraltar tailings  
11 pond and the Trojan dam at Highland Valley Copper.  
12 Fish Lake water quality will always be better than  
13 that of the tailings dam.

14 The water treatment plant, if  
15 necessary, relies on nano-filtration or reverse  
16 osmosis together with ion exchange and will not  
17 add any chemicals to the water. It will take the  
18 water to a level that experts at the B.C. Ministry  
19 of Mines have characterized as too clean. There  
20 are many of these facilities around the world  
21 producing drinking water from sea water and  
22 selenium, sulphate, ammonia and nitrate can be  
23 controlled and recovered.

24 Understand that water  
25 circulating around the site are used in the mill

1 with a recovery process called flotation. If this  
2 water becomes contaminated, the flotation process  
3 will be effected. And so part of Taseko's water  
4 quality mitigation strategies will be to ensure  
5 that there's no impact on their recovery process.

6 Fish Lake will not drain into  
7 the pit, the pit will be designed to ensure that  
8 that doesn't happen. The water level in Fish Lake  
9 will be controlled by pumping water from the pit  
10 and the lake around the site. The quality of fish  
11 in Fish Lake will be enhanced because the  
12 population of fish will be reduced by about 20  
13 percent since spawning areas in little Fish Creek  
14 will be reduced. The mill recovery process is a  
15 benign one. We're going to recover a concentrate  
16 and ship it to smelters in Asia or elsewhere. Any  
17 chemicals that are used, although they are benign,  
18 will leave the site with the concentrate.

19 So let's turn to First Nations  
20 communities. Led by the Tsilhqot'in national  
21 government, many of the impacted communities of  
22 First Nations near the site are strongly opposed  
23 to the project on several ground. First of all,  
24 the spiritual aspects of Fish Lake and the  
25 surrounding area. Secondly, a belief that the

1 mine can not keep Fish Lake waters from being  
2 contaminated. And third, a belief that  
3 large-scale mining is bad and incompatible with  
4 their culture and traditions.

5 In my opinion, the first issue  
6 in the main has been resolved since Fish Lake will  
7 be accessible throughout the operation and  
8 thereafter for fishing, for navigation and to hold  
9 ceremonies. Certainly compensation will be needed  
10 on the loss of Little Fish Lake.

11 The second issue indicates  
12 major misunderstandings about the method and  
13 processes being used. And the third issue  
14 requires education and learning about the  
15 principles of sustainable mining. And, again, I  
16 reiterate, UBC can help here if we are asked. We  
17 don't go into communities unasked, but we would be  
18 prepared to offer education.

19 What about First Nation  
20 leadership? Chief Joe Alphonse made a  
21 presentation to you on August 16 in which he  
22 stated that one of the first things you're taught  
23 as a Tsilhqot'in people is not to trust, not to  
24 trust anyone, not to trust white society, white  
25 people coming in, they represent the Crown or

1 anything like that. I feel sorry for those whose  
2 culture is based on distrust as embodied in this  
3 unfortunate statement. But I also understand from  
4 where such systemic hatred comes from. It exists  
5 in many parts of the world. I've seen it in  
6 Africa and arrives from differences between groups  
7 of people. In this case, it comes from troubles  
8 that the First Nations have suffered since  
9 contact, diseases, alcoholism, broken promises,  
10 abuse in mission schools and general disrespect.  
11 Differences in cultural ties to the land are also  
12 apparent. I would also be very angry under these  
13 conditions. But I try to treat people I meet as  
14 individuals, in order to override any bias that I  
15 might feel towards a group. I hope First Nations  
16 eventually adopt this approach as well. There are  
17 bad people around in all times and places and we  
18 try to prevent them from hurting others. Our  
19 Society is evolving into one that is more caring  
20 than the past. Canada has moved away from a  
21 nation of prejudice to one of compassion. There's  
22 a lot more to do, but we're collectively working  
23 to become more tolerant all the time.

24 I was informed this morning  
25 that our university will be holding a

1 reconciliation day on September 18th, and I will  
2 have to address my students about how we have a  
3 role to play in this reconciliation. I certainly  
4 will be sharing with them a lot of what I observed  
5 up here.

6 Chief Alphonse also said:

7

8 "I know when we walk out  
9 to public forums and we're  
10 in the back rooms somewhere  
11 talking strategy, Roger will  
12 argue with me on that,  
13 Chief Roger, we have to be  
14 involved. I tell him no,  
15 we get involved we're  
16 surrendering our power to them."

17

18 And Chief Russell of the  
19 Yunesit'in stated:

20

21 "I would say the Crown  
22 hasn't approached the  
23 Tsilhqot'in Nation at all  
24 in respect to resolving this  
25 even on your behalf. So I think

1                   it's something that you  
2                   inherit by trying to come  
3                   into the area, every time  
4                   someone comes into our land,  
5                   it's not to build partnerships  
6                   or relationships. It's to  
7                   take our land first."

8  
9                   While these statements don't  
10                  demonstrate total support, they do suggest there  
11                  may be some moderating views that could lead to  
12                  cooperation with Taseko and a desire to partner in  
13                  some way.

14                  Former TNG Tribal Chief, Irvine  
15                  Charleyboy vehemently opposed to the first mine  
16                  plan has endorsed this new one. He recognizes  
17                  that the youth of his people need opportunities  
18                  for training and employment that this project  
19                  offers. I think there appears to be some  
20                  hope for working together.

21                  Going on, several First  
22                  Nations presentations indicate that revenue  
23                  sharing might be an attraction. The proposed  
24                  ranges are from 40 to 60 percent which is clearly  
25                  out of the plan. It would presume that the

1 partners would put up a similar share of the  
2 investment. I don't think they have those  
3 resources or skills, but there are still  
4 significant benefits that can derive to local  
5 communities. First Nations' funding can derive  
6 from wages paid to workers at mines or service  
7 providers, sharing in mineral taxes paid to the  
8 Crown, receiving compensation for loss of  
9 amenities and obtaining support for community  
10 infrastructure. And I refer you to the  
11 presentation made by Titi Kunkel in which she laid  
12 out a compelling story of the need for  
13 infrastructure that gives partial insight into the  
14 poverty and misery in some of these poor  
15 communities.

16 The First Nations have  
17 indicated a desire to create an ecotourism  
18 industry in the Nemiah. I believe the mine can be  
19 complimentary, not detracting. We can have  
20 industry beside tourism, Granville Island is case  
21 in point. We can show how Fish Lake has been  
22 saved by our EA process. What a story. And the  
23 mine can help provide infrastructure support for  
24 this industry.

25 We also heard that the Xenii

1           Gwet'in want to investigate culturing honey bees  
2           for honey production and pollination. You may not  
3           realize that there is a virus killing honey bees  
4           in this continent, 30 percent per year in losses.  
5           Now UBC Mining, my group has been developing  
6           vision sensors for robotic trucks. What would  
7           that have to do with bees? Well, one of my  
8           students has adapted a device to identify infected  
9           bees and prevent them from entering the hive. It  
10          needs more R&D, but we would be prepared to share  
11          it with the Xeni Gwet'in. For those who are  
12          interested, it's call the colony collapse disorder  
13          and you can view it at this web site. It's a huge  
14          problem.

15                               Finally on a personal note, I  
16          want to give a serene experience. One of the  
17          presentations given by a First Nations mother  
18          about the serenity of picking berries and teaching  
19          her children to say a prayer whenever a berry was  
20          picked really touched my heart. When I got home  
21          from Montreal last Saturday, my wife informed me  
22          that we were taking our dogs out the next morning  
23          to pick blackberries at Boundary Bay Airport. We  
24          picked for about 4 hours along the Deltaport coal  
25          train railway line and returned home with about 10



1 pounds of berries. Elaine spent the day baking  
2 pies and scones and muffins and she made some jam.  
3 It was a real serene experience I can assure you.  
4 And the coal dust washed off the berries of these  
5 and they taste delicious. It was a real serene  
6 and profitable day, even for my dogs who will eat  
7 the berries right off the tree. I can't teach  
8 them to pray, but I know they had a great time.

9 I bring back the slide I  
10 presented of Chief Dan George's lament for  
11 Confederation which was repeated by Mr. Grinder  
12 much more eloquently than I did. The education  
13 and skills that Dan George referred to is not only  
14 how to litigate the practice of the law, but it's  
15 also for those First Nations looking for careers  
16 in our modern society, for how to create values  
17 for our earth without side effects, values to meet  
18 the needs of others living in poverty who want the  
19 same modern conveniences that we have.

20 I have several slides to  
21 conclude, but I can see I'm running out of time.  
22 There are about 8 conclusions that I'll leave for  
23 you to read in the report I've left with you.  
24 They basically are a summary of what I've  
25 presented.

1 Thank you very much for  
2 listening.

3 CHAIRPERSON ROSS: Thank you  
4 very much, Dr. Meech. Our next speaker is Chief  
5 Robbins.

6 PRESENTATION BY CHIEF FRED ROBBINS:

7 CHIEF ROBBINS: Good morning,  
8 Mr. Chair. Panel. Taseko. First of all, I asked  
9 Chief Dave to come up here with me. I'm wearing  
10 the headdress of a Hereditary Chief today and out  
11 of respect to that I'd like to sing a couple of  
12 verses of the Chief's song (Native being spoken)  
13 of the Secwepemc Nation.

14 --- Song performed.

15 CHIEF ROBBINS: (Native being  
16 spoken).

17 For the past week I've been  
18 listening closely to all the speakers from my  
19 community who shared their knowledge and views  
20 about the New Prosperity project. I also heard a  
21 great deal from the experts from Taseko  
22 representatives and every time someone referred to  
23 the project as the New Prosperity project, I  
24 confess I cringed a little inside. For the  
25 Esk'etemc there is nothing new about this project

1 and it seems silly and irresponsible to pretend  
2 otherwise. Taseko has told us it's spent a lot of  
3 money and time in an effort to revise it's project  
4 for the Prosperity Mine. But we all know it did  
5 not consider to make any revisions to the  
6 transmission line quota which is just as  
7 significant as the mine itself. Without the  
8 electrical line, there won't be much happening at  
9 the mine.

10 I would like you to remember  
11 that one of the main reasons Taseko is asking for  
12 this federal Panel for a second chance is because  
13 the last Panel decided that the mine would have  
14 significant adverse impacts to Aboriginal rights  
15 and title. Specifically the last Panel said that  
16 the mine would result in significant adverse  
17 impacts to the Tsilhqot'in rights and that these  
18 couldn't be mitigated or accommodated. The last  
19 Panel also said that the transmission line would  
20 result in significant adverse impact to  
21 Esk'etemc's Aboriginal title claims, that those  
22 impacts couldn't be mitigated or accommodated.  
23 Taseko went away and took over 3 years to revise  
24 the proposal but only changed it's plans for the  
25 mine. The question I have for the Panel today is:

1           Why should the New Prosperity project be given a  
2           second chance when Taseko only bothered to change  
3           the mine proposal and ignore the impacts of the  
4           Esk'etemc, from the transmission line corridor?  
5           The blunt answer is, that it shouldn't be given a  
6           second chance. I would like to take a little time  
7           today to explain why.

8                                 First Taseko has not  
9           considered alternatives to the transmission line  
10          corridor. One of the factors that must be  
11          considered in any environmental assessment is --  
12          and I'm quoting from Section 19 of the Canadian  
13          Environmental Assessment Act here:

14  
15                                 "Alternative means of  
16                                 carrying out the designated  
17                                 project that are technically  
18                                 and economically feasible to  
19                                 the environmental effects of  
20                                 any such alternative means."

21  
22                                 In the New Prosperity project  
23          Taseko not only described any alternatives to the  
24          currently proposed transmission line despite the  
25          fact that the last Panel clearly found that there

1 would be adverse impacts to our title claims.  
2 Taseko has come to this federal Panel and is  
3 asking for a second chance at a federal review  
4 process without addressing all the significant  
5 impacts of the First Nations. It has also ignored  
6 the very serious impacts to the communities.  
7 There have been no changes to the transmission  
8 line corridor, essentially Taseko has proposed a  
9 new Prosperity mine project with an old  
10 transmission line corridor. It is the old  
11 corridor that will cause irreversible loss to our  
12 culture, our rights and our ability to project and  
13 make decisions on our title lands.

14 I'd like this Panel to  
15 remember the original Panel was concerned with the  
16 adverse impacts to Esk'etemc's cultural areas,  
17 hunting rights and gathering could become  
18 significant and would be long term and potentially  
19 irreversible if there was no progress made with  
20 respect to rerouting the transmission line to  
21 avoid areas of importance to the Esk'etemc.

22 Taseko has made no progress in  
23 this regard to date. Taseko has not proposed any  
24 alternative corridor that would avoid impacting  
25 the Esk'etemc, our sacred areas, fishing sites and

1 the areas of critical habitat for the animals we  
2 harvest. Taseko took three years to revise it's  
3 proposal for the Prosperity Mine, and I can not  
4 understand why it didn't also study alternative  
5 routes that are proposed for the transmission line  
6 corridor. I can't understand why Taseko chose  
7 only to focus on the significant impacts of  
8 Tsilhqot'in and not focus and address the  
9 significant impacts to the Esk'etemc and the  
10 Secwepemc.

11 The question for this Panel  
12 is: Can you accept the old corridor when Taseko  
13 has clearly failed to meet the basic requirements  
14 for the Canadian Environmental Assessment Act to  
15 examine alternatives to the project? Can you  
16 accept the old quota when Taseko has not made any  
17 attempt to address the significant impact to our  
18 rights and title identified by the Federal Panel.

19 At the community hearing three  
20 days ago, Taseko said it understands that there is  
21 a land issue with the Esk'etemc. Taseko knew this  
22 from the first panel hearing. Taseko could have  
23 avoided the land issue if it had chosen to study  
24 and propose an alternative transmission line  
25 corridor that avoid Esk'etemc completely. Instead

1 Taseko's environmental impact statement says that  
2 has considered no new alternatives for the  
3 transmission line beyond the alternatives  
4 previously assessed. EIS at page 160. There is  
5 no consultation with the Esk'etemc on any  
6 alternative corridors for the transmission line  
7 despite the previous panel's conclusions that the  
8 location of this transmission line within the old  
9 corridor proposed has the potential to cause  
10 significant adverse impact to title and potential  
11 long term and irreversible impacts to our cultural  
12 sites, our hunting rights, and our access rights.  
13 It remains unclear to Esk'etemc why there has been  
14 no reassessment of alternative corridors for the  
15 transmission line given the previous panel's  
16 findings. I'm talking here about the need to  
17 consider a completely different corridor, rather  
18 than simply trying to shift the location of the  
19 proposed route slightly into the same old corridor  
20 that will cause our nation significant loss and  
21 can't be accommodated.

22 In Taseko's project  
23 description, it says the alternative corridors  
24 were considered in the 1990's by Taseko and while  
25 nine routes were studied, seven were eliminated

1           because they were impossible or difficult. The  
2           old corridor that Taseko seeks to have approved in  
3           this New Prosperity proposal is without a question  
4           impossible or difficult in terms of impacts to  
5           Esk'etemc's rights. It would be irresponsible and  
6           blind to think that the New Prosperity project is  
7           approved this time around, that somehow magically  
8           the concerns about the impacts to Esk'etemc title  
9           and the potential serious impacts to hunting  
10          grounds and sacred areas will be addressed.

11                           In the New Prosperity project  
12          descriptions, Taseko notes that the Province has  
13          approved a 500 metre wide transmission line  
14          corridor selected through the original 3 kilometre  
15          corridor Taseko proposed in the first panel  
16          review. This 500 metre wide corridor would not  
17          avoid any of the areas we've identified as sacred  
18          and critical to our title claim and our ability to  
19          exercise our rights. The problem with accepting  
20          the 500 metre corridor approved by B.C. as a  
21          starting point is that the Province approved this  
22          corridor before the previous panel report was  
23          released. In other words, when the Province  
24          approved the 500 metre corridor, it did not take  
25          into account or consider the impacts identified in



1 the previous panel report. It did not take into  
2 account the potential significant impacts to our  
3 title, the potential long term and irreversible  
4 impacts to our rights and the interference with  
5 our culture and sacred sites. And there was no  
6 consultation with Esk'etemc about the corridor  
7 approved by B.C. Also, since the Province was  
8 only examining those elements of the project that  
9 had not changed, which did not include the  
10 transmission line, the Province did not consider  
11 the impacts of the transmission line when it  
12 issued it's amendment. Environmental assessment  
13 certificate for New Prosperity, the Panel should  
14 not rely on the Province's decision that the 500  
15 metre corridor is acceptable. The reality is that  
16 there is nothing new about Taseko's proposed  
17 transmission line since no new alternative  
18 corridors have been considered since the last  
19 federal panel found significant impacts to our  
20 title. This Panel can not responsibly determine  
21 the old corridor is the best option. Taseko has  
22 chosen to ignore what the last panel said about  
23 the impacts to our title and had failed to provide  
24 information about alternative corridors. This is  
25 failure to meet the requirements of the

1 Environmental Assessment Act. The Panel has no  
2 opinion but to decide exactly what the previous  
3 panel did, that the transmission line corridor  
4 will have significant adverse impacts on  
5 Esk'etemc, Secwepemc, Aboriginal title claims and  
6 that those impacts cannot mitigate or accommodate  
7 the significant loss that will result in our First  
8 Nation.

9 2.1. I would like now to talk  
10 a little about what those impacts are. This week  
11 our community told this Panel that the impacts of  
12 our hunting rights and sacred areas, our burial  
13 grounds, our pit houses, our village sites, our  
14 fishing rocks cannot be mitigated simply by  
15 shifting the location of the transmission line  
16 route slightly within the old transmission line  
17 corridor. One day the area where our pit houses  
18 are and our burial grounds are will be designated  
19 to be a world heritage area because of the  
20 concentration of the important cultural and  
21 heritage values of this area.

22 The last panel acknowledged  
23 these important values when they said that the  
24 areas along the Fraser River is rich with  
25 archeological sites and burial grounds. These

1 sacred sites have incredible importance to  
2 Esk'ketmc culture and heritage. I cannot  
3 emphasize this enough, the proposed transmission  
4 line corridor goes directly through one of the  
5 most important parts of our traditional territory.  
6 It goes through the heart of our sacred village  
7 sites, our pit houses and our grave sites. There  
8 is no way to simply shift the location of the  
9 transmission line to avoid our sacred sites.

10 The entire corridor proposed by  
11 Taseko goes right over the Fraser River by Little  
12 Dog where the history and the culture of our  
13 identity of the Esk'etmc people is stored.

14 Our history and identity and  
15 culture is routed in the lands and the waters of  
16 the transmission line where the transmission line  
17 crosses. To disturb this part of our territory  
18 would create permanent loss in our ability to each  
19 our children would we are as Esk'etmc people. If  
20 we cannot come to this area and practice rights  
21 and our culture without interference and  
22 disruption from the transmission line we stand to  
23 lose our rights, our identity and our culture and  
24 our way of life as Esk'etmc people.

25 CHAIRPERSON ROSS: Chief

1 Robbins, I think the Court Reporter is having  
2 trouble keeping up with you. If you could slow  
3 down a bit, that would be appreciated.

4 CHIEF ROBBINS: Sorry about  
5 that. It's just I only have another seven  
6 minutes.

7 Where was I now? Esk'etemc  
8 people -- if we cannot come to this area and  
9 practice our rights and culture without  
10 interference and disruption from the transmission  
11 line, we stand to lose our rights, our identity  
12 and our culture and our way of life as Esk'etemc  
13 people. We will lose the ability to teach our  
14 future generations what it means to be Esk'etemc  
15 and why these specific lands are so important to  
16 use as a Secwepemc people.

17 The area of the transmission  
18 line crosses directly overlaps with the area we  
19 claim Aboriginal title. We were placed in these  
20 areas by Chief Coyote. We heard from Irvine  
21 Johnson at the site visit say that the Esk'etemc  
22 people were here on these specific lands by Chief  
23 Coyote to protect these lands, the very lands that  
24 the transmission line will cross. As Secwepemc  
25 people, we've occupied these lands exclusively

1           since time immemorial and continue to do so today.

2                           The transmission line will  
3           also devalue our title lands in the area.  If the  
4           transmission line is approved in this area, it  
5           will destroy our ability to make different land  
6           use decisions.  This is an adverse impact to our  
7           Aboriginal title quite apart from any adverse  
8           impacts to the lands available to us in the treaty  
9           process.  What I'm saying here is that the impact  
10          to our title lands in the area will be  
11          significant.  Regardless of whether we receive  
12          recognition of our title to these lands through  
13          the treaty process, or through the court.  We have  
14          never surrendered these lands, and we continue to  
15          regularly and intensely use these lands around the  
16          transmission line at Little Dog today to live as a  
17          unique society.  These lands are the centre of  
18          importance for us as Esk'etemc people because they  
19          make us who we are.  They give us our identity,  
20          they hold our creation stories and the lessons of  
21          our ancestors.  These lands are the foundation of  
22          our society and our living culture.  Without these  
23          lands, we would not be Esk'etemc.  We the  
24          Esk'etemc people have Aboriginal title to these  
25          lands.  Aboriginal title includes the right to

1           make our own decisions about how we use these  
2           lands. Aboriginal title includes the right to  
3           decide whether to allow certain activities to  
4           proceed. Aboriginal title includes the right to  
5           make the laws to protect these areas of importance  
6           to us for their heritage value and for their  
7           culture values. We have the right and the  
8           responsibility to protect these particular lands  
9           for our future generations so that our children  
10          will have the opportunity to teach their children  
11          what it means to be Esk'etemc, Secwepemc, (Native  
12          word) and to live our traditional way of life on  
13          these lands.

14                            If the transmission line goes  
15          through these lands that we claim title to, it  
16          will devalue these lands economically, but more  
17          importantly, it will release the value the lands  
18          to us from the cultural and spiritual perspective.  
19          Even if these lands become our treaty settlement  
20          lands and the transmission line is crossing these  
21          lands, we will not be able to make laws to protect  
22          our culture and our heritage values in these  
23          areas. We will lose the cultural and heritage  
24          value of these lands if the transmission line is  
25          approved. We do not want to become the land owner

1 if the treaty settlement land that are crossed by  
2 a transmission line because they would no longer  
3 have the value to us from an economic, cultural,  
4 spiritual and hunting perspective. We want to use  
5 these lands to maintain our connection to the  
6 culture, our traditional economy and our  
7 traditional way of life. We have the right to  
8 make this decision. These are some of the most  
9 important lands to our people from a cultural and  
10 heritage perspective.

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

20 I also wanted to mention that  
21 in the event that we do settle our claims through  
22 treaty, private lands can become part of our  
23 treaty settlement lands. For example, we have an  
24 option of negotiating specific claims as  
25 preapproved additions to treaty settlement lands

1 in the treaty process to that in the event that we  
2 acquire those lands, they will automatically  
3 become TSL, treaty settlement lands. We will be  
4 exploring this option going forward in our treaty  
5 negotiations as we are moving into the intense  
6 negotiations in September and have specifically  
7 set up a lands technical side table to address our  
8 land selection prior to going forward.

9 Little Dog. Now I want to  
10 focus a bit more about the area around Little Dog.  
11 This area is not just a part of our territory, it  
12 is one of the most important parts of our  
13 territory because of the connection to our  
14 ancestors in this area and because it is the place  
15 that we go to teach our children today about our  
16 culture.

17 You heard that this is not only a  
18 favourite place for our young male and female  
19 hunters, but it is such an important place that  
20 our members are willing to put their lives on the  
21 line to protect this area.

22 You heard that our members prefer  
23 to go to Little Dog when they go hunt, trap, fish  
24 and gather.

25 You heard that the mule deer and



1 the moose habitat in and around the community  
2 forest area is rare and unique.

3 You heard that it is a critical  
4 habitat for the animals we rely on as a food  
5 source. They give us life.

6 You heard, as well, from the  
7 importance of the areas by Dog Creek Road and the  
8 importance of these sites and the stories that  
9 have their location in this area. You learned how  
10 important these areas are to our culture. You  
11 heard about the traditional continuous use of the  
12 areas along the transmission line from a number of  
13 our members in references to a number of  
14 particular places by our elders. Dorothy Johnson  
15 had many others who continue to use the lands and  
16 teach their children.

17 You have also heard that members of  
18 our community live in poverty when richness is  
19 measured in dollars. You have heard that our  
20 fridges are often empty and that how we survive  
21 and feed our families is by hunting and fishing  
22 and gathering in the area of the proposed  
23 transmission line.

24 You have heard that the area of the  
25 proposed transmission line is one of the most

1 important places where we go to teach our youth and  
2 our children how to hunt, how to fish, how to trap  
3 and how to gather. We teach our children how to  
4 survive off the land in the area of the  
5 transmission line. Our members have important  
6 connections specifically to the area and the area  
7 of Little Dog because it is where we learned how  
8 to be Esk'etemc and our traditional way of life.  
9 It is where our ancestors taught their children  
10 how to survive and how live in accordance with the  
11 laws of respect, honesty, trust and patience.

12 The community forest. I would  
13 like now like to clarify some points about the  
14 previous panel's recommendation to consider going  
15 around the community forest. To be blunt, this is  
16 not sufficient to mitigate or address the impacts  
17 to our title and rights. The Panel did not  
18 require Taseko to avoid our community forest.  
19 Taseko was not to consider it. This left the room  
20 for Taseko to simply discuss the possibility and  
21 then proceed with it's original plan regardless of  
22 the consequences for Esk'etemc. This is precisely  
23 what happened.

24 You heard from our community  
25 that there is no possible compensation for the

1 impacts to our rights in this area if the  
2 transmission line were to go through the community  
3 forest. The mitigation proposed by the last panel  
4 left it open for Taseko to clearcut through the  
5 community forest as long as Taseko tried to talk  
6 to us first. It should not be open to Taseko to  
7 clearcut through an old growth management area and  
8 winter range for mule deer and moose.

9 As you heard from our  
10 community, the winter range for the mule deer and  
11 the moose goes beyond the borders of the  
12 community forest. The entire winter range for  
13 mule deer and moose is a critical habitat for the  
14 Esk'etemc Nation, realized for our hunting rights.  
15 If this whole critical winter range is not  
16 protected, and this means beyond the community  
17 forest too, our food staples are at risk, our  
18 livelihoods are at risk, our ability to survive is  
19 at risk, and our culture will be lost. To  
20 clearcut the winter range to clear away our food  
21 supply, it is to empty our fridges which we  
22 already struggle to fill.

23 You heard about how avoiding  
24 straight lines of sight will not reduce the  
25 problem of increased access along the transmission

1 line. You heard that this mitigation will not  
2 address the concerns of our members, have about an  
3 increase in both predators and poachers and other  
4 people accessing the area. You heard about the  
5 importance of our fishing rocks at Little Dog and  
6 about the importance of the burial sites, pit  
7 house sites, village sites and spiritual areas.

8 You saw that we came from the  
9 area when you saw the white rock which means  
10 Esk'etemc. You heard our members tell you that  
11 this whole area is used by our community to  
12 exercise our traditional way of life. You heard  
13 from us that the archeological work won't uncover  
14 a lot of traditional values and spiritual sites  
15 which have qualities that are not easy to  
16 physically uncover.

17 Taseko has come to the panel  
18 without any proposed alternatives for the  
19 transmission line corridor. The environmental  
20 impact statement suggests that Taseko has  
21 internally considered and has not decided, no, to  
22 a few alternatives corridors, but Esk'etemc has  
23 not consulted on these new other options that  
24 Taseko has considered years ago.

25 Taseko did not consider

1 alternative corridors that would avoid impacts to  
2 our title which were identified as significant by  
3 the last panel. We ask Taseko be required to  
4 consider entirely different transmission line  
5 alternative corridor at the beginning of the New  
6 Prosperity process, but this did not happen.

7 In conclusion, for Esk'etemc  
8 there is no alternatives for the survival of our  
9 culture and our identity if the transmission line  
10 is put in place in the old corridor route. As a  
11 panel, tasked with applying the Canadian  
12 Environmental Assessment Act to the New Prosperity  
13 project, I ask that you carefully ask yourselves  
14 whether Taseko has actually considered alternative  
15 means of carrying out the project that are  
16 financially feasible and the environmental effects  
17 of the alternatives.

18 I want to ask you carefully  
19 consider whether alternative transmission line  
20 corridors have been seriously considered in terms  
21 of outlining the impacts to our current use of the  
22 lands for traditional purposes. If the answer to  
23 the above two questions is no, it would logically  
24 follow that Taseko's proposed transmission line  
25 corridor cannot be approved.

1                   In the past, Esk'etemc has  
2                   said okay to the transmission line in our  
3                   territory. We were not against all transmission  
4                   lines even though we know that they cause our  
5                   animal populations to collapse, our berries, our  
6                   medicines to dry out and invade our privacy with  
7                   increased access and predators.

8                   In the past, Esk'etemc has  
9                   said okay to transmission lines when they did not  
10                  go through the main area where they were trying to  
11                  have our title recognized, whether through the  
12                  treaty process or otherwise.

13                  In the past, Esk'etemc has  
14                  said okay to transmission lines that did not go  
15                  through our burial grounds and sacred sites. The  
16                  transmission line corridor proposed by Taseko  
17                  fails because it goes through our burial grounds  
18                  where our ancestors live. It goes through our  
19                  main area where our villages were and where our  
20                  society was formed. It goes through a critical  
21                  and unique winter habitat for mule deer and moose  
22                  that we need for survival. It goes through an old  
23                  growth management area that needs to be protected  
24                  in order to protect the habitat for the species we  
25                  rely on as a food source. It goes through a main

1 area that we use for our salmon fishing. It goes  
2 through our preferred areas for salmon fishing,  
3 hunting and gathering. It goes through our  
4 preferred area for teaching our children about  
5 culture and our way of life. It goes through an  
6 area that is in close proximity to where we live  
7 and it is easily accessible for Esk'etemc members  
8 to hunt, fish and trap and gather. It goes  
9 through areas of land that are presently  
10 undisturbed. It goes through areas of land and  
11 water that are pristine and untouched. It goes  
12 through an area that we claim title to and it  
13 interferes with our rights to make land-use  
14 decisions as part of our Aboriginal title to  
15 oversee these lands. It will interfere with our  
16 right to make our laws to protect our heritage  
17 values in the area under the Heritage Conservation  
18 Act as a treaty First Nations. It has direct  
19 local impacts to our rights which are significant  
20 to Esk'etemc because they are local. The local  
21 nature of the impacts to our rights and title make  
22 the impacts even more severe to our people. The  
23 impacts to our permanent -- the impacts are  
24 permanent and the loss to our culture will be  
25 irreversible.

1                   These impacts will not only  
2                   occur once as Taseko says. The impacts will occur  
3                   every single time that an Esk'etemc member wants  
4                   to go out on the land to hunt, to fish, to trap,  
5                   to gather and to pray. Each time there will be a  
6                   transmission line in the way which will result in  
7                   our members not being able to freely exercise  
8                   their rights and access to the area, the  
9                   transmission line without interference.

10                   Taseko has not addressed any  
11                   of these impacts in it's New Prosperity proposal.  
12                   There is nothing that is new about the Taseko's  
13                   proposed transmission line. There is nothing that  
14                   is new about the proposal to approve the old  
15                   corridor which is to create a permanent and  
16                   irreversible loss to the Esk'etemc culture, title  
17                   and rights.

18                   CHAIRPERSON ROSS: Thank you,  
19                   Chief Robbins. At this time, we'll have a 15  
20                   minute break. We will return in 15 minutes.

21                   --- Recess taken at 10:40 a.m.

22                   --- Upon resuming at 10:56 a.m.

23                   CHAIRPERSON ROSS: Ladies and  
24                   gentleman, we're about to reconvene. My first  
25                   question is, is Stanley Stump here yet? Assuming



1 no Stanley Stump, then I will move on to Grand  
2 Chief Stewart Phillip and his colleagues, Bob  
3 Chamberlin and Marilyn Baptiste.

4 PRESENTATION BY COUNCILLOR MARILYN BAPTISTE:

5 MS. BAPTISTE: Good morning,  
6 Panel. Good morning everyone who is here. Thank  
7 you for all the leaders and our elders, our youth  
8 who are here. The company. It is a great honour  
9 -- I'm sorry. Marilyn Baptiste, B-A-P-T-I-S-T-E.  
10 Councillor of Xenigwet'in, First Nation.  
11 Secretary treasurer with the Union of B.C. Indian  
12 Chiefs.

13 It is a great honour to be  
14 here on behalf of our people. It is a great  
15 honour to have heard them throughout the Panel  
16 hearings in the last month-and-a-half. I will be  
17 very brief. I just want to, of course, remind the  
18 Panel the unity of all of the First Nations across  
19 B.C. and Canada. Treaty 8 had submitted a support  
20 letter the Stl'atl'im had presented in the  
21 beginning of the panel hearings, the Union of B.C.  
22 Indian Chiefs, of course, who we are with the  
23 First Nations Summit, B.C. and national assembly  
24 of First Nations as well as all of our  
25 communities. This environmental assessment panel

1 process is about the New Prosperity proposed gold  
2 and copper mine in our Tsilhqot'in territory where  
3 our people have proven in the B.C. courts our  
4 Aboriginal rights declared and is now the law in  
5 B.C. Our Aboriginal rights have not been -- the  
6 company has not proved or justified infringing on  
7 our Aboriginal rights.

8 As Chief Fred Robbins said, the  
9 adverse impacts on our Aboriginal rights, our  
10 title as well as the environment have not been  
11 addressed in that area. As well, the last  
12 proposal as well as this proposal has proposed to  
13 drown Little Fish Lake, Upper Fish Creek as well  
14 as Lower Fish Creek, so creating a fish bowl for  
15 Fish Lake. That does not address the impacts to  
16 fish habitat. That creates more and more severe  
17 adverse impacts to our Aboriginal rights, as well  
18 as a fish habitat, the wild rainbow trout that  
19 have survived there for many decades.

20 I, Marilyn Baptiste, do not  
21 agree with mining and I do not, as our people have  
22 mandated our leadership to stand up for our land,  
23 our waters, our wildlife and our wild plants, we  
24 don't agree with any such proposal in our  
25 territory of Teztan Biny, Yanah Biny and Nabas.

1                   We, the First Peoples of B.C.,  
2                   are here to continue to uphold the honour and duty  
3                   that has been passed on to us to protect me, to  
4                   protect mother earth, as I said our lands, our  
5                   waters, our wildlife and our wild plants, our way  
6                   of life that is connected to Mother Earth and our  
7                   future generations.

8                   As our Elder Delia Williams in  
9                   the Xenigwet'in hearings had said, that she is  
10                  going to save Teztan Biny, her mountain home, the  
11                  native land and land true and strong. We stand on  
12                  guard for Nabas and Fish Lake. She is also  
13                  worried about the environment as we have all said.  
14                  Our land is our future. As on August 17th, the  
15                  Panel heard from Starly Grass with respect to the  
16                  United Nations Declaration on the Rights of  
17                  Indigenous People, Articles 3, 8, 11 and 12.

18                  As well, on August 17th, Issac  
19                  Myers, elder from Yunesit'in, spoke about the  
20                  concerns and the issues with our moose. That will  
21                  be gone. That is disappearing in our territories,  
22                  and the B.C. government is taking issue with that  
23                  and finally working with our Tsilhqot'in people  
24                  and other First Nations.

25                  As well, in Alkali just this

1 past week, you had heard from Makere  
2 Stewart-Harawira, the University of Alberta, who  
3 had spoken of the special rapporteur, James Aniah  
4 and the report on the extractive industry and the  
5 impacts on indigenous rights reflecting the  
6 ungulate. And I thank Craig Benjamin for Amnesty  
7 International for also reciting that information,  
8 and I will leave it at that.

9 I just have to say, judgment  
10 day for me is when my people put me to rest to go  
11 beyond. I thank you all for being here, and I  
12 turn it over to Chief Bob.

13 PRESENTATION BY CHIEF BOB CHAMBERLIN:

14 CHIEF CHAMBERLIN: (Native  
15 being spoken) My traditional name is (Native  
16 being spoken). We acknowledge the Tsilhqot'in  
17 territory that we're in, that we've gathered today  
18 to find the solutions and the answers to (Native  
19 word).

20 So I have some thoughts I'd  
21 like to share with this process. There is a  
22 fallacy that government has an ability to balance  
23 all interests within a decision. Mitigation  
24 measures of a project oftentimes fail but are  
25 first presented as some measure of solution to

1 address articulated concerns. Heads, tails, off,  
2 on, hot, cold, some things are just impossible to  
3 reconcile with each other if the truth be told.

4 Eventually someone will be  
5 given the nod one way or the other. Competing  
6 world views foundational to a peoples is the crux  
7 of the biscuit. Oftentimes within government  
8 processes, the focus is largely to do with  
9 economic benefit and employment.

10 There is an emerging world view  
11 and public licence that no longer marches to the  
12 full-on drive of an economic engine running  
13 full-bore. A view and deep, profound respect for  
14 environment being left fully intact representing a  
15 much different set of values.

16 Other measures of value are  
17 emerging that is very much at odds with share  
18 prices, revenues and profits. Thinking it has  
19 come full circle to indigenous peoples  
20 commonly-held view of taking only what is needed  
21 and leave the rest for future generations needs,  
22 respecting the whole rather than the few.  
23 Industry works extremely hard to break the overall  
24 impact into smaller pieces -- the true cost to us  
25 all -- into smaller, defensible minimized

1 components wrapped within mitigation measures.  
2 Attempting to sway the public further pointing  
3 towards jobs, growth, and the like which is of  
4 course window dressing and the cost of arriving at  
5 happy shareholders meetings and generous profit  
6 taking which will not be enjoyed locally.

7 The Canadian government feel  
8 their authority is paramount to all others. This  
9 is not the case. Even the Supreme Court of Canada  
10 has clearly articulated the underlying title of  
11 Aboriginal peoples. The plain and simple fact  
12 that there are any treaties at all in Canada  
13 demonstrates that there was and hopefully is an  
14 embracing of this very fact of Aboriginal title.  
15 If collections of Aboriginal people possess title,  
16 they must also possess rights that flow from that  
17 title. The exercising and safeguarding of these  
18 rights are intimately tied to the very survival of  
19 a distinct people's cultural and heritage beliefs.

20 What good is law and court  
21 rulings when government behavior demonstrates a  
22 will to circumnavigate them and to do a minimum in  
23 terms of decisions, reflecting the essence of an  
24 intent of a judge's ruling. What once was is as  
25 important as what will be. Why should a

1 generation with be withheld from accomplishing  
2 what previous generations have enjoyed. The  
3 tradition of groups of people contribute to the  
4 multi-cultural state that Canada prides itself on.  
5 Clearly the government demonstrated an affinity  
6 for First Nations lands, resources, culture  
7 heritage and art but not for these same people's  
8 rights and desires for their territories which  
9 have maintained bloodlines far beyond the lifespan  
10 of even the most firmly-established corporation.

11 So in Canada we have signals  
12 from the government that begin a process of slowly  
13 acknowledging First Nations people's true rights  
14 within the Canadian political fabric. These being  
15 the residential school apology, the UN Declaration  
16 on the Rights of Indigenous People, the new  
17 relationship here in British Columbia and a  
18 plethora of Supreme Court of Canada rulings.

19 These rulings which are  
20 interpreted by First Nations of supposed promise  
21 of a meaningful space for the needs, wishes and  
22 desires of a peoples to be heard and embraced, not  
23 simply accommodated just enough to be defensible  
24 should decisions and actions find themselves in  
25 front a judge for examination at a later date.

1           The problem with this scenario is that the damage  
2           will have occurred, mitigation measures failed,  
3           and consequences rendered to untold generations.  
4           The need of numerous First Nations must be  
5           considered. Food security must be embraced.  
6           Availability and abundance must be left for  
7           generations to come. Decisions that is will  
8           affect the very food of a people's existence and  
9           way of life must be made very carefully. Impacts  
10          to habitat, be it fish or game, must be understood  
11          through the eyes of the peoples whose very  
12          identity are intricately intertwined within them.  
13          Impacts directly and immediately quantifiable and  
14          ones which arrive at a later date.

15                            When I think of the Colon  
16          Commission's report, I see that there is a time  
17          now where we start to consider impacts far beyond  
18          the local sites. Because when we have things that  
19          impact the salmon rivers up here, it affects the  
20          people of the (unintelligible) archipelago and the  
21          lower mainland as well. So it's beyond  
22          site-specific.

23                            Power lines will open up  
24          access to territories and create competition for  
25          already dwindling resources representing fresh



1 competition to a peoples' survival -- to a  
2 peoples' very survival. The dominant society not  
3 being able to comprehend First Nation  
4 understanding of sacred is not license to destroy  
5 pieces of people's spiritual practice. I would  
6 hope that Canada was mature enough to be  
7 strengthened by difference than by destroying a  
8 people's way of life to accommodate profits and  
9 healthy share prices.

10 The dominant society must not  
11 make decisions which will destroy heritage sites  
12 and burial grounds. Burial grounds. Consider  
13 your own great grandparents' final resting place  
14 seen as something only worth enough respect for  
15 mitigation measures. It is time for processes  
16 such as this to truly embrace First Nation's  
17 perspective as to not seek for ways to accommodate  
18 where there is safety in your decision at the  
19 expense of our traditions, culture and our  
20 heritage.

21 PRESENTATION BY GRAND CHIEF STEWART PHILLIP:

22 CHIEF PHILIP: (Native being  
23 spoken). I am Grand Chief Stewart Phillip,  
24 P-H-I-L-L-I-P, President of the Union of British  
25 Columbia Indian Chiefs. Firstly, I would like to

1           acknowledge Chief Ann Louie on whose territory we  
2           have the privilege of being here today, and I  
3           would also like to acknowledge Mayor Cook.

4                       The first and foremost issue  
5           before this Panel is the environmental integrity  
6           of Teztan Biny or Fish Lake and the whole of the  
7           Tsilhqot'in River watershed. It is not about  
8           jobs. Clearly, it is about water and fish.

9                       Our cultures are linked to the  
10          land, waters and resources of our territories.  
11          The preservation and protection of water is  
12          crucial to our cultures. Water rights are  
13          essential to support hunting, trapping, fishing,  
14          the production of food and food security, the  
15          economic development of the land and as part of  
16          the spiritual existence of indigenous peoples.

17                      The UBCIC urges the Panel to  
18          consider the New Prosperity project will result in  
19          significant adverse environmental effects on fish  
20          habitat, First Nations traditional land use, First  
21          Nations culture heritage and Aboriginal title and  
22          rights. We believe there will be significant and  
23          irreversible environmental impacts of this project  
24          and urge it to be rejected.

25                      Furthermore, we are convinced

1           that the New Prosperity proposal does not enjoy  
2           the environmental, economic and investment  
3           certainty it needs to proceed. In 2010 the UBCIC  
4           fully supported the independent review of mining  
5           laws in B.C. and Canada by the Harvard Law  
6           School's International Human Rights Clinic, titled  
7           "Bearing the Burden, The Effects of Mining on  
8           First Nations in British Columbia." The Harvard  
9           study concluded mining laws are in contravention  
10          of international and constitutional laws, were  
11          stacked against First Nations, favour industry and  
12          lack any consideration of shared decision making,  
13          revenue sharing or fair compensation. The Federal  
14          Government has since rammed through broad changes  
15          in the form of omnibus legislation and policies  
16          which have fundamentally changed and watered down,  
17          gutted, what was once considered to be one of the  
18          world's leading and robust environmental  
19          assessment processes.

20                        Like in 2010, this decision to  
21          approve this proposal would greatly increase the  
22          alarm and anxiety, tension, and suspicion and  
23          mistrust in indigenous communities. The decision  
24          to approve would confirm that once third party  
25          economic interests are granted, unfettered access

1 in our respective territories, governments will  
2 protect the economic interests of companies like  
3 TML at an appalling, long-term cost to the land,  
4 waters and wildlife. A decision to approve this  
5 proposal willfully disgraces the honour of the  
6 Crown through the deliberate violation of our  
7 indigenous title and rights. As indigenous  
8 peoples, we don't rely on the Courts for our title  
9 and rights. As indigenous people, we're obliged  
10 by strict indigenous laws, deeply routed beliefs  
11 and cultural values to act as stewards of our  
12 territories so that our future generations may  
13 enjoy and benefit from the environmental richness  
14 of the lands and waters. Our obligations are a  
15 tribute to our youth and are paramount to all  
16 else.

17 For Indigenous communities,  
18 the touted short-term economic gains must be  
19 weighed against the deep, cumulative and  
20 long-lasting environmental impacts such large  
21 scale proposals will have on our children's  
22 children.

23 As I have said in my previous  
24 appearances before the Panel, this is not an  
25 economic review; this is not about the potential

1 benefits of the mining industry; this is not a  
2 platform to tout the ebb and flow of the  
3 construction industry. This is an environmental  
4 review. It's about water. All water is  
5 connected. It's about fish. And certainly, the  
6 déjà vu nature of this exercise is such that the  
7 Panel can only arrive at the same undeniable  
8 conclusion as the last panel, that this project  
9 must, absolutely must, be rejected. Otherwise,  
10 Fish Lake will die. Dead is dead. Let me repeat  
11 that. Dead is dead. This is not, with an N, an  
12 economic review. Thank you very much.

13 CHIEF CHAMBERLIN: I just want  
14 to clarify one point. I misspoke earlier when I  
15 was speaking the (Native word) language. I meant  
16 to say that we were discussing today an activity  
17 that was going to be or being proposed within the  
18 Tsilhqot'in's people's territories.

19 CHAIRPERSON ROSS: Thank you,  
20 all. Our next speaker is Dr. Marc Pinkoski.

21 PRESENTATION BY DR. MARC PINKOSKI:

22 DR. PINKOSKI: Ten minutes  
23 foregoing nuance and subtlety. To the Panel,  
24 Professors. As you may or may not remember, I  
25 presented at the end of the second day of the

1           general public hearing sessions. I attended the  
2           first three days and listened and thought to  
3           contribute where I could. I also made myself  
4           available if anyone had any questions of  
5           clarification or to challenge what I presented.

6                        I returned to Victoria after  
7           Wednesday, July 24 session and I managed to follow  
8           the live broadcasts of the public hearings, and  
9           those parts that I missed, I listened to the  
10          recordings and/or read the transcripts provided on  
11          the CEAA site.

12                       I thank the Secretariat for  
13          their work to make this information available and  
14          readily accessible. Their work permitted me to  
15          follow the hearings closely continuing through the  
16          technical topic-specific sections and into the  
17          communities. Probably because of the intense  
18          three days that I spent at the opening of the  
19          hearings, listening in this way made me feel like  
20          I was still here and part of the process. Once  
21          again, I thank you for your work and the  
22          opportunity to present to you.

23                       In my initial presentation I  
24          raised two points, the first concerned data and  
25          the second concerned Aboriginal rights and the

1           fiduciary duty to consult. Stemming from the  
2           Panel's information requests and the company's  
3           responses, I traced the data and arguments TML  
4           provided to make the assertion that the  
5           anticipated effects of the proposed mine will be  
6           negligible or warranted. As I uncovered, much, if  
7           not all, of the empirical data offered to build  
8           their argument that the effects of the project are  
9           negligible to local folk is dependent on a report  
10          by Cindy Ehrhart-English.

11                        I then pointed to her recent  
12          letters addressed to the Panel that clarify her  
13          position regarding the information that it  
14          attributed to her. I asserted in my presentation  
15          and in my submission regarding the information  
16          requests on scientific and logical grounds, that  
17          the empirical evidence for their claims and for  
18          their responses to you were dubious at best.

19                        In their closing remarks of  
20          the general session, TML specifically mentioned  
21          that they would address my presentation. There  
22          Ms. Gizikoff reiterated that they relied heavily  
23          on Ehrhart-English's work and considered it  
24          extensively. But she claimed they also relied on  
25          the Tsilhqot'in Nation trial transcripts -- that

1 is the trial I tended in person -- and the  
2 previous assessment process to build their  
3 understanding of the effects of the proposed mine  
4 on Tsilhqot'in rights and their potential  
5 infringements. She acknowledges in her concluding  
6 comments:

7  
8 "This project does result  
9 in the loss of Little Fish  
10 Lake and the immediate  
11 areas around that."

12  
13 Given these admissions,  
14 according to the hearing guidelines and the  
15 requirements to measure if this new proposal has  
16 an effect or potential effect on proven or  
17 asserted rights, we can understand without  
18 contention that this project will infringe upon  
19 these rights and negatively affect local folks'  
20 ability to carry out their practices. And that  
21 this infringement occurs in a place where the  
22 company's expert states is an important cultural  
23 and social area. In fact, in her November 2012  
24 letter to you, Ehrhart-English says:  
25



1 "People have practiced  
2 their Aboriginal rights  
3 in more ways at Little  
4 Fish Lake than any other  
5 place in the 1993 study area."  
6

7 Secondly, I raise the  
8 concomitant issues of Aboriginal rights and the  
9 duty to consult. I submitted though the mechanism  
10 to measure and perform consultation is unclear and  
11 even outside of the specific mandate of the  
12 Panel's guideline, the concept nonetheless plays  
13 an important role in the process, both from the  
14 perspective of the Federal Government and  
15 indigenous participants. Indeed, as we heard from  
16 numerous Tsilhqot'in leaders over the course of  
17 the hearing, this is a genuine concern of the  
18 communities regarding how the process is unfolding  
19 and indicative of the general perception of their  
20 relationships that are being cultivated between  
21 us.

22 It is worth mentioning that  
23 the tests to prove Aboriginal rights and title  
24 come from the precedent setting decisions of the  
25 Supreme Court of Canada from the mid-1990s.



1 tracks of land and by  
2 acknowledging that they  
3 hold other Aboriginal rights  
4 in much more extensive  
5 territories."

6

7

In their response to my  
8 presentation, TML contended title is a non-issue.  
9 In fact, Mr. Gustafson asserted that the area of  
10 the proposed mine site is a non-issue because more  
11 than anywhere in Canada, it has been proven that  
12 Aboriginal title does not exist and that the  
13 question of title for this area is not in  
14 contention in the upcoming Supreme Court of Canada  
15 appeal.

16

In what can be understood only  
17 as a very cynical reading of B.C. history and the  
18 jurisprudence regarding Aboriginal rights, the  
19 contention that the issue of who owns the land is  
20 settled and that Tsilhqot'in have no interest in  
21 what happens to their territories and on their  
22 lands must mute all Tsilhqot'in voices that you've  
23 heard so far rendering them, in fact, in  
24 inconsequential.

25

Mr. Gustafson's claim in the

1 face of the common-law, the impending Supreme  
2 Court of Canada appeal, learned discussion on the  
3 topic, the intention and discourse of  
4 reconciliation and of the common history that we  
5 all share as we live here on this land.

6 I have two points to raise  
7 regarding their response. The first concerns the  
8 technical slight of hand offered regarding what I  
9 said. In my presentation, I made specific effort  
10 to speak of Aboriginal rights and to move the  
11 discussion out of title. To put it specifically,  
12 I did not need to make mention of title and  
13 focussed specifically on rights, and I relied on  
14 the even narrower and more limited B.C. Court of  
15 Appeal judgment to assert that rights are  
16 understood as the mechanism to offer protection  
17 for traditional activities and that they are in  
18 play here. Thus, it is worth noting that though  
19 Mr. Gustafson dismisses the importance of title,  
20 he does not answer how the proposed mine will  
21 infringe upon proven Aboriginal rights or offer  
22 insights as to how these infringements will be  
23 mitigated.

24 Secondly, I'd like to reflect  
25 upon how this assertion squares with what we heard

1 in all the sessions from the Tsilhqot'in  
2 leadership. Who owns the land is at issue. Who  
3 controls the land is at issue. Jurisdiction is at  
4 issue and sovereignty is at issue, at least  
5 according to the Tsilhqot'in and to Canadian law.

6 By way of conclusion -- and  
7 I'm right on time -- by way of conclusion, I'd  
8 like to harken back to claims that both Mr.  
9 McManus and Mr. Gustafson made in their concluding  
10 remarks to the general sessions and at various  
11 points throughout the community hearings. That is  
12 about Canada and B.C. being policies of law. One  
13 of the great teaching opportunities I've had over  
14 the past 12 years has been to ask students how  
15 B.C. has sovereignty over this land. Rather than  
16 ask that question directly, it is often useful to  
17 ask what are the ways we can acquire new  
18 territories within the common-law? Student are  
19 often quick to guess war, some might point to  
20 treaties, but when faced with answering the  
21 question for most of British Columbia's land mass,  
22 they are often stumped. The quick answer is terra  
23 noneous(ph) or if the land is empty. Of course  
24 notwithstanding the people, here, we as a society,  
25 historically and in contemporary terms employ a

1 terra noleous argument and continue to deny  
2 indigenous interest to their lands based on an  
3 assertion that these people are too primitive to  
4 be recognized by our laws.

5 If we are a nation of laws, how do  
6 we have sovereignty to this land? War? Treaty?  
7 Terra Noleous? Taseko asserts we simply do.  
8 However, the courts do not see it the same way,  
9 and in fact this failure was the impetus for the  
10 B.C. treaty process, the much-maligned B.C. treaty  
11 process, which was implemented to attempt to  
12 address this exact problem.

13 In my earlier presentation, I  
14 raised the specter of this process being a beacon,  
15 that is an indicator of direction to move toward  
16 or steer away from. I urge the Panel to seize  
17 this opportunity to enlighten the path for us all  
18 so that we may cultivate, caring, dynamic, lawful  
19 and loving social and political relationships with  
20 one another. Thank you.

21 CHAIRPERSON ROSS: Thank you,  
22 Dr. Pinkoski. Our next speakers are Leonard  
23 Doucette and Dennis Christianson.

24 PRESENTATION BY LEONARD DOUCETTE &

25 DENNIS CHRISTIANSON:

1 MR. DOUCETTE: My name is  
2 Leonard Doucette, D-O-U-C-E-T-T-E. I'm going to  
3 be speaking on behalf of myself as well as for the  
4 South Cariboo Chamber of Commerce.

5 The new mine will employ 700  
6 people during construction and 600 during the  
7 operation with over 1200 indirect jobs. The  
8 Cariboo is a resource-based community and with  
9 Bose Mountain closing in the early eighties, it's  
10 time to welcome a new mine. I don't want to see  
11 my children or my grandchildren have to leave to  
12 find work. I want them to have the option to  
13 stay, prosper and live in the community they grew  
14 up in and the community they love.

15 The Cariboo wants this mine.  
16 The message was clear during the provincial  
17 elections with Donna Barnett building her campaign  
18 around New Prosperity and winning the election by  
19 over 2,900 votes. We can't forget that. Never  
20 before has an election been won in this area by so  
21 many votes.

22 Schools are closing and have  
23 closed. Student enrollment is down by over 38  
24 percent from 2001 as I had mentioned in the  
25 previous. In 2011, the socioeconomic index placed

1 the Cariboo in 49th place out 57. Only 7  
2 districts ranked worse than we did. Our elderly  
3 dependancy rate is well over the provincial  
4 average at 25 percent. For an example, Fort  
5 Nelson is only at 6 percent. Young people are  
6 moving out to find work and our community is  
7 depending on retirees to survive. The Cariboo  
8 needs natural resource mining. The mine is more  
9 than welcome in our community, and we look forward  
10 to it. That concludes my presentation.

11 MR. DOUCETTE: The South  
12 Cariboo covers a large area and has many small  
13 communities, Forest Grove, Bridge Lake, Lac La  
14 Hache, Green Lake, 108 Mile Ranch, Horse Lake, and  
15 Long View. In the centre of all these communities  
16 is 100 Mile House which is home to a major  
17 industry, grocery stores, car dealerships, banks,  
18 hospitals, medical and dental clinics, law firms,  
19 recreational facilities and schools. The  
20 diversity of business in the South Cariboo which  
21 includes forestry, ranching, tourism and small  
22 business has sustained our way of life. Adding a  
23 bigger part of mining into the mix would help  
24 strengthen the viability of our local economy.

25 The New Prosperity gold copper



1 mine projet is not directly connected to the South  
2 Cariboo; however, the economic and social benefits  
3 it will generate will be felt within our South  
4 Cariboo community through jobs both direct and  
5 indirect, supplies and support of local business.

6 The South Cariboo Chamber of  
7 Commerce is a group of business people and  
8 community leaders who promote and support economic  
9 growth in this beautiful area. Emergence of key  
10 new industry diversify our traditional economic  
11 base, wise use of national resource and  
12 responsible environmental stewardship is some of  
13 the values we look at and promote from the  
14 Chamber's perspective.

15 The New Prosperity gold and  
16 copper mine project fits into those values, and  
17 it's for those reasons the South Cariboo Chamber  
18 of Commerce supports this initiative. Thank you  
19 very much.

20 PRESENTATION BY DENNIS CHRISTIANSON:

21 MR. CHRISTIANSON: Thank you.  
22 My name is Dennis Christianson,  
23 C-H-R-I-S-T-I-A-N-S-O-N. I'm here representing  
24 myself and my family and friends.

25 Dear panel members, thank you

1 for coming to the Cariboo. This Panel review is  
2 about a mine. The Government of Canada asked you  
3 panel members to answer one question: Should this  
4 land be used in this manner for the benefit of all  
5 Canadians? This project will allow us to move  
6 forward as a society by supplying jobs, training,  
7 taxes and a future for all Canadians. This review  
8 is not about land claims, nor about solving all  
9 the wrongs of the past, it is not about fighting  
10 Sasquatches. It is about the future for our  
11 communities in B.C. and Canada.

12 The company has done a good  
13 job in our area. They have a good track record  
14 and are a good corporate citizen. I am confident  
15 they will do a good job. The eyes of the  
16 investment world are watching what happens on this  
17 project. If this project gets rejected, there  
18 will be no hope in the future for any real  
19 development in this area at least in my lifetime.  
20 At that point, we'll all be looking for a  
21 government handout. You have heard all kind of  
22 people from all walks of life, and I believe we  
23 all want a better future for our kids and our  
24 grand kids. I truly believe that. My message is  
25 this: My family, my friends, want to work and be

1 a part of this great country called Canada.

2 The Panel hearings have been  
3 long and stressful on all those attended. I, for  
4 one, want to thank each and every one for sharing  
5 your points of view. This is what makes Canada  
6 great, a place we can all gather and share our  
7 points of view. It is only by talking to one  
8 another and not at one another that we'll resolve  
9 our differences as a society.

10 This project gets down to one  
11 of three things: Money, power and control. In  
12 conclusion, I hope you Panel members will make  
13 your recommendation based upon science and not  
14 upon spin and hype. Thank you.

15 CHAIRPERSON ROSS: Thank you,  
16 Mr. Doucette and Mr. Christianson. The Panel has  
17 encouraged throughout the process people to  
18 collaborate, and we appreciate that you did just  
19 that. Our next speaker is Mayor Kerry Cook.

20 PRESENTATION BY MAYOR KERRY COOK:

21 MAYOR COOK: Good morning Panel  
22 Chair, Bill Ross, George Kupfer, Ron Smyth, and  
23 review panel staff. My name is Kerry Cook, Mayor,  
24 City of Williams Lake.

25 I would like to start off by

1 recognizing Chief Ann Louie and acknowledge we're  
2 on traditional Secwepemc, Shuswap territory.

3 As I look around the room, I  
4 see many leaders, leaders who I have much respect  
5 for, and as we move forward, regardless of the  
6 decision, I will continue to hold on to this  
7 truth.

8 I'm grateful for the  
9 opportunity to offer some closing remarks from the  
10 City of Williams Lake. As I mentioned in my  
11 presentation to the Panel on July 24th, my  
12 comments today are offered from the perspective of  
13 the Williams Lake local government and have the  
14 support of Williams Lake City Council. I would  
15 like to thank all involved in the delivery and  
16 management of the review process and everyone who  
17 participated in offering information and thoughts  
18 to the process. I appreciate the respectful  
19 nature of the hearings even though a number of the  
20 presenting groups are opposing views on the New  
21 Prosperity gold copper mine project.

22 The City of Williams Lake  
23 official community plan includes as one of it's 10  
24 strategic priorities partnering with First  
25 Nations. Walking through this review process has

1 illustrated very clearly a number of opportunities  
2 to better understand and partner with our  
3 neighboring First Nation communities to enhance  
4 economic development capacity. For example, as  
5 noted by one of the Chiefs during the review  
6 process, local First Nation's youth are going out  
7 of the region for mining-related training. By  
8 working together, we can expand programs such as  
9 the British Columbia Aboriginal Mine Training  
10 Association Program.

11 As noted by one of the Chiefs  
12 at the Fish Lake site tour I attended, that  
13 despite the fact we may not agree about this  
14 particular development, it does not mean that we  
15 have to be enemies. I agree wholeheartedly with  
16 this statement. It is important we move forward  
17 with partnerships and projects that we have  
18 underway for the betterment of the entire region.

19 We have a common interest in a  
20 sustainable future and respectful, enduring  
21 relationships are a critical foundation in working  
22 together for our communities. As a local  
23 government, we support the project for economic  
24 reasons, as long as it meets the environmental  
25 assessment requirements and has adequate

1 consultation with First Nations. The City of  
2 Williams Lake views the New Prosperity project as  
3 an opportunity to provide new jobs, training  
4 opportunities and enhanced economic activity for  
5 our entire region, municipalities, and First  
6 Nation communities alike. This proposed gold  
7 copper development offers an opportunity to  
8 maintain and improve our infrastructure,  
9 educational facilities, health care, social and  
10 other based services. Such a platform is crucial  
11 to transitioning to a place of diverse economy and  
12 sustainable communities.

13 From an economic perspective,  
14 we are excited by the Taseko statement during the  
15 process that shift schedules for the mine would be  
16 four days on and four days off. This bodes well  
17 as an opportunity to secure new residents in our  
18 city and our region versus workers commuting from  
19 outside the region.

20 An existing example of the  
21 impact of mining in our community is the restart  
22 and recent expansion of the Gibraltar mine and the  
23 direct input to our local economy in wages, 50  
24 million annually, and purchases of goods and  
25 services, \$90 million annually. We know that this

1 injection of jobs and spending has assisted our  
2 city and this region greatly. While some of our  
3 other traditional industries have faced market and  
4 other challenges, mining has helped keep this  
5 region afloat through tough economic times.

6 As I noted earlier,  
7 maintaining what we have is an important platform  
8 to realize future diversification and community  
9 sustainability. You have received a great deal of  
10 information as well as passionate presentations  
11 throughout this review process. We trust in the  
12 Panel's objective consideration of this varied  
13 input as you work to meet your mandate and prepare  
14 your report to the Federal Government. Thank you  
15 again for the time to present some input from the  
16 City of Williams Lake.

17 CHAIRPERSON ROSS: Thank you  
18 very much, Mayor Cook. Our next speaker is David  
19 Richardson.

20 PRESENTATION BY DAVID RICHARDSON:

21 MR. RICHARDSON: Yes, I asked  
22 for four minutes and got five minutes. David  
23 Richardson, R-I-C-H-A-R-D-S-O-N. Once again, I'd  
24 like to thank the Panel. This is my second go  
25 around.

1                   I represent the Fish Lake  
2 Alliance. It is a disservice to the community to  
3 paint this proposal as Aboriginal versus  
4 non-Aboriginal. This is not a situation where the  
5 opponents of the mine are solely Aboriginal  
6 people, although the proponents and the media have  
7 framed it that way. The Fish Lake Alliance as  
8 well as many other groups, which are a majority  
9 non-Aboriginal, are opposed to this mine. We  
10 support the self-determination of Tsilhqot'in.  
11 How we treat others now may effect how we are  
12 treated in the future, showing a long-term  
13 commitment to positive relationships with our  
14 neighbours should be important to all of us.

15                   Gibraltar Mine run by  
16 Vancouver-based Taseko Mines has had several  
17 issues with wastewater running into the Fraser.  
18 The provincial government has basically advocated  
19 it's oversight of mining companies so that we now  
20 have a system of self monitoring where the company  
21 oversees itself. The question has to be asked,  
22 can Taseko be trusted with being a steward of the  
23 environment?

24                   This mine should not be a  
25 chemistry or a hydrology experiment. There were



1           many reports made to this Panel that point to  
2           major hydrology, water quality and wildlife  
3           problems, for example, grizzly bear.

4                         Fish Lake will be severely  
5           impacted. Fish will be affected directly due to  
6           cumulative effects and the last time I looked, a  
7           water mitigation treatment plant isn't presently  
8           part of this mine plan. Applying a test of  
9           reasonable doubt, how do we pump water to save  
10          Fish Lake after decommissioning of the power line?

11                        The economics of the mine  
12          cannot be ignored since they have implications for  
13          potential early mine closure. This will be a low  
14          grade ore mine especially in production years 8 to  
15          11. Gold and copper prices are subject to wide  
16          fluctuations. Gibraltar Mine was shut down  
17          because of low copper prices causing great  
18          disruption to the community. We think many  
19          residents of the Cariboo have bought into a hollow  
20          promise of economic prosperity based on  
21          exaggerated rhetoric. The group that would  
22          benefit most if this mine is developed would be  
23          distant shareholders, not local stakeholders.  
24          This will be a camp mine that imports many workers  
25          from other parts of B.C. and Canada. As well,

1 taxpayers will be subsidizing this mine.  
2 Electricity costs, local road improvements, and  
3 possibly large end of mine life expenses are a  
4 very real possibility.

5 Mine proponents focus on  
6 economic benefits as we have seen this morning,  
7 but rarely do they mention the public costs that  
8 subsidize their developments. First Nations are  
9 opposed to this mine for environmental, economic,  
10 social, historic and spiritual and other reasons.  
11 Taseko has not developed mutually beneficial  
12 relationships with First Nations. There are no  
13 agreements between the company and First Nations  
14 with respect to this mine. Traditional knowledge  
15 has been ignored. There is no social license from  
16 First Nations in this project.

17 If the mine is approved  
18 against the will of the Tsilhqot'in people,  
19 multiple articles of the legally ratified UN  
20 Declaration on the Right of Indigenous Peoples  
21 will be violated. Furthermore, this November the  
22 Supreme Court of Canada will be hearing a case  
23 which could have an impact on the development of  
24 this mine. First Nations will be blamed if this  
25 mine is not approved and will get nothing if it is

1 approved. Heads I win; tails you lose.

2 In conclusion, the Fish Lake  
3 Alliance is here to show in harmony with First  
4 Nations there are a substantial number of  
5 non-Aboriginal people in the local area who are  
6 opposed to this mine. We will like to thank the  
7 Panel for allowing us to make a submission as an  
8 interested party to these hearings and also to  
9 make this final concluding statement. Thank you.

10 CHAIRPERSON ROSS: Thank you,  
11 Mr. Richardson. I thought we had paired back  
12 everyone's request. I see that we actually gave  
13 one person a 25 percent increase. Our next  
14 speaker is Jason Ryll.

15 PRESENTATION BY JASON RYLL:

16 MR. RYLL: Good morning, Panel.  
17 My name is Jason Ryll. It sounds like "dial."  
18 Thank you. Good morning, once again to the Panel,  
19 staff, local community dignitaries, Chiefs and  
20 members of the community.

21 I'd like to thank you all for  
22 your time that you've dedicated to this project so  
23 far. Undoubtedly, you've heard moving arguments  
24 both for and against this project. It is the  
25 position of the Williams Lake and District Chamber

1 of Commerce, of which I'm President, that we  
2 support this proposal put forth by Taseko.

3 In my presentation today, I will  
4 reiterate my previous points on how we've come to  
5 this position and try very hard to put some  
6 perspective on this proposal and what it offers  
7 all the people, all of the people in our region.

8 Our position at the Chamber of  
9 Commerce is one of support for this project. We  
10 have supported the proposals put fort by Taseko  
11 for the mine development at Fish Lake both in the  
12 initial proposal as well as this second one for  
13 New Prosperity. More so the second proposal as it  
14 preserves Fish Lake in perpetuity.

15 Prosperity by definition is  
16 our goal at the Chamber for our members and  
17 therefore our communities, and we believe it has  
18 many positive implications for us all. I'd like  
19 to commend you as Panel and staff on your  
20 willingness to explore the area while you've been  
21 here, including holding public hearings in the  
22 outlying communities. There is no doubt that the  
23 Cariboo Tsilhqot'in area is a pristine area of the  
24 world. We believe an area that the world should  
25 take note of. And believe me, the world is

1 watching.

2 From our mountain biking  
3 trails, hiking trails, fishing lakes, rivers and  
4 streams, there is no argument we live in one of  
5 the most beautiful regions in the world. Raw,  
6 rugged beauty is how some would describe it.  
7 While this is true, I encourage you to consider  
8 the future of the region and how you can help  
9 transform it from raw, rugged beauty to developed,  
10 sustainable and rugged beauty. We're not  
11 Whistler, we're not Squamish and we're not the  
12 Okanogan in the current development of the their  
13 recreational trails and infrastructure. We have  
14 no suspension bridge tourist attractions and I  
15 dare say our entire tourism infrastructure in our  
16 region is challenged and edgingly lacking. And  
17 yet, now is the time when opponents of this  
18 project have floated the idea of getting involved  
19 in a struggling niche market in tourism. I would  
20 encourage caution with this business plan.

21 I believe we, and more  
22 intermittently you, as the Panel, have an  
23 opportunity to provide our region a stepping stone  
24 to helping us grow. We have the raw attractions,  
25 the raw beauty, but what we are lacking is the

1 infrastructure to help us get to the next level  
2 and achieve not only our tourism goals, but our  
3 community goals as a whole. And you all know  
4 infrastructure comes at a cost. We all enjoy the  
5 highways to get to work or to our favourite  
6 recreational spots. We enjoy having schools  
7 opening instead of closing and we all take  
8 advantage of health care services and hospital  
9 which come at an increasing cost. Just ask the  
10 City of Detroit, which in their recent application  
11 for bankruptcy protection I believe should serve  
12 as a proverbial wake up call for citizens,  
13 businesses and organizations that continue to  
14 expect governments to provide services, yet then  
15 turn around and stall projects that help provide  
16 funding for the services they're asking for to  
17 begin with.

18 The same can be forecast here  
19 in B.C. without the development and support of  
20 industry in our Province. It is no secret that  
21 governments are running out of money, yet the  
22 expectations and attitude of, Well, the government  
23 should pay for that, is growing exponentially.

24 As I mentioned in my opening  
25 statements almost a month ago, Williams Lake is my

1 home town. I grew up here. Went through the  
2 school system here and continue to work, live and  
3 play here with my friends and family. My father  
4 was lucky enough to get a job at the newly-opened  
5 Gibraltar Mine back in 1974, and my first job back  
6 when I was 16 was at the Blackdome Mine southwest  
7 of Williams Lake. So I'm proud to say that mining  
8 has been a big part of my life from a very early  
9 age. While I am gainfully self-employed, the  
10 question I'm left with is, will my sons have that  
11 kind of opportunity to be employed in industry in  
12 order for them to continue to live here. Mine was  
13 a summer job doing clean up. What will they have?  
14 Increasingly, those opportunities seem to be  
15 disappearing for my family and others without the  
16 development of industry, and, up the ladder from  
17 that, the intervention and direction of  
18 government.

19 In my first presentation to  
20 you, I mention there is a migration trend  
21 affecting the Cariboo. Our young people are  
22 moving away. They're moving to pursue educational  
23 opportunities that aren't offered here or life  
24 interests that also lie elsewhere. The education  
25 opportunities our youth need to compete in today's

1 world are to a large part not offered in our  
2 community.

3 While our local university is  
4 working hard to adapt to the demands of the  
5 community and trying continually to provide the  
6 courses that are requested of them, they are still  
7 seeing declining numbers of students.

8 The same hold true for our  
9 public and high school system. We're going  
10 through a restructuring of our school system  
11 affecting hundreds's of students and their  
12 families by having to close a number of elementary  
13 schools and reconfiguring our high schools in  
14 order to meet the ever declining budget for our  
15 school district and the declining number of  
16 students in our area. In short, the education  
17 isn't there because the students aren't there, and  
18 the students aren't there because the families  
19 aren't there because the jobs aren't there.

20 New Prosperity, while not a  
21 catch-all solution, can help mitigate that by  
22 giving people jobs that keep them or attract them  
23 to come to live in our area, and thus, become part  
24 of our social safety net.

25 On the topic of the education,



1 according to a new report by the Economic Policy  
2 Institute, a well-educated workforce is directly  
3 linked to economic prosperity. It is fair to note  
4 that the Economic Policy Institute is an American,  
5 non-profit, non-partisan think tank created in  
6 1986 to broaden discussions about economic policy  
7 to include the needs of low and middle income  
8 workers. Their organization believes every  
9 working person deserves a good job with fair pay,  
10 affordable health care, and retirement security.

11 While American in nature, many  
12 of their policies are transferrable to most any  
13 region in the world. One such recommendation from  
14 them is that the best way for regions to foster a  
15 productive economy is to invest in education to  
16 create a stronger workforce which, in turn, will  
17 increase the median wage benefitting workers and  
18 their families. These are the kinds of jobs that  
19 hang in a balance offered by projects like the New  
20 Prosperity developments.

21 In a presentation I made to  
22 you earlier this month, and I believe a topic that  
23 has come up repeatedly, is that of the economic  
24 disparity in our reserve communities. The word  
25 used is "poverty." I won't mince words about it

1 because it truly does appear to be that case that  
2 most residents living on or near our reserve  
3 communities live in near third world countries.

4 Unemployment rates for  
5 on-reserve residents are sky high; and yet we have  
6 a mining company with a reputable record offering  
7 to use their industries and the world's leading  
8 science practices in sustainable mining and offer  
9 jobs to those residents who live in poverty, and  
10 they fight against it. Yet opponents are not  
11 opposed to sustainable mining. This does not make  
12 sense to me.

13 In fairness, mining has been  
14 described as a boom and bust kind of industry, and  
15 mine owners in the past would have been the first  
16 to agree with that notion. However, with advances  
17 in mining and extrication as well as scientific  
18 advancements helping mining companies achieve the  
19 most value from the rock they're already working  
20 with, the bust part of that cycle is severely  
21 lessened. It is this kind of applicable science  
22 that Taseko will be using in this project, and  
23 therefore, leading the way in sustainable mining  
24 practices. This is something that all parties  
25 have admitted they want: Sustainable mining.

1                   Organizations such as AMTA,  
2                   the Aboriginal Mining Training Association, exists  
3                   to help residents of those reserve communities,  
4                   and those off reserve as well, gain the knowledge  
5                   and skills needed to be the workforce for mining  
6                   and more. Many of those skills offered by AMTA  
7                   are transferrable skills to other industries as  
8                   well. Other post-secondary institutions offer  
9                   mining and mining-related courses; and if I heard  
10                  correctly in Dr. Meech's opening presentation, a  
11                  loose proposal from UBC to create a centre to  
12                  provide even more skills development and to learn,  
13                  teach and highlight the world class practices the  
14                  mining industry has to offer.

15                 In conclusion, I'd like to  
16                 reiterate a point that I made earlier in my  
17                 presentation, and that is, our communities in the  
18                 Cariboo are shrinking. They're shrinking because  
19                 the people aren't there because the jobs aren't  
20                 here. People go where the work is which means the  
21                 burden becomes heavier and the choices get fewer  
22                 for those who remain.

23                 There is no doubt that  
24                 opponents have pulled out all the stops on reasons  
25                 why this project shouldn't move forward on how it

1 will affect navigable waters, grizzly bear  
2 migration, Sasquatches, and yet opponents have  
3 also said repeatedly throughout this process they  
4 are not opposed to mining.

5 Again, I would urge you to consider  
6 the message that would be sent to other potential  
7 investors -- if I may complete the sentence --  
8 sent to other potential investors in our Province  
9 if this mine is turned down. I will stop there.

10 Once again, thank you to the  
11 Panel and staff for your time.

12 CHAIRPERSON ROSS: Thank you  
13 very much, Mr. Ryll. Our next speaker is Lorne  
14 Doerkson.

15 PRESENTATION BY LORNE DOERKSON:

16 MR. DOERKSON: Thank you. I  
17 just ran a quarter mile to get here. I'm a little  
18 out of breath. Good afternoon, my name is Lorne  
19 Doerskson, L-O-R-N-E. Doerkson is  
20 D-O-E-R-K-S-O-N.

21 I want to thank you guys for  
22 the efforts that you guys have put forth. I can't  
23 imagine you're not some of the most tired  
24 Canadians in the room right now. So thank you.

25 Just to refresh your memory, I

1 have a partnership here in the local Chevrolet  
2 franchise, and I have a family of four. I'm an  
3 avid outdoorsman, and I love the Cariboo. I want  
4 to live here. I want my kids to live here. We've  
5 lived all over the Province, and this is a  
6 beautiful spot on Earth. It's a great place to  
7 raise kids. But I think it's shrinking here, and  
8 in my original presentation I mentioned we just  
9 closed three schools in our community. And it  
10 can't continue. Ultimately, it'll become far too  
11 expensive for people to live here if our tax base  
12 continue to shrink.

13 We've had obviously a little  
14 bit of a turnaround economically speaking. We  
15 have both mines running I think at capacity and  
16 certainly our mills are busy again. That's not  
17 the case three or four years back when all our  
18 mills were closed. Thank God for the mining  
19 industry at that time because I think we had at  
20 one point 8 mills in total that were closed.

21 The recovery in our economy is  
22 fragile at best. I think we're all fully aware  
23 that the mines that are here obviously have an end  
24 date, our forest industry has been ravaged by pine  
25 beetle, and while I'm not an expert, I have been

1 told we still could stand to lose another mill  
2 here as well.

3 I don't think we're in any  
4 position financially to turn away a project of  
5 this size; not just for the community of Williams  
6 Lake, I'm talking about Canada, the Province and  
7 certainly the Cariboo region.

8 I'm of the belief that the  
9 mine, somebody is going to mine that deposit out  
10 there. It's obviously a large deposit. If it's  
11 not Taseko, it'll be somebody else. And my  
12 preference and I think the preference of many of  
13 the people that I speak with on a daily basis is  
14 to have Taseko go forth with this. Taseko's  
15 proven itself to be an excellent corporate player  
16 in our communities. They've been an excellent  
17 partner, I've seen it. And I think we've probably  
18 all seen it. We're not talking about just the  
19 day-to-day goings on and the business we all reap  
20 from having Gibraltar Mine up there or Mt. Polley.  
21 I'm talking about sitting at a 4H auction two  
22 nights ago that the proceeds go to these kids in  
23 our community, and Shaun Daily is there buying  
24 animals on behalf of Gibraltar. Those funds go  
25 right back into the those kids, and then turn

1 around and donate the items they bought, many of  
2 them, back to 4H so they can sell them at the end  
3 of the night and raise more money. This is grass  
4 roots community support from a large corporation  
5 we've come to know and do business with. This is  
6 a company that when asked by the Chamber of  
7 Commerce a number of years back to change their  
8 shifting schedule -- change their shifting  
9 schedule. That is a gargantuan undertaking for  
10 anybody to do with 20 employees, let alone with 3,  
11 4, 5, 600 employees. They took it from seven days  
12 on, seven days off to four on and four off. And  
13 our hope at that time was that we would encourage  
14 people to live here. The fact that they would  
15 respond that way, to me, is top notch. Top notch.

16 I want to clear up any  
17 confusion at the last -- when I did my  
18 presentation, there was some discussion and  
19 question at the end of my presentation as to my  
20 commitment or lack thereof to the First Nations  
21 community. I just want to make it clear that my  
22 feeling on this mine has nothing to do with First  
23 Nations. I have friends that are here today that  
24 are First Nations, and we may disagree politically  
25 on this mine, but in the end, it has nothing to do

1 with First Nations. It has to do with an economy  
2 that has been very tough in this community. A tax  
3 base that is shrinking, and the need for economic  
4 growth.

5 I've participated in National  
6 Aboriginal Day, the Day of Reconciliation, many  
7 different parades and pow-wow's. I've brought  
8 back tradition to the Williams Lake Stampede. So  
9 it has nothing to do, absolutely nothing to do.

10 I think that's all that I have  
11 to say. I think that this is not directed at you,  
12 but perhaps you could direct it at somebody. The  
13 media has reported that, of course, this is a town  
14 that is divided on this and whatever else. I can  
15 tell you that for my own opinion, this is my own,  
16 this process is very divisive and it's very, very  
17 difficult on a community. And I shook the hand of  
18 a fellow who happens to be First Nation at the top  
19 of the stairs. We disagree on this, but we are  
20 still friends. But this process has been brutal  
21 for a lot of people in this community, and it  
22 needs to be changed. It can't go on like this.  
23 And also there has to be some decision. This has  
24 been going on for almost two decades. It's  
25 ridiculous to think that. Taseko's proven



1 themselves to be a good partner. They operate in  
2 a safe and effective manner at Gibraltar. There  
3 is no reason this shouldn't go through and go  
4 ahead.

5 That's it for me. Did you  
6 have any questions of me?

7 CHAIRPERSON ROSS: Mr.  
8 Doerkson, the Panel can only ask questions of  
9 clarification, and I think you've been very clear.  
10 So we thank you very much and I hope that while I  
11 may be tired, I haven't just finished running 400  
12 metres. We thank you so much for coming.

13 We'll have a break for lunch.  
14 We'll reconvene in an hour at 1:02. How does that  
15 sound?

16 --- Recess taken at 12:02 p.m.

17 --- Upon resuming at 1:00 p.m.

18 CHAIRPERSON ROSS: Good  
19 afternoon, ladies and gentlemen. I would like to  
20 reconvene this session. Our next speaker is  
21 Patricia Spencer.

22 PRESENTATION BY PATRICIA SPENCER:

23 MS. SPENCER: Good afternoon,  
24 Panel members. Dr. Ross, Dr. Kupfer and Dr.  
25 Smyth.

1                   My name is Patricia Spencer,  
2                   S-P-E-N-C-E-R, and this is my partner, Steve Monk.  
3                   And just before we begin, we would like to briefly  
4                   share this photo that was taken the day after the  
5                   gathering at Fish Lake on the Saturday. That  
6                   evening a rainbow appeared, a double rainbow, and  
7                   it was just a beautiful experience and we wanted  
8                   to share that with you.

9                   We wish you could have  
10                  experienced the beauty and peace of that place  
11                  after everybody left.

12                  And also I wanted to say that  
13                  we went canoeing that day and we saw a grizzly and  
14                  -- along the shore, it was along the west shore,  
15                  and we were glad that it wasn't interested in us.

16                  So, once again, I'll be  
17                  speaking on behalf of the Friends of Fish Lake.  
18                  We represent many of the people in the 100 Mile  
19                  House area who enjoyed Tezton B and the  
20                  surrounding areas for its natural beauty,  
21                  recreational opportunities, wildlife and  
22                  fisheries' values.

23                  We gave a presentation at the  
24                  general hearings on July 22nd. Our members have  
25                  attended various sessions of the general topic

1 specific and community hearings. We will review  
2 of the information from the various hearings as it  
3 relates to our July 22nd presentation.

4 We would like to acknowledge  
5 the monumental task that has been assigned to this  
6 Panel. The amount of information alone is  
7 overwhelming, and we thank you for your efforts.

8 Reflections on the topic  
9 specific sessions and environment. After  
10 listening to information presented in the topic  
11 specific sessions, our concerns about the  
12 projected or potential environmental impacts of  
13 the proposed mine have only deepened, and of  
14 course many of the issues revolve around water.

15 One word that we heard  
16 countless times during those hearings was  
17 uncertainty. Many experts expressed uncertainty  
18 about the reliability of the data in the EIS,  
19 uncertainty about the adequacy of certain methods  
20 of modelling and, therefore, uncertainty about  
21 potential of environment effects.

22 In our view, the proposed mine  
23 should not proceed if so many uncertainties exist.  
24 Moreover, we frequently heard critical comments  
25 about the Proponent's adaptive management plans,

1 and leaving certain mine component plans until the  
2 provincial permitting stage.

3 We know the Dr. Don MacDonald  
4 suggested it is not appropriate to leave details  
5 of adaptive management, mitigation and monitoring  
6 plans and programs to the permitting stage. Dr.  
7 Kevin Morn (ph) also brought up the issue citing  
8 the Mount Milligan mine example where several  
9 issues were left to the permitting stage only to  
10 create problems later on.

11 The Mount Milligan story had  
12 already been told by Ann Marie Sam during the  
13 general hearings. She told us about sewage  
14 spills, oil spills and other fuel spills in the  
15 mine development area that were left untreated.

16 In fact, several people  
17 reported that the Ministry of Environment does not  
18 have the funds or resources to investigate these  
19 infractions to the environment. The latter is very  
20 disturbing to us.

21 Water quality Fish Lake and  
22 surrounding areas. Water in our lakes and streams  
23 is a precious resource that we all share and it  
24 needs to be protected. Our concerns about water  
25 quality and the overall ecological health of

1 Tezton Biny have not been alleviated.

2                   During the topic specific  
3 hearings we heard that Taseko's water management  
4 plan, including its recirculating system, is  
5 unproven at this scale. And that's a quote. We  
6 still don't know how long the pumping would be  
7 required, perhaps forever, and the inherent  
8 ecological and financial risks of this system are  
9 unacceptable to us.

10                   Due to many potential sources  
11 of seepage, it was suggested that water treatment  
12 of Fish Lake would be a requirement at the outset,  
13 not an option, and that it was extremely expensive  
14 and, therefore, might not be financially viable.

15                   Finally, we heard from Dr.  
16 MacDonald that even with the proposed mitigation  
17 and treatment, it's unknown whether or not aquatic  
18 life in Fish Lake would survive. If water quality  
19 is sufficient to maintain aquatic life in Tezton  
20 Biny cannot be guaranteed, then neither can the  
21 survival of the rainbow trout be guaranteed.

22                   Dr. Craig Orr suggests there  
23 are numerous inadequacies with the Proponent  
24 baseline data and mitigation assumptions, and he  
25 concludes that the company cannot demonstrate it

1 can successfully mitigation --

2 CHAIRPERSON ROSS: Mr. Spencer,  
3 could you slow down?

4 MS. SPENCER: Problem with the  
5 time constraint. I will slow down.

6 -- successfully mitigate  
7 substantial degradation and destruction of fish  
8 habitat. MacDonald concludes the rainbow trout  
9 will be virtually eliminated and Dr. Don Stockner  
10 states that the health of the lake is dependent  
11 upon the current, pristine wilderness conditions.  
12 If the mine were to proceed, its fish would die  
13 within a few decades.

14 Taseko Mines is based a large  
15 part of its arguments for New Prosperity on the  
16 claim that Fish Lake and its unique trout would be  
17 saved.

18 The evidence points to the  
19 contrary. It's also important to remember that  
20 Little Fish Lake, Yanah Biny, Upper Fish Creek and  
21 the surrounding wetlands, will be buried under the  
22 tailings storage facility. Yanah Biny is a novice  
23 region -- significant cultural and heritage site  
24 for the Chilcotin people still in use today and  
25 we're surprised that the mining plan includes its

1 loss.

2 The majority of the prime  
3 spawning habitat in Upper Fish Creek would be lost  
4 under the TSF. We stress the importance of the  
5 wetlands in our original presentation. Dr.  
6 MacDonald suggested the loss of wetlands in the  
7 purification function was not considered in the  
8 Proponent's EIS.

9 All of the above are of concern  
10 to us. The TSF and related impacts, although the  
11 hydro geology related to the project is extremely  
12 complex, we do know that there will be seepage  
13 from the TSF that could potentially affect Fish  
14 Lake, Wasp Lake and the Onion Lakes.

15 Dr. Leslie Smith, an  
16 independent expert, states that seepage can be  
17 reduced but not eliminated, and that a baseline  
18 interception system would have to be in place at  
19 the startup of the mining operations.

20 Dr. Rena Frieze (ph) asserts  
21 that seepage from the TSF is a fatal flaw of the  
22 project. Mr. Dan Waterson suggests that TSF  
23 seepage to be significant project risk and he  
24 suggests that over time contaminants will travel  
25 down gradient eventually reaching the Taseko

1 River.

2                   Again, we're concerned that not  
3 only the whole Fish Creek watershed will be  
4 affected by the project, but also the  
5 salmon-bearing Taseko River. The Fraser River  
6 sockeye run are in trouble this year, and  
7 recognizing the significance of the Taseko-Chilko  
8 run, we should ensure the health of these salmon  
9 is not further jeopardized.

10                   Grizzly bears. Finally, we  
11 learn that the south Chilcotin grizzly bear is a  
12 unique grassland species are threatened and the  
13 south Chilcotin contains the last viable  
14 population of this coast dryland species.

15                   Despite Taseko's proposed  
16 mitigation plans for grizzlies, we were told that  
17 if the mine were to proceed these bears would  
18 probably go extinct. People come from all over  
19 the world to see grizzly bears in British  
20 Columbia. Why risk losing them at Tezton Biny.

21                   Reflections on the community  
22 hearings and First Nations issues. We could say  
23 so much about what we heard during the community  
24 hearings. However, the Chilcotin and Secwepemc  
25 people have spoken loud and clear for themselves.



1           They are unified in their opposition to the mining  
2           proposal and the proposed transmission line.

3                         Personally, I was especially  
4           moved by the fact that community members  
5           frequently stated that part of their duty as  
6           aboriginal people is to protect the lands and  
7           waters of their territories. I wish that more  
8           non-aboriginal people had the same ethics.

9                         It's apparent that the  
10          Chilcotin and Secwepemc people are being asked to  
11          bear the burden of this mining project and this is  
12          not fair.

13                        One of our members, Barbara  
14          Hooper, sums up our perspective in this way.

15  
16                        "The Chilcotin people have said they  
17           do not want the mine. If there are  
18           still people who feel they know what  
19           the Chilcotin people need, i.e., jobs  
20           and economic development, they are not  
21           listening. Rather, they are practicing  
22           modern day colonialism and are being  
23           presumptuous by thinking they know what  
24           someone else needs."

25

1                   Socioeconomics. Some people argue  
2                   that the economic benefits of the proposed mine  
3                   would justify the environmental effects and  
4                   impacts on First Nations. It is unfortunate that  
5                   most of these mine supporters did not attend the  
6                   topic specific and community hearings. They might  
7                   have changed their minds after listening to the  
8                   evidence. Economic arguments can never justify a  
9                   mining plan that contains so many risks and has  
10                  such significant negative impacts on the  
11                  environment and First Nations.

12                   In conclusion, the Friends of  
13                  Fish Lake are opposed this mine because there too  
14                  many financial and environmental risks associated  
15                  with the project, and it is contrary to the wishes  
16                  of First Nations.

17                   There is so much at stake here.  
18                  The water, the wildlife, the trout, the salmon,  
19                  one are our region's last pristine wilderness  
20                  areas, and a way of life for the Chilcotin and  
21                  Secwepemc people.

22                   Taseko Mines seems to insist  
23                  that despite all that has transpired during the  
24                  hearings process that it has the legal right to  
25                  proceed with this mine. We would suggest that

1 Taseko lacks the social licence to proceed. We  
2 believe the honourable thing for this company to  
3 do would be to withdraw its application.

4 We hope the precautionary  
5 principle will be exercised by the Panel and,  
6 finally, by Minister of Environment. We hope that  
7 this mine will be turned down once and for all.

8 Thank you for listening, and we  
9 appreciate the opportunity to make these closing  
10 remarks.

11 CHAIRPERSON ROSS: Thank you,  
12 Ms. Spencer.

13 Next speaker is Ann Nicholson  
14 for the Williams Lake Chapter of the Council of  
15 Canadians.

16 PRESENTATION BY ANN NICHOLSON:

17 MS. NICHOLSON: My name is Ann  
18 Nicholson from Williams Lake Chapter of the  
19 Council of Canadians, and thank you for giving us  
20 the opportunity to give a closing statement.

21 As we explained in our previous  
22 submission, the Council of Canadians is a national  
23 organization working for environmental protection  
24 and social justice.

25 The local chapter of the

1 council opposed the original Prosperity mine  
2 proposal because of its significant environmental  
3 impacts as well as high social costs.

4 Members of our local chapter  
5 participated in the 2010 hearings, attending the  
6 sessions in Williams Lake, First Nations  
7 communities and the topic specific sessions. We  
8 have done the same this time around and we have  
9 heard nothing to change our minds. We believe the  
10 cost is too high to justify any hope for economic  
11 benefits.

12 A possible short term boost  
13 would come with guaranteed long term losses,  
14 permanent damage of the significant watershed and  
15 the lifestyle of the people who live there.

16 Along with being the habitat  
17 for many species of wildlife, the watershed is  
18 part of an aquatic network that is vital to the  
19 survival of Pacific salmon.

20 We wonder how many of the  
21 interested parties who are for the mine have  
22 actually attended the topic specific hearings  
23 which would have given them much a better  
24 understanding of the proposal and its potential  
25 impacts.

1                   Our chapter tried twice to set  
2                   up a community panel discussion with Taseko, the  
3                   City, the Chamber of Commerce, the TNG, a  
4                   representative from an environmental group and a  
5                   social planner to discuss the issue. But the mine  
6                   proponents showed no interest. We feel this lack  
7                   of understanding has contributed to divisions in  
8                   our community.

9                   The mainstream media has  
10                  portrayed the discussions as a First Nations  
11                  versus Prosperity dispute. This manufactured  
12                  division has been one of the more unfortunate  
13                  outcomes of the debate.

14                  As you will have heard in these  
15                  sessions, this particular division is far from the  
16                  truth. There is considerable opposition to the  
17                  mine from local individuals and families, from  
18                  existing groups like ours, and from provincial and  
19                  national organizations.

20                  Two local grassroots groups,  
21                  the Fish Lake Alliance and Friends of the Fish  
22                  Lake, were formed specifically to intervene in  
23                  this new proposal.

24                  The Friends of Nemiah formed in  
25                  1989 is a unique provincial research oriented

1 association supporting the Xeni Gwet'in Nation.  
2 We hope the Panel will let the decision-makers in  
3 Ottawa know about this widespread opposition to  
4 New Prosperity.

5 To return to the question of  
6 the mine itself. The uncertainty of so many  
7 aspects of the project is unsettling. It is  
8 disturbing to hear words like "experimental  
9 nature," "details required," and the suggestion in  
10 the presentations that pertinent information was  
11 lacking.

12 In July, 2011 the B.C. auditor  
13 general made a scathing report that, quote:

14  
15 "The environmental assessment office  
16 cannot assure British Columbians that  
17 mitigation efforts are having the  
18 intended effects because adequate  
19 monitoring is not occurring and  
20 follow-up evaluations are not being  
21 conducted."

22  
23 In a February 2013 report, the  
24 auditor general noted serious shortcomings in the  
25 province's capacity to monitor mining practices

1 and threats to the biosphere. This makes it  
2 extremely important that the CEAA review these  
3 issues.

4 The technical presentations  
5 gave us what we think is a relatively accurate  
6 picture of the main components of the proposed  
7 mine. Taseko claims that with this proposal Fish  
8 Lake would be saved. And while it is true that it  
9 would no longer be drained as was planned in the  
10 first proposal, the lake would be put on life  
11 support forever.

12 It will become part of a large  
13 scale experiment. The outflow from the lake would  
14 be completely blocked off during the life of the  
15 mine and the water flowing into Fish Lake would be  
16 reduced by 60 percent.

17 In order to maintain  
18 circulation in the lake and have enough water in  
19 the spawning channels, water would have to be  
20 pumped from the lake back up into the creek  
21 forever. There would probably also be the  
22 necessity of providing aeration and water  
23 treatment for the lake forever.

24 A huge open pit would be  
25 excavated within 300 meters or less of Fish Lake.

1 A tailings storage facility would be constructed  
2 at a higher elevation, approximately two  
3 kilometres to the south, which would destroy  
4 Little Fish Lake and its surrounding wetlands.

5 The tailings storage facility  
6 has been described as five times the size of  
7 Williams Lake with a 4-kilometre long, 34-storey  
8 high wall facing Fish Lake. It would be necessary  
9 to pump contaminated seepage back into the  
10 tailings storage facility forever.

11 We wonder what the life span of  
12 these embankments is, but we would expect that  
13 they won't last for ever.

14 Contaminated seepage that is  
15 not contained would make its way to Fish Lake  
16 affecting water quality. After closure of the  
17 mine, the mine pit would be filled with water that  
18 would have to be treated before being released  
19 into Lower Fish Lake.

20 It is possible that a water  
21 treatment plan would have to run forever. Taseko  
22 has stated that the 125-kilometre long hydro line  
23 into the mine would be de-commissioned after  
24 closure, so where would the power come from to run  
25 all these pumps, treatment plants, et cetera?



1 Taseko's answer to this  
2 question was: We have to wait and see; perhaps  
3 diesel generators.

4 In reality, even if the  
5 pumping, aeration and filtration worked, or even  
6 if the embankments held, the bottom line is that  
7 this piece of pristine wilderness would be gone  
8 again forever.

9 It is questionable whether or  
10 not a realistic cost estimate has been developed  
11 that will cover perpetual water recirculation,  
12 water treatment and the disposal of waste  
13 products.

14 Logic tells us that even in the  
15 absence of a major malfunction or accident, the  
16 perpetual annual cost of attempting to contain  
17 toxic mine waste and maintain water quality will  
18 impact the profitability of the project.

19 Equipment failure, human error and acts of nature  
20 cannot be avoided. The earthquake tsunami that's  
21 crippled the Fukushima nuclear plant in 2011 is  
22 leaking toxins into the ocean at an alarming rate  
23 and, as yet, neither the company that owns the  
24 plant nor the government know what to do about it.

25 If ends such as these linger in

1 the mind as the concerns over New Prosperity add  
2 up, these are not the legacies we wish to leave to  
3 future generations.

4 We also wish to draw the  
5 Panel's attention to the relevance of the  
6 cumulative effects this major industrial  
7 development proposal will have on such a sensitive  
8 region of the province. These effects must be  
9 considered along with future resource activities,  
10 other values, traditional uses of the water shed,  
11 the downstream user and the unique nature of the  
12 Chilcotin.

13 Given fluctuations of the gold  
14 and copper markets, there is a reasonable concern  
15 that Taseko may not have the financial resources  
16 to deal with long term liability. It isn't  
17 unusual for mines to close when all values drop.  
18 The well-being of the Prosperity Mine would depend  
19 on the stability of gold and copper prices which  
20 could fall below a sustainable figure at any time.  
21 And Taseko could sell the company at some future  
22 point to outside interests that might be even more  
23 difficult to whole to account.

24 In conclusion, like many  
25 others, we believe that balance sheet is heavily

1 weighted against the development of the mine.  
2 Taseko might be able to provide some worth (ph) to  
3 a few people in the Chilcotin, Williams Lake and  
4 100 Mile House communities, but not without  
5 causing long-term grief and destruction to many  
6 others.

7 And there will be a significant  
8 impact to the environment. Environmental issues  
9 cannot be separated from First Nations issues. We  
10 should remember that the Chilcotin have proven  
11 rights and are asserting legal title to the land  
12 in question. As are the Secwepemc, who face a  
13 proposed power line through their territory.

14 We feel that Canada has an  
15 obligation to prevent all applications of  
16 extraction on aboriginal ancestral land that do  
17 not involve the First Nations people concerned at  
18 every level.

19 CHAIRPERSON ROSS: Thank you,  
20 Ms. Nicholson.

21 Our next speaker is Frank  
22 Dobbs.

23 CHAIRPERSON ROSS: Do we know  
24 if Frank Dobbs is around, by any chance? Failing  
25 that, I'll move onto Ervin Charleyboy.

1 PRESENTATION BY ERVIN CHARLEYBOY:

2 MR. CHARLEYBOY: Thank you.

3 I'm glad I can be here for the closing remarks.

4 As I stated in my first go around that I'm still  
5 supporting Taseko mines.

6 When I was a chief back in this  
7 nineties I was totally against Taseko mines  
8 because they were going to drain Fish Lake and --  
9 but I retired as a chief in 2010. And I was a  
10 chief of my community for 20 years -- I'm sorry,  
11 my name is Ervin Charleyboy. C-H-A-R-L-E-Y-B-O-Y.

12 But 20 years I served as a  
13 chief, and 18 of those years as a tribal chief of  
14 the Tsilhqot'in Nation. Like I said, I was  
15 totally against Taseko mines because they were  
16 going to drain Fish Lake, but then the New  
17 Prosperity, they said they are not going to drain  
18 Fish Lake, and I'm in support of that.

19 Back in 2010 when I retired I  
20 started working with Taseko mines, and I know a  
21 lot of people turned me away, even the chiefs of  
22 my community. The chief of -- the Tsilhqot'in  
23 chiefs turned me away. They don't talk to me.  
24 They are mad at me. It's tough.

25 It's tough when you face these

1 kind of -- you know, when you make decisions like  
2 that for the betterment of your people, your young  
3 people. Because I see our young people, most of  
4 them are on welfare, young one, some of them are  
5 graduates. They have got nothing on the reserves.  
6 There's no future for our young people and for the  
7 future of the unborn, because they -- lot of those  
8 years we relied on our forestry. We have a  
9 logging company but how long is that going to  
10 last? It's not going to last very much longer.  
11 Four or five years, maybe.

12 I see big logging companies  
13 fighting for timber out there in places where we  
14 weren't even allowed to log. They're ripping all  
15 that out. Now they are going to log that whole  
16 area.

17 So many times I've heard people  
18 talk about wildlife. You know, I've hunted for  
19 three days and I covered a lot of miles and I went  
20 hunting and walking in places where I used to  
21 shoot moose, deer. There's nothing out there.  
22 There is no moose, no deer. I mean, I covered a  
23 lot of miles.

24 I hear speakers talking about  
25 culture. They are going to lose our culture? I

1 mean, come on, don't give me that. You can't lose  
2 your culture because a mine is going in there.

3 This reminds me of the 1990s  
4 when I first became a chief. People were  
5 complaining about the logging, the amount of  
6 logging trucks going by our communities. They  
7 say, let's hold roadblocks. I mean, I got tired  
8 of hearing all that. Okay, let's -- what's the  
9 solution to all this?

10 In early nineties we formed a  
11 logging company with Jacobson Brothers Logging  
12 Company at the time. We formed a partnership with  
13 Jacobson Brothers Logging Company. And back then  
14 even when I was joint venture with Jacobson  
15 Brothers Logging Company, some of the people were  
16 complaining. Said, what are you guys doing joint  
17 venturing with some logging company?

18 I said, look, it's our  
19 business. I want something for my people. I want  
20 employment for my people.

21 And it's tough when you make  
22 these decisions and then the chiefs turn you away,  
23 especially after 20 years of leadership, 18 of  
24 those years as leading the Nation, as a tribal  
25 chief, and to be treated like that. When are we

1 going the act like grownups when you make  
2 decisions like this?

3 Let's be adults. Sit down with  
4 one another, with Taseko mines, Tsilhqot'in Nation  
5 and the government and talk it over. Let's see  
6 where we're going to go regarding our future, the  
7 future of our young people.

8 And you can't complain there is  
9 no consultation. How can you have -- how can you  
10 have consultation when you don't want to talk?  
11 Tsilhqot'in Nation hasn't talked to Taseko for how  
12 many years now? They haven't talked with the  
13 government regarding this mine, so you can't  
14 complain there is no consultation. I see that. I  
15 hear that over and over.

16 Our way of life. I mean, like  
17 I said, the last time your way of life went out  
18 the back door when you accepted welfare cheque on  
19 the reserve. This is not our way of life. You  
20 can't give me that.

21 And I heard one chief here  
22 earlier this morning. Chief Bob Chamberlain  
23 talking about law, this one-sided law.

24 I mean, I'm an interpreter in  
25 the law courts and what I hear, what I see is very

1           disturbing. You talk about one law for all.  
2           There is no one law, because people turn to crime  
3           and when they get up into the courts they use this  
4           Gladdu (ph) report where you are aboriginal so  
5           we're going to be easy on you.

6                           I had an argument with one of  
7           the Crown prosecutors one time and I said you talk  
8           about one law for all --

9                           CHAIRPERSON ROSS:

10          Mr. Charleyboy, you are drifting into some new  
11          information.

12                           MR. CHARLEYBOY: I'm just  
13          commenting about the law.

14                           CHAIRPERSON ROSS: Go ahead.

15                           MR. CHARLEYBOY: So now with  
16          this New Prosperity, it's a one-sided deal. With  
17          all the people that are not for the mine, some of  
18          the people don't even know what life is like in  
19          the Chilcotin. They don't even know what the  
20          country looks like, and yet they are opposing the  
21          mine.

22                           They should live out here inn  
23          the Chilcotin for a few years then they know what  
24          life is really like in the Chilcotin before you  
25          start complaining about what the mine is going to



1 do.

2 We talk about salmon. I mean,  
3 I don't know what the salmon is like and I don't  
4 care to find out. Because look at all the  
5 pollution that the salmon goes through coming up  
6 the Fraser. You hear about Japan and these  
7 nuclear plants leaking. Who's to say that there's  
8 no radiation in those salmon.

9 I mean, I don't think it's  
10 safe. They should test these salmon and make the  
11 general public -- let the general public know  
12 about these things. And with this mine it's going  
13 to create a future for young people, because I  
14 don't like to see people, young people on the  
15 reserve doing nothing.

16 The comments that I made the  
17 last time, the chiefs got sore and they said our  
18 people are not starving. I said, that's not what  
19 I meant. I didn't say they were starving. I said  
20 I don't like them living on the reserve doing  
21 nothing, getting into trouble. Our young people  
22 come to town here, they go to school. What do  
23 they do, they get in the wrong crowd and end up in  
24 the jails. That's not what I want to see.

25 I want to see education, young

1 people educated and graduate, some of our  
2 graduates are still on welfare. Sad to see that.  
3 Because there is no employment.

4 And I come to town here, I  
5 drive around town. Look at all the for sale signs  
6 on these properties. People are moving out  
7 because there is nothing for them here.

8 I want to create -- this mine  
9 could create a future for our younger generation.  
10 Like I said, I listened -- I'm sorry, I couldn't  
11 be at Red Stone because I lost a niece, a family  
12 death, and I heard Chief Percy Guichon say just  
13 because there was a death in the Charleyboy family  
14 there is nobody at Red Stone. That's not true.

15 Because every time this thing  
16 about mining comes up in the communities, people  
17 are not interested any more. There's a lot of  
18 people that are in support of the mine, younger  
19 people, I've talked to a lot of young people.

20 Said, look, Ervin, I'm a  
21 hundred percent behind you. Said, why don't you  
22 tell the public that? They don't want to speak  
23 out. They are in favor of the project, the mining  
24 project, but they are scared to speak out because  
25 of the way I got treated. They are in favor of

1           it. I just heard one guy a little while ago say  
2           that. I mean, they are not explaining everything  
3           to you. And I go to an Anaham. I got friends in  
4           Anaham. They said they are a hundred percent  
5           behind me.

6                           (Unintelligible comment from  
7           public)

8           That kind of treatment is what  
9           I get, but I'm not going to quit. I'm just going  
10          to keep going. I'm not acquitter. So anybody got  
11          any objections as to what I have to say, they can  
12          come out and talk to me later.

13                         Thank you.

14                         CHAIRPERSON ROSS: Thank you  
15          very much.

16                         I will remind people in the  
17          room that rules of the hearing are show respect  
18          for others, please.

19                         The next speaker is Jane  
20          Wellburn.

21          PRESENTATION BY JANE WELLBURN:

22                         MS. WELLBURN: My name is Jane  
23          Wellburn, and I will be reading the closing  
24          remarks prepared by David Williams and on behalf  
25          of the Friends of the Nemiah Valley.

1 I thank you for the opportunity  
2 to do so.

3 On behalf of Friends of Nemiah  
4 Valley, you have heard and received comment on the  
5 New Prosperity mine project from anthropologist  
6 Dr. Mark Pinkovski; economist John Learner;  
7 biologist Wayne McCrory; civil engineer Don  
8 McKinnon; and environmental scientist Dr. Karen  
9 Hurley; landscape planner Dr. Joan Bhaatachara  
10 (ph), and introductory remarks by David Williams,  
11 president of Friends of the Nemiah Valley.

12 These remarks today are  
13 informed by those presentations, our  
14 understandings of the environmental impact  
15 statement in its final form, the many technical  
16 presentations from both the Proponent and others,  
17 and the hours of community testimony in the towns  
18 and communities of the Caribou-Chilcotin. Where  
19 we could not attend personally we followed all  
20 hearings on-line.

21 First, allow us to congratulate  
22 the Panel and CEAA staff for your endurance,  
23 patience and apparently unflagging attention. The  
24 task you are engaged in is of great significance.  
25 Your report will affect the lives of many people.

1                   Nothing we have heard since we  
2                   prepared our introductory remarks causes us to  
3                   revise our then conclusions as to the  
4                   inappropriateness of this project. Quite the  
5                   reverse.

6                   It appears to be an impossibly  
7                   complex experiment with the environment that  
8                   requires management in perpetuity with enormous  
9                   impact on fish, wildlife and the people of the  
10                  Nemiah Valley and beyond.

11                  It has the potential,  
12                  particularly with the present Proponent, of  
13                  setting back settler aboriginal relations a  
14                  century or more. It also appears to be of  
15                  questionable economic benefit to society at large.

16                  As we did for the review Panel  
17                  assessing Prosperity mine in 2010, we draw your  
18                  attention to the sustainability assessment  
19                  framework utilized by the joint review Panel  
20                  considering (muffled) copper-gold mine project.  
21                  We think it provides a sound basis for assessment  
22                  of most projects, and particularly this one.

23                  The framework consists of five  
24                  parts, to which we will add a somewhat unique  
25                  legal situation.

1                   These five parts are:

2                   Environmental stewardship, social and cultural  
3                   benefits and costs, economic benefits and costs,  
4                   fairness and distribution of the benefits and  
5                   costs and present versus future generations.

6                   In terms of environmental  
7                   stewardship, the negative impacts are clear and  
8                   the mitigation efforts proposed of doubtful  
9                   utility, especially with regard to grizzly bears.

10                  Both Wayne McCrory and Dr. Sue  
11                  singer presented authoritative and compelling  
12                  evidence in this regard. Provincial, federal and  
13                  independent experts appear to all agree that  
14                  Taseko's ability to preserve acceptable water  
15                  quality in Tezton Biny and adjacent lakes is  
16                  doubtful at best.

17                  Compensation strategies  
18                  proposed appear to require the re-engineering of  
19                  much of the territory and the opening up of areas  
20                  better left alone.

21                  The social and cultural  
22                  benefits are extremely one-sided, where they exist  
23                  at all. There may some local economic benefit in  
24                  a town like Williams Lake that will result in some  
25                  social and economic improvements for the small

1 business elite.

2 The intrusion of a large number  
3 of miners, as an example, has not been  
4 demonstrated elsewhere to result in lower crime  
5 rates.

6 The social cost to the people  
7 of the Nemiah Valley and other First Nations  
8 communities on the other hand, will be enormous.  
9 They have spoken eloquently and at length about  
10 how they feel this would impact them, and we  
11 should heed what they say.

12 Both Dr. Bhaatachara and Dr.  
13 Hurley have provided support for what Chilcotin  
14 people themselves are saying: This mine could end  
15 a way of life that is struggling to move into a  
16 post colonial era with resilience and fortitude.  
17 We believe it is not too much to say that this  
18 would be a crime against humanity.

19 The economic benefits and costs  
20 of this project would likewise be unevenly  
21 distributed.

22 There might be some economic  
23 benefit to local businesses. Some First Nations  
24 workers might be hired, though wage labour in the  
25 mine can be a poor fit to the Tsilhqot'in way of

1 life to which seasonal food gathering activities  
2 are central.

3 Economist John Learner has  
4 pointed out the negative economic consequences for  
5 the Xeni Gwet'in who have charted an independent  
6 economic course that requires a pristine  
7 environment and abundant fish and animals.

8 Dr. Schaeffer's analysis is  
9 compelling, that the larger economic benefits to  
10 society of this project are not only non-existent  
11 but are actually net costs. We accept his  
12 analysis as the correct one. Don McKinnon has  
13 outlined additional road costs that Taseko does  
14 not deny.

15 The public purse would be  
16 required to subsidize the project with doubtful  
17 economic justification, though it might enrich TML  
18 shareholders and a few business people in Williams  
19 Lake and even less likely in 100 Mile House.

20 Fairness and distribution of  
21 the benefits and costs. As stated, the benefits  
22 would be few and, to the extent any, would accrue  
23 very unevenly. The costs would overwhelmingly be  
24 borne by local First Nations' communities,  
25 especially Xeni Gwet'in and Yunesit'in. The cost



1 to society at large in unrest and damage to  
2 settler First Nations relations would be  
3 incalculable and ongoing.

4 To address the fifth part of  
5 the framework, present versus future generations.

6 Again, First Nations have  
7 spoken. They dread the loss of a spiritual place  
8 and a place of refuge and sustenance. A place  
9 where they can transmit their way of life and  
10 value to the younger generations. This cannot be  
11 replaced or reclaimed once destroyed.

12 But not only will First Nations  
13 lose. We have found through study and long  
14 experience that those who are latecomers to this  
15 land have important things to learn from those who  
16 have been here 10,000 years or more. We believe  
17 you will have been exposed to some of those  
18 lessons, spiritual and otherwise, in your  
19 involvement in the Tsilhqot'in and other First  
20 Nations community hearings.

21 We need not elaborate on the  
22 legal situation as it has been more than  
23 adequately addressed by Jay Nelson and Dr. Mark  
24 Pinkovski. Suffice it to say, the rights of the  
25 Tsilhqot'in people are firmly entrenched in

1 Canadian law. We believe they are sufficiently  
2 strong to protect Nabas from the intentions of  
3 Taseko Mines Ltd., and New Prosperity mine.  
4 However, it would be most regrettable should it  
5 come down to this.

6 A word on the cumulative  
7 effects. This subject, while it may have the  
8 potential to take you beyond your immediate  
9 mandate, is of extreme importance in our view.

10 An analysis means working from  
11 a baseline. TNG has provided this to some extent  
12 with its maps showing the extent of industrial  
13 development that has taken place or is planned.  
14 Logging and further mine development which would  
15 be enabled by New Prosperity road and power line  
16 infrastructure, would compromise forever the  
17 protection of lands, waters and wildlife between  
18 several already existing protected areas making  
19 them useless for their intended purposes of  
20 preserving wildlife habitat.

21 Such enabling of future  
22 developments would project the impact of the mine  
23 beyond its immediate geographic area and even an  
24 extended mine life.

25 This is an area of

1 international significance and the potential for  
2 its protection would be lost forever.

3 In closing, we wish to say that  
4 we greatly regret that this project and the manner  
5 in which it has been promoted, has again brought  
6 division of the communities of the  
7 Caribou-Chilcotin. We think it was a mistake to  
8 allow it to be brought forward again.

9 This has brought great distress  
10 to many people. We would like to be able to  
11 accept that the Proponents believe they are doing  
12 something worthwhile for society and are acting in  
13 good faith, but they are very wrong when they say  
14 that we who oppose the mine are simply doing so  
15 because we don't fully understand.

16 We understand all too well and  
17 are prepared to say that it is their understanding  
18 that is deficient. Perhaps their experiences in  
19 Tsilhqot'in communities has brought them some  
20 understanding of just how harmful what they are  
21 proposing would be.

22 You are engaged in a huge task.  
23 You have the opportunity to do great harm or treat  
24 good with your report. You are dealing with  
25 matters of national and global significance.

1                   We have a great respect for the  
2                   process, as we have observed it, and we feel  
3                   confident you will prepare an independent and  
4                   honourable report that reflects the best of what  
5                   this great country can be.

6                   Thank you very much.

7                   CHAIRPERSON ROSS: Thank you,  
8                   Ms. Wellburn.

9                   There is a rumour spreading  
10                  around here that Frank Dobbs is in the room. If  
11                  so, please go ahead, sir.

12                 PRESENTATION BY FRANK DOBBS:

13                 MR. DOBBS: I didn't expect to  
14                 be tardy. I expected to be early, but I'm not.

15                 I want to thank you for the  
16                 opportunity. I've not much to say like last time.

17                 We're looking at 31,000 square  
18                 miles in the Chilcotin. We're looking at one  
19                 square mile that will provide a future for many  
20                 people in the area, especially First Nations.

21                 I have great admiration for  
22                 Chief Clarence Louie, who is an outstandingly  
23                 great chief, and right now we have an opportunity  
24                 in the Chilcotin for a very great chief to come  
25                 forward and lead his people where they can be

1 economically looked after for years to come, and I  
2 hope he comes forward soon. He has that  
3 opportunity. Everybody will benefit.

4 Thank you very much for your  
5 time.

6 CHAIRPERSON ROSS: Thank you,  
7 Mr. Dobbs.

8 Our next speaker is Karina  
9 Brino, Mining Association of B.C.

10 PRESENTATION BY KARINA BRINO:

11 MS. BRINO: Good afternoon. My  
12 last name is Brino, B-R-I-N-O, president and CEO  
13 of the Mining Association of B.C.

14 First of all, I would like to  
15 acknowledge the Panel and recognize the difficult  
16 task that you have of providing a balanced report  
17 to the decision makers on this project. I would  
18 also like to acknowledge the contributions here  
19 today from all of the aboriginal leaders, the  
20 community leaders and the local government leaders  
21 as well.

22 I think from my perspective it  
23 is incredibly important to acknowledge the  
24 tremendous opportunity that we have in British  
25 Columbia to demonstrate that we are leaders when

1           it comes to responsible development, and that  
2           includes the mining industry.

3                       So on behalf of those leaders  
4           in British Columbia, I would like to provide you  
5           with some closing remarks.

6                       The mining industry in British  
7           Columbia is a \$10 billion industry that directly  
8           in employs over 10,000 workers, many of whom are  
9           aboriginal peoples. We are, in fact, the largest  
10          private sector employer of First Nations in  
11          Canada.

12                      These jobs are not only  
13          sustainable in terms of the compensation that  
14          comes with it over 121,000, including benefits for  
15          an average salary, but there are also sustainable  
16          in terms of the transferability of those skills  
17          that people gain in these jobs and their ability  
18          to move within the company to bigger and better  
19          things when it comes to skills, training and  
20          development.

21                      Today I would like to reiterate  
22          our comments at the initial session of this Panel.  
23          We came here to let you know of some of the  
24          initiatives, some of the commitments of the mining  
25          industry in British Columbia has made to

1 demonstrate our commitment to responsible  
2 development.

3 We talked about many of the  
4 success stories that we can share from other  
5 projects and other -- in other geographic areas.  
6 But the company that is putting the process or the  
7 project through now has also shared some of those  
8 successes that they have had in some of their  
9 other operations.

10 So I want to make sure that we  
11 don't lose sight of -- this is not just about jobs  
12 in the economy, it's not just about numbers. It's  
13 about how do we actually share the value that this  
14 industry brings to British Columbia across the  
15 province?

16 I also want to let you know the  
17 reason, the very reason why I personally joined  
18 this industry is because of that, because of its  
19 commitment to responsible development, because of  
20 its commitment to the principles of sustainability  
21 and because of its commitments to contribute to  
22 the communities. I'm not a mining engineer. I'm  
23 not a geologist. I'm a social worker.

24 Far too many times I have seen  
25 in my career people living in harsh situations

1 where there is absolutely no hope for them. Many  
2 of the people that leave rural communities are  
3 clients that I saw in the downtown Vancouver area,  
4 east side, because they left their communities  
5 because they had nothing to do. There were no  
6 jobs, no education opportunities and nothing that  
7 they could actually look forward to. Many of  
8 those people were my clients. This is 20 years  
9 ago. I'm actually dating myself a little bit.

10 But the reason why I joined  
11 this industry is because of the contribution that  
12 the industry can make, but also the obligation  
13 that we have imposed on ourselves to give back to  
14 the communities where we operate.

15 So on that note, I want to make  
16 sure that we're not here about just the numbers.  
17 We're also here because we believe in growth. We  
18 believe in growth of everyone.

19 And that has, I think, a place  
20 in the regulatory system as well. I'm a former  
21 employee of the Ministry of Energy and Mines. I  
22 participated in the regulatory system for a number  
23 of years, 10 years. And I can -- I have been a  
24 witness of the rigor that companies have to go  
25 through to obtain their permits. The



1 environmental assessment process is only one step  
2 that a Proponent has to take in order to achieve a  
3 full permitting operation.

4 There was over 40 and 50  
5 permits that a company may have to get to be able  
6 to operate in this province.

7 So when we look at this  
8 particular process and this particular project, we  
9 can't look at it in isolation. What we're going  
10 through here -- and I mean we as a society -- the  
11 discussions from the dialogue that we are engaged  
12 in today this, is only part of the process to get  
13 a mine permitted. This is only one view and one  
14 look at all of the environmental impacts, all of  
15 the opportunities that we have in terms of the  
16 economics, but also about making a commitment on  
17 how do we work together to make sure that this is  
18 a responsible operation.

19 The mining industry in B.C. has  
20 made some very important commitments to that  
21 contribution in terms of the dialogue, and we have  
22 adopted the Mining Association of Canada's  
23 (muffled) Sustainable Mining Initiative precisely  
24 as a result of our commitment to that  
25 transparency, that accountability and that



1           just a responsibility of the industry, although we  
2           do need to be held to account when it comes to  
3           that. But communities also have a social  
4           responsibility, and some of the comments that I've  
5           heard today about this community suffering from  
6           the lack of opportunities when it comes to  
7           employment, training and education, in this  
8           community we also have a responsibility to look at  
9           what are some of the options around us. What are  
10          some of the opportunities that we can seize today  
11          to make -- to provide an impact for our young  
12          people, to make sure that there is an opportunity  
13          for them in the future.

14                         But I think government also has  
15          a social responsibility. Governments have a  
16          social responsibility when it comes to public  
17          policies and when it comes to how decisions are  
18          made, how processes are run, and what are the time  
19          lines associated with those processes.

20                         I do share some of the comments  
21          that I have heard today that this process appears  
22          to have been very divisive in this community. I  
23          don't live here so I can't speak for it first  
24          hand, but I do feel that this has been a very  
25          difficult process for the people who live here.

1                   So what is the social  
2                   responsibility of government when it comes to  
3                   figuring out a better way of having this  
4                   conversation and having this dialogue?

5                   The last part that I want to  
6                   address is that aspect of economic viability. And  
7                   when we talk about numbers, it appears that most  
8                   of the comments that I have heard have been around  
9                   the economics in favour of the company, or the  
10                  industry, or the Proponent in this case.

11                  I think there needs to be a  
12                  conversation about the economics and the numbers  
13                  and the opportunities for the people in the  
14                  communities, but also not just because of direct  
15                  employment but also the spinoff opportunities that  
16                  come with that development as well.

17                  So we have a big challenge  
18                  before us, and the big challenge is how do we  
19                  engage in a conversation, in a process, in a  
20                  decision-making environment that is going to allow  
21                  us to find common ground? How do we begin that  
22                  conversation with those principles in mind? How  
23                  do we do this going forward? How do we ensure  
24                  that we build a sustainable community in Williams  
25                  Lake so that the young people that be going to be

1           graduating this year have a job and have a future  
2           when they get out of school next year?

3                           There was a huge risk of not  
4           approving this mine, or not approving any project  
5           when it comes to it. And we have that opportunity  
6           to mitigate that risk.

7                           I've ran out of time, so I  
8           thank you for your time.

9                           CHAIRPERSON ROSS: Thank you  
10          very much, Ms. Brino.

11                          The next speaker is Dr. Bruce  
12          Stadfeld McIvor.

13          PRESENTATION BY DR. BRUCE STADFELD MCIVOR:

14                          DR. MC IVOR: Good afternoon,  
15          Panel. My name is Dr. Bruce Stadfeld McIvor,  
16          M-C-I-V-O-R. I'm legal counsel for Secwepemc  
17          Xgat'tem First Nations. Chief Archie and  
18          Councillor Adam.

19                          I've handed up an outline of my  
20          remarks. I don't expect I'll have to get through  
21          it all, but I'll touch on the high points as I go.

22                          Before I start, I did want to  
23          make a comment about the use of the timer today  
24          with the bell that goes off, and I think it's  
25          unfortunate. It's indicative of the time

1 restraints under the new act, under CEAA 2012.  
2 I'll talk about a bit more from my client's  
3 perspective as we go along.

4 So just a quick outline of what  
5 I intend to touch on today. I'll start with the  
6 issue of the Panel's jurisdiction; then I'll move  
7 to summary of the some of the salient points from  
8 the first Panel; third I'll touch on the evidence  
9 you heard at Dog Creek on Wednesday; and fourth, I  
10 will end off with recommendations.

11 First, on my client's position.  
12 The position is the same, of course, as it was  
13 three years ago as the first Panel: They oppose  
14 the project. There are the significant effects  
15 from project, both on the environment and, most  
16 importantly, on their aboriginal title and rights,  
17 meaning that the project cannot proceed.

18 On the Panel's jurisdiction. I  
19 want to state that my comments here, and all of my  
20 comments, are without prejudice to our position on  
21 the Panel's jurisdiction that you have by my  
22 letter of February 18th, 2013.

23 Now it's important to  
24 understand the relationship of this Panel with the  
25 first Panel. You are not an appeal Panel. The

1 minister accepted the first Panel's report.  
2 You're not here because he rejected it. You're  
3 here because in fact he accepted it. And from my  
4 client's point of view that's very important when  
5 you are considering the transmission line. You  
6 must start with the first Panel's findings,  
7 conclusions and recommendations. That's what you  
8 build your report off of. There is no doubt about  
9 that, based on the terms of reference.

10 Now, what you can do, and this  
11 is very important based on section 3.11 of the  
12 terms of reference. You can recommend further  
13 mitigation measures. That's very important, both  
14 for the environmental effects and for the  
15 infringement of title and rights.

16 Now, this is one area we would  
17 suggest the Panel take a very serious look at,  
18 because the first Panel we think didn't really see  
19 the difference between a significant adverse  
20 environmental effect and effect on treaty rights,  
21 on rights and title.

22 In the law they are very  
23 different, and the findings are there in the first  
24 Panel's report. What they didn't do to the extent  
25 of perhaps they could have was draw them out and

1 make those findings very explicit. We suggest you  
2 do this for this Panel.

3 We say you must do that  
4 because, like the first Panel, you're involved in  
5 something a lot more than just an environmental  
6 assessment. These are my client's constitutional  
7 rights. This isn't just about CEAA 2012. They  
8 have been told by government to be here about the  
9 fulfillment of a constitutional obligation to  
10 them.

11 What the courts have said is a  
12 constitutional imperative, much higher importance  
13 than CEAA, and it's important that you keep that  
14 in mind.

15 So when you're looking at  
16 significant adverse environmental effects, that's  
17 different than a serious effect on aboriginal  
18 title and rights.

19 First of all, it's got to be  
20 within section 5 of CEAA. That's what the  
21 environmental issues are. Aboriginal title and  
22 rights are not there. Additional harvesting  
23 practices are not synonymous with title and  
24 rights, so that's important.

25 Also, you're looking at



1           significance. What is significant in the sense of  
2           CEAA in the guidelines set down? That's different  
3           than serious effects on title and rights. The  
4           threshold and the law is different.

5                        So that is why they know you  
6           can't make any findings about this, and we're not  
7           disputing that. But you do have to make  
8           conclusions on that there are serious effects.  
9           Not what the legal obligation -- consequences are.  
10          But there are serious effects on my client's title  
11          and rights.

12                       It's important section 3.12  
13          doesn't preclude you from doing that. You can't  
14          make determinations on the validity of rights or  
15          on the scope of the Crown's duty and whether that  
16          duty has been fulfilled. That is what you are  
17          precluded from doing.

18                       So we say not only can you, but  
19          you must make findings about the seriousness of  
20          the effects on title and rights. And whether it's  
21          to do with the transmission line, you already have  
22          the information there. You have the findings  
23          there. You have the conclusions of the first  
24          Panel.

25                       Now, from there I want to move

1 onto some of the most, we say, important evidence  
2 that you had never heard, because you weren't here  
3 for the first Panel.

4 We had two days out in Dog  
5 Creek then, not the rushed type of day that we had  
6 on Wednesday. And this also goes back to working  
7 under CEAA 2012. You heard from my clients how  
8 disheartening it was to be back there. A lot of  
9 them weren't there. A lot of them were out doing  
10 the things they do on the land. They were  
11 fishing, they were gathering.

12 So it's unfair to think that  
13 you're sitting in the same position as the first  
14 Panel was. You are not. You didn't hear from a  
15 lot of people who testified to the first Panel.  
16 So on page 2 of my outline, I've got a bit of a  
17 summary of some of it. I've provided the  
18 Secretariat with excerpts of about 30 or 40 pages  
19 from the first Panel's review.

20 I urge you read it and read it  
21 carefully. You are not there to hear their  
22 voices, and that's really unfortunate. But if you  
23 work at it, their voices will come through.

24 They are powerful speakers from  
25 the heart.

1                   So I've outlined some of them.  
2           Mildred Callison (ph), and this goes back to the  
3           loss of culture, the importance of those practices  
4           on the land. Phil Anderson, talking about  
5           increased access, how important it is to be out  
6           there alone, to be able to teach their youth.  
7           Kaylin Paw (ph) about their annual camping trips.  
8           You saw the video Red Mountain. That's been going  
9           on for 20 years. How important that is to the  
10          community.

11                   Councillor Gerald Duncan  
12          talking about Little Dog, and, importantly, you  
13          didn't hear much of this because the people  
14          weren't there. The importance of the other side  
15          of the river, the west side, the side that's not  
16          as developed as the east side. The remoteness and  
17          how that is integral and that is at jeopardy with  
18          this transmission line. He said, because that's  
19          where you learn, out there in the remote areas.  
20          That's where everything comes together for you.

21                   If you read that testimony  
22          you'll see that over and over and over. The  
23          remoteness. Access is a serious, serious concern.

24                   The tourism. Even that -- you  
25          see that as an economic possibility. But Phyllis

1 Jack talked about how actually it's really  
2 important just to help build and sustain their own  
3 identity. It's not just about economics. You did  
4 hear from Dave Archie this time, but you didn't  
5 hear him the first time when he talked about  
6 catching his first fish out there, how important  
7 that is. Worried for his grandson.

8 Louise Harry testified without  
9 the land we wouldn't have accomplished what we  
10 have. It's not only for food, but it's for body  
11 or body, mind and spirit. And this is a really  
12 important point. This is goes to the core of what  
13 constitutional aboriginal rights are about, such  
14 as going out there and being able to fill your  
15 fridge. It's not just about that. It's about the  
16 centrality to who they are as a people, and that  
17 is practicing on the land. That is why you heard  
18 from person over and over again: My children, my  
19 grandchildren, I need to be able to do this to  
20 pass it on.

21 At the first Panel we heard  
22 from Councillor Harold Harry, and there he talked  
23 about his experience from residential school. And  
24 there it's really important again because you  
25 heard this a bit more on Wednesday. That

1 generation when they came back, they were finally  
2 with their parents, with their grandparents, they  
3 could go out on the land. It was only for short  
4 times during the summer, but that was what they  
5 had to hold onto for who they are. And so he  
6 talked about as: That's where I find that peace  
7 is out there. That really sums up for a lot of  
8 people that weren't able to testify this time.

9 Now, you did hear new  
10 testimony. And you heard from Councillor Adam, a  
11 new developing leader in the community. In his  
12 generation too you heard it again. He said we're  
13 trying to get a better future for our little  
14 ones. We're trying to preserve a future for our  
15 people with our culture on the land.

16 And he said, I don't want to  
17 tell my children where we used to hunt, fish, pick  
18 berries. You heard from Councillor Patrick Harry,  
19 and this echos what Chief Fred had to say to you  
20 this morning.

21 It's the same project, nothing  
22 is new, and how disheartened they were to have to  
23 come back and face the same project again after  
24 they poured their hearts into speaking to the  
25 first Panel.

1                   And this is very important.

2                   Councillor Harry said: People should be judged on  
3                   what they have done, not on what they say they  
4                   will do. And this is what I say the standard you  
5                   should hold Taseko to. What have they done?  
6                   You've heard a lot over the last month what they  
7                   are going to do, what they are intentions are.

8                   Hey, they're not new to the  
9                   scene. They have been pushing this development  
10                  for over 15 years, 20 years. There's a track  
11                  record. That, I say, has to be held against them.  
12                  What they have done when you're sitting there  
13                  thinking, what might they do for the future?

14                  You saw Joyce Harry, and she  
15                  showed parts of that video. Again, they there are  
16                  out on the land and she was talking about, I think  
17                  of my granddaughters. That's constant. They are  
18                  thinking about trying to pass it on.

19                  Louise Harry. Again, a  
20                  residential school survivor. The peace and  
21                  harmony when you are on the land.

22                  These are the people that you  
23                  are dealing with. People that have suffered  
24                  colonization. You can't put yourself in their  
25                  shoes but you can hear their voices.

1                   It's Virginia who testified  
2                   about the residential school.

3                   So that's the setting for you.  
4                   You just heard a bit of it. It shows why it's so  
5                   important to turn yourself to that first Panel's  
6                   report.

7                   Now, from the first Panel, what  
8                   was the evidence before it? And I want to  
9                   emphasize this. We're here, my clients are here  
10                  because of their constitutional rights. They  
11                  happen to be forced into a process that is an  
12                  environmental assessment. But they are here  
13                  primarily because of their constitutional rights.

14                  So from the first Panel -- at  
15                  the bottom of page 4. The first Panel heard of  
16                  course they couldn't make any decisions about  
17                  this, but this is what the evidence was, that  
18                  there is a proven aboriginal right to hunt. And  
19                  I'll go back to this.

20                  They site the Alphonse case.  
21                  There is an accepted aboriginal right to fish.  
22                  They go out there and fish, they don't have the  
23                  government chase them around and tossing them in  
24                  jail unless they are trying to do commercial  
25                  fishery. But if it's food, social and ceremonial,

1           it's accepted.

2                           There's an uncontested right to  
3 trap and gather plants, and they have a strong  
4 claim to aboriginal title.

5                           So that is important. That is  
6 the context for them. It's not the one that is  
7 environmental assessment, but because you've been  
8 put into this role when you're thinking about what  
9 my clients' interests are, you start there.

10                           Now, on page 5 of my outline  
11 I've got some of the pointing to some of the  
12 evidence, conclusions and findings you can find in  
13 the first Panel's report. I'm not going to repeat  
14 it all but just some of the potential effects.

15                           How important it is for them to  
16 practice their rights on the land. They are not  
17 traditional practices. They are their rights,  
18 their aboriginal constitutional rights.

19                           And how fragile those  
20 grasslands are. The seriousness of increased  
21 access. And I can't overemphasize this,  
22 especially west of the river. That transmission  
23 line becomes a transportation corridor. Doesn't  
24 matter, as you heard on Wednesday, if it's a  
25 hundred meters wide or 50 meters wide. You can



1 still drive an ATV down the....

2 The fragmentation of the  
3 ecosystems. Burial grounds, archeology, tourism,  
4 trap lines, over and over and over again. You  
5 also heard again about the concerns about  
6 interference with their treaty negotiations. This  
7 was a serious concern identified by the first  
8 Panel. It continues to be a serious concern.

9 You heard from my friend  
10 Mr. Gustafson about, well, they can always get  
11 other land.

12 Now, there's two serious  
13 problems with that point of view. First of all,  
14 it's not just about whether the province has  
15 jurisdiction Taseko talks about. They have  
16 jurisdiction to give these authorizations in the  
17 land. The issue is, did they give any  
18 consideration, did Taseko give any consideration?  
19 Did the provincial environmental assessment office  
20 give any consideration to the effect, the  
21 potential effect of putting that transmission line  
22 corridor through on their treaty land selection.  
23 That's in number one issue.

24 First of all, there's no such  
25 thing as just get other land. You would think

1           that Taseko would have heard this now, loud and  
2           clear. Land is not just land for my clients in  
3           the way that it might be for yourself or for --  
4           buy and sell land in fee simple. You can't just  
5           exchange the land. They talked about this  
6           specifically for the Dog Creek -- Little Dog. You  
7           can't just, okay, how much land, let's go and give  
8           you the same amount of land.

9                           That's completely at odds with  
10           the way my clients relate to their territory and  
11           they are constitutional rights. There's an  
12           important case from the Supreme Court of Canada  
13           about this Treaty 8, the Mikison (ph) case. We'll  
14           put the road through, you can just go hunt  
15           somewhere else.

16                           The court said, that's not  
17           right. You can't just go hunt somewhere else.  
18           That's where they hunt.

19                           So on page 6 -- I've excerpted  
20           here some of the key conclusions we think you  
21           should -- from the first Panel, that you should  
22           rely on.

23                           So the first -- and this is at  
24           page 219 -- that the project would have a negative  
25           effect on Secwepemc aboriginal rights to hunt and

1 harvest plants.

2 There it is at page 219. The  
3 Panel finds that:

4  
5 "The effects of their transmission line  
6 on the Secwepemc may be long term and  
7 potentially irreversible." Period.

8  
9 Now, that was when we thought  
10 that there was a de-commissioning plan and that  
11 the line was going to come out. Now it looks more  
12 likely that it will never be removed. And you  
13 must take that into account. There is no  
14 get-through-it generation and then we'll take this  
15 line out.

16 The evidence before you  
17 indicates that it's more than likely it will never  
18 be taken out. And also from page 219, the Panel  
19 also notes that similar to the Chilcotin, Taseko  
20 has not proposed any compensation to offset these  
21 losses. And I'll come back to this. That still  
22 stands. Three years later, nothing.

23 Page 220 of the first Panel's  
24 report. Quote:

25

1                   "The project may result in significant  
2                   adverse effect on Secwepemc and  
3                   Xgat'tem title."

4  
5                   Again, this goes to their  
6                   aboriginal title. That's what the first Panel  
7                   found. That's what this Panel, we say, has to  
8                   rely on.

9                   Next one. Page 245. And this  
10                  is very, very important:

11  
12                  "The project would infringe on  
13                  established aboriginal rights as per the  
14                  William case and the Alphonse case."

15  
16                  Now that's referring to a  
17                  Secwepemc case that established my client's right  
18                  to hunt. So they are not just referring to the  
19                  Tsilhqot'in here. It would infringe it. And:

20  
21                  "It is the Panel's view that typical  
22                  mitigation measures would be unable to  
23                  provide accomodation for this  
24                  infringement." Period.

25

1                   And then last on page 245 the  
2 Panel also notes that:

3  
4                   "While it has provided recommendations  
5 that should be implemented, should the  
6 project proceed it does not believe that  
7 these recommendations would eliminate or  
8 accommodate the significant loss First  
9 Nations," plurals, "would experience  
10 as a result of the project."

11  
12                   And as I say, they heard the  
13 evidence much more than what you heard yourself.  
14 Of course, for the transmission line, nothing has  
15 changed.

16                   Now, there is one issue that we  
17 take with the first Panel of significance, and  
18 this is the effect of shifting around where the  
19 centre line would go. And you'll see at page 219  
20 of the first Panel's report that they thought that  
21 perhaps because you could shift that around within  
22 the 500 meters, there wouldn't be a significant  
23 adverse environmental effect.

24                   Now, the first is -- that there  
25 wouldn't be a significant effect on my client's

1           aboriginal rights and title. That's not what they  
2           are saying, and it seems to have been mis-read.  
3           They are talking about adverse environmental  
4           effects.

5                               Second, we don't agree with  
6           that, how shifting it around is going to offset  
7           all those issues about access that you heard,  
8           about impact on practicing their rights, how is  
9           that going to solve the issue about treaty land  
10          entitlement. There is a whole host that shifting  
11          it around within 500 meters isn't going to solve  
12          it.

13                              Now, on page 7 we take you to  
14          this issue of the alternative route. I want to  
15          make a quick point about this, and my client  
16          supports and adopts the submissions from Chief  
17          Robbins on this, that it should be reconsidered.

18                              There's obvious reasons why.  
19          The first Panel pointed out the first reason at  
20          page 36. This option -- this preferred  
21          alternative was chosen in 1997. There was no  
22          consideration, then, of effects on First Nations'  
23          current activities for traditional purposes, and  
24          cultural heritage. It just wasn't a factor.

25                              Second, there was no

1 consideration about the effects on my client's  
2 aboriginal title and rights. Again, that wasn't a  
3 factor. This was 1997, the same year that the  
4 Delgamuukw decision came out from the Supreme  
5 Court. That is seven years before the Haida (ph)  
6 decision. So they weren't factors.

7 Second, you'll see that it fits  
8 with the recommendations from the first Panel.  
9 Their first one about the possible Hanceville/Soda  
10 Creek, right. Hey, let's look at that.

11 There's recommendation 12,  
12 which was relocate to avoid the effects on the  
13 Secwepemc community forest, and, third, if you  
14 look at the Panel's conclusion at page 202, that  
15 it may mitigate the effects on the current uses  
16 for traditional purposes.

17 Now I'll get to this at the end  
18 for the recommendation, but we strongly recommend  
19 there be a proper assessment of all the  
20 alternatives.

21 Now, this is important. As I  
22 say, there's a track record, or I should say there  
23 is no record of doing anything since the first  
24 Panel's report. So the track record is that they  
25 have continued to do the same as what the first

1 Panel heard.

2 The first Panel, and this is  
3 important on page 31, referred to the provincial  
4 environmental assessment offices review. And that  
5 was done before the first Panel even did its  
6 hearings. So that provincial EAC didn't consider  
7 all the information that the first Panel heard.

8 And you heard from Patrick  
9 Harry in testimony on Wednesday that B.C. has done  
10 nothing since to address the conclusions and the  
11 recommendations of the first Panel. What has  
12 Taseko done? Again, nothing. Nothing has been  
13 done.

14 300-page report three years  
15 later. Nothing. That's the testimony. And,  
16 importantly, my client's door has always been  
17 open.

18 Mr. Yelland testified on  
19 Wednesday that many issues could have been cleared  
20 up if Taseko would have been able to meet with the  
21 community. What was stopping there? The door was  
22 open.

23 Patrick Harry testified about a  
24 meeting they did have with the president of Taseko  
25 after the first Panel's report. What comes up



1 from there? According to Patrick Harry, Taseko's  
2 president said, what do you want? It's been all  
3 these years. They have gone through a full Panel  
4 review. There's been a 300-page report, and  
5 that's what he's asking them? What do you want?  
6 Not, here's what we think we can do for you, we've  
7 got a plan. No. Patrick said it was insulting.

8 Now, I'm onto my final section  
9 before my conclusion.

10 Recommendations. First of all,  
11 just like the first Panel, this must be rejected.  
12 This project cannot proceed. Nothing has changed  
13 in the last three years, as far as my clients are  
14 concerned. And, importantly, it's not just  
15 Taseko. It's the provincial government also.  
16 They have done nothing. And we say it's important  
17 that you draw a negative inference against Taseko  
18 from the fact that they have done nothing. They  
19 have done nothing over the last three years. We  
20 can expect they will do nothing in the future.

21 Second, we say that you should  
22 make conclusions that the project will have  
23 serious effects on my client's aboriginal title  
24 and rights . They will have serious effects.  
25 This isn't adverse environmental effects, just

1           that in your opinion they are serious.

2                           That's not a question of law.  
3           That's not precluded. You can do it, you should  
4           do it, we say, because you're assisting through  
5           this process the Crown, who will be making an  
6           ultimate decision on both infringement and the  
7           duty to consult. They will be relying on your  
8           findings. You have an obligation to do this.

9                           So serious effects on my  
10          client's proven right to hunt, on their accepted  
11          right to fish, on their uncontested rights to trap  
12          and gather plants and on their strong claim to  
13          aboriginal title.

14                          Third, your conclusions should  
15          be that nothing has been done to address the  
16          findings and recommendations from the first Panel  
17          in regards to the transmission line. There's no  
18          evidence of either the province or Taseko doing  
19          anything, and that is important that the minister  
20          know that.

21                          Fourth. We expect, as with the  
22          first Panel, you will still make recommendations  
23          on conditions. And so because we expect that to  
24          be part of your report, not because we think that  
25          the project should proceed, we want to speak to

1           those conditions because they are very important.

2                         They have to be the detailed,  
3           legally binding conditions. You have to go, we  
4           say, farther than the first Panel. That is  
5           something you can build on and that's within your  
6           terms of reference. And I'll talk about why that  
7           is so important.

8                         First of all, because they are  
9           not in the provincial environmental assessment  
10          certificate. And can you go back to my  
11          submissions for the first Panel where I went into  
12          that in detail because those conditions are not  
13          concrete, prescriptive conditions, which,  
14          especially in this situation, we say are needed.

15                        So you can go back and look at  
16          that provincial EAC, but very vague best efforts,  
17          we'll do things possibly if everything aligns and  
18          if it suits us. That's the kind of conditions we  
19          say have been imposed by the provincial  
20          government.

21                        Now there's case law that says  
22          the conditions must be concrete and specific, and  
23          I refer to that. I refer to the Pembina Institute  
24          case. That's very important. Also in the Pembina  
25          Institute case, that stands for the principle that

1 environmental assessment doesn't end when you file  
2 your report. This is an ongoing dynamic process.  
3 So I cite that and that's why these conditions are  
4 so important, that they allow for that.

5 But I also handed up are  
6 detailed prescriptive create conditions. And  
7 these go both the corridor option, which we've  
8 talked about, the mitigation of the impacts,  
9 access, archeology, monitoring, de-commissioning,  
10 though it doesn't sound like that will actually  
11 happen, and monitoring and compliance.

12 And I want to emphasize two  
13 aspects of all of those draft conditions that  
14 we've given you, because these are very important;  
15 that they recognize First Nation jurisdiction and  
16 decision-making. That should be part of any  
17 condition. It can't be, just, give me your input  
18 to what we decided or we think we're going to do.  
19 They have an interest in the land. They have a  
20 right to be part of the decision-making.

21 Then also there has to be some  
22 capacity there because saying that we'll involve  
23 you in monitoring or developing an access plan  
24 doesn't really mean very much if they don't have  
25 the capacity to actually take part. So that has

1 to be any of those conditions.

2 Now, up to my conclusion.

3 For this, I want to step back  
4 and talk about the constitution, because for my  
5 clients this is where it is. This is where it  
6 starts.

7 These are their constitutional  
8 rights at stake. And when we're talking about  
9 that, as I say, it's not just practicing out on  
10 the land in the sense of getting food. It's  
11 preserving them as indigenous people.

12 That's why they are talking  
13 about their children. Because that is how it's  
14 preserved and that is the purpose of section 35 of  
15 the Constitution, is to make sure that they are  
16 here in 25 years as distinct societies, distinct  
17 aboriginal peoples. That is only workable, it's  
18 only realistic if they have their land, if they  
19 continue to train their children, take them out  
20 there, have those experiences on the land. That  
21 is why it's so important. It's not just a  
22 transmission line.

23 So you've suddenly found  
24 yourself in this role. It's not typical  
25 environmental assessment kind of role. You're

1 being asked to wear not just another hat, I would  
2 say, a very weighty different, larger one.  
3 Because where you found yourself is, you've got a  
4 role in addressing the great shame of Canadian  
5 history.

6 Let's not pull any punches  
7 about that. For over a hundred years my client's  
8 lands and resources have been taken from them  
9 without their consent. That is the history. That  
10 is where you have found yourself. So you've got  
11 an important role in what the courts keep talking  
12 about, this ongoing process of reconciliation.

13 That is where you are. And for  
14 reconciliation that demands respect and  
15 recognition. Those are prerequisites to  
16 reconciliation, and we say there is no evidence of  
17 either respect or recognition from either the  
18 provincial government or Taseko in this process  
19 and in the first Panel's.

20 Because of that, Taseko has  
21 developed that track record. That is their track  
22 record of ignoring my clients. So there can be no  
23 confidence that going forward, suddenly they are  
24 going to change, suddenly they are going to start  
25 respecting and recognizing my client's

1 constitutional rights. And without confidence  
2 that my client's constitutional rights will be  
3 respected and recognized, there can be no  
4 reconciliation and there can be no Prosperity  
5 mine.

6 Those are my submissions,  
7 subject to your questions.

8 CHAIRPERSON ROSS: I believe we  
9 have no questions. Thank you so much for your  
10 presentation.

11 At this point we'll have a  
12 15-minute break and we'll return.

13 --- Recessed at 2:40 p.m.

14 --- Upon resuming at 2:55 p.m.

15 CHAIRPERSON ROSS: Ladies and  
16 gentlemen, I think we will reconvene. Our next  
17 speaker is Jay Nelson, Tony Pearse and the  
18 Chilcotin chiefs.

19 If I could get your attention,  
20 please. I'm going to assume Mr. Nelson is the  
21 person to whom I would direct -- or Mr. Pearse  
22 first. Go ahead.

23 PRESENTATION BY TONY PEARSE:

24 MR. PEARSE: Thank you  
25 Mr. Chairman. It's Tony Pearse, P-E-A-R-S-E.

1 I would JUST like to say at the  
2 outset your comments you've heard previously about  
3 your dedication and perseverance in this process  
4 is very much appreciated. I know it's been a long  
5 haul, and you still have a way to go.

6 I'm going to talk very briefly,  
7 then I'm going to turn it over to Jay Nelson. I'm  
8 going to highlight a lot of technical issues at a  
9 general level, but you do have all the information  
10 on the record from submissions that have been  
11 made, et cetera.

12 So I'm going to talk about the  
13 technical issues about saving Fish Lake because I  
14 think that is kind of the key technical issue for  
15 this project. Can Fish Lake be maintained?

16 It's important to recognize  
17 that this is a very unique situation. There are  
18 two goals here for Taseko and they are potentially  
19 in conflict, and that's the challenge that Taseko  
20 faces. The first one is the one that mining  
21 companies have to do, which is operate an  
22 economically efficient and a safe mine, but the  
23 second one is they actually have to preserve Fish  
24 Lake.

25 Now there are lots of examples



1 of mines that are close to lakes, in-lakes and so  
2 on, but those operations all have a single  
3 objective, which is to mine safely and  
4 economically and manage their wastes so that they  
5 don't contaminate.

6 This is different. This is a  
7 situation where a mining company actually has to  
8 actively manage and manipulate an aquatic  
9 ecosystem, and I don't know of any other examples  
10 of that.

11 So what the environmental  
12 impact statement needed to do was to prove not  
13 number one, we know Taseko and probably do number  
14 one; number two, that's the critical one.

15 Now, there are three objectives  
16 to achieve the goal. The first is they have to  
17 maintain the water quality within the natural  
18 limits of variation; they have to maintain the  
19 biological community in the lake; and they have to  
20 maintain the water volumes sufficient to maintain  
21 fish habitat.

22 There are three serious risks  
23 to those objectives. One is the contaminated  
24 groundwater from TSF seepage and other stockpiles  
25 around the site; the second is the changes to

1 water quality and biological community, that is to  
2 Fish Lake, as a result of the Fish Lake  
3 recirculation scheme; and the third one is the one  
4 we've heard a fair bit about, which was the loss  
5 of water from the lake through a hydraulic  
6 connection in the gravels between the lake and the  
7 pit such that fish habitat might be affected.

8 To deal with this, the  
9 Tsilhqot'in National Government hired eight  
10 consultants to look at various components of the  
11 project.

12 You have all of the reports and  
13 submissions in front of you. What they found is  
14 they found essentially an array of information  
15 deficiencies in the environmental impact  
16 statement. And, of course, the place you start  
17 with an environmental assessment is to make sure  
18 that you've got good reliable baseline data for  
19 groundwater, for surface water, for what's in Fish  
20 Lake and so on.

21 What we found is that the  
22 baseline data -- there's a lot of uncertainty, a  
23 lot of -- the baseline data was very limited in  
24 all of these aspects: Understanding how water  
25 moves on the surface, understanding how water

1 moves through rocks below, what the water quality  
2 is, limited sampling, poor data quality control et  
3 cetera, and, of course, the Fish Lake aquatic  
4 ecosystem which is a very complex organism, if you  
5 want.

6 And if the baseline data is  
7 flawed, then the analysis that you do and the  
8 modelling that you do to make your predictions is  
9 also questionable. You have to make sure that  
10 what goes into the process in terms of analysis is  
11 reliable and accurate and comprehensive.

12 Now, when we got into -- just  
13 one thing I wanted to say about the baseline  
14 information, is that it became apparent that in  
15 the three years or so, since the last go-around  
16 and certainly when this project came was proposed  
17 again, the Proponent developed very little, if  
18 any, new environmental baseline information for  
19 the site to prove out this new project.

20 TNG never received any requests  
21 for the company to go onto the area to put the  
22 necessary bore holes down for pump tests and  
23 groundwater. And so essentially what the company  
24 is doing is they are using all the old data from  
25 before the old project and reinterpreting it to do

1 their predictions with the new project.

2 There are problems with the  
3 geochemistry, drainage issues were underestimated.  
4 Both Dr. Morin and NRCan talked about the lag  
5 times for acid generation to set in and they  
6 worried that acid -- the onset to ARD might happen  
7 very quickly so they have exposed PAG in the  
8 tailings impoundment, you might have ARD happening  
9 much more rapidly than estimated by the company.

10 The issue of groundwater flow,  
11 pathways and rates, huge issue that was discussed.  
12 Very serious issue in terms of trying to  
13 understand what's going on at depth with seepage  
14 coming out of the impoundment, what volumes and  
15 how fast.

16 And, of course, the water  
17 quality changes to Fish Lake are the key, one of  
18 the key issues and the adjacent water bodies down  
19 in the Taseko and the Big Onion Creek watersheds.

20 The groundwater. Two fatal  
21 flaws from the analysis that were done by TNG.  
22 There was just insufficient hydro geologic data  
23 from the actual sites. For example, in the basin  
24 area the TSF 12 square kilometre, approximately,  
25 into new bore wholes or drill wholes or pump tests

1 in there to see what was underneath. It's all  
2 done by projection and extrapolating within the  
3 impoundment.

4 Preferential flow paths. We  
5 have no idea. We heard testimony from Dr.  
6 Eberhardt and from Mr. Waterson about how critical  
7 it is to understand the structures as well, the  
8 faults and so on, underneath this, and to get some  
9 sense of how quickly and where seepage might flow.

10 Again, based on old data and  
11 more non-conservative assumptions used in the  
12 analysis because the Proponent did not collect  
13 sufficient new site specific groundwater  
14 information.

15 And that's all summed up by  
16 Mr. Waterson who, at the end of his submission,  
17 said essentially that the lack of data and robust  
18 analysis is so profound and extensive that it  
19 indicates an apparent inability or unwillingness  
20 by the Proponent to conduct its work consistent  
21 with the Panel's established guidelines and best  
22 professional practices.

23 Groundwater, the receiving  
24 environment, fish and fish habitat in the Fish  
25 Creek basin, Big and Little Onion and Wasp Lakes,

1           Beece Creek and the adjacent Taseko River are  
2           exposed to a high level of environmental risks  
3           from the proposed mining program about which  
4           extraordinary levels of uncertainty exist.

5                        Seepage contamination. There  
6           was lots of discussion, to-ing and fro-ing,  
7           between NRCan and the Proponent, and NRCan in its  
8           most recent submission clarified the issues that  
9           their original estimates and positions are --  
10          haven't changed, that the Proponent is  
11          underestimated seepage rates from the TSF, and  
12          essentially NRCan estimates that the seepage  
13          leaving the facilitate is in the order of 11 times  
14          greater than what the company predicted.

15                       More importantly, NRCan  
16          concludes that the estimates of seepage should be  
17          considered unreliable, and they go a step further.  
18          Since those estimates were used as inputs into the  
19          water quality and water balance models, the  
20          results from those models should also be ignored.

21                       Water quality models. Taseko  
22          used two different models to predict future water  
23          quality. There was a Knight Piesold that looked  
24          at water quality in all the adjacent lakes, if you  
25          the down gradient receptors, bodies of water that

1 would receive seepage. And another model was used  
2 that looked at predicting water quality for Fish  
3 Lake and the Fish Lake upper tributaries.

4 Now, I submit to you that's a  
5 pretty critical model. That is the information  
6 that is going to tell the Panel what water quality  
7 in Fish Lake over the next hundred years is what  
8 they used for their projections is going to be  
9 like.

10 And this graph is basically all  
11 you got. You have 564 -- it's over 500 of these  
12 pictures, graphical representations by -- each  
13 contaminant measured over a hundred years for the  
14 various lakes. If you want to know what water  
15 quality is going to be like in Fish Lake, you have  
16 to go through all of these and figure it out,  
17 because you could not get the data to back this  
18 up.

19 We never saw a model  
20 description that talked about the inputs, that  
21 talked about model parameters about the  
22 assumptions that went into it, or about the  
23 interpretive work and the synthesis of putting all  
24 this together to tell us really what would happen  
25 in Fish Lake. You don't have that. This is all

1           you got.

2                               Well, then -- so that's the SRK  
3           water quality model.

4                               And then another company took  
5           all of those things, maybe they had a model  
6           description I don't know. But those were used as  
7           inputs for somebody else to do the predictions on  
8           the biology. What was going to happen to all the  
9           critters that live on the lake? You can't  
10          evaluate that model on the predictions of  
11          biological impacts because we can't evaluate the  
12          water quality model because we don't have it.  
13          It's not in front of us.

14                              TNG brought Dr. Stockner from U  
15          B.C. Fisheries Research Centre, a distinguished  
16          Canadian limnologist, and Mr. Brant from  
17          Washington State, who is a practitioner in the  
18          field. And they concluded that the Proponent has  
19          completely misunderstood the lake biological  
20          community, and there will be nutrient loadings as  
21          a result of the Fish Lake recirculation scheme  
22          that will cause toxic algal blooms, which, in  
23          turn, will consume all the oxygen that fish need  
24          and under ice in the winter, the fish population  
25          will be massive die off of fish within a decade of



1 start up. Unequivocally, that's what they  
2 concluded.

3 Mitigation. For TSF seepage  
4 comprises ditches, collection ponds, interception  
5 wells. The problem is they are conceptual only.  
6 There is no actual hydrological information  
7 sufficient to design the system, and NRCan said  
8 the Proponent's analysis regarding the well system  
9 and its recovery effectiveness should be  
10 disregarded.

11 Significant seepage will flow  
12 to deep groundwater, won't be recoverable, and it  
13 will end up in the Big Onion/Taseko watersheds.

14 For the recirculation scheme,  
15 there are no precedents provided by the Proponent,  
16 no evidence the water treatment whether work.

17 The effective treatment on Fish  
18 Lake was never modelled, except that TNG hired Dr.  
19 Fried (ph) to do exactly that, to model the  
20 effects of water treatment and her model showed it  
21 could not achieve the B.C. Hydro guidelines. She  
22 used cadmium as an example as a representative of  
23 a contaminant. But the same conclusion holds for  
24 all of them.

25 Environment Canada and Keippers

1           said the recirculation of water treatment as part  
2           of the Fish Lake recirculation scheme was novel  
3           and unproven technology, no costs were provided,  
4           very expensive and likely not economically  
5           achievable. And other reviewers such as the  
6           Ministry Of Mines were in the same ballpark with  
7           that conclusion.

8                         Taseko collected no new drill  
9           data for the zone between the pit and the lake, no  
10          new pump tests. It was a single pump test 1994  
11          that showed high water flows and high conductivity  
12          rocks between the lake and the pit. Taseko  
13          rejected these. NRCan and Waterson maintained  
14          that high flow conduits exist in the upper limit  
15          of seepage through this conduit could be equal to  
16          the maximum pit de-watering rates.

17                        Clear evidence of the zone  
18          there. No investigative work done by Taseko. And  
19          as NRCan said, you need to test the entire  
20          formation in a very aggressive way in order to  
21          probe its boundaries and that would be typically  
22          something that is expected when you conduct a test  
23          beside a lake.

24                        To continue, NRCan said I think  
25          the Proponent has been very remiss in that regard

1 in disrespecting the data from the 1994 pump test  
2 and not proceeding with a new test.

3 This would have been a key  
4 element of information to obtain at this stage in  
5 order to make meaningful predictions of  
6 groundwater, surface water interactions between  
7 the lake and the pit.

8 Insufficient information to  
9 demonstrate the technical and economic viability  
10 for the key operating and closure measures,  
11 including the TSF embankment, de-pressurization  
12 pumps and groundwater collection system for  
13 maintaining water cover on the PAG pile in  
14 perpetuity.

15 NRCan noted that the  
16 co-disposal of PAG in the tailings impoundment was  
17 a novel technology, as far as they were concerned.

18 The Fish Lake water  
19 recirculation and treatment -- and we heard very  
20 little, if anything, about the post-closure site  
21 water treatment other than they would do it if it  
22 turned out.

23 So where does that leave us,  
24 Mr. Chairman? When you put all this together and  
25 all of these problems with the models, and you

1 start discounting all of these models, you're  
2 essentially no where.

3 What we have is a lot of smoke  
4 and mirrors, and in a way the company has kind of  
5 recognized that because there's been a flurry of  
6 recent submissions onto the Registry that are  
7 proposing, or making commitments to do further  
8 work. We'll do this later, we'll do the drilling  
9 that we need to do. We'll develop the adaptive  
10 management plans, we'll develop the monitoring  
11 program. We can do that at the regulatory stage.

12 That's not good enough. That  
13 makes a mockery of the environment assessment.

14 The Proponent had a duty to  
15 prove that this concept would work. They have  
16 failed to do it, failed to do it completely and  
17 irreversibly. Thank you.

18 PRESENTATION BY JAY NELSON:

19 MR. NELSON: Good afternoon,  
20 everyone. For the record, my name is Jay Nelson,  
21 general counsel to the Tsilhqot'in National  
22 Government.

23 I'm going to speak to three  
24 main topics before I hand the microphone over to  
25 the Chilcotin chiefs.

1                   First, I intend to pick up  
2                   where Tony left off and provide some thoughts on  
3                   how you, the Panel, should approach all of this  
4                   uncertainty and risk that Tony has just described.  
5                   Second, I would like to try and convey the  
6                   substantial significant cultural impacts that this  
7                   project would have for the Tsilhqot'in, and,  
8                   finally, I will have the comments on the issue of  
9                   whether this project is justified in the  
10                  circumstances.

11                  You'll probably note that we've  
12                  handed in a written submission that deals with all  
13                  of these issues in much more thorough detail, some  
14                  might say painfully thorough detail.

15                  So first of all, the question  
16                  of how to deal with this substantial high  
17                  uncertainty and risk. How should the Panel  
18                  approach that.

19                  Obviously one guiding principle  
20                  that's been mentioned by previous speakers is the  
21                  precautionary approach that's mandated by the CEEA  
22                  Act, and that's the conventional statement there  
23                  of the precautionary approach, the general  
24                  statement.

25                  I would suggest to the Panel

1           what might be more helpful in the specific  
2           circumstances of this case is this definition of  
3           the precautionary principle from the previous  
4           panel's terms of reference.  You'll see it's a  
5           direction to essentially err on the side of  
6           caution.

7                                 And that's a common sense  
8           definition of the precautionary principle.  It  
9           seems equally applicable to your work, and I don't  
10          think anybody is suggesting you should be less  
11          cautious than the previous Panel was.  Especially  
12          when a look at the environmental impact statement  
13          guidelines for the New Prosperity project.

14                                You'll see that those impose a  
15          burden on the Proponent to demonstrate, positively  
16          demonstrate that all aspects of the project have  
17          been approached in a precautionary manner such  
18          that they do not cause serious or irreversible  
19          damage to the environment and/or human health.

20                                So that was the burden placed  
21          on the Proponent.

22                                In our view, as Tony has  
23          explained, the Proponent has not met that standard  
24          and I believe the provincial and federal  
25          regulators have been telling you the same thing.

1                   In response, what the company  
2                   has argued, as I understand it, is that  
3                   uncertainty is inherent. It's part of  
4                   environmental assessment and they can adaptively  
5                   manage the problems as it goes along.

6                   For that reason, it's important  
7                   to understand what adaptive management is and what  
8                   adaptive management is not. And what adaptive  
9                   management is not is a substitute for a proven  
10                  ability to mitigate project impacts. Of course,  
11                  there is uncertainty inherent in any environmental  
12                  assessment, but that doesn't mean anything goes.

13                  CEAA has provided some clear  
14                  guidance on this in its operational policy  
15                  statement, and you'll see sites for that in our  
16                  written submission. This is directly on point.

17                  CEAA has said:

18  
19                  "If taking into account the  
20                  implementation mitigation measures,  
21                  there is still uncertainty about whether  
22                  a project is likely to cause significant  
23                  adverse environmental effects, a  
24                  commitment to monitor project effects  
25                  and to manage adaptively is not

1                   sufficient."

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                  That's the situation when he  
have here. This is more from the same operational  
statement. Again it says:

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"A commitment to implementing adaptive  
management measures does not eliminate  
the need for sufficient information  
regarding the environmental effects of  
the project. The significance of those  
effects and the appropriate mitigation  
measures required to eliminate, reduce  
or control those effects."

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                  And we would say those are the  
guiding principles that you, as the Panel, should  
bring to bear on the risks and uncertainties you  
are faced with.

20

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                  Just one more note on this  
particular issue, it's an important point. Under  
CEAA, under your terms of reference the types of  
mitigation you are directed to take into  
consideration are not just any mitigation  
proposals, but technically and economically



1           feasible mitigations that would mitigate any  
2           significant adverse environmental effects.

3                         So there's a burden there on  
4           the Proponent to demonstrate not that there is  
5           some far off mitigation that would work down the  
6           line like the water treatment being proposed here,  
7           but that it's actually technically and  
8           economically feasible, and there's a burden to  
9           establish that at this stage. Again, that hasn't  
10          happened.

11                        The Proponent can't rely on  
12          those mitigations as reducing the significance of  
13          the impacts in this case unless they can show they  
14          are technically and economically feasible.

15                        So just to conclude on this  
16          point, I'm going to fall back on maybe a rough  
17          analogy of the bull in the china shop.

18                        Metaphorically here, we are  
19          dealing with the china shop in that it's an area  
20          of high, fragile, cultural values and,  
21          metaphorically, this very much a bull in the sense  
22          we're talking about fundamentally restructuring  
23          the entire hydrology of a watershed using  
24          unproven, untested technology. And what CEAA is  
25          saying is it's not enough knowing that that -- the

1 serious risks that you are facing to open the door  
2 and say, we'll monitor the situation in the china  
3 shop and we'll adapt as we go along to deal with  
4 problems as they arise, it's a burden on the  
5 Proponent to show right from the outset before  
6 they have opened the door that there are  
7 mitigation measures that can be put in place to  
8 deal with that situation. The problem is when  
9 they do arise. That standard hasn't been met  
10 here.

11 So Tony has spoken to some of  
12 the significant adverse environmental effects of  
13 the project. I'm going to turn now to speak about  
14 some of the cultural impacts of the project.

15 There's been some question I  
16 believe up will now about whether the Panel should  
17 be considering the cultural and spiritual impacts  
18 of the project. That's part of the significance  
19 of the impacts.

20 I wanted to quickly just  
21 explain that the answer is clearly yes. CEAA  
22 guidance is -- that the Panel must consider  
23 aboriginal traditional knowledge. Aboriginal  
24 traditional knowledge is used not only to inform  
25 the evaluation of environmental effects, but also

1 the significance of those effects.

2 And aboriginal traditional  
3 knowledge is defined by CEAA to include such  
4 things as spiritual beliefs and culture. So we  
5 would say the impacts on the spiritual impacts,  
6 cultural impacts, those are directly relevant to  
7 understanding the significance of the impacts of  
8 this project.

9 Similarly, the very definition  
10 of cultural heritage, and you're mandated to look  
11 at the impacts on on cultural heritage, involves  
12 the spiritual and cultural meaning of these  
13 places. So, to remove that element from the  
14 significance of the impacts makes no sense.  
15 That's inherent in the definition of what cultural  
16 heritage is.

17 With this in mind, I would like  
18 to turn to the cultural impacts of this proposed  
19 project. And these are the cultural impacts even  
20 in Fish Lake, or Tezton Biny, is preserved,  
21 because obviously if the lake can't be preserved  
22 -- and we heard the serious risks of that -- then  
23 we have the full cultural impacts of the previous  
24 Panel identified.

25 What I would like to speak to

1 is even if the company can preserve the lake in  
2 some form, what are the cultural impacts to the  
3 Tsilhqot'in people? Because it's been suggested  
4 that all of the concerns, all of the interests of  
5 the Tsilhqot'in has been addressed by this revised  
6 project. And in our view that is not the case.

7 What I would to do is start  
8 with the direct and unavoidable impacts of this  
9 project. One of those is that it requires the  
10 destruction of Yanah Biny, Little Fish Lake, and  
11 the Nabas meadows.

12 And you've heard reference this  
13 morning to the English Eberhardt report that was  
14 prepared for the Proponent in the nineties. These  
15 are some direct quotes from that report,  
16 describing the Little Fish Lake area as "the most  
17 significant area of spiritual attachment." "Very  
18 strong complex powerful emotions associated with  
19 that site." "Considered home to certain families  
20 of Tsilhqot'in."

21 And as you've heard in the  
22 community hearings, there's generations of  
23 Tsilhqot'in people that have been born on those  
24 lands, raised on those shores right there, raised  
25 their own families are those shores. And not in

1 the distant past, but you had presenters before  
2 you that had been born there, raised there, that  
3 have raised their families there. So this is very  
4 much real.

5 And, in fact, Alice William,  
6 who was born and raised there, is re-establishing  
7 her homestead. That is depicted in the picture on  
8 the shores of Little Fish Lake. So it's not only  
9 cultural heritage, it's living cultural heritage.

10 I just also wanted to note  
11 there is some suggestion in these hearings that  
12 the spiritual importance of this area is a recent  
13 statement from the Tsilhqot'in. And you'll note  
14 in the Eberhardt English report in the  
15 mid-nineties there was very clear reference to the  
16 spiritual importance of this region.

17 So the destruction of Yanah  
18 Biny and the Nabas meadows, it means the permanent  
19 destruction of this cultural heritage, this very  
20 important cultural heritage, permanent destruction  
21 of the Tsilhqot'in fishery there. And contrary to  
22 the Proponent's suggestion there is substantial  
23 evidence of historical and modern day fishing,  
24 including from boats and rafts in Yanah Biny.  
25 That's set out in our written submissions.

1                   We're talking about permanently  
2                   severing a connection to those homesteads that  
3                   goes back generations. It's documented to the  
4                   1860s, and it goes back much further than that.  
5                   We say that in itself this is a significant and  
6                   mitigable impact on Tsilhqot'in cultural heritage  
7                   and use.

8                   So another direct and  
9                   unavoidable project impact is the destruction by  
10                  the project footprint of core Tsilhqot'in hunting,  
11                  trapping, gathering areas, and further  
12                  displacement by the no shooting zone.

13                  You'll see depicted here the no  
14                  shooting zone. Once you take into account the no  
15                  shooting zone we are talking about a 60 square  
16                  kilometre area of prime harvesting grounds that  
17                  would be taken up by the project.

18                  I think the cultural importance  
19                  of this area as well-established by now. I heard  
20                  some reference this morning to this being the  
21                  backyard of the company, or the backyard of the  
22                  construction industry. But let's be clear about  
23                  whose backyard this really is.

24                  This is backyard of the Xenii  
25                  Gwet'in and the Tsilhqot'in people. And what

1 we're talking about is dropping a massive mining  
2 operation right on top of lands that are actively  
3 used by a significant number of the Tsilhqot'in  
4 people from all communities to practice their  
5 culture and to feed their families.

6 There's substantial supporting  
7 evidence of that from the previous Panel's  
8 hearings and what you've heard as you've gone  
9 through the communities.

10 The consequences are very  
11 substantial. The Proponent in its EIS compared  
12 the mine footprint against the harvesting areas  
13 that had been mapped by Eberhardt English in the  
14 nineties.

15 Pat Larcombe in her report  
16 factored in the no shooting zone, which the  
17 Proponent hadn't -- once you take that into  
18 consideration just the direct footprint in the no  
19 shooting zone, it displaces 50 to 90 percent of  
20 harvesting areas for many plants and medicines,  
21 including proberries (ph), strawberries Labrador  
22 tea, across the range; it takes up 40 percent or  
23 more of the moose and deer hunting grounds in the  
24 area; it totally eliminates trapping areas for a  
25 number of species, cougar, bobcat, wolverines,

1 squirrel; and greater than 55 percent of the  
2 harvesting areas for most or trap species.

3 That's just the direct  
4 footprint. And we all know that if you have an  
5 operating mine there it's going to have a broader  
6 impact on wildlife in the area. That's a  
7 conservative -- very conservative estimate.

8 So, again, in and of itself the  
9 destruction, the displacement from this area, this  
10 is a significant environmental effect on  
11 Tsilhqot'in current use of lands and resources.

12 Those are direct unavoidable  
13 impacts of this project. There are other  
14 additional impacts that have to be considered  
15 virtually certain.

16 One of those is the reality  
17 that once Tezton Biny is an industrial zone,  
18 Tsilhqot'in people are not going to use it. And  
19 you've heard that from one member after another  
20 implicitly or explicitly, and that makes sense  
21 because Tezton Biny is valued because it's  
22 pristine, it's remote, it's spiritually powerful,  
23 it's beautiful.

24 And in place of that experience  
25 what you would have is noise, blasting, access



1 restrictions, light, dust, all activity around the  
2 mine, industrial traffic, aesthetic impacts of the  
3 mine and basically continuous sensory disturbance  
4 say and night, the opposite of the experience you  
5 would have there now.

6 Just to zoom in on one of those  
7 impacts, the noise effects. The company itself in  
8 its EIS predicts the noise impacts during  
9 operation to be adverse, high magnitude,  
10 continuous in frequency, and long term. The only  
11 reason they don't come up with a significant  
12 impact is because they say it's reversible,  
13 eventually. Of course that doesn't matter to  
14 people using that area during the operation of the  
15 mine.

16 And that actually drastically  
17 understates the likely impacts of the being out at  
18 the lake, given as we explained more in our  
19 written submissions, but it uses a rural ambient  
20 baseline instead of a noise-free wilderness  
21 baseline. It assumes daytime occupation only,  
22 which we know is not that case.

23 Those standards based on  
24 indoors exposure to noise and the muffling of  
25 walls, as opposed to what would be outdoor

1 exposure of Fish Lake. So we're talking about  
2 fairly substantial noise impacts, amongst the  
3 other sensory disturbance that could be expected.

4 Effectively, it's not realistic  
5 to expect that once that mine is up and operating  
6 the Tsilhqot'in are going to to hold gatherings at  
7 the lake, they are going to bring their elders  
8 there. It's not realistic to expect they are  
9 going to bring their children there to the lake.

10 Effectively, it's going to end  
11 the use of Tezton Biny for community gatherings,  
12 which you've heard are very important. For  
13 cultural transmission and for ceremonial and  
14 spiritual practices. It's not going to happen in  
15 the middle of an operating mine site. That's not  
16 the reality. That's a tremendous loss to the  
17 Tsilhqot'in people. It's indescribable, and it's  
18 certainly a significant, high magnitude, long-term  
19 immitigable impact on Tsilhqot'in current use.

20 That's all before you get to  
21 maybe one of the biggest issues, and that's the  
22 perception of contamination, which you heard over  
23 and over again in the Tsilhqot'in communities.

24 These are some statements from  
25 the community health worker to the previous Panel.

1           And I would echo the comments of Dr. McIvor that  
2           it's unfortunate you weren't there to experience  
3           the first round of presentations to the original  
4           Panel, but this one person who was able to present  
5           the last present around. She's the community  
6           health worker for Nemiah.

7                         She is explained that if the  
8           that mine goes ahead, that's a contaminated site  
9           to the Xeni Gwet'in based on her experience. And  
10          the perception of contamination of the water,  
11          land, animals, plants is all pervasive.

12                        She gave the example of trying  
13          to explain, encourage people to drink from tap  
14          water in Xeni Gwet'in. And she couldn't, after  
15          years, encourage elders to drink from the tap  
16          because they saw it as treated, which it wasn't,  
17          and were concerned about contamination, preferred  
18          to get fresh water from the Taseko and other  
19          areas.

20                        I just want to make the point  
21          that this perception of risk is not unreasonable  
22          in the circumstances given what regulators have  
23          said about the uncertainty and risk. But in  
24          either case, it has to be recognized that it's not  
25          about how people think the Tsilhqot'in should

1           respond, but it's how they will behave when we're  
2           looking at what the impact will be.

3                         It's important to recognize  
4           that risk tolerance is a cultural response. It's  
5           rooted in the world view in the belief system of  
6           the Xeni Gwet'in and the Tsilhqot'in people. They  
7           have their own views of what constitutes pure  
8           healthy food, healthy waters.

9                         The proposal that monitoring  
10          and educating people, monitoring -- involving them  
11          in monitoring programs, having educational  
12          programs is going to be a mitigation. It  
13          represents a complete failure to appreciate the  
14          depth of this world view and belief and the  
15          significance of the impact.

16                        You heard Dr. Elaine from  
17          Health Canada say that education programs are not  
18          a complete solution because often people still  
19          will not -- simply won't use certain areas if they  
20          see them as contaminated.

21                        So, again, this leads to a  
22          significant permanent immitigable impact on  
23          Tsilhqot'in current use. All indications are that  
24          Tsilhqot'in people will avoid not only Tezton  
25          Biny, the greater Nabas area, but as the Taseko

1 River, the salmon fishing areas at the mouth of  
2 the Taseko River, and maybe an even larger area.  
3 And that's, again, the reality of the situation.

4 There are a number of factors  
5 that underscore the significance of these impacts.  
6 You know, people have tried in different ways to  
7 describe the importance of this area.

8 Dr. Nancy Turner summed it up  
9 by describing it as a cultural keystone place.  
10 She said it was an exemplary cultural keystone  
11 place; that it's integral, essential to  
12 maintaining the culture. And the loss of a place  
13 like this, we submit, deeply underscores the  
14 significance of the impacts.

15 You've heard about the deep  
16 ancestral connections of this area. It goes back  
17 before contact with Europeans much farther.  
18 You've understood the unique value of this place  
19 as a one-stop shop, and because it's accessible  
20 for Tsilhqot'in to bring the youth and elders for  
21 gathering. Cultural transmission happens there  
22 often during gatherings, so that is the importance  
23 of the gatherings, you have elders and youth in  
24 one place. And if you eliminate the value of  
25 Tezton Biny for gatherings you also severing an

1 important integral place where people can pass  
2 down cultural knowledge and activities.

3 There's also the importance of  
4 the traditional diet. It's set out in out written  
5 submissions. The community health worker pointed  
6 out to the previous Panel that people in Xeni  
7 Gwet'in eat 50 to 75 percent or more country  
8 foods. This is their diet. And to maintain those  
9 levels, Fish Lake is an integral part of that. It  
10 couldn't maintain it without Fish Lake,  
11 particularly in years of poor salmon runs.

12 So I'm glad to have the  
13 opportunity to run through the significance of  
14 these impacts because in my submission -- in this  
15 review and the previous review, the Proponent has  
16 not only failed to hear what people are telling  
17 them about these impacts, but I would say has  
18 willfully misunderstood what people are saying.

19 So we've heard things like,  
20 this isn't really about the lake at all, it's  
21 about the Tsilhqot'in wanting sovereignty and  
22 jurisdiction. That's not the case. You've heard  
23 how important this lake is to people and how much  
24 it means to them and it's unique importance.

25 We've heard the Tsilhqot'in

1 people are misinformed. If they only new the  
2 science they would support the mine, which all due  
3 respect, is a patronizing response.

4 The Tsilhqot'in people  
5 understand what's at stake for them here, and they  
6 know it's a matter of cultural survival and that's  
7 why they are opposing the mine.

8 We've also heard that  
9 preserving the lake is the most profound  
10 accomodation of First Nations ever, and this might  
11 be the play well in the media, but from being in  
12 the communities you'll know that that is just not  
13 reality on the ground. This does not address in  
14 any way the Tsilhqot'in concerns. And, frankly,  
15 the company knows that and they have known that  
16 since the previous Panel review.

17 The significance is  
18 particularly pronounced when you consider that  
19 this is really one of the last in tact areas --  
20 this is the last in tact area east of the Taseko  
21 River for traditional use, and you'll recall the  
22 maps that were reviewed at the Toosey hearing  
23 which aptly demonstrate that.

24 That's particularly important  
25 for communities like Yunesit'in and Toosey where

1           you heard how their traditional use has been  
2           impacted by their caretaker areas being completely  
3           logged out and why a place like that is important,  
4           especially going forward.

5                           And again, that you have the  
6           backdrop of the moose populations plummeting,  
7           about 50 percent or more in five years.

8                           So this really is the last best  
9           place for Tsilhqot'in culture. We're talking  
10          about the loss of an integral place for  
11          maintaining the culture.

12                           I'm not going go too much in  
13          the impacts on aboriginal rights and title. I  
14          presented to you that before, and I'll refer you  
15          to that again. It's is a significant impact.  
16          Nothing has changed between projects in that  
17          respect.

18                           In respect of the aboriginal  
19          veto. I wanted to echo the comments of Amnesty  
20          International that the Supreme Court of Canada has  
21          recognized, especially in cases of established  
22          rights, that in very serious cases the consent of  
23          a nation may well be required, and we say this is  
24          one of those cases.

25                           For that reason, you have a



1 convergence with the UN declaration and other  
2 international instruments that require prior free  
3 informed consent when there is very serious  
4 impacts like this where you are talking about  
5 losing a cultural keystone place of this  
6 importance.

7 Very briefly, I'm going to  
8 speak to some of the factors that go to whether or  
9 not this project is justified in the  
10 circumstances. And one point I wanted to  
11 emphasize right from the by beginning is the  
12 overwhelming Tsilhqot'in opposition that you've  
13 heard in the communities.

14 And that's a level of unity  
15 that I think is exceptional. In any community, of  
16 course, you are going to have healthy  
17 disagreement, difference of opinion. You've heard  
18 almost complete unanimity in opposition in six  
19 different Tsilhqot'in communities. Six different  
20 six leaders.

21 That kind of unity at the  
22 national level is very rare on any issue, and  
23 that's what you are seeing in this case. In fact,  
24 across the First Nations impacted by this project.  
25 So I wanted to emphasize that.

1                   Other speakers of talked about  
2                   the profound inequity of the benefits and costs,  
3                   who gains the benefits, who bears the costs in  
4                   this situation. The Xenigwet'in, in particular,  
5                   and the Tsilhqot'in are being asked to bear  
6                   unacceptable, environmental, social, cultural  
7                   costs for this mine to proceed.

8                   I'm not going to go into  
9                   detail. It's in our written submission. I just  
10                  wanted to say that provincial revenue sharing is  
11                  uncertain.

12                 The Panel last time did not  
13                 accept it as a mitigation because the province  
14                 wasn't here to defend it or to explain it. For a  
15                 lot of reasons, provincial revenue sharing is  
16                 uncertain, there's strings attached to it. There  
17                 is no reason to think that it will create economic  
18                 benefits on a scale that's commensurate with the  
19                 impacts of this project.

20                 Benefit sharing with the  
21                 Proponent. As Dr. McIvor said, I think the track  
22                 record speaks for itself. In ?Esdilagh  
23                 Mr. McManus wouldn't commit to impact benefit  
24                 agreements even as a concept.

25                 In ?Esdilagh they have been

1           beside the Gibraltar mine for 40 something years,  
2           11 or more of those under Taseko management, with  
3           no agreement in place. They said they have seen  
4           two or three jobs. That's the only economic  
5           benefit they have seen from that mine. What they  
6           received instead was a take-it-or-leave-it offer  
7           from the company for three years of compensation  
8           for a 20-plus year expansion.

9                           And you've heard something  
10           similar from Chief Bev Sellars about a  
11           take-it-or-leave-it offer from the company.  
12           That's the track record. So there's no reason  
13           again to believe that there is going to be  
14           economic benefits flowing from the Proponent.

15                           Really, the more important  
16           point is you heard Tsilhqot'in member after member  
17           say no amount of money can compensate for the  
18           magnitude of this loss, and that's something we  
19           ask you to convey back to the federal government.

20                           What I wanted to suggest --  
21           there's a lot of other issues that go to  
22           justification. They are set out in our written  
23           submission.

24                           What I wanted to suggest is  
25           that fundamentally at the end of the day what you

1 are faced with as a Panel is a genuine clash of  
2 cultural values.

3 The City of Williams Lake, the  
4 company, the Chamber of Commerce, they also say  
5 that this mine is a tremendous opportunity for the  
6 Tsilhqot'in, if only they realized. Why don't  
7 they realize it?

8 I want to suggest there is an  
9 old pattern work here, and that is that everyone  
10 else knows what's best for the Tsilhqot'in people  
11 other than them. And we've seen that pattern play  
12 out in the past. Residential schools being just  
13 one example.

14 And I don't want to ascribe  
15 this view to anybody, but I think what we have to  
16 guard against is this idea that aboriginal  
17 cultures are dying, that they are a thing of the  
18 past, or that aboriginal people should abandon  
19 these notions and embrace so called "progress",  
20 because again that's a notion that's been around  
21 since contact. And it's justified our society in  
22 dispossesses First Nations of their lands and  
23 resources.

24 And the reason we have to guard  
25 against this is because in the communities we have

1 heard very clearly that the culture is not dying,  
2 that it's alive and it's well and it's getting  
3 stronger every day.

4 And it's the youth in the  
5 Tsilhqot'in communities that are actually leading  
6 that charge. And what you heard is that they are  
7 voracious for their culture, for the songs, for  
8 the teachings, for time with their elders, for  
9 being out on the land. They are not turning their  
10 backs on their culture. They are embracing it.

11 Chief Alphonse explained how  
12 the Tsilhqot'in are recovering from the  
13 residential school, from Chilcotin war, from other  
14 assaults on their culture and on their identity.  
15 And he said, "The mine is not an answer to these  
16 problems. The mine would throw fuel on the fire  
17 of those problems." He said, "Real recovery will  
18 come from a renewal of the culture, not moving  
19 away from culture."

20 And that has definitely been  
21 the experience of Xení Gwet'in. That's the  
22 journey the Tsilhqot'in people are on and that's  
23 what would be disrupted by mine.

24 Like you, I listened to all the  
25 presentations by Tsilhqot'in presenters in the

1 communities. I listened to dozens of stories  
2 about the Chilcotin war, and it seemed to me that  
3 what each presenter was saying to you, implicitly  
4 or explicitly, was: This is what it means to be  
5 Tsilhqot'in. This is who I am as a Tsilhqot'in  
6 person.

7 We respect the land. We take  
8 only what we need from it. We protect it. And  
9 when push comes to shove, we'll sacrifice  
10 everything to protect our land, protect our  
11 culture.

12 What happens when you try to  
13 take away the very identity of a people? What  
14 happens when you take away the identity of a  
15 people?

16 What I'm going to suggest is  
17 that Xeni Gwet'in is a very special place because  
18 they are committed to preserving their lands,  
19 they have beautiful intact areas around Tezton  
20 Biny. Their language is alive. Their youth are  
21 embracing their culture. They have a deep and  
22 powerfully spiritual way of life. And because of  
23 that, they are a community that are recovering and  
24 becoming a model for other First Nations. C.

25 To them, that's more valuable

1           than gold. I would suggest that this is more  
2           valuable for Canada than gold. The company and  
3           others say that culture and this mine can go hand  
4           in hand. But the Tsilhqot'in people say  
5           otherwise, and maybe it's worth listening to them  
6           about this for once.

7                               This puts a stark choice  
8           between us, before us as a society. We can impose  
9           the mine on the Tsilhqot'in people over their  
10          objections for the short term gain of others and,  
11          frankly, this would transform Xeni Gwet'in and it  
12          would devastate the recovery they are making in  
13          the fragile state they are in right now.

14                              As Chief Russell explained to  
15          you in the Tsilhqot'in, this is an old story. The  
16          Tsilhqot'in have already seen page after page of  
17          that story. We're still apologizing for past  
18          chapters of that story.

19                              Or we can turn a new page and  
20          we can support the Xeni Gwet'in and the  
21          Tsilhqot'in in the healing of their communities  
22          and in their path to becoming healthy, flourishing  
23          First Nations that are a model for others.

24                              Obviously that's the path that  
25          we're hoping that you will take, and we ask you

1 recommend that path to the federal government, or  
2 at least that you make this crossroads very, very  
3 clear to them.

4 With that, I'll thank you for  
5 your patience, both today and over the past  
6 several weeks, and I will turn this microphone  
7 over to the chiefs for their concluding remarks.

8 PRESENTATION BY CHIEF JOE ALPHONSE:

9 CHIEF JOE: I was supposed to  
10 go last. I have an appointment to go see  
11 probation officers for some of my clients.

12 As I sit here waiting, I also  
13 got some social issues dealing with Ministry of  
14 Children and Families in Kelowna. Members  
15 calling, I have to call. I view this process as a  
16 waste of time, waste of my time.

17 What part of "no" don't we  
18 understand here? "No" is pretty simple word; a  
19 two-letter word the last time I checked.

20 First off, last time I  
21 presented on Chief Joe Alphonse, community chief,  
22 Tsilhqot'in national chair.

23 I had a fellow question me. I  
24 made a claim. Fish Lake is the top 10 fishing  
25 lake in the province of British Columbia.



1                   Question (muffled), that there  
2                   was no such study. From a brilliant investigative  
3                   reporter from Caribou Advisor. I brought with me  
4                   a letter. I don't want to make it too easy. I  
5                   don't want to present the study, but I have a  
6                   letter here dated July 10th, 1996. It's not the  
7                   study, but within that letter it refers to the  
8                   study by the Department of Fisheries and Oceans,  
9                   Canada. It was a letter written to Taseko Mine.

10                   CHAIRPERSON ROSS: Chief Joe,  
11                   that's getting into new information and I would  
12                   rather not go there.

13                   CHIEF JOE: I just want to  
14                   clarify and to state that that letter is there.  
15                   And you want to accuse me of being a liar, don't  
16                   have to write the protect my reputation as a  
17                   politician and if --

18                   CHAIRPERSON ROSS: We respect  
19                   that, but not here. Okay? Please.

20                   CHIEF JOE: If he wants to come  
21                   forward if he wants to provide that, I can hand  
22                   deliver it to him.

23                   CHAIRPERSON ROSS: That would  
24                   be no problem for us, but here let's not go to new  
25                   information, okay?

1 CHIEF JOE: "Let's not go to  
2 new information." I think that's -- I guess  
3 that's a statement in itself.

4 CHAIRPERSON ROSS: It's our  
5 hearing procedures, and I'm bound to follow them.

6 CHIEF JOE: Very clear that is  
7 your process, not our process. This is not  
8 Tsilhqot'in process. That's what this is about  
9 here.

10 And I'm done, fed up, tired of  
11 this process. I want to make it very clear and I  
12 want no misunderstanding on this. When I come  
13 here I'm going to state this and make it very  
14 short.

15 Where I sit I can say one  
16 thing; that there is no other politician that can  
17 say anywhere my people are behind me. Almost 100  
18 percent. And I challenge any politician to have  
19 the type of unity that I have right now within the  
20 Tsilhqot'in Nation and opposition to this project.  
21 That's a message I want to make very clear.

22 I'm prepared to continue to  
23 move forward on any mining issue in the  
24 Tsilhqot'in, but not with this project. We've  
25 seen this project one too many times. The only

1 time in Canada we're looking at an environment  
2 review second time round.

3 You want to see a motion, boy,  
4 it's coming, it's brewing. We're not backing  
5 down. We have confidence you guys are going to  
6 come up with a decision that's going to be  
7 suitable and respectful. Last go-round I was  
8 told, accept this decision, and this decision  
9 comes down by Randy Hauss, who is minister -- I  
10 forgot to clarify that the last time --  
11 representing the province.

12 Somewhere along the way I guess  
13 they have the ability to change the rules. Not  
14 one person in our community spoke in favour of  
15 this mine.

16 As leaders we have been given a  
17 mandate, we've been given a mandate by our people  
18 and we plan on exploiting and protecting what we  
19 feel is others, our right. I'm disappointed that  
20 the Panel did not spend enough time down at  
21 Farwell Canyon to see the type of economy that  
22 we're talking about; the protection of our  
23 culture.

24 I think and I hear and I hope  
25 you that guys have heard all our people without a

1           doubt. I pray that there's no misunderstanding.  
2           We're not in support of this mine or any other  
3           mine to be the operating out of Fish Lake, to  
4           destroy our spiritual place, our cultural place,  
5           to have impact and be a threat to our water, our  
6           salmon. There's about water, the environment, not  
7           jobs.

8                         Our lawyer talked about white  
9           society coming in and telling us education is  
10          important for First Nations people, how right and  
11          how wrong you can be on an issue. Right that we  
12          need education, wrong for us to put us in  
13          residential schools.

14                        Continue to deal with that and  
15          here we have white society coming in telling us  
16          what's to do for us again. I don't think so. Not  
17          on my watch.

18                        I think in our communities  
19          we've been very -- from traditional leaders,  
20          traditional spiritual people, to our youth, to  
21          Tsilhqot'in people that have gone to universities,  
22          got their masters degree. Two people with master  
23          degree presented in my community. I'm proud of  
24          the people that presented in my community.

25                        And I think -- you know, I'm

1 not here, I have to run, and that message there,  
2 we're united, the Tsilhqot'in people. We stand,  
3 we stand as one today in delivering the message  
4 that we're in opposition to this mine in any way  
5 by this company at this place at this time.

6 And we hope you guys get -- we  
7 hope you guys come up with the right conclusion on  
8 this. I'm going, as I mentioned in the past, you  
9 know -- what more is there on so say? (Native  
10 word).

11 PRESENTATION BY CHIEF PERCY GUICHON:

12 CHIEF PERCY: (Native word).  
13 Good afternoon, Panel. My name is Percy Guichon,  
14 G-U-I-C-H-O-N, chief of Tsi Deldel.

15 I just want to quickly  
16 acknowledge all of our communities, our staff and  
17 supporters of Tsilhqot'in people. There has been  
18 tremendous time and effort committed to our cause  
19 in opposition of Prosperity mine.

20 As a Panel and Taseko has heard  
21 and all of our communities from our elders, youth,  
22 concerned members, and leadership, we do not  
23 support this proposal. There are too many serious  
24 risks and too much potential for irreversible harm  
25 to our environment, to the fish that has sustained

1 us for thousands of years, to our water, the gift  
2 of life, to the wildlife and our wild plants.

3 The area of Tezton Biny will  
4 not be accessible for Tsilhqot'in people for  
5 generations to practice their culture, to pass  
6 down their traditions, and our spiritual  
7 connection to that area will be forever destroyed.

8 One of the elders from my  
9 community, elder Joe Case -- he's also here  
10 today -- informed the Panel in our community that  
11 his ancestor is buried there, and if this mine  
12 goes ahead, those burial sites will be destroyed  
13 forever.

14 As speakers before me have  
15 said, Tezton Biny will be on life support and  
16 expert witnesses such as Dr. John Stockner, one of  
17 the best scientists in B.C. who researches these  
18 types of impacts has concluded that fish will die  
19 in the lake within 10 years. That totally argues  
20 Taseko's claims of saving the fish in Fish Lake,  
21 and that outright justifies our concerns all  
22 along, even in the previous Panel hearings.

23 We aren't just saying no  
24 because it's an easier word to say no than yes,  
25 maybe. We're saying no because there are concerns

1           that have been substantiated by expert witnesses  
2           who have spoken and made presentations to you.

3                       As Tsilhqot'in people we do not  
4           need this mine for us to prosper. Our joint  
5           venture logging companies, Tsi Deldel Enterprise,  
6           employ just as many people as Gibraltar employees  
7           First Nations.

8                       As a First Nations company, we  
9           intend to be the last company standing in their  
10          territory. And we will continue to provide jobs  
11          and revenue for our community much longer than the  
12          life of the mine. A timber is a renewable  
13          resource, a mine is not.

14                      Education -- sorry, education  
15          for our youth is the future of your people.  
16          Blending First Nations values and modern education  
17          will strengthen our nation. Many of our youth and  
18          young adults are flourishing with their education  
19          as we speak on and off the reserves. No mine will  
20          be able to do this.

21                      The Tsilhqot'in people are our  
22          biggest resource and the land that sustains us is  
23          the next most important to us. Our people as  
24          Chief Joe has said, have told us as leaders that  
25          we have to fight for their right. We have to

1 fight for their -- to maintain their way of life.  
2 We have to protect the land for future generations  
3 to come. It's not about just having access to  
4 Tezton Biny today or tomorrow. It's about having  
5 access far into the future.

6 Our bond and connection to the  
7 land will never be broken, and it will only be  
8 strengthened by poor short-sighted proposals such  
9 as this.

10 In terms of consultation. We  
11 cannot have discussions with a company that  
12 totally disregards our concerns and continues to  
13 push for a mine that is totally unacceptable to  
14 our people and a mine that already has been  
15 denied.

16 In closing, I ask the Panel to  
17 carefully consider how this mine will impact not  
18 only the environment but also how it will impact  
19 our people and their connection to this amazing  
20 and beautiful area that is extremely important to  
21 us. Thank you.

22 PRESENTATION BY CHIEF RUSSELL MYERS ROSS:

23 CHIEF RUSSELL: Thank you.

24 I just want to state my name  
25 for the record. It's Russell Myers Ross from



1           Yunesit'in community. My family and our people  
2           come from this area, caretakers of Nabas.

3                         The first time I spoke I  
4           addressed land issues, and I don't see our  
5           struggle for justice changing. I also spoke in  
6           Stone and introduced my community through a  
7           narrative that briefly charts approximately 150  
8           years of struggle against past and ongoing  
9           colonization.

10                        Today is my intention to  
11           express that even if our Nations' relationship  
12           with the Crown was PT (ph) and mutually  
13           respectful, my community would still reject this  
14           latest proposal on the basis of environmental  
15           concerns, the lack of trust and the confidence and  
16           the social factors associated with mining here.

17                        This year size of the proposal,  
18           the site, the roads, the electrical infrastructure  
19           has the effect of opening our veins for someone  
20           else's desires but not ours.

21                        When you visited my community  
22           there was not one person who spoke favourably of  
23           the proposed mine. I take the direction from my  
24           people with respect to this issue. Their  
25           direction supports sentiments and arguments, are a

1 reflection of our vision and underlying value  
2 system.

3 The process that our community  
4 has undertaken to design a land use plan gives  
5 shape to what is culturally and economically  
6 acceptable and undesirable to our people. The  
7 initial work in creating an ecosystem-based  
8 conservation plan is complete.

9 The conclusion of this plan,  
10 which is based on our value system, does not  
11 include mining such a large scale because it  
12 disturbs the riparian zones, so severely that it  
13 has the potential of affecting the health of the  
14 plants and will establish patterns for animals.

15 The Xeni Gwet'in have done work  
16 in a similar approach using an ecosystem-based  
17 conservation plan which has the same conclusion.  
18 But Xeni Gwet'in is also basing their information  
19 on many interviews with members to add to their  
20 cultural priorities and a declaration that is  
21 prioritized to express there shall be no mining or  
22 mining exploration.

23 So the last thing -- because  
24 we're running out of time here -- the last thing I  
25 want to say is that we don't really have a

1 partnership or relationship with Taseko, and I  
2 think it's been apparent through these sessions  
3 and I could plan out -- I have page full of  
4 examples, but I just want to highlight what Bernie  
5 will probably eventually talk about in terms of  
6 their relationship with Gibraltar mines; that if  
7 it can't happen there, it probably won't happen  
8 for us.

9 So, thank you.

10 PRESENTATION BY CHIEF ROGER WILLIAM:

11 CHIEF ROGER: I just want to  
12 take this time to acknowledge our new councillor,  
13 not new to the process in mining, Loretta  
14 Williams. Will you stand up?

15 I also want to acknowledge our  
16 former chief, and who was chief at the time, and  
17 is now councillor, Marilyn Baptiste. And they  
18 have been here every day.

19 I just wanted to say that Xeni  
20 Gwet'in is the closest community that would be  
21 impacted. We are unique. There's the title case  
22 area, declaration of rights.

23 Company has not taken us, the  
24 process seriously, ignoring direct requests from  
25 information made by the Panel by their own

1 experts, have still failed and provide any basis  
2 to say that this project is workable.

3 We don't our children to be  
4 affected negatively. You heard them and Ann Marie  
5 Sam's presentation regarding drugs, social  
6 impacts. I just want to say a quote from one of  
7 our elders in the Tsilhqot'in from Tsi Deldel,  
8 originally from Xenigwet'in, Mary William.

9 On paper it all sounds good,  
10 but after they start they will not follow what  
11 they have documented. And also I want to quote  
12 one of our younger youth's parent, Michelle Myers  
13 from Xenigwet'in.

14  
15 "I feel as a community Nemiah has come  
16 so far from the struggles that First  
17 Nations people have been through. Our  
18 community is strong now and everyone is  
19 coming together. This has been a change  
20 long awaited for. If the mine goes  
21 through, I fear our community and our  
22 people will fall apart. This land is  
23 our lifestyle and if we keep it healthy,  
24 then it will keep us healthy. I don't  
25 believe that the mine is a turn for

1 better."

2 (Native word), in the interests  
3 of time.

4 PRESENTATION BY CHIEF FRANCIS LACEESE:

5 CHIEF FRANCIS: Good day. My  
6 name is Chief Francis Laceese. One of the six  
7 Tsilhqot'in chiefs.

8 I just wanted to say thank you  
9 to everyone that has been involved with this whole  
10 process once again. Second time around. The  
11 Panel.

12 I just would like to thank all  
13 our people that spoke in Toosey, all our  
14 communities, just all the people that have been  
15 helping us, supporting us, in whichever way, other  
16 Nations.

17 A lot of the impacts are  
18 similar. You've heard a lot from the Esk'etemc  
19 when you visit over there, Alakali with the  
20 transmission line, that is also in our backyard.  
21 That's a lot of impacts. We don't want that line  
22 there also. We stated that in Toosey.

23 Just an overall project, I  
24 don't agree with, again. All mine plans, New  
25 Prosperity, whatever you want to call it. I just

1 want to state again I don't agree with that in any  
2 way.

3 We went to quite a few of the  
4 different communities, and the one particular  
5 place that I thought was eye opener was Gibraltar  
6 mine site. I just wanted to say that that mine  
7 has been there for 40 years and that's in  
8 Tsilhqot'in territory. I don't think our people  
9 have benefitted in any way.

10 And these guys here, Hunter  
11 Dickinson -- I don't want to call them Taseko,  
12 that's our Nation word, they have stolen that  
13 also. That is the last 13 years or so that they  
14 have run with that. There hasn't been no --  
15 nothing coming to the Nation in any way that I  
16 know of.

17 Also the biggest concern I have  
18 with that over there is the discharging to the  
19 Fraser River from their garbage water, from their  
20 tailings pond. And they say that expansion takes  
21 place it's going to be 10 times more coming to the  
22 Fraser River, and I'm really concerned about that  
23 with our salmon.

24 I'm pretty sure that this mine  
25 is not going to happen in Fish Lake, but at the

1 same time, the same company is a threat to our  
2 very survival just with the garbage that they are  
3 putting into the Fraser River, and I don't think  
4 that should be allowed in B.C. I think something  
5 has to be done about that.

6 I just wanted to quote one of  
7 our spiritual advisors, Douglas Johnny, where he  
8 says that values to our people are to respect all  
9 the God's creation and practice honesty. To be  
10 honest and truthful and to be humble. To be  
11 humble does not mean we're passive and are going  
12 to roll over and let people walk over us. That's  
13 not what it means. It's to respect the Creator  
14 and the spirit world.

15 And the generosity, that again  
16 doesn't mean we're going to give everything away.  
17 It means we will share with the people their wants  
18 and needs, providing it's within reason.

19 And as a Nation we have an  
20 honour and a duty to uphold to our people and to  
21 our territory. That's always the case. That's  
22 never going to change.

23 With that, I just -- fellow  
24 chiefs, (Native word).

25 PRESENTATION BY CHIEF BERNIE MACK:

1 CHIEF BERNIE: Thank you.

2 Bernie Mack, ?Esdilagh chief.

3 I just want to thank the Panel.

4 I know it's been a long haul listening. Listening

5 is a great skill. I know you have to be on the

6 canoe balancing the environment with the economy.

7 I just would like to talk about

8 my view about sustainable mining. Some people are

9 confused, wonder about maybe my view. I believe

10 there's other mines, other projects in this region

11 that have less adverse effect. After two decades

12 of poor studies and resulted in the second EA, and

13 again you've heard a lot of unanswered questions,

14 technically, plus the impacts to the local three

15 nations, Tsilhqot'in, Dakelh, Secwepemc.

16 Previously in the other Panel

17 there was talk about bias, having a preconceived

18 opinion. Our own people and many people in this

19 area have been waiting for your Panel expertise.

20 We talk about lost jobs. Well, First Nations

21 haven't had a lot of jobs locally. Taseko should

22 not get its legal permits for this project because

23 of those lack of technical answers.

24 This closed system aquarium at

25 prosperity, Tezton Biny, and the TSF. Taseko's



1 own actions and inner-Prosperity strategy has  
2 eroded the relationship. Is this the company? Is  
3 this the project? Taseko will not be able to  
4 obtain to a social licence to operate. It's like  
5 a toothpaste; once it's out of the tube, you can't  
6 squeeze it back in.

7 You know, I won't quit. I've  
8 tried with Taseko. I asked past Chief Charleyboy  
9 if he would sign a three-year IBA. This is what I  
10 got.

11 Taseko plays lip service only  
12 to its corporate and social responsibility. It  
13 has not been transparent. Taseko has made no real  
14 attempts with ?Esdailagh in a country food study,  
15 or human health study.

16 Now we got that through B.C.  
17 and now they are bringing it to Prosperity. They  
18 brought it forward to the Panel. We've been  
19 fighting for that for many years.

20 Do you really believe that once  
21 this pit is only going to be one pit, and the  
22 hydro line, once it's there, there's only going to  
23 be one project? We only have this one EA. We  
24 know the other projects probably won't get an EA  
25 because it's been so watered down.

1                   You can put a bit of lipstick  
2                   on a 300-pound gorilla and it will disguise it for  
3                   a bit, but it won't change the appearance, or more  
4                   importantly, its behavior.

5                   There are many people in our  
6                   communities that want jobs. And there are some  
7                   people who want to save the environment. I come  
8                   to Taseko with very serious partners to do  
9                   anything at Gibraltar, environmentally or  
10                  developing a pit. And there's no will to finish  
11                  this corporate social responsibility, even provide  
12                  a decent IBA.

13                  That comes from the top. Yet  
14                  not all is lost.

15                  We have the Black Water project  
16                  and Dakelth territory, carrier. We have Spanish  
17                  gold, Secwepemc, that have some support from the  
18                  local Secwepemc. We have the four leading highway  
19                  projects, Asia Pacific to Rupert, \$400 million.  
20                  They have Australia. They have all these  
21                  different projects besides Prosperity.

22                  So I've been approached by  
23                  investors to do a big project, and I believe that  
24                  the inner circle locally needs to be broken open.  
25                  And that's going to happen with the local First

1 Nations, because it doesn't look like it's  
2 happening.

3 Thank you.

4 CHAIRPERSON ROSS: Thank you  
5 very much the many chiefs who have presented, as  
6 well as Mr. Nelson and Mr. Pearse.

7 I'm going to call a break now,  
8 but I just want to tell you what's going to  
9 happen.

10 We're going to have a 15-minute  
11 break. Taseko has been given 60 minutes. I will  
12 make some closing comments from the chair and then  
13 we'll have the closing ceremony.

14 So we won't make it by five but  
15 we'll make it close enough that I'm happy.

16 Anyway, a 15-minute break for now.

17 --- Recessed at 4:19 p.m.

18 --- Upon resuming at 4:35 p.m.

19 CHAIRPERSON ROSS: Ladies and  
20 gentlemen. I would like to continue with the  
21 hearing at this point. Taseko?

22 CLOSING REMARKS BY TASEKO:

23 MR. MCMANUS: Good afternoon.

24 My name is John McManus and I'm senior vice  
25 president operations at Taseko Mines Limited.

1                   It's a pleasure to be here  
2                   today to present the closing submission for the  
3                   New Prosperity Mine to the Panel.

4                   Today is the final day, what  
5                   has been extensive and demanding hearing process.  
6                   I would like to start by thanking all the  
7                   participants over the last five weeks;  
8                   specifically, those who spoke and presented. We  
9                   know how difficult that is and we really  
10                  appreciate all of those.

11                  Also like to acknowledge all of  
12                  the leaders that I see in this room today, civic  
13                  leaders, First Nations' leaders, people that are  
14                  paying attention that are dedicated to their jobs.  
15                  I think that's very important.

16                  I also want to thank all of  
17                  those who spoke who supported our project but also  
18                  those who brought forward different views and  
19                  allowed us an opportunity to consider them and  
20                  respond.

21                  We also wish to thank the  
22                  Panel, the Panel Secretariat and the people who  
23                  worked behind the scenes to facilitate the  
24                  process. That includes the people out in  
25                  communities who (muffled) all moving forward.

1 I would like to thank the City  
2 of Williams Lake and also to acknowledge we're in  
3 the traditional territory of Williams Lake Indian  
4 band.

5 I need to speak to the  
6 dedication of our Taseko team and the work that  
7 they have done, but especially to Katherine  
8 Gizikoff and to the proposal staff here in  
9 Williams Lake. They have been spectacular in my  
10 view. I also would like to speak to the  
11 dedication of our legal team. These guys have  
12 been awake for three days now.

13 It is Taseko's view, based on  
14 all of its years of experience and expertise,  
15 based on a fair and consistent application of the  
16 criteria under the CEAA Act 2012, the Panel should  
17 conclude that the New Prosperity Mine will not  
18 result in any significant adverse environmental  
19 effects as defined in the Act.

20 Following the review of the  
21 previously proposal, Taseko did what it was asked  
22 to do by modifying the proposed project in very  
23 substantial ways to address the concerns  
24 identified by the previous Panel. We did this  
25 despite the fact that we believe several of those

1 concerns were not based on proper application of  
2 relevant criteria.

3 When the federal government  
4 declined to approve the original Prosperity  
5 project and invited Taseko to consider submitting  
6 a revised proposal to address concerns identified  
7 by the previous Panel.

8 Those issues were almost  
9 entirely related to the company's initial proposal  
10 to drain Fish Lake. Taseko has done what it's  
11 been asked to do, and the New Prosperity project  
12 is designed to preserve and protect Fish Lake.

13 This is a very significant  
14 project; one that offers enormous financial  
15 benefits not only for the company and  
16 shareholders, but more generally for the people of  
17 the Caribou-Chilcotin region, the province of  
18 British Columbia and Canada. It offers many new  
19 opportunities for economic development and for  
20 employment, training and education for aboriginal,  
21 and non-aboriginal people.

22 Prosperity mineral deposit  
23 cannot be moved, so the Panel has the daunting  
24 task and responsibility of shifting through weeks  
25 of presentations and thousands of pages written

1           submissions to assess whether the project will,  
2           after all mitigation measures have been taken into  
3           consideration, be likely to result in significant  
4           adverse environmental effects.

5                           It's worth noting, however,  
6           that the Panel can take comfort in knowing that if  
7           this project is approved at this stage, the  
8           project is still subject to rigorous scrutiny  
9           scrutiny through a permitting processes, a number  
10          of permitting processes, and, thereafter, to  
11          ongoing oversight under the applicable laws of  
12          Canada and British Columbia, that are designed to  
13          protect the environment and public safety, and  
14          that we expect those laws to be enforced  
15          consistently, firmly and objectively under the  
16          rule of law.

17                           As I move through these  
18          comments today, I'll make reference to some of the  
19          materials that Taseko previously filed. I do not  
20          intend to speak about them again in detail. I  
21          will, instead, file with the Panel Secretariat a  
22          copy of these closing documents, and they're too  
23          thick and I won't get through them in an hour.

24                           So I'm actually going to try  
25          and be less than an hour, but some of the things

1 in this document I won't cover.

2 The document includes footnotes  
3 referencing submissions on record from Taseko or  
4 others that are relevant to the points, that are  
5 included, and I hope that this document will  
6 assist the Panel as it goes about writing its  
7 report, as there are many important pieces of  
8 evidence to address that time does not permit me  
9 to discuss in detail.

10 I want to start by mentioning a  
11 few things that Taseko has observed throughout  
12 this process and general comments we wish to make.

13 First, Taseko's observed that  
14 there is an extraordinary lack of understanding of  
15 New Prosperity project and its potential effects  
16 (muffled). We were discouraged to find that over  
17 and over again through this process, presenters  
18 came forward to object to various aspects of the  
19 project, expressed concerns or asked questions  
20 about the project that indicated they were badly  
21 mis-informed about the project.

22 To some extent, we recognize  
23 that we needed to do a better job of getting our  
24 message out and we're grateful that this process  
25 has offered that opportunity.



1                   At the same time, we also  
2 realized that some of our efforts to provide  
3 information about the project were being  
4 frustrated by those elements who were unalterably  
5 opposed to the project. As well, there's no doubt  
6 that a great deal of misinformation was the  
7 product of an organized campaign designed not to  
8 inform the Panel's decision, but calculated to  
9 stop the project from proceeding.

10                   One of the benefits Taseko saw  
11 through this process is the opportunity to speak  
12 directly to community members who approached the  
13 company in an open-minded way with fair questions.

14                   We're very encouraged to find  
15 that as we had this opportunity to engage directly  
16 and to respond to their questions, either in the  
17 hearing itself or in the hallways during  
18 adjournments, many people told us they were happy  
19 to know that their questions could be answered.

20                   Some were stunned to learned  
21 just how badly they had been mislead. We came  
22 away certain in the knowledge that despite the  
23 claims that aboriginal peoples reunited in their  
24 opposition, in fact, there is substantial support.  
25 We don't know how much, but it is substantial.

1 I would also like to comment on  
2 public input both for and against the project.

3 While the purpose of an  
4 environmental assessment is not to conduct a  
5 plebiscite on a project, it is clear that many  
6 people express views either for or against the  
7 project in very general terms.

8 I hope the Panel saw the  
9 extraordinary degree of support for the project  
10 that existed in the general sessions and which  
11 were highly representative of the overall  
12 community.

13 They included people from all  
14 walks of life and backgrounds, both aboriginal and  
15 non-aboriginal. That was, of course, not the same  
16 dynamic that occurred over the last three weeks as  
17 the sessions were held in remote aboriginal  
18 communities.

19 While we understand the desire  
20 the Panel to make its process available to the  
21 members of those communities, it is essential to  
22 keep in mind this process has provided a very  
23 disproportionate amount of hearing time in  
24 aboriginal communities where leadership opposes  
25 the project, as compared to those communities

1 which generally support it.

2 In the result, leaving aside  
3 the topic specific sessions, only four days of  
4 hearings were held in non-aboriginal communities  
5 whereas 13 days were held in the aboriginal  
6 communities.

7 Taseko does not object to the  
8 community hearings. In fact, we valued that forum  
9 as it allowed us the opportunity previously denied  
10 to us to speak directly to the people in those  
11 communities, and to learn from them and to hear  
12 and respond to their concerns.

13 We understand the mandate of  
14 the Panel to seek public input, and, in  
15 particular, to hear from aboriginal peoples, and  
16 we believe the Panel has gone to extraordinary  
17 lengths to do that.

18 However, we caution that a  
19 great deal of what the Panel heard in the  
20 community sessions was orchestrated by those  
21 elements of aboriginal leadership and their  
22 advisors who were committed to stopping the  
23 project.

24 In saying this, we do not doubt  
25 for a moment that the vast majority of those who

1 spoke in the community sessions spoke from the  
2 heart when describing their feelings. That was  
3 obvious.

4 I'll say more about that later.

5 For now, I want to make the  
6 point that if and to extent the hearing process is  
7 extended to measure overall intended -- to measure  
8 overall public support or opposition, the hearing  
9 structure schedule and choice of locations did not  
10 allow for a balanced assessment.

11 Finally, I would be remiss if I  
12 did not state clearly that Taseko has throughout  
13 numerous points in these proceedings, had  
14 fundamental concerns about fairness of process.  
15 We've filed several submissions expressing our  
16 concerns about fundamental and repeated breaches  
17 of the Panel's procedures.

18 As this process is now  
19 virtually complete, we'll not dwell on them. But  
20 please know those submissions were filed only  
21 after very careful thought and only after Taseko  
22 felt it had no alternative.

23 Taseko's fully aware that there  
24 are those who will seek to criticize any such  
25 complaints, but we learned from the Panel process,

1 the last Panel process, that if we did not stand  
2 up to unfairness the company would not receive a  
3 fair result.

4 Similarly, to extent that  
5 Taseko has had to question the motives or  
6 genuineness of any witnesses, it is done so with  
7 considerable reservation, but without choice.

8 In our opening statement we  
9 predicted that parties opposed to this project  
10 would attempt to deflect the Panel from its  
11 mandate and from its terms of reference. We've  
12 seen that prediction proved correct. Why does  
13 that happen?

14 We suggest the answer is that  
15 they knew going into this hearing, based on  
16 extensive work done by Taseko in its environmental  
17 impact statement, that they would not win the day  
18 by focusing on the merits of the issues relevant  
19 to an environmental amendment under the Canadian  
20 Environmental Amendment Act 2012.

21 Accordingly, I want to take a  
22 few minutes to review the applicable legal  
23 requirements under CEAA 2012.

24 Environmental assessment, as  
25 contemplated by the CEAA 2012, is a process to

1 gather and consider information to assess the  
2 environment effects of a project in accordance  
3 with the requirements laid out in the Act.

4 Environmental assessment is a  
5 planning tool used to ensure projects are  
6 considered in a careful and precautionary manner  
7 in order to avoid or mitigate the possible adverse  
8 effects of development on the environment and to  
9 encourage decision makers to take actions to  
10 promote sustainable development and, thereby,  
11 achieve or maintain a healthy environment, healthy  
12 communities and healthy economy.

13 We ask the Panel to keep this  
14 objective in mind. We also ask the Panel to note  
15 that if the project is approved at this EA stage,  
16 it will then proceed to the next phase of detailed  
17 design, further testing and analysis to verify  
18 assumptions and, finally, to permitting.

19 Through those stages,  
20 additional details certainly will be provided and  
21 all relevant environmental issues will be  
22 addressed to the satisfaction of the regulators,  
23 or the project will not proceed.

24 For the purposes of CEAA 2012  
25 and, thus, for the purposes of this Panel's

1 assessment, the term "environmental effects" has a  
2 specific meaning.

3 Environmental effects to be  
4 taken into account are just those set out in  
5 section 5, CEAA 2012, and they are the following:

6 (A), fish as defined in section  
7 2 of the Fisheries Act; (b), fish habitat as  
8 defined in section 34(1) of the Fisheries Act;  
9 (c), aquatic species as defined in section 2.1 of  
10 the Species At Risk Act; (d), migratory birds as  
11 defined in section 2(1) of the Migratory Birds  
12 Convention Act; and (e), any other components of  
13 the environment as set out in schedule 2, there  
14 are none; and (f), with respect to aboriginal  
15 peoples and affect of any change that may be  
16 caused to the environment on any of the following:  
17 Health and socioeconomic conditions, physical and  
18 cultural heritage, and current use of lands and  
19 resources for traditional purpose or any  
20 structure, site or things of historical,  
21 archeological, paleontological or architectural  
22 significance.

23 This is the complete list of  
24 environmental effects this Panel is charged to  
25 assess and to report upon by the terms of CEAA

1           2012.

2                           Saying that, we also recognize  
3           that the Panel terms of reference include a  
4           somewhat different definition of environmental  
5           effects than the legislation itself. Taseko  
6           submits that a consideration of issues beyond  
7           those expressly contemplated in CEAA 2012, its  
8           definition environmental effects, is beyond the  
9           Panel's authority at law.

10                           But this is a question the  
11           Panel itself will have to consider and express its  
12           own position on, given the terms of reference it  
13           has been given.

14                           When conducting its assessment  
15           in relation to these specific potential  
16           environmental effects, the Panel must take into  
17           account the factors listed in section 19(1) of the  
18           CEAA 2012.

19                           Relevants factors are:  
20           Environmental effects of malfunctions or accidents  
21           that may occur in any cumulative environmental  
22           effects; (b), significance of effects in clause A;  
23           (c), comments from the public; (d), mitigation  
24           measures that are technically and economically  
25           feasible; (e), requirements of the follow-up



1 programs; (g), alternative means that are  
2 technically and economically feasible and the  
3 environmental effect of any such alternative  
4 means; and (h), any change to the project caused  
5 by the environment.

6 I'm not going to address you to  
7 the considerations under section 19(1) as I  
8 believe they are all covered elsewhere in the  
9 submission.

10 However, in summary, Taseko  
11 believes it has addressed all concerns regarding  
12 the potential environmental effects, malfunctions  
13 or accidents, and any cumulative environmental  
14 effects as well as a significance of those  
15 considerations. The New Prosperity proposal is  
16 very much the product of comments from the public  
17 in the previous hearing, and Taseko continues to  
18 listen and respond to public comments.

19 The proposal before you employs  
20 mitigation measures and Taseko is committed to  
21 utilizing all additional mitigation measures that  
22 are technically and economically feasible, if and  
23 as those measures are identified as appropriate.

24 In addition, Taseko submits  
25 that there do not appear to be any alternative

1 means that are currently technical and  
2 economically feasible for the development of the  
3 mine.

4 Finally, section 19(3) of CEAA  
5 2012 states that the assessment may take into  
6 account community knowledge and aboriginal  
7 traditional knowledge, and in that respect, we  
8 note that the Panel has been directed by the  
9 minister to take those factors into account.

10 While this process has been  
11 overwhelmingly preoccupied with presentations  
12 related to aboriginal knowledge, that is certainly  
13 not the only factor to be considered by the Panel.  
14 It is one of several considerations.

15 An EA first identifies  
16 potential adverse environmental effects; i.e., the  
17 effects on fish and fish habitat, aquatic species,  
18 migratory birds, and the potential effects on  
19 aboriginal peoples in relation to health,  
20 socioeconomic conditions, physical and cultural  
21 heritage, current use of lands and resources for  
22 traditional purposes or on structures, sites or  
23 things of historical, archeological,  
24 paleontological, architectural significance.

25 Second, the EA considers

1 measures to mitigate adverse environmental  
2 effects.

3 Third, an EA assesses whether  
4 there will be likely -- whether there will likely  
5 be significant adverse environmental effects after  
6 mitigation measures have been implemented. I  
7 emphasize those words "likely" in relation to  
8 effects, and "after" in relation to mitigation  
9 because there are important.

10 The Panel not only can, but  
11 must, consider the effects of mitigation measures  
12 as well as adaptive management plans and  
13 subsequent permitting that will follow if this  
14 project is approved at the EA stage.

15 Open pit mines of this type are  
16 common place. The engineering, design principles  
17 and adaptive management systems are well  
18 understood. The likelihood of significant adverse  
19 environmental effects is low.

20 It's interesting and  
21 instructive to note just how far the industry has  
22 progressed in the past several decades. Almost  
23 all of the examples cited by proponents to the  
24 project relate to older mines and mine operations  
25 in jurisdiction far less regulated than is

1           currently the case in B.C.

2                       Those examples are not relevant  
3           to the modern state of the industry in this  
4           province, except to note just how successful the  
5           industry has been in modernizing and adopting new  
6           management techniques and engineering solutions to  
7           resolve historical issues.

8                       Those lessons have been learned  
9           and represent the starting point for the design of  
10          this project.

11                      Taseko asked the Panel conduct  
12          its assessment and produce its report in a manner  
13          consistent with CEAA's policies. We caution that  
14          in our view, the previous the Panel strayed from  
15          this path in a number of conclusions and made  
16          findings that were not fair or justified as a  
17          result.

18                      CEAA's guidelines offers step  
19          by step prescription for assessing whether a  
20          project will be likely to result in a significant  
21          adverse environmental effect as that term is  
22          defined in the Act.

23                      Step one is the environmental  
24          effect adverse.

25                      Step two is adverse

1 environmental effect significant based on the  
2 application of the following five criteria:  
3 Magnitude, geographic extent, duration and  
4 frequency, degree to which the effect is  
5 reversible or not, and ecological context.

6 The step three, is a  
7 significant adverse effect likely. With regard to  
8 step three, Taseko notes the CEAA policy states  
9 that the factors to consider are probability of  
10 that effect and the degree to which it is  
11 scientifically certain or uncertain.

12 Policy states and accepts that  
13 there will always be some scientific uncertainty  
14 associated with the information.

15 As well, under CEAA 2012 such  
16 assessment must also take place with respect to  
17 any change caused to the environment and any  
18 resulting impact on specific aboriginal interests.  
19 These are health and socioeconomic conditions,  
20 physical and cultural heritage, and the other  
21 points I've raised before.

22 I would like to speak about the  
23 degree of certainty that is required in the  
24 environmental assessment stage, and this has been  
25 discussed at length in these hearings, but I want

1 to summarize.

2 On July 31st we filed a  
3 submission which included relevant quotations from  
4 various cases where the courts have made clear  
5 that certainty is not required at the  
6 environmental assessment stage, and instead the  
7 question is whether significant adverse effects  
8 are likely.

9 This cases also made clear that  
10 the Panel can and should consider post EA  
11 monitoring, adaptive management and the role of  
12 subsequent permitting agencies that must approve  
13 the project before any construction could proceed.  
14 In the document, there are some quoted, and I'm  
15 not going to bother quoting them again here.

16 This case law must be dually  
17 considered when assessing whether or not  
18 significant adverse effects would be likely.

19 Taseko submits it is clear  
20 these standards have been met here and that it has  
21 provided a level of information and certainty that  
22 is wholly appropriate to the environmental  
23 assessment stage.

24 In this regard, Taseko notes  
25 its positions on key issues which are also

1 generally supported by the two independent experts  
2 engaged by the Panel, Dr. Smith and Dr. Eberhardt.

3 Taseko has gone further by  
4 developing, during the course of these proceedings  
5 and based on submissions of aboriginal groups and  
6 expert agencies, a number of commitments which  
7 again I'll discuss shortly.

8 Another point which has come up  
9 is precautionary principle. This principle is  
10 reflected in section 4 of CEAA 2012. It's the  
11 concept that when properly understood helps inform  
12 environment assessment responsible  
13 decision-making. Unfortunately, its meaning and  
14 effect is often misrepresented and abused. We  
15 have seen a number of examples of that in this  
16 proceeding.

17 Those who do not properly  
18 understand the concept typically refer to it as a  
19 bases to suggest that in the absence of complete  
20 scientific certainty there is risk, and if there  
21 is risk a project should not proceed.

22 That is a misstatement of the  
23 principle.

24 The government of Canada has  
25 set out a clear and correct statement of the

1           precautionary principle. It expressly states that  
2           the absence of full scientific certainty shall not  
3           be used as a reason for postponing decisions where  
4           there is a risk of serious or irreversible harm.

5                         At the same time, it notes that  
6           environmentally protective measures should not be  
7           avoided simply because harm may be uncertain.

8                         The World Commission on the  
9           Ethics of Scientific Knowledge and Technology has  
10          published a paper on the precautionary principle  
11          that is consistent with the government of Canada's  
12          policy.

13                        It states that some form of  
14          scientific analysis is mandatory. A mere fantasy  
15          or pure speculation is not enough to trigger the  
16          precautionary principle. Precautionary principle  
17          is not based on zero risk, but it aims to achieve  
18          lower or more acceptable risks or hazards.

19                        We believe Taseko is clearly  
20          applying and supporting the precautionary  
21          principle.

22                        I'll move onto substantive  
23          issues.

24                        Fish. Fish Lake is preserved.  
25          There would, over time, be fear of fishing in Fish



1 Lake, but the remaining population would still be  
2 substantial in number and would be healthier and  
3 larger in size.

4 In our view, the magnitude of  
5 the effect on fish is not great. This localized  
6 and geographic extent, the effect would be gradual  
7 as a result of natural attrition from the  
8 reduction in spawning habitat mitigated by  
9 Taseko's proposed enhancement programs. The  
10 effect would be neither irreversible nor  
11 permanent.

12 Moreover, with respect to  
13 ecological context, the implementation of the fish  
14 compensation measures, both in the vicinity of the  
15 project area and distributed around the region,  
16 will provide a benefit for our number of fish  
17 species, including two species of concern.

18 Based on the application of  
19 these assessment factors, clearly no significant  
20 adverse environmental effect in relation to the  
21 fish.

22 Fish habitat. Fish Lake and  
23 much of the upstream fish habitat is preserved.  
24 Taseko acknowledges that there would be some  
25 adverse effects on fish habitat immediately below

1 Fish Lake.

2 However, the effect is small in  
3 magnitude and of localized geographic extent. The  
4 effects are largely reversible and not permanent.  
5 All of the loss in fish habitat would be offset by  
6 Taseko's programs for the enhancement of fish  
7 habitat and other areas outside the Fish Lake  
8 water she had.

9 Aquatic species. With respect  
10 to the specific requirements of CEAA 2012  
11 regarding aquatic species at risk, under the  
12 Species At Risk Act, we note the only aquatic  
13 species at risk that has been identified as a  
14 potential concern during this hearing process is  
15 the western toad, which is mentioned briefly by  
16 Mr. McCrory in one of his presentations.

17 There was no evidence that the  
18 western toad would be adversely affected in any  
19 way, if at all, should the project proceed.

20 Taseko acknowledges that care  
21 should be taken not to ignore the potential  
22 impacts of that species, and we propose mitigation  
23 measures.

24 Migratory birds. No evidence  
25 was adduced in the hearing to indicate that there

1 is any threat to migratory birds from the  
2 development of the mine. Migratory birds co-exist  
3 with other similar mines throughout B.C., with no  
4 apparent adverse effect.

5 Water quality. Because so much  
6 time and concern was focused on water quality  
7 quality during the hearing, I need to address that  
8 topic separately.

9 Taseko's evidence is that there  
10 would be no material adverse effect on what water  
11 quality and any potential adverse effect is small  
12 in magnitude, geographically localized and would  
13 be of limited duration, reversible in any case and  
14 in an ecological context in which there are many  
15 similar areas and for which the potential for  
16 impacts outside of the immediate watershed are  
17 extremely remote.

18 In any tailings facility some  
19 seepage normal. In fact, it's an integral part of  
20 the design of the tailings storage facility.  
21 While we've thought there was a convergence of use  
22 on seepage predictions between Natural Resources  
23 Canada, Environment Canada and Taseko on these  
24 issues during the hearing, we recently, and  
25 surprisingly, seen those agencies say they remain

1 of different views. More important fact is that  
2 Taseko's modelling assessments were largely  
3 supported by the Panel's independent supports.

4 Further, Taseko's made  
5 additional commitments to gather further  
6 information, share that information with  
7 regulators before any permits would be issued by  
8 the Minister of Energy and Mines and the Ministry  
9 of Environment of British Columbia.

10 Given the support of the  
11 Panel's own experts, and given case law which  
12 makes it clear that the Panel can and should  
13 consider the role of subsequent permitting  
14 agencies' approval would be essential for the mine  
15 to operate, Taseko submits that there is  
16 absolutely no basis whatever to suggest this  
17 proposed project would be likely to cause  
18 significant adverse environmental effects because  
19 of TSF seepage.

20 I'm trying to speed it up here.

21 CHAIRPERSON ROSS: Mr. McManus,  
22 just cover your material.

23 MR. MCMANUS: You'll receive  
24 this document, and I'm less than half way through  
25 and half way out of time.



1 context. The impacts will be contained within the  
2 Fish Lake watershed. Based on the application of  
3 CEAA's assessment factors there's clearly no  
4 reason to expect there would be a significant  
5 environmental adverse effect in relation to water  
6 quality.

7 We note that Taseko has made a  
8 number substantive commitments during the course  
9 of these proceedings to provide the Panel with  
10 confidence that additional investigations would be  
11 undertaken before permitting, and other measures  
12 committed to, such that it can have a high degree  
13 of confidence in such finding at this  
14 environmental assessment stage.

15 In the 2010 report the Panel  
16 found there was a significant adverse cumulative  
17 effect on south Tsilhqot'in grizzly bear  
18 population. Taseko submits, firstly, that under  
19 CEAA 2012 consideration of potential impacts on  
20 the south Tsilhqot'in grizzly bear population is  
21 outside the mandate of this Panel. South  
22 Tsilhqot'in grizzly bear is not a listed species  
23 under the Species At Risk Act and, accordingly, is  
24 not within the Panel's jurisdiction under section  
25 5 of CEAA 2012.



1 New Prosperity project, to the extent that they  
2 exist at all.

3 The evidence makes it clear the  
4 real threat to grizzly bears is not from mining  
5 but from human interactions, particularly with  
6 ranchers, recreationists and hunters.

7 The Proponent's proposed access  
8 management plan, similar to plans identified and  
9 recommended by presenters during this hearing,  
10 including Dr. Sanger and Mr. McCrory, aims to  
11 address the existing impact of roads built into  
12 core wildlife habitat, including for grizzly bear  
13 and moose along the proposed transmission line  
14 route.

15 The evidence also shows fears  
16 regarding potential bear kills from traffic are  
17 speculative and not well-founded. Mines have  
18 operated for many years in B.C. and Alberta with  
19 no recorded instances of bear kills associated  
20 with mine activities or traffic.

21 The evidence also showed the  
22 bulk of grizzly bear population south Tsilhqot'in  
23 grizzly bear management unit resides to the south  
24 and west of the Fish Lake watershed, which would  
25 indicate the potential impacts are less material



1 than would the case if the subject area was  
2 heavily populated by bears.

3 As a result, if the Prosperity  
4 Mine project proceeds and the Proponent's  
5 mitigation measures are implemented, the net  
6 effect may be to enhance the grizzly bear  
7 population unit, certainly not a significant  
8 adverse effect.

9 It's also relevant to recognize  
10 that the 2010 Panel report found that while the  
11 previous proposal would result in a relatively  
12 small loss in habitat, it would contribute to the  
13 further decline of the present situation.  
14 Previous proposal did not include mitigation  
15 measures and had a significantly larger footprint  
16 in terms of impact on bear habitat.

17 The 2010 Panel report assumed  
18 that logging was expected to continue to affect  
19 habitat in the area due the increased harvesting  
20 and response to the mountain pine beetle  
21 infestation.

22 That is no longer the case.  
23 The evidence in this proceeding is that logging  
24 activities are in decline as economically  
25 accessible timber tracks infested by the mountain

1 pine beetle have now largely been logged.

2 Looking to the future, it's  
3 reasonable to expect that logging activities will  
4 continue to decline in the area. Moreover,  
5 reforestation projects on the current clear cut  
6 areas will restore habitat over the life of the  
7 mine.

8 Moose was also a subject of  
9 much discussion during the hearings. The new mine  
10 design results in no material change to moose  
11 habitat. Previous Panel's conclusion on moose was  
12 one of no significant adverse effect. With the  
13 mitigation measures and habitat compensation  
14 proposed by Taseko related to reducing road and  
15 trail access in the vicinity of transmission line  
16 and in light of reclamation of upland areas on the  
17 mine site to include habitat for moose upon  
18 closure, moose habitat could be greater than what  
19 is now available at baseline.

20 During this proceeding we heard  
21 that moose population in the area maybe in  
22 decline. The recent Scott McNay (ph) report which  
23 was referred to during these hearings, outlines  
24 management actions to reduce or reverse the  
25 current decline in moose for the caribou region.

1                   They include: Reducing kills  
2                   of cows and calfs, and the report states, by  
3                   encouraging voluntary reduction in First Nations  
4                   harvest, cows and calfs; two, the targeted  
5                   management of wolf populations where cow/calf  
6                   ratios continue to be low; and three, reducing the  
7                   vulnerability of cows and calfs through reductions  
8                   and accessibility to them.

9                   Taseko is encouraged to hear  
10                  our plans to work on access road de-commissioning,  
11                  access planning, is consistent with the plans of  
12                  the Tsilhqot'in and other portions of their  
13                  traditional territory.

14                  This is consistent with our  
15                  goal of working on access management to enable  
16                  some road de-commissioning during transmission  
17                  line construction.

18                  We heard many times the claim  
19                  that if the mine proceeds it would wipe out the  
20                  salmon fishery all the way to the Pacific coast.

21                  These claims are unfounded and  
22                  irresponsible in the extreme. Fears are based on  
23                  the notion that there will be seepage from the  
24                  tailings storage facility, or that the TSF could  
25                  fail in some catastrophic event and the water

1           within the TSR itself was toxic or poisonous.

2                           Must recognize what is actually  
3           in the TSF, is water; water whose quality is  
4           monitored and either controlled or controllable so  
5           that it does not present a hazard. The evidence  
6           shows that the water and other TSFs in this  
7           province, such as Taseko's Gibraltar facility, is  
8           of sufficient quality that it sustains a healthy  
9           population of fish.

10                           Those fish are monitored and  
11           sampled and the results of the analysis show the  
12           fish do not contain elevated levels of metals or  
13           other contaminants above levels posing concerns to  
14           fish or human health. We were refer specifically  
15           to the tissue sampling of the Gibraltar tailings  
16           pond which shows the fish in that facility have  
17           significantly lower concentrations of metals and  
18           contaminants than are present in fish in pristine  
19           natural lakes, with the single exception of  
20           copper, which exceeds that measure in other lakes  
21           by a modest 8 percent.

22                           Considering that the background  
23           levels for copper in the vicinity of a copper mine  
24           are almost certainly to be higher than in areas  
25           where copper is not present, this is hardly

1 surprising.

2 Further, it's important to keep  
3 in mind that any exceedance of a single parameter  
4 of the guidelines does not represent a significant  
5 adverse effect.

6 To the contrary, the Ministry  
7 of Environment policy makes clear that these  
8 guidelines are very generic. They do not account  
9 for site specific conditions, and the ministry has  
10 developed a lengthy and detailed policy for  
11 determining whether and when such guidelines can  
12 be safely exceeded in particular circumstances.

13 This policy has been noted in  
14 the submissions file.

15 Taseko has noted that there is  
16 reason to fear any significant adverse  
17 environmental effect, even if water is discharged  
18 from the tailings storage facility. There are  
19 several reasons for this conclusion.

20 First, the water in the  
21 tailings facility is not inherently toxic or  
22 hazardous.

23 Second, the amount of water  
24 that seeps from the tailings facility is  
25 relatively minor, monitored, and about 70 percent

1 of it is estimated to be recovered.

2 Third, if a water quality in  
3 the tailings facility ever does become  
4 unacceptable the company can and would institute  
5 measures to treat the water.

6 Fourth, there is no reasonable  
7 basis to expect the tailings facility to fail in  
8 any catastrophic way. Fears of such a failure are  
9 pure speculation.

10 These kind of facilities exist  
11 around the province and around the world. They  
12 are designed and engineered so as not to fail.  
13 Indeed, that is precisely why some degree of  
14 seepage is part of the design. It is not a flaw  
15 in the design as someone suggested.

16 The TNG and other organizations  
17 have put in an enormous amount of effort to oppose  
18 this project. The TNG is engaged Mr. JP LaPlante,  
19 who is also a director of Raven Trust, where it is  
20 stated on his website that his primary duty is to  
21 coordinate the Tsilhqot'in's engagement and  
22 activities aimed at protecting Tezton Biny and the  
23 surrounding region from the proposed Prosperity  
24 mine.

25 TNG has hired experienced legal

1           counsel, has engaged Tony Pearse to assist in  
2           planning, coordinating their efforts.

3                       TNG and others organized a  
4           parade of presenters at the community sessions.  
5           We heard the same fears expressed many times over,  
6           Often in exactly the same words.

7                       One thing that came through was  
8           the fact that many presenters were obviously  
9           relying on information and analysis that was  
10          readily traced back to the consultants and  
11          advisors indicated by the those groups, engaged by  
12          those groups.

13                      We saw several examples of that  
14          today with Mr. Richardson and Ms. Spencer and  
15          others speaking to previous experts or  
16          specialists.

17                      Number of organizations are  
18          engaged with the TNG to provide information to the  
19          Panel. These organization MiningWatch, Friends of  
20          the Nemiah Valley, Wilderness Committee, Raven  
21          Trust and Valhalla Wilderness Society.

22                      Taseko's hired independent,  
23          qualified and experienced professional consultants  
24          with no stake in the project, and these  
25          organizations all have definite agendas that can

1 be readily found on any of their websites. The  
2 document goes on to specifically speak to some of  
3 the specialists or experts that we have already  
4 put submissions on, so I'm not going to dwell on  
5 that.

6 I would like to speak to  
7 aboriginal rights and title generally.

8 Keeping in mind the Panel's  
9 limited role with respect to aboriginal rights and  
10 title, we wish to briefly touch on these topics  
11 with respect to the New Prosperity project.

12 Aboriginal right is a practice,  
13 custom or tradition integral to the distinctive  
14 culture of an aboriginal community that was  
15 exercised prior to contact with European settlers.  
16 That date was 1793.

17 Aboriginal title is an interest  
18 in land. In order for land to be subject to  
19 aboriginal title, it must have been the subject of  
20 regular and exclusive occupation by aboriginal  
21 people at the time of the assertion of British  
22 sovereignty. That was 1846, B.C.

23 Seasonal or periodic use of  
24 land for the exercise of aboriginal rights is not  
25 sufficient to demonstrate aboriginal title.



1                   To date, no court has made a  
2                   legally binding ruling to establish aboriginal  
3                   title in area of B.C.

4                   However, as a result of the  
5                   William case, the area of New Prosperity project  
6                   is one of the few areas of B.C. where the courts  
7                   have determined aboriginal title does not exist.

8                   In Haida (ph), the Supreme  
9                   Court of Canada set out a framework for the  
10                  consultation of aboriginal groups with asserted or  
11                  established aboriginal rights and title. The duty  
12                  to consult, potentially accommodate aboriginal  
13                  groups with respect of the asserted rights or  
14                  title applies to the Crown, though the Crown can  
15                  delegate procedural aspects of the duty to a  
16                  Proponent.

17                  Recognizing that Taseko's role  
18                  in assisting the Crown carrying out its duty to  
19                  consult, we have engaged in extensive and  
20                  meaningful consultation process with First Nations  
21                  that may be affected by the project.

22                  Consultation by Taseko around  
23                  the development of the mine project started over  
24                  20 years ago in 1992. Throughout that process  
25                  Taseko's provided millions of dollars in support

1 of such consultation, including in excess of \$2  
2 million to TNG for capacity funding to assist them  
3 to have a better understanding of this project.

4 These hearings are a component  
5 of that consultation process. I note the courts  
6 have confirmed the environmental assessment  
7 process itself provides adequate consultation.

8 Taseko's committed to  
9 continuing to work with First Nations and the  
10 Crown to ensure that the Crown's duties are met.

11 Some examples of Taseko's  
12 consultation around the project include: Offers  
13 to meet to discuss revisions of the project  
14 design; offers to meet aboriginal leadership and  
15 communities to discuss issues and concerns; offers  
16 to meet aboriginal leadership and communities to  
17 discuss issues and concerns; offers to meet and  
18 explain the New Prosperity project description and  
19 invitations to meet and discuss the First Nations  
20 issues and concerns with the project.

21 Views on potential significant  
22 adverse environmental effects and/or their views  
23 of the proposed projects effect, or impact, on  
24 aboriginal rights and title.

25 As we've stated before, the

1 redesign of the mine to preserve Fish Lake  
2 represents an unprecedented and significant  
3 accommodation of aboriginal rights. Despite our  
4 efforts, Taseko has routinely faced refusals by  
5 First Nations to meet.

6 Tsilhqot'in leadership have  
7 refused offers by Taseko to meet and discuss the  
8 project. Tsilhqot'in have indicated that they  
9 would be willing to meet with Taseko only if the  
10 outcome of such a meeting could be that the  
11 company would not proceed with the project.

12 Similarly, Taseko has been  
13 unable to present information about the New  
14 Prosperity project, the Secwepemc leadership or  
15 community members.

16 First Nations members have  
17 given evidence in these hearings that they have  
18 not, at least in recent years, been prepared to  
19 engage.

20 Taseko's view, the refusal by  
21 TNG to meet with Taseko is part of an overall  
22 strategy to thwart Taseko's ability to proceed  
23 with the development of the Prosperity project.

24 Taseko has consistently  
25 demonstrated, not just in the submissions it has

1 made to the panel and the way it has conducted  
2 itself during these hearings, but consistently  
3 through the way it operates its business that it  
4 respects aboriginal rights, interests, culture and  
5 practices.

6 The relationship between Taseko  
7 and certain elements of First Nations leadership  
8 had been strained over the past several years, to  
9 say the least. It would be wrong and unfair to  
10 place the responsibility for that situation  
11 entirely on Taseko.

12 We hope it will have been  
13 obvious to the Panel that Taseko has been trying  
14 to open the door for constructive dialogue. It  
15 has remained of that position even when baited by  
16 false accusations.

17 We also hope the Panel will  
18 recognize that constructive dialogue and  
19 consultation is a two-way street and that there  
20 needs to be respect on both sides.

21 We hope the Panel will also  
22 have observed that a significant part of the  
23 opposition to Taseko's proposal for New Prosperity  
24 is driven by a larger political agenda where  
25 Taseko is a pawn in a much larger game.

1                   It's readily apparent, and  
2                   sometimes directly stated, that aboriginal leaders  
3                   are interested, not so much in the particular  
4                   merits of New Prosperity project, but in expanding  
5                   their aboriginal rights and title far beyond those  
6                   that exist under the laws of Canada.

7                   Throughout this process we've  
8                   heard much from people like Councillor Marilyn  
9                   Baptiste, Grand Chief Stewart Phillip, and other  
10                  aboriginal leaders about the United Nations  
11                  declaration of rights of indigenous peoples,  
12                  UNDRIP.

13                  The concept of free prior and  
14                  informed consent to the Niwaya (hp) declaration.  
15                  We know that elements of First Nations leadership  
16                  (muffled) in having these things become the law in  
17                  this country. But the fact is that they are not  
18                  the law in this country.

19                  This UNDRIP is not the law of  
20                  Canada, nor is it binding even in international  
21                  law. The UNDRIP was adopted by the UN General  
22                  Assembly on September 13th, 2007. It's neither a  
23                  treaty, nor a convention; accordingly, is not  
24                  binding on international law.

25                  Given that this is not a

1 binding instrument, there is no requirement for  
2 countries to sign or ratify it. Instead,  
3 countries have simply voted on it and endorsed it.  
4 Canada's eventual endorsement of UNDRIP in 2010  
5 was conditional and done in clear reference to our  
6 constitutional framework, which the federal  
7 government described as the cornerstone of our  
8 efforts to promote and protect rights of  
9 aboriginal Canadians.

10 The Supreme Court of Canada has  
11 made very clear that while aboriginal groups have  
12 constitutionally protected rights, that does not  
13 give them a veto over land use.

14 On August 4, 2013 Taseko filed  
15 a submission containing extracts from numerous  
16 cases that have cited the Supreme Court of  
17 Canada's finding of Haida Nation that aboriginal  
18 groups do not have a veto over project development  
19 in areas over which they have asserted rights and  
20 title. The concept of free prior and informed  
21 consent does not apply in Canada.

22 The Nemiah declaration is an  
23 aggressive and unilateral declaration supported by  
24 a number of aboriginal leaders, many of whom have  
25 been prominent in their opposition to the New

1 Prosperity project.

2 Those leaders harbour ambitions  
3 of a much different, far broader vision of  
4 aboriginal rights than is the law in Canada.  
5 Their opposition to the project is fueled by a  
6 political aspiration, not by particular concerns  
7 as to whether the project will have significant  
8 adverse effects as defined under the Act 2012.

9 We submit that it was very  
10 clear in their presentations that they oppose the  
11 project based on the principle that consent by  
12 aboriginal is required, and without that consent  
13 the project should not proceed. They are dedicate  
14 to opposing the project on that basis alone.

15 The William case, the Court of  
16 Appeal commented on extreme positions that attempt  
17 to reconcile aboriginal rights with Crown  
18 sovereignty by giving one or the other absolute  
19 primacy. There's some quotes within the document  
20 that I won't bother with here.

21 The extreme positions reflected  
22 in the Nemiah declaration that are repeated  
23 throughout these hearings are contrary to Canadian  
24 law. They are contrary to the principle of  
25 reconciliation that underlies all our

1 jurisprudence on the aboriginal rights, and  
2 section 25 of the Constitution Act.

3 Court of Appeal in the William  
4 decision, after explaining its conclusion that the  
5 Tsilhqot'in are not to possess title overall,  
6 claimed areas, though they have rights in broader  
7 areas.

8 This is paragraph 239 from the  
9 William decision:

10  
11 "Seems to me that this view of  
12 aboriginal title, aboriginal rights  
13 is fully consistent with the case law.  
14 It is also consistent with broader goals  
15 of reconciliation. There's a need to  
16 search out practical compromise that can  
17 protect aboriginal traditions without  
18 unnecessarily interfering with Crown  
19 sovereignty and with the well-being of  
20 all Canadians.

21 As I see it, an overly broad  
22 recognition of aboriginal title is not  
23 conducive to these goals.

24 Lamer, CJC's caution in  
25 Delgamuukh that we're all here to stay



1                   was not a mere glib observation to  
2                   encourage negotiations; rather, it was a  
3                   recognition that, in the end,  
4                   reconciliation of aboriginal rights and  
5                   Crown sovereignty should minimize the  
6                   damage to either of those  
7                   principles."

8  
9                   And that was a quote from  
10                  Vickers.

11                 I want to make a personal  
12                 observation at this point. It was really  
13                 disheartening and it bothered me a lot to see  
14                 children testifying in these proceedings, and to  
15                 see them brought to tears by the fears regarding  
16                 the potential impacts of this project. It's sad  
17                 to see those reading from scripts prepared for  
18                 them and parroting the lines that they had been  
19                 given. They were performers in a pageant to evoke  
20                 sympathy.

21                 The truth is that these  
22                 children have been fed false information. Their  
23                 fears and tears were genuine, but they were  
24                 unnecessary. I can only hope somehow through this  
25                 process, in an effort in the future to educate

1           everybody based on truth, the one day not to have  
2           to live with that kind of fear.

3                           We believe the project, the  
4           training, the jobs and self-esteem they bring will  
5           benefit these children and their communities, not  
6           harm them.

7                           We can only hope that through  
8           this opportunity to engage directly with community  
9           members in these sessions and a discussion of the  
10          many things we already do to employ aboriginal  
11          people, that we may have begun to change that  
12          understanding.

13                          I re-affirm Taseko's commitment  
14          to continue its effort to work to do so. By  
15          attempting to engage as much as we can directly  
16          with the members of the aboriginal communities  
17          wherever they are interested in doing so.

18                          Taseko has come to the view  
19          there is a potential rekindle strained  
20          relationships. While Taseko has felt many of the  
21          presentations opposing the project were highly  
22          adversarial, and in many cases involved people or  
23          organizations with their own vested interest,  
24          we've also seen opportunities for improved  
25          relations.

1                   These include some of the  
2                   comments made by various parties during the  
3                   presentations, and some of the informal  
4                   discussions that have occurred during these weeks  
5                   together.

6                   Taseko does not underestimate  
7                   the task of healing wounds in building a common  
8                   future. It may not be possible to reach a point  
9                   of complete consensus with everyone, in fact, I  
10                  don't think it is possible.

11                  Taseko is, and always has been,  
12                  fully committed to developing constructive  
13                  relationships. We hope that this process has  
14                  fulfilled the purpose that goes beyond the  
15                  technical environmental assessment.

16                  I hope it serves as a turning  
17                  point in the dialogue in relationships between  
18                  than the company and aboriginal groups.

19                  While Taseko has been compelled  
20                  to work hard in these proceedings, it wants to put  
21                  all the fights behind it and move forward with  
22                  this project in the way that benefits everyone.

23                  The transmission line came up a  
24                  number of times today again, and in the meetings  
25                  in the communities earlier this week.

1                   Previous Panel concluded that  
2                   the proposed transmission line would not have a  
3                   significant adverse effect on aboriginal rights,  
4                   the Secwepemc -- provided that the plan mitigation  
5                   to avoid construction in sensitive areas was  
6                   carried out in cooperation with the Secwepemc.

7                   Taseko notes that nothing in  
8                   the proposed project has changed in that regard  
9                   and it remains willing to implement the planned  
10                  mitigation measures in cooperation with the  
11                  Secwepemc. The hearing provided very little  
12                  evidence to indicate that the area in which the  
13                  transmission line is to be situated is currently  
14                  used for traditional purposes.

15                  Secwepemc did provide a map  
16                  that showed areas claimed to be of cultural  
17                  significance. Shaded areas on that map  
18                  highlighting those areas run generally on a  
19                  relatively long, narrow north/south access.  
20                  Proposed transmission line runs generally east and  
21                  west across that access, and in relative terms,  
22                  affects only a tiny portion of the area that was  
23                  outlined on that map.

24                  Taseko is committed to working  
25                  with Secwepemc to select a final routing in the

1 proposed corridor that will avoid specific sites  
2 of cultural, archeological significance.

3 As a result, Taseko submits  
4 that there will be very little impact, if any, on  
5 the current use of (muffled) for traditional  
6 purposes, minimal impact on sites of cultural or  
7 archeological significance.

8 During the course of this  
9 hearing there was a great deal of speculation  
10 about potential risks associated with the  
11 development of the New Prosperity mine.

12 With respect to the  
13 speculation, we remind the Panel that the  
14 appropriate test under the precautionary principle  
15 is not one of certainty or zero risk. An  
16 assessment of risk and the potential consequences  
17 of unexpected events must rest on science.

18 The emphasis must be on whether  
19 there is a sound and credible case that a risk of  
20 source or irrevocable harm exists.

21 In our submission, friends (ph)  
22 have asked about risk during the hearing and, in  
23 argument, do not meet that test.

24 Moreover, the evidence adduced  
25 in the hearing is to the effect that the proposed

1 mine we use technology and procedures that are in  
2 common use and well established. The risk of a  
3 significant failure is very small.

4 Mine operations are subject to  
5 ongoing monitoring by the company, which obviously  
6 has a vested interested in the safety of its  
7 employees and maintaining productive operation.  
8 It's while the operation will be subject to permit  
9 requirements and rigorous regulatory oversight.

10 Taseko asks the Panel to keep  
11 in mind that the mine is developed in an  
12 evolutionary process. This gradual, step by step  
13 process allows ample time for the company and  
14 regulators to adjust plans and operations to  
15 respond to any unexpected or changing conditions.

16 As Taseko has testified, we  
17 utilize an adaptive management program to monitor  
18 and respond to risks, and we have provided those  
19 mitigating examples of what we would use in the  
20 adaptive management plan. We just haven't had --  
21 will do that. All this combines to lead the  
22 conclusion the risks are small and manageable.

23 With respect to potential risk.  
24 It's important to note, again, that we're only at  
25 the environmental assessment stage. If the

1 project is approved it will move to detailed  
2 design. Many of the questions that are currently  
3 outstanding, which have been referred to as risks,  
4 will be answered in that stage.

5 The design of the mine will be  
6 adjusted to respond as required to the more  
7 detailed knowledge that will be developed.

8 After that, the project will  
9 proceed to permitting where Taseko's detailed  
10 designs, coupled with more in depth information,  
11 will be carefully scrutinized by regulators who  
12 have the ability to attach conditions to the  
13 issuance of permits to further mitigate potential  
14 risks.

15 Finally, it's important to  
16 remember that the permitting process is dynamic  
17 and ongoing over the life of the mine, and that it  
18 is accompanied by regulatory oversight and  
19 enforcement.

20 One last thing, then I'll move  
21 to my conclusion.

22 Fear of contamination. During  
23 the course of the hearing we heard that even if  
24 the water in the tailings pond is clean and within  
25 applicable water quality standards, and the mine

1 operates safely and exactly as forecast,  
2 aboriginal peoples will not eat the fish  
3 downstream of the mine because of fears of  
4 contamination.

5 This is a very hard issue to  
6 address. It's not based on reality. Moreover, it  
7 is largely a self-induced concern and a  
8 self-fulfilling prophecy.

9 First Nations have been so  
10 filled with false information that, of course,  
11 they will have some concern about eating fish  
12 downstream of this facility. This concern defies  
13 science and facts.

14 Among other things, it ignores  
15 the salmon that return to the area each year to  
16 spawn and they so valued by aboriginal peoples are  
17 not ingesting food as they return to spawn, so  
18 they are not absorbing potential contaminants from  
19 the mine, even if those contaminants were present,  
20 which they are not.

21 The fear of contamination of  
22 fish is something that will have to be addressed  
23 through education, but opponents to the mine need  
24 to first stop their campaign of fear. It is  
25 illogical to be worried about the health of fish



1 in the Taseko River, the Chilko River downstream  
2 from the mine when aboriginal peoples will so  
3 harvest (muffled) the Fraser River, which is far  
4 from the influence of the mine, and far less pure  
5 than the water in those tributaries.

6 Summary. It is Taseko's view,  
7 based on all its years of experience and  
8 expertise, based on a clear and consistent  
9 application of the criteria CEAA 2012, the Panel  
10 should conclude that the New Prosperity mine will  
11 not result in any significant adverse  
12 environmental effects.

13 Taseko did what it was asked to  
14 do, by modifying the proposed project in very  
15 substantial ways to address the concerns  
16 identified by previous Panel.

17 Despite the fact that Taseko  
18 believes that several of those concerns were not  
19 based on proper application of the relevant  
20 criteria.

21 Just as Taseko made changes to  
22 address those concerns, so too did those opposed  
23 to the development of the mine, at least those  
24 opposed to its development by Taseko.

25 They shifted their focus to

1 raise as concerns issues that were previously not  
2 material concerns. Suddenly, the small, remote  
3 virtually inaccessible Little Fish Lake has been  
4 elevated in status and importance.

5 Taseko values and appreciates  
6 aboriginal culture and heritage and has  
7 demonstrated its willingness to accommodate those  
8 interests by modifying its proposed development of  
9 the Prosperity deposit at an incremental cost of  
10 \$300 million.

11 However, Taseko believes the  
12 opponents to mine in aboriginal communities have  
13 used culture and heritage inappropriately as a  
14 weapon by exaggerating the value of the areas that  
15 will be impacted by the mine and the use of those  
16 particular lands and resources for cultural  
17 purposes.

18 We hope and trust the Panel  
19 will see through those tactics. Regardless, we  
20 believe the negative implications of the project  
21 with respect to aboriginal culture, heritage and  
22 archeological sites is relatively small.

23 Moreover, we firmly believe the  
24 positive aspects of the development of the mine in  
25 creating jobs and opportunities for training and

1 education for aboriginal peoples and in providing  
2 sources of revenue directly and indirectly for  
3 aboriginal communities as well as other  
4 communities, will carry with them important  
5 socioeconomic benefits and improved health care  
6 for the aboriginal communities.

7 We say give the mine a chance,  
8 as it will benefit the community at large and, in  
9 particular, give the aboriginal people hope and a  
10 chance to overcome their current circumstances.

11 Taseko is committed to working  
12 with all communities to allow them to benefit from  
13 this opportunity. This project offers so much to  
14 so many, the local communities in the region  
15 across the province and for Canada.

16 It would be nice to see it move  
17 forward and build something positive. That  
18 concludes my statement.

19 I just want to add that  
20 Mr. Gustafon from McMillian will be submitting a  
21 rebuttal document to some of what we've heard  
22 today prior to the final close of this session  
23 today. Thank you.

24 CHAIRPERSON ROSS: Thank you  
25 very much. As I recall, it's my turn.

1                   My comments will not be  
2                   terribly long, and as I indicated, I will then ask  
3                   for the closing ceremony to come forward.

4                   The first thing I would say is  
5                   there are several people to whom the Panel owes  
6                   thanks, and thanks probably aren't enough. But  
7                   I'll start off with the court reporters. I see  
8                   only Sandra there. Courtney has been around --  
9                   oh, there she is at the back.

10                  Sandra and Courtney, the court  
11                  reporters, have been here throughout the hearing  
12                  and we owe them a great deal.

13                  Also at the back, I am sure,  
14                  although I don't see him, is Alex, the sound  
15                  person. There he is. Thank you, Alex, you've  
16                  been great.

17                  I need to go beyond thanks to  
18                  our Secretariat, several of whom have left by now,  
19                  but behind me is Joanne, Jason and Livain, our  
20                  Panel manager have been working incredibly hard.  
21                  I know Livain, in particular, hasn't seen his  
22                  family since July the 20th, and he's entitled to  
23                  get home, I hope, tomorrow.

24                  To the so many people who have  
25                  worked so hard to make our hearing sessions work

1 in Williams Lake, in both locations and in the  
2 communities, we can only offer our thanks.

3 Thanks to presenters, perhaps  
4 especially the biggest presenter, Taseko. We  
5 thank for tolerating all of our questions and for  
6 being helpful to others in presenting your  
7 information and in responding to the many  
8 questions that you have received.

9 To all the presenters  
10 throughout the hearing who have provided us with  
11 their views, thoughts and analysis and  
12 recommendations, I can offer you thanks, again.

13 I can tell you that I've served  
14 -- well, I guess not quite on eight environmental  
15 assessment panels -- on seven plus this one, and  
16 I'm not done yet with this one -- with eight  
17 environmental assessment panels, and can I assure  
18 you the quality of submissions that we have  
19 received on this Panel has been I think the  
20 highest of all of them. That doesn't mean I don't  
21 shoot for higher quality next time but...

22 We will review all of the  
23 information that has been submitted to us and then  
24 our next task, which we have scheduled to start  
25 next week -- we have homework between now and next

1 Wednesday, but we'll meet for the first report  
2 writing session next week. That means you will  
3 note that we actually get a weekend to go home and  
4 sleep in our own beds for a change. We have to  
5 write our report.

6 About 70 days later we will  
7 need to submit that report to Minister of the  
8 Environment, who will release it and make it  
9 available to you.

10 I should point out that with  
11 respect to the closing session today, there have  
12 been 20-odd presentations but there were also  
13 several other interested parties who have  
14 submitted written materials to us, and we either  
15 have got those on the Registry, or will very soon  
16 get them on the Registry.

17 I need to do a formal  
18 observation. The record is closed. We will not  
19 accept any further information except for  
20 outstanding undertakings and Taseko's replies to  
21 the latest new technical submissions.

22 At this point I have only a  
23 couple more sentences, but before I get to them, I  
24 will afford my two colleagues, George and Ron, an  
25 opportunity to say something as well.

1 George?

2 MR. KUPFER: Thank you, Bill.

3 I would like to say that it's  
4 been a privilege, a real privilege, to be the part  
5 of such an important environmental company,  
6 community and First Nations discussion, that  
7 touches on so many issues that are an important  
8 part of life in Canada today.

9 Your hard work and hospitality  
10 and your generous willingness to share your views,  
11 experiences and information are deeply  
12 appreciated. We will give it careful  
13 consideration.

14 MR. SMYTH: I would just like  
15 to thank everybody -- Taseko, the chiefs, all the  
16 presenters, the communities for being so  
17 professional throughout this hearing, and I was  
18 struck by the respect that everybody showed was  
19 quite remarkable. And, in my view, that  
20 contributed so positively to our hearing.

21 As you know because of our  
22 rules, we've had to be the detached and distant.  
23 But I must say, at the end of the long day, the  
24 half smile, the half nod of the head as we were  
25 leave willing were appreciated. And for those of

1           you who were at Tezton Biny for our field trip, I  
2           real enjoyed the handshakes, and thank you for  
3           that.

4                            Like George, I feel very  
5           privileged to have been part of this event. Thank  
6           you.

7                            CHAIRPERSON ROSS: The hearing  
8           on Taseko's Proposed Gold-Copper Mine project is  
9           now closed. Thank you for your attendance.

10          --- Closing ceremonies.

11          --- All the foregoing non-English words, when  
12                            spellings not provided, are represented  
13                            phonetically.

14          --- Whereupon the hearing was concluded at 5:43 p.m.

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## C E R T I F I C A T I O N

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I, COURTNEY MIDDLETON, a certified Court Reporter  
in the Province of Ontario, hereby certify the  
foregoing pages to be an accurate transcription of  
my notes to the best of my skill and ability.

Je, Courtney Middleton, un sténographe officiel  
dans la province de l'Ontario, certifie que les  
pages ci-hautes sont une transcription conforme de  
mes notes au meilleur de mes capacités.

Courtney Middleton,

Courtney Middleton, CSR, RPR  
Certified Court Reporter.

## C E R T I F I C A T I O N

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I, SANDRA BRERETON, a certified Court Reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes to the best of my skill and ability.

Je, Sandra Brereton, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes au meilleur de mes capacités.

Sandra Brereton,

Sandra Brereton, CSR, RPR  
Certified Court Reporter.