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**PROSPERITY GOLD-COPPER MINE PROJECT**  
**CANADIAN ENVIRONMENTAL ASSESSMENT REGISTRY #09-05-44811**

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**FEDERAL REVIEW PANEL PUBLIC HEARING**

**PURSUANT TO:**

**SECTION 34 OF THE *CANADIAN ENVIRONMENTAL ASSESSMENT ACT***

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**PROCEEDINGS AT HEARING**

**TOPIC-SPECIFIC SESSION**

**April 30, 2010**

**Volume 33**

**Pages 6730 to 7087**

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Held at:

Pioneer Complex  
Room 119  
351 Hodgson Road  
Williams Lake, British Columbia

**APPEARANCES****FEDERAL PANEL:**

Mr. Robert (Bob) Connelly, Panel Chair  
Mr. Bill Klassen, Panel Member  
Ms. Nalaine Morin, Panel Member

**CANADIAN ENVIRONMENTAL ASSESSMENT AGENCY (CEAA):**

Ms. Colette Spagnuolo  
Mr. Joseph Ronzio  
Mr. Jaron Dyble  
Mr. Livain Michaud  
Ms. Carolyn Dunn  
Ms. Lucille Jamault  
Ms. Patricia McKeage

**TOPIC 5: SOCIO-ECONOMICS (CONTINUED):****TASEKO MINES LIMITED EXPERT PANEL:**

Mr. Rod Bell-Irving ) Taseko Mines Limited  
Mr. Steve Nicol ) Lions Gate Consulting

**TSILHQOT'IN NATIONAL GOVERNMENT EXPERT PANEL:**

Ms. Patt Larcombe ) Symbion Consultants

**MININGWATCH CANADA EXPERT PANEL:**

Ms. Joan Kuyek ) Formerly of MiningWatch  
Canada

**FRIENDS OF NEMAIH VALLEY EXPERT PANEL:**

Dr. Marvin Shaffer ) Simon Fraser University  
Mr. David Williams ) Friends of Nemaiah

**TRANSPORT CANADA EXPERT PANEL:**

Mr. John Mackie ) Transport Canada  
Ms. Linda Sullivan ) Transport Canada

**SHARE THE CARIBOO-CHILCOTIN RESOURCES SOCIETY:**

Mr. Bill Carruthers ) The Society

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APPEARANCES (cont'd)

**WILLIAMS LAKE AND DISTRICT CHAMBER OF COMMERCE:**

Mr. Walter Cobb ) Chamber of Commerce  
Mr. Jason Ryll ) Chamber of Commerce

**MS. TITI KUNKEL** ) Personal Capacity

**MR. MIKE BIRD** ) Personal capacity

**MS. VERHAEGHE** ) Personal capacity

(Accompanied by: )  
Chief Francis Laceese )  
Chief Marilyn Baptiste )  
Chief Joe Alphonse )

**INTERESTED PARTIES AND PRESENTERS:**

(In order of appearance on the record):

**TOPIC 5: SOCIO-ECONOMICS (CONTINUED):**

1			
2			
3			
4			
5	Ms. Patt Larcombe (Presentation)	) )	Symbion Consultants (For TNG)
6	Mr. Steve Nicol (Presentation)	) )	Lions Gate Consulting (For Taseko Mines)
7			
8	Ms. Linda Sullivan (Questions)	) )	Transport Canada
9	Mr. Tony Pearse (Questions)	) )	Tsilhqot'in National Government
10			
11	Ms. Joan Kuyek (Presentation)	) )	MiningWatch Canada (Formerly of)
12	Mr. Bill Carruthers (Questions)	) )	Share the Cariboo-Chilcotin Resources Society
13			
14	Dr. Marvin Shaffer (Presentation)	) )	Simon Fraser University (for Friends of Nemaiah Valley)
15			
16	Mr. Ramsay Hart (Questions)	) )	MiningWatch Canada
17			
18	Ms. Beth Bedard (Questions)	) )	Esketemc First Nation
19	Mr. John Mackie (Presentation)	) )	Transport Canada
20			
21	Ms. Linda Sullivan (Presentation)	) )	Transport Canada
22	Ms. Amy Crook (Questions)	) )	Tsilhqot'in National Government.
23			
24	Chief Marilyn Baptiste (Questions)	) )	Xeni Gwet'in First Nation.
25			

**INTERESTED PARTIES AND PRESENTERS (continuing):**

(In order of appearance on the record):

1			
2			
3	Mr. Bill Carruthers	)	Share the
	(Presentation)	)	Cariboo-Chilcotin
4		)	Resources Society
5	Mr. Walter Cobb	)	Williams Lake and
	(Presentation)	)	District Chamber of
6		)	Commerce
7	Mr. Jason Ryll	)	Williams Lake and
	(Presentation)	)	District Chamber of
8		)	Commerce
9	Ms. Titi Kunkel	)	Personal capacity
	(Presentation)	)	
10	Mr. Mike Bird	)	Personal capacity
11	(Presentation)	)	
12	Ms. Verhaeghe	)	Personal capacity
	(Presentation)	)	
13	Accompanied by:	)	
	Chief Marilyn Baptiste	)	
14	Chief Francis Laceese	)	
	Chief Joe Alphonse	)	
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23	Mainland Reporting Services, Inc.		
	Nancy Nielsen, RPR, RCR, CSR(A)		
24	Stephen Gill, CCR, CSR(A)		
25			

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10	<b>CHIEF MARILYN BAPTISTE, AND CHIEF JOE</b>	
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14		
	(PROCEEDINGS TO RECONVENE ON SATURDAY,	
15	MAY 1, 2010 AT 9:00 A.M., SAME	
	LOCATION)	
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1 THE CHAIRMAN: Good morning, Ladies and  
2 Gentlemen, I would ask you to take your seats, please,  
3 and we'll reconvene the hearing.

4 **OPENING REMARKS BY THE CHAIRMAN:**

5 THE CHAIRMAN: Good morning, Citizens of  
6 Williams Lake, the Cariboo-Chilcotin Region, Ladies  
7 and Gentlemen, Chief Baptiste, Grand Chief Phillips,  
8 Former Chief William, any Elders who may be present,  
9 Members of the Tsilhqot'in First Nation, and the  
10 Secwepemc First Nation within whose traditional  
11 territory we're holding these hearings today, Members  
12 of the Secretariat, Taseko Mines Limited, welcome to  
13 our fifth day of topic-specific sessions, this one  
14 focusing on socio-economic issues.

15 We will begin shortly, but let me, first of  
16 all, thank the First Nations for the drumming ceremony  
17 and to remind everybody that we'll be closing the  
18 session as the end of the day with a drumming ceremony  
19 again in recognition of the traditional territory  
20 within which we're holding these hearings.

21 In terms of the order, we've had a number of  
22 changes and I appreciate the flexibility that  
23 Transport Canada and Taseko have shown to accommodate  
24 Patt Larcombe's presentation, and what we're proposing  
25 to do now is to have her present first of all, in

1 order that we can complete that presentation and have  
2 the opportunity for questioning both by Taseko and  
3 ourselves. It's very important in terms of fairness  
4 that we have that opportunity, so we have adjusted the  
5 schedule accordingly.

6 I understand, Ms. Larcombe, that you have to  
7 leave about maybe 10:30, 11:00, in that range; is that  
8 correct?

9 MS. LARCOMBE: (Not using microphone).

10 THE CHAIRMAN: Just for the record, around  
11 11:00. So we'll be able to accommodate that I think  
12 within that time slot, then, having moved ahead the  
13 start this morning as well to accommodate your  
14 schedule.

15 So, with that, we will proceed right away to  
16 have you come forward, please, and make your  
17 presentation. Thank you.

18 Good morning.

19 **TOPIC 5: SOCIO-ECONOMICS (CONTINUED):**

20 **TSILHQOT'IN NATIONAL GOVERNMENT**

21 **EXPERT PANEL:**

22 Ms. Patt Larcombe - Symbion Consultants

23 **PRESENTATION BY TSILHQOT'IN NATIONAL GOVERNMENT, BY**

24 **MS. LARCOMBE:**

25 MS. LARCOMBE: Good morning, Panel, Taseko,

1 Williams Lake, my name is Patt Larcombe, that's  
2 L-A-R-C-O-M-B-E. I'm a partner in a firm called  
3 Symbion, S-Y-M-B-I-O-N, Consultants. I'm from  
4 Winnipeg, Manitoba.

5 My presentation today is on behalf of TNG.

6 THE CHAIRMAN: We haven't prescribed little  
7 headlights for times when the lights go off, but  
8 hopefully that helps better. Okay.

9 MS. LARCOMBE: So my presentation today is  
10 to summarize the evidence on current use and cultural  
11 values that was brought into evidence during the  
12 community hearings to describe the Project's effects  
13 on current use as well as on those cultural values, to  
14 present my conclusions regarding the efficacy of the  
15 mitigation measures that have been proposed by Taseko  
16 for current use and cultural values, and finally, to  
17 present my conclusions on the significance of residual  
18 impacts.

19 The name Nabas, I think as we've all  
20 discovered, has different geographic meanings  
21 depending on the speaker, so for the purposes of my  
22 presentation, I've taken the liberty of defining two  
23 geographic areas. One I'm going to be calling "Nabas  
24 central". And that means the Fish Creek watershed  
25 from the south end being Wasp Lake and the north end

1 being the confluence of Fish Creek into the Taseko  
2 River.

3 I'll explain what I'm calling "greater Nabas"  
4 in a little while.

5 The Panel heard from individuals in the  
6 Tsilhqot'in communities first hand about their  
7 traditional and current use of Nabas central. As you  
8 know, I was present during the Xenigwet'in hearings  
9 and I have reviewed the transcripts from the other  
10 community hearings.

11 What you heard at the community hearings is  
12 really just the tip of the iceberg. For two reasons:

13 First, the hearing process, I understand  
14 that, you know, that there was an opportunity for the  
15 Panel to hear first hand some of the evidence that was  
16 not in Taseko's Environmental Application, but it's a  
17 far cry from being a traditional use research  
18 methodology.

19 Now, I realize it wasn't meant to be, but you  
20 have to appreciate that what you heard was a small  
21 amount of information that's out there.

22 And the second reason is that, and I think  
23 you guys pointed, the Panel pointed this out  
24 themselves, it's a very unusual forum for Aboriginal  
25 People to present information, not only about current

1 use but particularly about spirituality. It's not a  
2 culturally appropriate forum for them to deliver that  
3 information. And I think the fact that some people  
4 did, despite their discomfort, share that information  
5 with you shows how important this place is to them.

6 So the Panel at this point has been presented  
7 with both written and oral information. You have the  
8 documentation of the Rights and Title case. You have  
9 my submission on current use that was submitted in  
10 November of last year. So what I want to focus on  
11 today is the evidence that came through the hearing  
12 process.

13 And the reason that I want to synthesize that  
14 information is because, notwithstanding what  
15 everybody's said at the hearings, in each closing  
16 argument in the community hearings, Taseko persists in  
17 characterizing current use as something that happened  
18 in the past. And I want to impress upon the Panel  
19 that that's, that's not an accurate characterization.

20 So the evidence that I'm going to be  
21 reviewing right now is current use, and I mean current  
22 use as in yesterday, last month, last year. And  
23 that's not to suggest that that is how I view current  
24 use. And you've heard both from TNG's legal counsel  
25 and myself on what we think current use is, so I'm not

1 going to belabour that point again.

2 And the last point I'd like to make is that  
3 none of the evidence that came through the community  
4 hearing process deviates in any way from any of the  
5 written submissions in the previous studies, the Cindy  
6 English study, the TNG study, the evidence that came  
7 through the Rights and Title case, there is a  
8 consistency in all of the information.

9 So current use and cultural heritage values  
10 at Nabas Central.

11 You heard from people of all ages. I think  
12 the youngest was 5 or 6 years old and the oldest was I  
13 believe late 80s.

14 And all of these people talked about how they  
15 still go to Nabas Central.

16 For example, Chief Myers told you that he  
17 still hunts in that area, Volume 17, page 2867.

18 Orry Hance said, "I hunt a lot around Fish  
19 Lake, still," Volume 15, page 2652.

20 Catherine Haller told you that she continues  
21 to go there. She hunts there. She fishes there and  
22 she gathers medicine there. Volume 15, page 2638.

23 Alex Lulua explained how there was, because  
24 of logging, much of the moose habitat had been  
25 destroyed in his traditional area and that Nabas and

1 Nabas Central is one of the few places left to get  
2 moose, Volume 13, page 2116.

3 Betty Lulua said she still goes there to go  
4 fishing and hunting and harvesting wild plants and  
5 gets medicines, Volume 16, page 2735.

6 James Lulua Junior, when asked, does he still  
7 go to Teztan Biny and Yanah Biny to fish, said yes, he  
8 goes to those lakes often to get his food fish, Volume  
9 12, page 1812.

10 Former Chief Roger William fishes at Fish  
11 Lake. He's lived there, he continues to camp there.  
12 Volume 18, page 3198.

13 Edmond James Junior: "We hunt, we fish, we  
14 trap, we pick medicines and get clean drinking water  
15 and still go camping there." Volume 12, page 1899.

16 Geraldine William: "Our family still goes to  
17 the lake and fishes there," her written submission,  
18 document 1982.

19 Madaline Myers still goes to Teztan Biny to  
20 pick medicines every year. Volume 15, page 2566.

21 Alex Lulua, again, picks Labrador tea at  
22 Teztan Biny, says it's one of the last few places he  
23 can go to to harvest pine mushrooms and says that the  
24 pine pitch is particularly good there because of the  
25 wetlands. Volume 13, page 2126 through 2128.



1           James Lulua Senior says: "I've lived in Xen  
2           since 1969 and to this day my family goes up to Teztan  
3           Biny to pick tea every year and also other medicines."  
4           Volume 14, page 2412.

5           Miss Hughson, the nurse at Xen  
6           Gwet'in, told you that in the last two years that she's been working  
7           for that community that their Medicine Camp staff go  
8           there every year to pick medicines. Volume 13, page  
9           2066.

10           A number of people talked to you about  
11           picking medicine plants in Nabas Central, explaining  
12           that, because that area has not been logged, because  
13           it's at a higher elevation, that the medicines there  
14           have greater powers.

15           There was a lot more evidence in the  
16           transcripts, but I just wanted to recite this to  
17           remind everybody that the Tsilhqot'in are using this  
18           place today.

19           They are also still using this place for  
20           grazing their cattle.

21           You heard from Dinah and James Lulua Senior,  
22           they continue to take their cattle to Nabas every year  
23           for grazing purposes.

24           Nabas Central is a cultural hub for the  
25           Tsilhqot'in People. Members from all of the

1 Tsilhqot'in communities have family connections to the  
2 generations that have lived there permanently and  
3 seasonally in the past.

4 They have first-hand knowledge of the names  
5 of the parents, the grandparents and the  
6 great-grandparents who have lived in this Nabas area.  
7 They all know, regardless of age, who those people  
8 were and what they have done in those lands.

9 It's because of this ancestral and historic  
10 and continuing cultural connection to Nabas Central  
11 that makes this a cultural hub for the Tsilhqot'in  
12 People.

13 It's been called their homeland and their  
14 backyard. Both Bonnie Myers and Delia William  
15 referred to it as their "homeland". Document  
16 number 2012 in Volume 12, page 1901.

17 Loretta William told you that: "Fish Lake  
18 and Nabas may just seem like a place in the middle of  
19 nowhere, but to us Tsilhqot'in, it's our homeland,  
20 it's our backyard." Volume 12, page 1889.

21 Alice William said: "What does Teztan mean  
22 to us? It's like being asked 'What does the Earth  
23 mean to you'." She said Teztan and Yanah Biny as well  
24 as Onion Lake and other areas within the greater Nabas  
25 area are, "The Earth to the Tsilhqot'in." Exhibit 52.

1                   Geraldine Williams said Nabas and Teztan Biny  
2                   is her family's homeland. Document 1982.

3                   Many Tsilhqot'in People continue to go to  
4                   Nabas Central to promote their cultural continuity and  
5                   to retain their identity. It's a place where  
6                   intergenerational transmission occurs. And I'm  
7                   referring to the teaching and sharing of traditional  
8                   knowledge and traditional skills.

9                   Many people told the Panel Teztan Biny is an  
10                  important teaching place.

11                  For example, Marvin Williams said, today he:  
12                  "Takes the children and the grandchildren to Fish Lake  
13                  teaching the children fishing. The children love it,  
14                  they love going up there." Volume 14, page 2433.

15                  Chief Alphonse said: "You want your children  
16                  to grow up in nature, you bring them to Fish Lake.  
17                  You want them to become fishermen, you bring them to  
18                  Fish Lake. They're guaranteed they'll catch a fish."  
19                  Volume 19, page 3296.

20                  Sherry Hughson, the nurse at Xenigwet'in,  
21                  told you that for at least the last two years, the  
22                  daycare program has been using Teztan Biny as a  
23                  teaching place. They gather the children and Elders  
24                  and go there to teach them.

25                  Susie Setah, who is with the Charlene William

1 Daycare told you in great detail about the daycare  
2 program and how important Teztan Biny is to the  
3 teaching of traditional skills. Volume 13, page 2182.

4 In addition to the intergenerational  
5 transmission of traditional knowledge and traditional  
6 skills, Nabas is also a teaching place  
7 for transmission of history, ancestry, and culture.

8 Bonnie Myers said: "Fish Lake offers a  
9 luxurious view, relaxation, freedom, a place where our  
10 people can teach our children and future generations  
11 our culture, our traditions, our values and our  
12 legends.

13 You have listened to the history of the  
14 Tsilhqot'in People about their connection to Fish  
15 Lake, so you understand why we value this place."  
16 Document 2012.

17 James Lulua Senior told you: "We do have big  
18 connections with the nature at Teztan Biny. We have  
19 Elders Gatherings and we work with the youth about the  
20 values of our culture there." Volume 14, page 2413.

21 Nabas Central is also a place for family and  
22 social gatherings. Many people told you they take  
23 their families to Teztan Biny to camp, to fish, and to  
24 recreate.

25 Catherine Haller told you about the Elder

1           gatherings there, food gathering ceremonies, the youth  
2           and the bathing ceremonies that occur there. She  
3           said: "It's important to teach the youth parenting  
4           skills and have gatherings in the places where the  
5           ancestors have lived." Volume 15, page 2637.

6                    Alex Lulua also mentioned other gatherings,  
7           weddings, anniversaries, birthday parties, and other  
8           types of youth gatherings occur at Teztan Biny,  
9           Volume 13, page 2127.

10                   Many people during the community hearings  
11           shared with you their values in terms of what is  
12           sacred. In general, the Tsilhqot'in People told you  
13           their land, the water, the mountains, the animals, the  
14           fish, the plants, everything is sacred.

15                   And at this, I would like to remind the Panel  
16           that the Guidelines specifically say that, "Spiritual  
17           sites must be considered a traditional use with  
18           significance to Aboriginal People".

19                   Evidence regarding the sacredness of Nabas  
20           Central included a place where the ancestors live.

21                   Alice William talked about the spirits of the  
22           ancestors still being around Teztan Biny settlement  
23           area and she shared with you that she'd had a vision  
24           there as a young woman. Exhibit 52.

25                   Chief Guichon told you that the Tsilhqot'in

1 have a strong spiritual connection to Teztan Biny and  
2 precisely it's because of the connection with the  
3 ancestors that have lived there. Volume 1, page 164.

4 Catherine Haller explained how the people get  
5 more help from their ancestors when they pray where  
6 their ancestors used to live. She said: "We  
7 understand better who we are as Tsilhqot'in People,  
8 where we come from, our history, our situation, when  
9 we go to where the ancestors have lived." Volume 15,  
10 page 2637.

11 You heard from many Tsilhqot'in People of all  
12 ages in all communities that they know of the  
13 ancestral evidence that is at Teztan Biny. They know  
14 where the food caches are. They know where the  
15 quiggly holes are. They know of all these things and  
16 they know of the cremation sites.

17 You also heard that Nabas Central has some  
18 burial sites.

19 Orry Hance told you that his mother, when she  
20 was 98 years old, told him there was a grave right  
21 where the Teztan Biny campground is located. Volume  
22 15, page 2651.

23 Alice William explained that there's unmarked  
24 graves out on the land. Many of the people who  
25 perished during the smallpox epidemic died out on the

1 land there. She knows of at least two graves in  
2 Bulyan Meadows. Exhibit 52.

3 Christine Cooper relating what Celia Quilt  
4 had told her, apparently Celia Quilt had six of her  
5 siblings buried in the meadows at Yanah Biny, and she  
6 personally herself had buried three of her own  
7 children there as well. Volume 20, page 3543.

8 You also heard that Nabas Central is a sacred  
9 place. It's a place where people go to obtain or to  
10 revitalize and get spiritual guidance and powers.

11 Both Catherine Haller and Loretta William  
12 shared with you that they had their spiritual  
13 experiences right at Teztan Biny.

14 Catherine Haller told you that Teztan Biny is  
15 just like an Elder sitting there and the traditional  
16 woman she saw in her vision is still seated at that  
17 island. She said people go there to do their  
18 ceremonies, their prayers, have all-night sweats and  
19 medicine baths. Volume 15, page 2643.

20 Alice William also shared she had a vision at  
21 Yanah Biny, Exhibit 52.

22 Linda Smith reported to you: "Fish Lake is a  
23 spiritual sanctuary, a spiritual centre of the  
24 Tsilhqot'in." Her written submission, March 24th,  
25 2010.

1 Chief Joe Alphonse talked about Tsilhqot'in  
2 healers and how they continually go back to Teztan  
3 Biny for cleansing, for purification and healing  
4 purposes themselves. Volume 19, page 3316.

5 He also said that Teztan Biny was a place  
6 where people go for their vision quests. Volume 19,  
7 page 3297.

8 He described this as "a very powerful place"  
9 and he also mentioned the cultural importance of  
10 finding the peace pipe. Volume 19, page 3346.

11 Both Roger William and Chief Myers told you  
12 about Teztan Biny being an important site for youth  
13 puberty ceremonies. Volume 18, page 3196 and  
14 Volume 17, page 2866.

15 Betty Lulua explained that Teztan Biny is  
16 sacred and that all the areas around Ts'il?os, which  
17 is the heartbeat of the land, it's sacred ground,  
18 Volume 16, page 2734.

19 A few people told you the connection between  
20 Teztan Biny and Ts'il?os.

21 They said that the mine going in there would  
22 anger the mountain.

23 For example, David Setah said that Ts'il?os  
24 has already given a warning sign regarding the mine.  
25 Volume 12, page 1877.



1                   Sonny Lulua said if the mine were to proceed  
2                   at Nabas, that Ts'yl-os would do a lot of damage by  
3                   changing the weather. Volume 16, page 2719.

4                   I'm now going to summarize some of the  
5                   evidence about what I call Nabas, Greater Nabas. And  
6                   what I mean by Greater Nabas is the area including  
7                   Anvil Mountain, the Red Mountains, North Taseko Lake,  
8                   particularly the outlet, Nadilinyex, and Onion Lake.

9                   James Lulua Junior told you that he goes up  
10                  to the Red Mountain every fall to go deer hunting and  
11                  he's been doing this for as long as he can remember.  
12                  Volume 12, page 1808.

13                  Orry Hance said he's been hunting around the  
14                  Anvil Mountain area since 1972 and he goes there every  
15                  year to hunt deer and moose. Volume 15, page 2652.

16                  Sonny Lulua said he takes his grandchildren  
17                  there hunting every year to Anvil Mountain and Red  
18                  Mountains. Volume 16, page 2719.

19                  Betty Lulua told you she goes to Red Mountain  
20                  to hunt and to harvest grouse. Volume 16, page 2735.

21                  Agnes Haller told you she goes to the Red  
22                  Mountains regularly and, for her, it's like her  
23                  family's Hawaii. It's a place where they relax and  
24                  they keep their spiritual energy. Volume 16, page  
25                  2676.

1 Renee Williams says she hunts and camps  
2 throughout this area regularly. Volume 5, page 877.

3 Alex Lulua told you that Onion Lake is his  
4 food fishing lake, Volume 13, page 2158.

5 Renee William mentioned that he fishes at  
6 Onion Lake and both in the Taseko River. Volume 5,  
7 page 877.

8 Betty Lulua told you the Taseko Lake and the  
9 narrows are good places for fishing, hunting and  
10 picking berries. Volume 16, page 2735.

11 I went through the transcripts and what I  
12 found was that a lot of people hadn't specifically  
13 mentioned fishing at Onion Lake or at the outlet of  
14 Taseko Lake during the hearings. And I'm not  
15 surprised by this, because I think people were very  
16 focused on telling you about their traditional use and  
17 values, specifically at Teztan Biny, because that's  
18 the area they see as most at risk.

19 However, there was substantial number of  
20 people expressed concern about the contaminants  
21 reaching Onion Lake. And I think we can infer from  
22 this that this is a lake that they fish in. And the  
23 Current Use Submission based on Cindy English's work  
24 and the TNG's 2001 Study confirms that Onion Lake is  
25 used for food fishing.

1           Agnes Haller talked about a situation where  
2           her mother had been ill and they'd gone up to Red  
3           Mountain and that once her mother was able to pick the  
4           medicines that are there, she felt better. She  
5           explained that, because of the development around the  
6           community of Stone, they feel that their medicines  
7           there are contaminated. But when you go to the  
8           mountains around Teztan Biny, it's healthier and they  
9           have more strength there. Volume 15, page 2643.

10           Betty Lulua told you she goes to the Red  
11           Mountains to pick berries and medicines all the time.  
12           Volume 16, page 2735.

13           Madaline Myers also said she picks regularly  
14           at Taseko Lake. Volume 15, page 2565.

15           Greater Nabas is also used as a teaching area  
16           for children. Suzie Setah of the Charlene William  
17           Daycare explained to you in detail to you how they  
18           take the children out there yearly and the activities  
19           that they do. Volume 13, page 2182.

20           You also heard a lot of people in all the  
21           Tsilhqot'in communities talk about the salmon fishery.  
22           They told you how important the salmon are to them.

23           In recent times, the harvest has varied quite  
24           a lot. And just to illustrate this, between the years  
25           of 2001 and 2008, the salmon harvest has ranged from a

1 high of 25,000 to 30,000 salmon per year. And in a  
2 low year, 9,000 to 13,000.

3 So that's a huge variation. And I'll get to  
4 why that's important shortly.

5 It's not surprising that you heard from Shari  
6 Hughson in Xenigwet'in that families in that  
7 community regularly consume 200 salmon a year. In  
8 short, salmon are critical to the Tsilhqot'in.

9 Many people told you about the decline in the  
10 salmon runs lately and how concerned they are about  
11 their future.

12 Shawnee Palmantier told you: "Our salmon is  
13 in serious decline, so much so that the Cohen  
14 Commission has been established to conduct an inquiry  
15 on the loss of the sockeye in the Fraser River."  
16 Volume 18, page 3128.

17 So, in short, what is the importance of Nabas  
18 to the Tsilhqot'in?

19 What all of the studies and what all of the  
20 evidence during the community hearings is, it's valued  
21 and used by families from all communities to this day.

22 People have a strong historic and ancestral  
23 connection to this place.

24 It's highly accessible, particularly to the  
25 Xenigwet'in and Stone families.

1                   It's one of the last intact and relatively  
2                   undisturbed part of the territory.

3                   Tammy Haller said: "Nabas is our last area  
4                   that is the most untouched by modern society, which  
5                   brings us memories of what it must have been like  
6                   before the Europeans changed us." Volume 16, page  
7                   2703.

8                   Nabas is a rich and diverse area and it  
9                   supports a multitude of traditional activities.  
10                  People go there and they do a number of activities  
11                  simultaneously.

12                  They go there to socialize, to practice and  
13                  enjoy their culture, to relax, and to contribute to  
14                  their livelihood through the harvesting of foods.

15                  You've heard that the trout in the Fish Lake  
16                  watershed is important to the Tsilhqot'in People,  
17                  especially when the salmon runs are low.

18                  You've been told that salmon harvesting takes  
19                  place in July through September, and the bulk of the  
20                  salmon is eaten throughout the winter.

21                  Teztan Biny is accessible by vehicle,  
22                  typically from early May. It's also accessible during  
23                  the winter by skidoo. And fishing in this watershed  
24                  both when the salmon are not running, as well as  
25                  during the wintertime.

1           Just earlier I mentioned that the salmon run  
2           can be quite variable, going from 30,000 fish a year  
3           down to 10. In a poor year, lakes like Teztan Biny  
4           become critical for fish, for food. I'm not  
5           suggesting that this lake contributes 100 percent, but  
6           it is an important contributor.

7           Chief Joe Alphonse said: "Our People are  
8           dependent on salmon, they are dependent on fish. And  
9           in the event that there were years when they would be  
10          slow, a slow odd year where fish would not come back  
11          in abundance...", and he's talking about salmon, he  
12          said, "... people would go back to the lakes for  
13          trout. So they always need to know that there's going  
14          to be healthy lake trout in their territory. In a  
15          difficult year, some years you might loose fish, even  
16          your strong stock in some of these lakes." He's  
17          talking about the lake fish. And he explained how the  
18          Tsilhqot'in did their own fish stocking long before  
19          non-Aboriginal People were doing these things. Volume  
20          19, page 3297.

21          Shari Hughson also confirmed that, when the  
22          salmon run is low, that the people in Xeni Gwet'in  
23          start going to the lakes to make up the difference  
24          with salmon.

25                 So Nabas contributes to the overall

1 sustainability of the mixed subsistence economy and  
2 lifestyle for the Xeni Gwet'in as well as the other  
3 Tsilhqot'in communities. It provides moose, deer,  
4 upland and waterfowl birds, small animals, fish, and a  
5 diversity of plants and medicines.

6 And additionally, it supports some Xeni  
7 Gwet'in families through its use as a grazing area.  
8 It's incredibly important because it's accessible,  
9 it's rich, it's diverse, and it's intact.

10 Nabas also contributes greatly to the  
11 spiritual health and social welfare of the Tsilhqot'in  
12 People. They go there precisely because of the  
13 ancestral and spiritual connection they have to this  
14 place, and because it's a place where they can teach  
15 and share and promote the continuity of their culture.

16 Before I start talking about the impacts of  
17 the proposed mine, I'd like to put some things in  
18 context.

19 You heard from a lot of people about the  
20 encroachments and the impacts of previous and historic  
21 events have had on the culture and on the land and on  
22 the resources.

23 A lot of people shared experiences such as  
24 the government giving the title of the Tsilhqot'in  
25 lands to non-Tsilhqot'in People. And this started in

1 the 1860s. How ranching, involving the clearing of  
2 forests and the raising of fences and grazing leases  
3 and new roads destroyed ceremonial places, overgrazing  
4 and ground compaction destroyed medicinal plants. How  
5 logging and clearcuts and access roads have encroached  
6 on their territory. How Provincial facilities, parks,  
7 and campgrounds, the government's issuing of permits  
8 and licences to third parties such as outfitters and  
9 tourism, non-Tsilhqot'in Peoples' use of their land,  
10 hunting and fishing and resources, their resources,  
11 use of ATVs and motorcycles and bicycles, and most  
12 recently, the serious declines in the salmon runs, all  
13 of these activities have reduced their land base and  
14 the resources that are available to them.

15 As Roger William put it: "Vast areas of our  
16 territories have been obliterated beyond recognition  
17 by logging, our rights to fish and hunt have been  
18 under constant harassment for generation, and our  
19 culture is under constant assault. And now we face  
20 the proposed destruction of one of the last pristine  
21 cultural and spiritual centres of the Tsilhqot'in  
22 People." Document 947, page 23.

23 During the community hearings you also heard  
24 from many people about the colonization events and how  
25 that has impacted the culture.



1                   People talked about the Residential School  
2                   experience. They talked about how government  
3                   regulations restricted their ability to hunt and fish.

4                   They talked about how private property  
5                   ownership and "no trespassing" signs affected their  
6                   ability on the land.

7                   They talked about the **Indian Act** and the  
8                   creation of Reserves and what this did to their  
9                   culture.

10                  They talked about the church and how that  
11                  influenced their culture.

12                  And they talked about the influx of  
13                  non-Tsilhqot'in People into their territory.

14                  All of these individually and in combination  
15                  have adversely impacted on their culture, social,  
16                  health, well-being, and it's caused emotional issues  
17                  such as fear and anger and shame and depression. And  
18                  these have manifested into problems such as addictions  
19                  and withdrawal and mental and physical health  
20                  problems.

21                  You were also informed by many people during  
22                  the hearings why the Tsilhqot'in People don't trust  
23                  government and why they don't trust industry.

24                  Some of the reasons that were cited the most  
25                  often included:

1                   The 1850s Gold Rush which brought so many  
2 people into Tsilhqot'in territory and brought with  
3 them disease;

4                   The smallpox epidemic in 1862/'63, which  
5 decimated their population.

6                   And you heard from many people they believe  
7 their infection was on purpose through the giving of  
8 infected blankets;

9                   You heard that these factors, along with the  
10 prospect of a road being built from the coastline,  
11 resulted in the 1864 War;

12                   You heard many people talk about the hanging  
13 of their leaders and the trickery that was involved  
14 that resulted in their hanging;

15                   In more recent times, you've heard about the  
16 poor relationship they have had with the Ministry of  
17 Forestry and how they have had to resort to roadblocks  
18 to prevent logging in their territory;

19                   You heard people talk about the failure of  
20 the government to negotiate the accommodation and  
21 reconciliation agreements recommended by Judge Vickers  
22 from the Rights and Title case;

23                   And most recently, you heard about how they  
24 felt about the Joint Panel Review falling through and  
25 how they felt that this was just yet another act of

1 causing distrust to both government and industry.

2 You also heard that the Tsilhqot'in  
3 communities are in a fragile state of recovery and  
4 that they have many cultural protection and promotion  
5 efforts in place.

6 You've heard that the Tsilhqot'in communities  
7 are proactively engaged in programs and initiatives to  
8 teach their children their language, traditional  
9 values, knowledge and skills. And also of programs to  
10 help adults with their healing processes.

11 You've heard that the mine represents an  
12 enormous cultural affront to them and you've heard  
13 people speak with passion about how retaining every  
14 remaining piece of land, every sacred place, every  
15 opportunity to express their culture and their  
16 tradition, is critical to their recovery.

17 You've also heard people speak with a lot of  
18 fear and a lot of anger in their voice.

19 As Shari Hughson put it: "Anything that is  
20 allowed to occur, such as a mine, that doesn't fit  
21 into Xeni Gwet'in's plan for recovery will probably  
22 damage the progress they have made." Volume 13, page  
23 2054.

24 You heard from Shari Hughson that Xeni  
25 Gwet'in is a model First Nation community. She told

1           you that Xeni has been more successful than most First  
2           Nations in their recovery efforts. She attributed  
3           this to two things: One, the remoteness from  
4           non-Tsilhqot'in culture, and how they have only been  
5           influenced by non-Tsilhqot'in culture and modern  
6           conveniences for only about 30 years.

7                         But she also suggested that their recovery  
8           progress success is in large part to their inherent  
9           strength in the community in terms of their spirit and  
10          their support for one another and their pride in their  
11          land.

12                        She also said that the people of Xeni Gwet'in  
13          are physically healthier than most First Nation  
14          communities and she talked about how the indicators of  
15          physical health, such as diabetes, obesity, heart  
16          disease are lower there.

17                        She also talked about the lower rates of  
18          addiction issues and crime.

19                        And she attributes this better physical  
20          health and mental health condition in the community to  
21          their reliance on traditional activities and the high  
22          rate of country food consumption.

23                        She talked about Xeni has a plan for food  
24          self-sufficiency which would see 75 percent of their  
25          diet coming from locally grown or harvested foods.

1                   She sees this plan as assisting the community  
2                   in a full recovery.

3                   And she'd mentioned that this plan has been  
4                   recognized as being unique by the First Nations Health  
5                   Council as one of the better or best practices  
6                   approaches they have seen.

7                   You heard a lot of people talk during the  
8                   community hearings about their belief systems with  
9                   respect to the environment and environmental  
10                  protection.

11                  You heard that the belief system is that you  
12                  don't put anything in the water, the water is sacred.

13                  An Anaham Elder, Marie Dick said:

14                  "We were always taught right from a very  
15                  young age to never contaminate the water, never put  
16                  anything into it, don't put any fur of the animals,  
17                  don't put objects, any items, anything, do not  
18                  contaminate the water. We are always taught that. We  
19                  are going to live by the water. We are going to live  
20                  by the fish and the animals. And that was always  
21                  taught, to be respectful around waters, lakes,  
22                  streams, rivers, creeks. And I've always known that  
23                  to be the way. It is that we live by the water. We  
24                  live by the land." Volume 20, page 3519.

25                  You heard many people talk about it being

1 their responsibility, regardless of their age, to  
2 protect the environment for the next generations.

3 To respect Mother Earth.

4 Shyanne Quilt from the Grades 5, 6, 7 class  
5 that gave a presentation in Stone said:

6 "Fish Lake is more than just a lake. It's  
7 part of our culture. Our Elders and our ancestors  
8 have passed their responsibility to protect our lands  
9 and the way of life on to us." Volume 16, page 2698.

10 The Tsilhqot'in People don't just -- they  
11 walk their talk. They have instituted many different  
12 formal protection plans and actions. The Aboriginal  
13 Wilderness Reserve, the Nemiah Declaration. They have  
14 engaged in roadblocks to prevent logging. They spent  
15 20 years preparing and participating in their Rights  
16 and Title case. They developed Access Management  
17 Plans and so forth. They walk their talk.

18 The Tsilhqot'in also have plans for their  
19 territory. And some of these would be in conflict  
20 with mine development. People talked about tourism  
21 and eco-tourism and healing facility plans. For  
22 example, Linda Smith told you:

23 "Teztan Biny has the potential of becoming  
24 the hub for Tsilhqot'in cultural interpretive site for  
25 local schools in the Thompson River University for its

1 First Nation courses."

2 She said: "The site is ideal for the  
3 creation of a pre-1846 typical Tsilhqot'in village  
4 with pit houses, seasonal activities, recreation,  
5 eco-tourism, and a health resort, or healing centre,  
6 for the revitalization of Tsilhqot'in puberty rituals,  
7 because of the safety features of the island and the  
8 pristine nature that lends itself to Tsilhqot'in  
9 spirituality."

10 Her written presentation, March 24th, 2010.

11 Alice William told you of her plans to  
12 actually go back and live at Nabas.

13 She said:

14 "We Tsilhqot'ins are ready to move forward  
15 now. There are a few of us here in Xení and Stone who  
16 want to go back to Teztan Biny and Nabas to start  
17 businesses. Jimmy Lulua is looking after the  
18 recreation for the youth in Xení and he wants to build  
19 a camp at Teztan Biny for them." Exhibit 52.

20 I've mentioned the Xení Gwet'in have a food  
21 self-sufficiency plan. And Nabas contributes to that  
22 plan.

23 You heard people talk about the bioenergy  
24 plant, the Chilko River Demonstration Project,  
25 sustainable forestry ventures, stewardship plans.

1                   The Tsilhqot'in have many plans for their  
2                   territory.

3                   So I'm now going to talk about what are the  
4                   impacts.

5                   First, the Project will destroy the food  
6                   harvesting utility of Nabas Central. Nabas Central  
7                   will not look like Nabas Central any more. The  
8                   watershed will cease to function in natural capacity.  
9                   There'll be holes in the ground. There'll be a hotel  
10                  there. And the animals won't be there anymore. They  
11                  will be displaced. The fish won't be there anymore.  
12                  There'll be no lake, no fish bearing lake, at least  
13                  during the operation phase.

14                  So not only are the animals and the plants  
15                  and the fish displaced, but so are the Tsilhqot'in  
16                  People. They will be displaced from the entire  
17                  footprint of the mine. During the construction phase,  
18                  through the operation phase, and likely beyond and  
19                  permanently.

20                  Given the strong feelings that the  
21                  Tsilhqot'in People have about the spirituality of  
22                  Nabas, and their concerns about contaminants, suggest  
23                  to me they will never return there.

24                  Cecil Grinder said:

25                  "The wildlife, the fish, the birds, trees,



1 plants and berries and so forth are a major source of  
2 our food diet. The majority of the Tsilhqot'in people  
3 depend on this food source.

4 We as Tsilhqot'in People are teaching our  
5 young ones as we were taught by our Elders and people  
6 that passed on. If Taseko Mine goes in, more of our  
7 food sources are going to be gone."

8 Volume 20, page 3456.

9 Taseko has indicated that they will have the  
10 Province designate an area within and around the  
11 proposed mine site as a no hunting zone. We don't  
12 know what the extent of that no hunting zone is going  
13 to be. So I can't really comment on how much of Nabas  
14 the Tsilhqot'in People will become alienated from.

15 However, it may be a moot point, given that  
16 so many people have said they are going to avoid Nabas  
17 anyways because of their contaminant concerns.

18 I just want to talk briefly about cattle  
19 grazing, because the Solomon family, who gave evidence  
20 to you in Xeni Gwet'in, hold the grazing rights to the  
21 Bulyan and Onion Lake area. And I'm just showing a  
22 map of where that grazing lease is.

23 Their lease doesn't show up in the Ministry  
24 of Forestry database because that's not who their  
25 lease is with. Since 1991, the Solomon family have

1           been paying range fees to Xeni Gwet'in who then pays  
2           the Nemiah Valley Stockman's Association.

3                       On the map you can see that their grazing  
4           lease, the proposed mine site sits right in the middle  
5           of their grazing lease.

6                       I spoke to the Lulus to ask them, within  
7           that grazing lease area, where do their cattle  
8           actually graze.

9                       And the area that's tinted in green is based  
10          on the verbal description that they gave me.

11                      So you can see that, while the grazing  
12          lease -- there's a lot of area that's not tinted  
13          green. The primary grazing area is in the footprint  
14          and maximum disturbance area of the proposed mine.

15                      They graze about 40 head of cattle in this  
16          area from May to October each year. The cattle  
17          largely use Onion Lake, Teztan Biny, and Yanah Biny  
18          areas. And in the late fall, they make their way  
19          towards the 4500 Road and then to Cone Hill, which is  
20          outside the grazing lease area here.

21                      The second major impact: Loss of tangible  
22          and intangible cultural heritage sites and values.

23                      You've been told that there's at least  
24          11 burial sites in the area that will either be  
25          flooded by the tailings pond or become part of the

1 mine infrastructure. The exact locations of these  
2 sites have not yet been determined.

3 Yesterday, in Taseko's presentation on  
4 archeology, there were 79 sites that have protected  
5 status under the Provincial legislation.

6 I think the question that Roger William was  
7 trying to get at yesterday was, when he asked, "Who  
8 does the Act protect these sites for?" And I think  
9 what he was trying to get at was that the Act protects  
10 sites that the scientific community has an interest  
11 in. It's not culturally based. And he was also  
12 getting at was that, unless there's physical evidence,  
13 physical archaeological evidence, areas don't get  
14 protected. Spiritual ceremony sites or places where  
15 people have vision quests don't leave physical  
16 evidence. Places where puberty rights occur don't  
17 leave physical evidence. Often cremation sites don't  
18 leave physical evidence. But the Tsilhqot'in People  
19 know where these places are. And these sites are not  
20 even recognized under the legislation.

21 We heard that, because the cabins and the  
22 infrastructure at Yanah Biny post date 1846, they  
23 don't receive automatic protection under the Act. And  
24 Terra Archeology yesterday explained that it's not  
25 impossible to get protection for post-1846, but he

1           wasn't sure if it had ever been done. So while the  
2           cabins that are at Yanah Biny aren't of interest to  
3           the scientific community, they have an enormous  
4           cultural value to the Tsilhqot'in people and they are  
5           not going to be protected.

6                     The entire landscape of the proposed mine  
7           site is going to be destroyed, flooded or otherwise  
8           permanently altered, at least for 20 years and  
9           possibly longer.

10                    And the Tsilhqot'in will be displaced from  
11           this area. That's an entire generation.

12                    And if Taseko decides to go with a 33-year  
13           mine life, we could be talking two generations.

14                    Known archeological sites are going to be  
15           removed or somehow protected, while other places will  
16           just simply be lost. The spiritual aspects of Nabas  
17           Central are place and context specific. To remove  
18           these ancient and historic reminders of those  
19           ancestors, to put them in a box and catalogue them and  
20           put them in a museum somewhere, is not protection, in  
21           their view.

22                    What it does is just disconnect them.

23                    Chief, and I hope I'm not mispronouncing the  
24           Chief's name wrong, Guichon, said:

25                    "Many of my Elders, who are my connection to

1 my culture and my spiritual values, are passing on.  
2 We as First Nations struggle every day to keep our  
3 identity and our cultural values. In losing Elders,  
4 we lose important traditional knowledge about the  
5 culture and our connection to the land. Once the last  
6 of our Elders have passed on, what do we have left to  
7 carry out our cultural beliefs? And more importantly,  
8 what do we have left to teach our children? What is  
9 left is the land itself, the water, the trees, the  
10 fish, the animals, and the stories that connect them.  
11 This is why we are so strongly opposed to the  
12 destruction of important lakes such as Teztan Biny, as  
13 it represents our spiritual and cultural connection to  
14 our ancestors."

15 Volume 1, page 164.

16 Linda Smith told you, regarding the  
17 archaeological sites at Teztan Biny:

18 "Traditional knowledge is very important to  
19 the Tsilhqot'in. In general, knowledge aids in  
20 recapturing and establishing pride in one's heritage.  
21 It is healing and empowering. It provides a sense of  
22 belonging to the ancestors, the land, and one's  
23 culture. It enhances connection to other people."

24 March 24th, 2010 written submission.

25 The proposed mining Project will have impacts

1 beyond Nabas Central. You heard from so many people  
2 during the community hearings about their concerns  
3 about contamination. And many people told you just  
4 simply they are going to quit harvesting in the area  
5 because they are concerned.

6 Orry Hance said:

7 "I wouldn't want to eat moose and deer if it  
8 comes around Fish Lake because there'll be drinking  
9 that water. And even animals depend on water and even  
10 the people depend on the water, too."

11 Volume 15, page 2650.

12 Alex Lulua said: "And I don't know if I'll  
13 be hunting any more if those animals get into the  
14 tailings pond or that tailings pond does leak and go  
15 down the stream into the rivers. Even Big Onion Lake  
16 and Small Onion Lake will be destroyed when this mine  
17 goes through, because Onion Lake has underwater  
18 springs that feed that lake and when that tailing  
19 water leaks, it's going to go straight into those  
20 lakes. And because of that, I won't even want to fish  
21 there anymore."

22 Volume 13, page 2124.

23 He continues:

24 "Regarding hunting around Greater Nabas,  
25 actually, I know I won't eat the animals because I

1 know it's going to change. They are going to be  
2 eating all that contaminated grass, the food, drinking  
3 water contaminated, water from all that stuff, and  
4 dealing with all that dust that goes into their area,  
5 at Vick's mountain, Red Mountain, and Anvil Mountain,  
6 all those areas. No, no, I won't."

7 Volume 13, page 2155.

8 James Lulua Junior said:

9 "And I'm just very worried that if that mine  
10 does go in, like, if you can see all the trees and  
11 vegetation that all the deer live on in the mountains  
12 area, and with the dust and everything, and how's that  
13 going to affect the trees and all the vegetation the  
14 deer are going to be living on? We won't be able to  
15 eat it if that happens."

16 Volume 12, page 1805.

17 Rachael Lulua said:

18 "Would you destroy our way of life by  
19 contaminating the soil and underground watersheds,  
20 contaminating the wildlife habitat and plants, and the  
21 fresh air that we breathe? The fish and the wild game  
22 will be contaminated by the chemicals which will make  
23 us sick if we eat them. You are not destroying just  
24 one lake, you're actually destroying all the lakes  
25 around us."

1 Document 2013.

2 Agnes Haller echoed this:

3 "All our medicines, our wild animals, our  
4 fish, our water, are going to be contaminated."

5 Volume 16, page 2689.

6 Marlene Hink:

7 "We say 'no' to mining at Fish Lake because  
8 it affects our territorial freshwater which will  
9 destroy our fish, animal, and back to us who have  
10 eaten this food since the Ice Age. All the streams  
11 are connected on the surface and underground. The  
12 lakes and surface water will be relocated but how will  
13 the mine affect the underground water? And that's  
14 where I feel that the chemicals are going to be  
15 transported to our territory and affect our wildlife,  
16 our People, our livestock and our traditional  
17 berries."

18 Volume 16, page 2766.

19 Elder Mabel Solomon, as translated by her  
20 daughter Dinah Lulua, and this is Mabel Solomon who  
21 has the grazing lease in the area, said:

22 "I do not want mining to occur within my  
23 grazing area. Our cattle will be ingesting  
24 contaminants and drinking toxic water. Where else can  
25 I range my cattle?"



1 Volume 14, page 2423.

2 Shari Hughson, the nurse at Xeni Gwet'in:

3 "If the mine proceeds, the perception of contamination  
4 of the water, land, animals and plants, is all  
5 pervasive. My experience is we will not be able to  
6 change this perception even if it isn't true. This  
7 factor alone will cause people to stop eating  
8 traditional food."

9 Document 1994.

10 She continues:

11 "Their spiritual belief, their religion is  
12 that everything in nature is connected. Therefore, if  
13 you destroy and contaminate Fish Lake, you contaminate  
14 all rivers, streams and lakes in their territory.  
15 They also believe that nature has a ripple effect,  
16 similar to throwing a stone in a lake. The circle of  
17 waves spread throughout the whole lake and on to the  
18 shore. Therefore, if you destroy or contaminate the  
19 land in the Fish Lake valley, the impact is felt by  
20 the land, animals, birds and plants throughout a much  
21 larger area which encompasses their current territory.  
22 They believe that the interconnectedness of the land  
23 and all living things means you cannot contaminate one  
24 area without harming all areas.

25 Therefore, their belief system tells them

1           that contamination of Fish Lake is contamination of  
2           the majority of their territory."

3                       Document 2037.

4           This fear of contamination, regardless of  
5           what scientific studies or monitoring are done, it  
6           manifests in part by First Nations People just simply  
7           avoiding harvesting foods and resources near  
8           development projects.

9           Dr. Alleyne of Health Canada, who spoke at  
10          the first week of hearings, said in his presentation:

11                    "I have seen in other communities where  
12                    there's such a level of perception that the food  
13                    source was contaminated, that they would totally avoid  
14                    foods from a certain area."

15                    He said:

16                    "Coastal First Nations, who rely quite  
17                    heavily on salmon, if there's industrial activity  
18                    close by, they may suspect that it would be  
19                    contaminated from that. And it's not uncommon for  
20                    First Nations to totally avoid harvesting from areas  
21                    that they suspect."

22                    Volume 5, page 704.

23           This has also been my professional  
24           observation. For example, the Cree communities I've  
25           worked with in northern Manitoba have avoided eating

1 fish in waters affected by hydroelectric development  
2 for fear of mercury. Even when scientific tests have  
3 been done, both on fish and on humans, and they are  
4 told there's no problem with the fish, they still  
5 won't eat the fish. This has occurred in James Bay  
6 Cree territory as well.

7 Many people expressed concern that the waters  
8 of the Taseko and Chilko and Chilcotin River would be  
9 contaminated by the mine. And there was some that  
10 said they'd be scared to eat the salmon from those  
11 waters.

12 Stanley Stump said:

13 "The animals that come to drink in the Taseko  
14 River are very important to us. And if there's  
15 leaching from the holding pond at Fish Lake, rest  
16 assured, every animal down the river will be  
17 contaminated, every fish down river will be  
18 contaminated. Even the fish that are in the Chilko  
19 Lake travel down as far Taseko River, they will be  
20 contaminated. Every living creature that walks the  
21 Taseko River to have something to drink will become at  
22 risk.

23 We as Tsilhqot'in people eat a lot of the  
24 animals that go there, the deer, the moose, so we are  
25 at risk."

1 Volume 19, page 3365.

2 Susan Alphonse said:

3 "The water, we use that as a medicine. This  
4 Tsilhqot'in river here that's running right over here,  
5 just a little ways from us...", she said, "... they  
6 use it, they drink it, they bathe in it, they use it  
7 for medicine, they fish there." She said: "If the  
8 mine comes in, it's all going to get wrecked. We  
9 won't be able to drink it, we won't be able to use it  
10 as our medicine. It's not going to be pure anymore.  
11 And we won't be able to bathe in it."

12 Volume 19, page 3411.

13 Theresa Stump:

14 "If the mine goes through, I don't think I'll  
15 be harvesting salmon anymore for health reasons. I  
16 won't be consuming contaminated salmon."

17 Document 2056.

18 Both Taseko and Transport Canada have  
19 suggested improving access to Prosperity Lake and  
20 possibly other lakes as part of the Fish Compensation  
21 Plan, and in the case of Transport Canada, to mitigate  
22 the navigation losses in the Fish Creek waterway.

23 Any time new access routes come in to First  
24 Nation territory or access improvements are made, it  
25 does increase use. This is only going to add to the

1 problems of encroachment into the Tsilhqot'in area of  
2 use.

3 Roger William explained to you that the  
4 transmission line would be akin to building a road and  
5 it would result in the opening up of much of the  
6 Tsilhqot'in territory to other hunters. Volume 18,  
7 page 3213.

8 Regarding health impacts.

9 Shari Hughson, the nurse at Xeni Gwet'in,  
10 gave you an extremely detailed presentation on how she  
11 feels the proposed mine would impact on the health and  
12 well-being of the members of the Xeni Gwet'in  
13 community. I'm not going to reread her presentation.  
14 It speaks very well for itself. But just to review.

15 She talked about just the act of approving a  
16 mine, this mine, would start to have health impacts on  
17 people, before the first shovel goes into the ground,  
18 she talked about the impacts it was going to have on  
19 people.

20 She talked about the health impacts and  
21 mental health impacts that occur when people lose  
22 faith in the safety of their food sources.

23 And she talked about the physical health  
24 impacts, emotional impacts, and behavioural reactions,  
25 when people have fears of contamination.

1                   She talked about the impact that the proposed  
2 mine would have on that community's plan for food  
3 self-sufficiency.

4                   It was her opinion that, if the mine goes in,  
5 they will not achieve that goal.

6                   She talked about the overall decline in the  
7 community's well-being. She explained that the  
8 engagement of people in traditional activities  
9 promotes physical health and the consumption of  
10 country foods or homegrown foods, promotes a healthy  
11 diet.

12                   She reported to you that if the mine were to  
13 proceed, it would result in significant feelings of  
14 loss and create emotional challenges for that  
15 community.

16                   She told you that the physical health  
17 conditions in the community would deteriorate, citing  
18 increases in diabetes, body mass index, cholesterol  
19 levels, blood pressure levels.

20                   She also predicts, if the mine is approved,  
21 that the incidence of depressive orders, the incidence  
22 of addiction and so on, will increase.

23                   Even Dr. Alleyne of Health Canada said at the  
24 public hearing:

25                   "Certainly the perception of health risks,

1 just a perception can create adverse health impacts if  
2 people start avoiding perfectly safe food."

3 Volume 5, page 696.

4 I would like to clarify something about what  
5 Health Canada was making comments on at the public  
6 hearing here in Williams Lake at the start of the  
7 process.

8 Their comment that the mine proposes no  
9 health risk was based strictly in the context of  
10 contaminant risk.

11 When I reviewed the transcripts, I note that  
12 Taseko, in their closing comments at the end of each  
13 community hearing said, our studies say that there  
14 won't be any contaminants, there won't be any health  
15 risks and Health Canada says there won't be any health  
16 risks.

17 And I think that wasn't in context.

18 What Health Canada said was that assuming  
19 that Taseko's contaminant analysis and modelling  
20 exercises are correct and assuming that the  
21 consumption patterns, which were based using a proxy  
22 in other First Nation, were accurate, then the  
23 contaminant risk would be low.

24 But Health Canada wasn't commenting on any of  
25 the other well-being indices. And so to make a

1 blanket statement that Health Canada says this Project  
2 is healthy or won't cause any health impacts is not  
3 telling the whole story.

4 I have to say I was really disappointed in  
5 Health Canada's presentation.

6 The same agency, speaking before the  
7 Mackenzie Valley Pipeline Panel said:

8 "An increase in the loss of land and culture  
9 are significant contributors to poor health status.  
10 Evidence indicates that cultural and social impacts  
11 are long-term impacts deeply affecting community and  
12 individual identity, self-esteem and well-being.

13 The evidence also shows that increased levels  
14 of stress and frustration related to loss of culture  
15 or land weakened people's resilience and their ability  
16 to cope and increased morbidity and mortality rates."

17 And that was by Dr. Solange van Kemenade,  
18 with the Health Canada Environmental Health Assessment  
19 Services, in a presentation given to the Mackenzie  
20 Valley Pipeline in February of 2007.

21 There's also economic impacts associated with  
22 displacement from traditional territory and avoidance  
23 of traditional territory.

24 It costs more money to go further afield, if  
25 that's even possible, or you have to spend more time



1 doing the same thing.

2 These are out-of-pocket cash impacts.

3 But more the case is what happens is there's  
4 a decrease in harvest effort. Either people loose  
5 faith in the security and safety of the food and so  
6 they discontinue harvesting or they can't afford to go  
7 somewhere else. And what happens is this affects the  
8 economic welfare of individuals and families. To  
9 replace country foods requires cash. Cash to get to a  
10 store, cash to buy food. Often people can't afford to  
11 buy foods that have the same nutritional quality as  
12 the foods that they can get from the land.

13 For illustrative purposes, I've done some  
14 rough estimates to give you a perspective on how  
15 valuable country food is.

16 People talk a lot, Tsilhqot'in talk about  
17 harvesting a lot of berries. To replace berries by  
18 buying fresh fruit such as grapes or strawberries is  
19 about \$6 to \$7 per kilogram, and that's just based on  
20 a sale price at the William's Lake Safeway based on  
21 their flyer the week of April 19th. The value of deer  
22 meat, if it were to be replaced with equally low-fat  
23 beef product, a single deer has a value of about \$950  
24 to \$1,000. A moose, you're looking at about \$3800.

25 And the point I also would like to make here

1 is that people in the community hearings consistently  
2 told you that money doesn't compensate for the loss of  
3 the land and the loss of the culture. So in giving  
4 these dollar estimates, I'm not in any way suggesting  
5 that country food losses can be replaced with money  
6 through compensation.

7 You've heard that the salmon fishery is an  
8 incredibly critical food supply for the Tsilhqot'in  
9 People.

10 If the salmon fishery were to be impacted by  
11 this hydro Project, or if people start avoiding salmon  
12 from the rivers, the economic impact would be  
13 enormous.

14 Just based on Shari Hughson's estimate that  
15 the average family of six consumes about 200 salmon a  
16 year, and these are primarily sockeye, the cost of  
17 replacing those 200 salmon for a family is over  
18 \$6,000.

19 When TNG registered me to speak at this  
20 hearing, there was a presentation provided at that  
21 time. And given the time right now, I'm not going to  
22 speak to it at all, but I'd ask the Panel to review  
23 it. It's based on an extensive literature review.  
24 And it talks about community-based impacts, what  
25 happens in the community as opposed to what happens on

1 the land.

2 Prosperity Lake is not going to mitigate the  
3 loss of Teztan and Yanah Biny. It's further away.  
4 It's not as accessible. And I'll show you a map  
5 shortly. It doesn't provide the same quality or  
6 character of fish. But more importantly, the  
7 Tsilhqot'in aren't going to go fish there. It's an  
8 artificial environment that's going to be overlooking  
9 the tailings pond and the mine. It will be a reminder  
10 to people of what's been lost. It will have no  
11 cultural importance. There'll have no history and no  
12 connection to this place. And given their contaminant  
13 concerns, I would be shocked to hear that they would  
14 actually fish in this Prosperity Lake.

15 Teztan Biny and Yanah Biny fishery is more  
16 than about fishing. It's not a fish, an Aboriginal  
17 fishery is not, can't be replaced by water and fish.

18 Prosperity Lake doesn't replace most of the  
19 components of their Aboriginal fishery there. It  
20 doesn't replace the cultural transmission and teaching  
21 environment that is there now. It doesn't replace the  
22 spiritual component of it. Or the social component.

23 Shawnee Palmantier said:

24 "To advise us that you'll create an  
25 artificial lake and stock it with fish will not

1 replace our Aboriginal Right to fish on Fish Lake and  
2 Little Fish Lake. You fail to truly understand our  
3 relationship to the land. **Delgamuukw** said:  
4 'Aboriginal Rights and the relationship that  
5 Indigenous Peoples had with the land is territorial,  
6 it's grounded in specific areas and tracts of land.  
7 It's a matter of cultural identity that stretches over  
8 generations and cannot simply be removed and  
9 replaced.'"

10 Volume 18.

11 I know when we were in Xenì, we were having  
12 some difficulty in understanding where the 4500 Road  
13 was. So the access route that is used right now into  
14 Fish Lake shows up as purple on the one I'm looking  
15 at. It's the line that's left of the red line. And  
16 the red line is the 4500 Road.

17 From Xenì Gwet'in to Teztan Biny is about  
18 57 kilometres one way. To get to the proposed  
19 Prosperity Lake would be at least 77 kilometres one  
20 way.

21 Taseko's position has been that there'll be  
22 no or minimal effect on traditional use. And this is  
23 not accurate.

24 All of their mitigation measures that they  
25 have identified for impacts on wildlife and plants

1 don't address the fact that the Tsilhqot'in are just  
2 going to be completely alienated from the mine  
3 footprint. Period.

4 Taseko's suggestion that the Tsilhqot'in  
5 People can go somewhere else as a means of mitigating  
6 the loss of going in the mine footprint area has not  
7 been demonstrated to be feasible. You've been  
8 informed over and over again of the encroachment on  
9 the Tsilhqot'in territory and how Nabas is one of the  
10 last remaining intact places for them to go. It's not  
11 clear that there's anywhere else for them to go. And  
12 it certainly hasn't been confirmed whether other areas  
13 that currently contribute to their traditional  
14 activities and economy could support increased  
15 pressure.

16 Taseko has not adequately explained how  
17 they're going to mitigate the loss of the grazing area  
18 used by the Solomon family.

19 Taseko's EA only suggests that they're going  
20 to work with the rancher to ensure that access to  
21 forage is not compromised. This doesn't explain how  
22 they're going to mitigate the loss of 36 percent of  
23 the forage utility of this grazing area. They haven't  
24 explained this. Nor have they explained what the  
25 contaminant risk is to these cattle if they are to

1 drink from the tailings pond.

2 The Tsilhqot'in population is increasing.  
3 For example, both Xenigwet'in and Stone, their  
4 populations have increased by 3 percent in just the  
5 past two years.

6 This means that all the intact areas will  
7 become that much more crucial in the future to support  
8 traditional activities and traditional food  
9 requirements.

10 The guidelines for this Environmental  
11 Assessment require that the assessment consider not  
12 only the impacts on current use of lands and  
13 resources, but also the impacts on the next seven  
14 generations.

15 Given the wealth of evidence that has been  
16 put before this Panel about past and ongoing  
17 encroachment into the Tsilhqot'in territory, I suggest  
18 that the Panel must consider the importance of Nabas  
19 and the implications of removing another area from  
20 their territory and how this is going to affect the  
21 next seven generations.

22 And I'm running out of time. So I'm going to  
23 try and get very quickly through this.

24 The destruction and desecration of the  
25 ancestral and spiritual and sacred places in Nabas

1 cannot be mitigated.

2 Linda Smith says that Tsilhqot'in People will  
3 not touch a grave. And they won't agree to have human  
4 remains removed. So I ask, given that there's at  
5 least 11 graves out there, and we don't know exactly  
6 where they are, how is that to be mitigated?

7 Removing archaeological sites that have  
8 protection under the Provincial legislation is not  
9 culturally acceptable mitigation.

10 And I had said earlier, by removing these  
11 items and putting them in boxes and transporting them  
12 hundreds of miles away is not a form of mitigation  
13 that's culturally acceptable.

14 There is no way to mitigate the loss and  
15 destruction of the land that has spiritual value.

16 I can't think of a better way to impress upon  
17 you how this historic and ancestral connection cannot  
18 be mitigated. By quoting Catherine Haller, she said:

19 "It's important to have the gatherings where  
20 the ancestors and Elders have lived. Gatherings are  
21 held at these places because these are some of the  
22 most important traditional grounds. We get more help  
23 from our ancestors when we pray where they used to  
24 live and do our ceremonies there. We understand  
25 better where we as Tsilhqot'in People come from, our

1 history, our situation, and where we go, where our  
2 ancestors lived."

3 Volume 15, page 2637.

4 I don't think, in my opinion, that the  
5 avoidance of the Greater Nabas area can be mitigated.  
6 It's so clear how concerned the Tsilhqot'in People are  
7 about contamination, and given their spiritual beliefs  
8 about the linkages of land and water in that you don't  
9 destroy the water or contaminate the water, there's no  
10 amount of science and monitoring that's going to  
11 convince them that this is going to be a safe place  
12 for them.

13 All right, I made the one-and-a-half hour  
14 mark, so I would request another five minutes, please.

15 THE CHAIRMAN: Sure. You're timing it  
16 closer than I am, actually.

17 MS. LARCOMBE: Another reason that I believe  
18 that the Tsilhqot'in People will avoid the Greater  
19 Nabas area is this enormous deep-rooted distrust that  
20 they have. When people talk about the smallpox  
21 epidemic that occurred over 100 years ago, you'd think  
22 it happened yesterday. It's so fresh in their minds.  
23 I don't think they will ever trust science or  
24 government or industry regarding contamination, so I  
25 think their avoidance is going to happen.



1                   Health Canada had recommended to you that  
2                   Taseko do a food consumption survey. And you had  
3                   asked me about this when I was in Xeni. And I've had  
4                   more time to think about it.

5                   Food consumption surveys require an enormous  
6                   amount of trust on the part of the people and the  
7                   researcher that's doing the work. There isn't that  
8                   trust with the communities and Taseko, or government.  
9                   To participate in a study such as that, I believe they  
10                  would view that as somehow it was condoning or  
11                  accepting the mine. And I think we all know what  
12                  their position is on the mine.

13                  It's too late to do a baseline. Consumption  
14                  studies requires several years of data to accurately  
15                  reflect the natural fluctuations in weather and animal  
16                  populations.

17                  If the mine is approved, there is no time to  
18                  get that baseline.

19                  It's also probably too late to do any  
20                  monitoring. And what I mean by that is, if the mine  
21                  is approved, the community members will be displaced  
22                  or otherwise avoiding the area and so what exactly  
23                  would we be monitoring?

24                  So I think it's just too late.

25                  So my conclusions are residual effects.

1                   The construction and operation of a mine at  
2                   Nabas Central will permanently destroy, desecrate and  
3                   sever the ancestral, historic and spiritual connection  
4                   that the Tsilhqot'in People have for this place.

5                   The adverse effects impact all Tsilhqot'in  
6                   people in all Tsilhqot'in communities. And this is  
7                   why it's so significant.

8                   The loss of the Teztan and Yanah Biny fishery  
9                   is significant. But the severity I can't say for  
10                  certain.

11                  The fishery is more than a waterbody and it's  
12                  more than fish. The Prosperity component of the  
13                  Fisheries Compensation Plan will not mitigate or  
14                  replace this fishery. Because it can't replace the  
15                  cultural or the spiritual aspects of the fishery. It  
16                  doesn't replace the biomass provided by the fishery.  
17                  In fact, Taseko acknowledges in their Environmental  
18                  Assessment that Prosperity Lake will only partially  
19                  offset the loss. And, as I've said, I doubt that they  
20                  will fish in Prosperity Lake at all, so it would be  
21                  100 percent loss.

22                  There's been insufficient research done to  
23                  know whether the other lakes have sufficient resources  
24                  in them to meet the food requirements of the  
25                  Tsilhqot'in in the event of salmon, low salmon runs

1 or, worse, a complete collapse of the salmon fishery.

2 Nabas Central is an accessible, intact, rich,  
3 diverse ecosystem that provides a multitude of food  
4 sources to the Tsilhqot'in. If they avoid this area,  
5 which I believe they will, the impact will be  
6 significant. Again, their population is growing and  
7 their resource needs are going to be getting larger,  
8 not smaller, in the future, and there's been  
9 insufficient research done to determine whether other  
10 areas of their territory can support the existing  
11 population, never mind the next seven generations.

12 If there were to be adverse effects on the  
13 salmon fishery, this would be hugely significant, both  
14 in economic terms and cultural terms.

15 There is no other salmon resource fishery  
16 that they can go to.

17 The final point I would like to make is the  
18 Tsilhqot'in People will bear the brunt of the adverse  
19 impacts of this mine and receive few of the purported  
20 benefits. How realistic and socially acceptable are  
21 these purported benefits and do they justify or  
22 outweigh the negatives?

23 Taseko, like virtually every resource  
24 development Proponent I know of, highlights the  
25 employment opportunities associated with the mine.

1 And more recently, they have been quite vocal about  
2 the new Provincial Revenue Sharing Policy.

3 The literature indicates that First Nation  
4 participation in mining has been growing in recent  
5 years. However, despite training and skills  
6 opportunities and development, the numbers of First  
7 Nation people employed in the mining sector remains  
8 low and they largely continue to be employed in  
9 low-paying jobs.

10 With respect to employment and jobs, very  
11 few, if any, Tsilhqot'in People indicated during the  
12 hearing process they have any interest in working in a  
13 mine.

14 Shari Hughson and Roger William and others  
15 explained that Tsilhqot'in People want to work in jobs  
16 that are a cultural fit for them. Namely careers that  
17 contribute to the protection and sustainability of  
18 their lands or their culture.

19 With respect to monies associated with jobs  
20 or revenue sharing, the message most Tsilhqot'in  
21 People was: The land is forever, it's more important  
22 than gold or money.

23 Edmond James Junior said:

24 "You will be taking away our life and  
25 destroying our clean water, all that we drink, our

1 fish, our land, water, wild animals, are more  
2 important than all the gold in this world because we  
3 can't drink or eat gold. There's more to life than  
4 gold."

5 So given this strong position that the  
6 Tsilhqot'in have about not wanting this mine in their  
7 territory, because it will destroy the Fish Creek  
8 watershed, and because of their lack of trust and lack  
9 of relationship with this particular mining Proponent,  
10 and because of their cultural belief that the lands  
11 and the water are sacred and necessary to sustain  
12 their culture, and because money cannot mitigate these  
13 losses, and because they are continuing to experience  
14 ongoing cumulative impacts and encroachment within  
15 their territory, it's my opinion that the purported  
16 benefits of this Project can't justify the adverse  
17 impacts the Tsilhqot'in People will experience.

18 Thank you.

19 THE CHAIRMAN: Thank you, Ms. Larcombe, for  
20 your presentation, your overview, I guess I could put  
21 it that way, of what we heard in the community  
22 hearings. I think, as you went through all of the  
23 individuals and mentioned them by name, I think all of  
24 us could probably envisage those people and the way in  
25 which they made the presentations to us. And I think

1           it also, as you correctly mentioned, that we heard  
2           from many people in those communities and the value  
3           for us of hearing directly from them in the  
4           communities and hearing them present their views  
5           directly to us. Although you presented a summary from  
6           your perspective, it's not the same, and I'm sure you  
7           would be the first to realize that, as it is to hear  
8           from these people directly.

9                        So I thank you for the presentation.

10                      And we have the opportunity to ask some  
11                     questions. And I'll turn first to Taseko to see if  
12                     they have any questions.

13           **QUESTIONS OF TSILHQOT'IN NATIONAL GOVERNMENT BY TASEKO**

14                      **MINES LIMITED:**

15           MR. BELL-IRVING:                        Thank you, Mr. Chairman. May  
16                     I just ask of the Chair to clarify for me the context  
17                     in which we're able to ask questions. I'm talking  
18                     timing here. It's quarter after 10:00. I understood  
19                     Ms. Larcombe to say that she's going to leave here at  
20                     11:00. How much time are you able to allocate to  
21                     Taseko to ask questions?

22           THE CHAIRMAN:                         I would say take as much time  
23                     as you feel you need right now. I think 11:00 is  
24                     about the latest that we have you present.

25           MR. BELL-IRVING:                        Okay. Thank you.

1                   Patt, I appreciate listening to and hearing  
2                   all that you've said. And just to confirm for me, as  
3                   a general question, are these views your views or are  
4                   they representing and speaking on behalf of the  
5                   Tsilhqot'in?

6           MS. LARCOMBE:                    Could you be more specific  
7                   about what you mean by "these views"?

8           MR. BELL-IRVING:                Well, the presentation  
9                   entirely.

10          MS. LARCOMBE:                   Well, there's parts of the  
11               presentation that are clearly the Tsilhqot'in view.

12          MR. BELL-IRVING:               Of course. The quotes and  
13               the reference to the transcript. I'm talking about  
14               the statements and the transcript that's -- the result  
15               here. I just need to understand whether you're  
16               speaking or whether the Tsilhqot'in Nation are  
17               speaking.

18          MS. LARCOMBE:                   It's a combination.

19          MR. BELL-IRVING:               Okay. You in your remarks on  
20               the subject of fishing brought up the fact that Onion  
21               Lake was not mentioned as part of the testimony  
22               because the people focused on the Fish Lake area in  
23               their presentation. And then you suggested in your  
24               evidence now that obviously that they do use Onion  
25               Lake, and certainly Taseko understands that, and has

1 observed that.

2 My question is, are there other areas in the  
3 traditional territory, Caretaker Area, that the  
4 Tsilhqot'in People fish for trout?

5 MS. LARCOMBE: Yes. It's my understanding  
6 that there are other lakes. And that evidence was  
7 presented in the maps.

8 MR. BELL-IRVING: And in the context of that,  
9 can you give us some context, contextual understanding  
10 of the relative importance of Fish Lake in relation  
11 to, for example, Big Lake?

12 MS. LARCOMBE: Are you talking in terms of  
13 food volume?

14 MR. BELL-IRVING: I'm talking in terms of  
15 rainbow trout fishing for whatever purpose.

16 MS. LARCOMBE: Are you talking about fish  
17 populations or fish harvests?

18 MR. BELL-IRVING: Harvest. Use of the fish by  
19 the Nation.

20 MS. LARCOMBE: I'm not able to answer that  
21 question. To my knowledge, there's never been any  
22 study done in terms of a harvesting study that would  
23 put quantitative numbers to numbers of fish harvested  
24 in different lakes.

25 MR. BELL-IRVING: Would it be reasonable to



1 surmise, at least, that there are many lakes,  
2 presumably many of which have fish in them, trout, and  
3 other freshwater species, and that perhaps some of  
4 those are used as well?

5 MS. LARCOMBE: The evidence in the Current  
6 Use Submission does identify other lakes that are used  
7 for food fishing.

8 MR. BELL-IRVING: Yes, I'm just trying to get a  
9 handle on some relative context. I won't --

10 MS. LARCOMBE: I wish I could answer that  
11 question, but unfortunately that research has never  
12 been done.

13 MR. BELL-IRVING: Okay, well, I won't pursue  
14 that.

15 You mentioned in your presentation that Fish  
16 Lake was highly, I think you described it as "highly  
17 accessible".

18 Do you recall or do you know when the road to  
19 Fish Lake was built?

20 MS. LARCOMBE: The road as in a road that a  
21 car can travel on?

22 MR. BELL-IRVING: The road that makes Fish Lake  
23 accessible now by car.

24 MS. LARCOMBE: No, I don't. Perhaps Roger  
25 does. I personally don't have that answer.

1 MR. BELL-IRVING: Okay. I know it didn't come  
2 up in terms of testimony, but I think there may be  
3 some information that would indicate when that road  
4 was accessible, so the use and the accessibility of  
5 the lake was by means other than road, obviously,  
6 historically?

7 MS. LARCOMBE: Correct. There were no cars  
8 historically.

9 MR. BELL-IRVING: You referred to the August  
10 '89 Declaration in your remarks. My recollection of  
11 that, and I was trying to read off my BlackBerry the  
12 actual quote, but bear me out here. The Declaration  
13 refers to or describes the Nemiah Aboriginal  
14 Wilderness Preserve as an area. And it includes, and  
15 I apologize for the pronunciation, or I'll spell it,  
16 T-A-C-H-E-L-A-C-H-E-D, is that the Brittany Triangle  
17 area, is that generally the Brittany Triangle area?  
18 It describes, which includes that area and the trap  
19 line area territory. I understand the trap line  
20 territory meaning Nabas or portions of Nabas and Fish  
21 Lake area.

22 MS. LARCOMBE: Yes.

23 MR. BELL-IRVING: I'm assuming, then, this  
24 other area refer to the traditional Brittany Triangle  
25 portion or at least a broader area than just Fish

1 Lake; am I right?

2 MS. LARCOMBE: Correct.

3 MR. BELL-IRVING: The Declaration describes  
4 this area, so those two areas, Fish Lake and I'm  
5 calling it the Brittany Triangle area, but it would  
6 mean perhaps more than that --

7 MS. LARCOMBE: I think it also includes the  
8 western trap line, and other areas.

9 MR. BELL-IRVING: Okay, so the Brittany  
10 Triangle, western trap line, and the eastern trap  
11 line. In the Declaration it says, and I quote:

12  
13 "This area is the spiritual  
14 and economic homeland of our  
15 People."

16  
17 So it describes that whole area as the spiritual  
18 and economic homeland of your people:

19  
20 "To practice our traditional  
21 Native medicine, religion, sacred  
22 and spiritual ways."

23  
24 End of quote. So with that as background, my  
25 question is, again looking at the Fish Lake, Nabas, you

1 referred to it, sorry, as, how did you describe?

2 MS. LARCOMBE: Central and Greater.

3 MR. BELL-IRVING: Central Nabas, can you give  
4 us or the Panel any context that puts the  
5 significance, the value, of central Nabas in the  
6 context of this broader area which you declare is the  
7 spiritual and economic homeland?

8 MS. LARCOMBE: Well, I didn't do the Nemiah  
9 Declaration, so I can't say I declared.

10 MR. BELL-IRVING: Well, the community declared.

11 MS. LARCOMBE: As I pointed out, both at the  
12 start, my deficiency review, the work I did on the  
13 Current Use Submission, the message I keep trying to  
14 get across is that there's only been a certain amount  
15 of research done for the Tsilhqot'in. And although it  
16 seems like there's been a lot of work done, you know,  
17 the Rights and Title case, the Cindy English work, the  
18 TNG's 2001 Study, all of these studies had different  
19 purposes, they weren't in the context of an  
20 Environmental Assessment.

21 And so the work that's been doesn't allow you  
22 to say, one, you know, relatively what is one area  
23 more important than the other.

24 And I would argue that the Tsilhqot'in People  
25 don't say one place is, it's not within their cultural

1 belief system to call one place more important than  
2 another.

3 You can't compare is one place more spiritual  
4 than another. Like, that's impossible.

5 MR. BELL-IRVING: Please, with all due respect,  
6 I wasn't trying to suggest that the Nation, the  
7 Tsilhqot'in People would have any particular reason  
8 for declaring one area more significant. I'm trying  
9 to understand that, from the point of view of the  
10 company, and precisely on the point that you say  
11 there's been a lot of independent and unrelated, it  
12 would be hard-pressed to imagine another example where  
13 so much effort has gone into the Rights and Title  
14 case, I think some 300-odd days of testimony, which  
15 was designed, I believe, to address the issues before  
16 that court. There is a lot of information there that  
17 would give you a basis for being able to at least  
18 provide some contextual understanding of the  
19 significance or the importance of these two perhaps  
20 different areas.

21 But if it's not there, then we'll leave it at  
22 that.

23 Chief Marilyn, are you wanting to ask a  
24 question?

25 THE CHAIRMAN: I would very much like to

1           have questions of Patt Larcombe at this point, but if  
2           you have an answer to one of those questions, perhaps  
3           we could pick that up later, Chief Baptiste.

4 CHIEF BAPTISTE:                   I just actually wanted to say  
5           that his questioning may be better deferred to our  
6           lawyers.

7 THE CHAIRMAN:                   Well, that is an answer, I  
8           guess. But I'm not sure it responds to your question.

9 MR. BELL-IRVING:                 I can assure you these  
10          questions come from me, who is not a lawyer.

11                                 I'll keep asking.

12                                 Patt, you mentioned in your remarks that  
13          there would be no fish-bearing lake during the  
14          operational phase of the mine. And yet, from our  
15          perspective, how is that possible, because we're  
16          devoting all our effort to create Prosperity Lake and  
17          make it an operational fish-bearing lake as early as  
18          possible in the operation. So how do you come to that  
19          conclusion?

20 MS. LARCOMBE:                   Well, as I explained, the  
21          Tsilhqot'in People aren't going to go to Prosperity  
22          Lake. That's why it won't replace it.

23 MR. BELL-IRVING:                 Okay, so the clarification is  
24          that it's not that there won't be one, it's that the  
25          Tsilhqot'in will choose not to use it. Okay, thank

1           you.

2                       I have a question regarding the belief system  
3           that you spoke to and how strong that belief system  
4           is. And, as I recall, you indicated that if you  
5           contaminate Fish Lake, you contaminate all the lakes  
6           in the territory. That was one characterization of  
7           the strength of the belief.

8   MS. LARCOMBE:                       I was quoting at that time.

9           Yes.

10   MR. BELL-IRVING:                    Okay. And you referred to  
11           the interconnectiveness and that if the Project goes  
12           ahead, the community will not fish or drink anywhere  
13           in the territory. Can you imagine or can you suggest  
14           any ways that a Proponent like ourselves, given that  
15           belief system, can you suggest any ways that a  
16           Proponent like ourself might be able to address that  
17           strength of belief?

18                       From our perspective, the choices would be  
19           either let's just not build the mine, that might be  
20           your preferred approach, obviously.

21                       But I'm looking for the other answer. Are  
22           there any, is there any other way that one could hold  
23           up and be respectful of those beliefs and at the same  
24           time have a mine?

25   MS. LARCOMBE:                       I think the Tsilhqot'in

1 Nation has been clear for many, many years that they  
2 weren't against mining, they weren't against this  
3 mine. They are against the destruction of Nabas. And  
4 I think that's -- they were -- my understanding is  
5 with, you know, there were many alternatives that were  
6 considered and some of those were more acceptable to  
7 the Tsilhqot'in than the one that's being reviewed at  
8 this time.

9 MR. BELL-IRVING: Okay, so just before leaving  
10 that point, then, would it be reasonable to conclude  
11 that if a forestry, harvesting, or some other type of  
12 development were to occur, not necessarily in Nabas,  
13 but in the traditional territory, that that, the  
14 strength of belief about connection and the strength  
15 of belief about if you have an impact of some nature  
16 over here, that that wouldn't necessarily affect the  
17 ability to harvest, the ability to drink water  
18 throughout the territory, that it applies differently  
19 to the different types of projects?

20 MS. LARCOMBE: There was community evidence  
21 that indicated that, with clearcut logging, that  
22 people don't like to drink the water in areas where  
23 there's been clearcuts because of sediments and  
24 whatnot.

25 Mining is a different animal. You can't



1 compare it to logging. You know, mining has tailings  
2 pond and acid bearing rock and this sort of thing.  
3 It's in a different playing field than any other  
4 encroachments that the Tsilhqot'in have experienced to  
5 this point in in their history.

6 MR. BELL-IRVING: Would you say that, and this  
7 is an observation that I gained from going through the  
8 community hearings over the last 17 days, how would  
9 you characterize the level of understanding of mining  
10 and this mining Project within the community? And I'm  
11 talking from a technical design specific sort of, if  
12 you will, the science behind it.

13 MS. LARCOMBE: I'm not sure, Rod, that I can  
14 answer. You know, I wasn't present at any  
15 presentations, other than the one I was in in Xeni. I  
16 wasn't, you know, I didn't participate in any  
17 presentations where I was explaining your Project to  
18 the community members. But I can tell you that in  
19 other First Nation communities where I have worked,  
20 you know, whether it's been a mine or a hydroelectric  
21 development, or what have you, that because of the  
22 language issues, it's very difficult to explain the  
23 technology of mining and chemicals and that sort of  
24 thing. It's extremely difficult to translate  
25 accurately into a language. But the point I would

1           make is that, even when you have a really good  
2           trusting relationship with communities, and you feel  
3           you can adequately explain the science of things,  
4           there's still that distrust is there. And it's human  
5           nature. We all -- these aren't -- the example I would  
6           give, regardless of the amount of money that the  
7           Mexican government has put into water treatment,  
8           there's this worldwide perception, "don't drink the  
9           water when you go to Mexico". So I think we can all  
10          relate to -- as humans, we're very wary when it comes  
11          to food security or water security.

12       MR. BELL-IRVING:                    No, I appreciate that, thank  
13          you, Patt. Again, I want to move quickly hopefully  
14          through this.

15                    You've mentioned and you gave the  
16          illustration from the Safeway flyer, I think the cost  
17          of replacing country foods. And you made the  
18          observation that money doesn't compensate for the  
19          loss. And that more importantly that the Nation and  
20          the people wouldn't accept money.

21                    Is that your view or the Nation's view?

22       MS. LARCOMBE:                    That's my professional  
23          opinion based on work done with other communities who  
24          have been offered cash compensation for loss of fish  
25          or what have you. It's not been acceptable to them.

1 MR. BELL-IRVING: You mentioned Prosperity Lake  
2 was further away, and I think you showed the drawing  
3 with the 4500 Road. Are you aware of the existence of  
4 the, what I would call the backdoor route to Nabas up  
5 around Big Onion Lake and up the back slope?

6 MS. LARCOMBE: Yes, we had that conversation  
7 in Xeni.

8 MR. BELL-IRVING: And would there not be a  
9 reason to access Prosperity Lake through that route?

10 MS. LARCOMBE: That's a -- I think Roger you told  
11 me it's two-and-a-half times. It takes about  
12 two-and-a-half times as long to go up the back route,  
13 the Beece Creek route to get up to Nabas.

14 MR. BELL-IRVING: That's because of the  
15 roughness and the condition of the road, I believe.  
16 So if that road were somehow upgraded that that would  
17 provide a more direct route?

18 MS. LARCOMBE: It may, but it would  
19 certainly provide a more direct route for everybody as  
20 well, which is a great concern.

21 MR. BELL-IRVING: With respect to Prosperity  
22 Lake, you observed that, even if it was stocked, that  
23 they would not fish in it for a number of reasons.

24 Are there any lakes in the traditional  
25 territory that you or the Tsilhqot'in would consider

1 candidates for us in the implementation of our  
2 Compensation Plan to put fish into under the guidance  
3 of the Provincial Government and perhaps also have the  
4 Provincial Government dedicate those lakes as  
5 exclusive lakes for harvesting for food fish? Have  
6 you thought about that? Is there any possibilities or  
7 considerations in that regard?

8 MS. LARCOMBE: Rod, I can't answer that  
9 question because, obviously, it's not something that's  
10 been discussed or have had any opportunity to consult  
11 with the Tsilhqot'in People about.

12 MR. BELL-IRVING: And my last question,  
13 relating to employment. And you mentioned that  
14 throughout the hearings Taseko has emphasized and  
15 reminded the communities of two things, amongst  
16 others: The employment opportunities and a number,  
17 and the company's policies, and more important, and  
18 perhaps as importantly, the company's legal  
19 obligations under the Provincial Certificate to  
20 provide a whole array of opportunities for First  
21 Nations related to this Project.

22 And then on top of that, the Revenue Sharing  
23 Policy, which has been discussed, and the Provincial  
24 Government's intention of implementing specifically  
25 with regard to this Project.

1                   When you indicated your remarks based on your  
2                   experience that you've never seen a Project actually  
3                   deliver meaningful employment, meaningful benefits,  
4                   have any of those projects in your history ever had  
5                   the same or equivalent legal obligations and the  
6                   benefit of the Revenue Sharing Policy, which is  
7                   obviously just newly announced, have any of those  
8                   Projects had that level of commitment that would allow  
9                   you to fairly compare what Prosperity and Taseko Mines  
10                  is intending to do relative to all these others that  
11                  you say illustrate that it just doesn't materialize?

12       MS. LARCOMBE:                   When you say "legal  
13                  commitment," your Certificate from the Province  
14                  legally requires you, I wish I were a lawyer right  
15                  now, being legally committed to implement a policy is  
16                  pretty vague.

17       MR. BELL-IRVING:                These are legal commitments  
18                  as conditions of approval. They are not a policy.  
19                  They are a commitment that will be delivered and need  
20                  to be ensured that they are delivered.

21                                        But my question wasn't to put you on the spot  
22                                        as a lawyer. It was simply to ask from your  
23                                        experience, in your capacity working with First  
24                                        Nations across Canada, of whether you have had  
25                                        experience in other projects on this subject of

1           employment and the perceived benefits, whether there's  
2           a project that would even compare to the starting  
3           point, shall we say?

4           MS. LARCOMBE:                           My experience has been that,  
5           where a First Nation has a good relationship with a  
6           Proponent, where they are partners for the Proponent,  
7           where there's been substantive training and  
8           preparation, when all the right things are in place,  
9           there's still this great tendency for it to fail. And  
10          I'm sorry to say that, but people tend to work maybe  
11          for a short period of time and then they miss their  
12          family, they miss being out on the land, they are in  
13          conflict with other people that are in the community,  
14          you know, there's always, it fractions communities.  
15          It's difficult to, in a small community, to be the one  
16          that went to work at the mine.

17          MR. BELL-IRVING:                    No, I appreciate that.

18          MS. LARCOMBE:                           So there might be a bit of a  
19          surge in the beginning of employment, but typically  
20          what happens is it declines.

21          MR. BELL-IRVING:                    No, I appreciate that. My  
22          question again was primarily just to situate the  
23          existence of the terms and conditions of our  
24          Certificate from the Government, Province, which in my  
25          terms are a legal obligation, and I won't go through

1           them all, but they include business development  
2           opportunities, training, employment, et cetera. If  
3           any of these projects to your experience and your  
4           comments are based on have an equivalent level of  
5           conditional approvals?

6       MS. LARCOMBE:                   A lot of the commitments that  
7           I think you're referring to typically are covered off  
8           in Impact Benefit Agreements, social agreements, and  
9           this sort of thing. I'm not sure that when, in your  
10          Table of Commitments, it's, you know, commitment  
11          number 44 or whatever number it is where it says  
12          Taseko will develop a policy of doing X, how  
13          enforceable that is. It's pretty vague. You know,  
14          it's not like with environmental monitoring, you know,  
15          it's very precise and government can check up on you  
16          and make sure you're doing that.

17                    But I guess, for example, I know, you know,  
18                    our TNG has asked questions of Taseko during this  
19                    Review Process about employment figures of Aboriginal  
20                    people at Gibraltar and how difficult it's been for  
21                    you to actually share that information because you  
22                    don't keep it in a way that allows sharing it.

23                    So for you to have it listed as a commitment  
24                    is fine, but monitoring of it, enforcement of it,  
25                    pretty vague.

1 MR. BELL-IRVING: Okay, I won't. Thank you,  
2 Patt, I'll just leave it at that.

3 No further questions, Mr. Chair.

4 THE CHAIRMAN: Thank you, Mr. Bell-Irving.  
5 And Ms. Larcombe for responding.

6 I think my colleagues have a few questions  
7 here on the Panel. I'll turn to them first, Bill.

8 **QUESTIONS OF TSILHQOT'IN NATIONAL GOVERNMENT BY THE**  
9 **FEDERAL PANEL:**

10 MR. KLASSEN: Thank you for your  
11 presentation. The question that I have relates to the  
12 other document that you submitted regarding community  
13 impacts associated with mining.

14 I refer to the stressors that are created by  
15 the two-weeks-in two-weeks-out rotation.

16 My understanding is that some of the mines in  
17 northern Canada are now going to four days in, four  
18 days out, similar to what Taseko is suggesting that  
19 they might institute at this mine.

20 That shorter rotation, does it have the same  
21 stresses or has that been looked at?

22 MS. LARCOMBE: I don't think there's been  
23 any formal study of it because it is relatively a new  
24 shift pattern. It would be easier on families, for  
25 sure.



1 MR. KLASSEN: I was wondering whether  
2 anyone had looked at whether that shorter shift  
3 rotation has increased the period of time that First  
4 Nations or Aboriginal individuals working at those  
5 mines stay with those jobs?

6 MS. LARCOMBE: I haven't seen any literature  
7 on that yet.

8 MR. KLASSEN: Thank you.

9 THE CHAIRMAN: Nalaine?

10 MS. MORIN: I just have one question.  
11 And it's in relation to your slide 21 and in relation  
12 to the Fisheries Compensation Plan.

13 Now, within the Fisheries Compensation Plan,  
14 there's a term referred to as "First Nations Fishery".  
15 And my question for you here is, the three points that  
16 you made, do you consider that components of a First  
17 Nations fishery?

18 MS. LARCOMBE: The three points being the  
19 cultural, transmission and teaching?

20 MS. MORIN: Spiritual and social  
21 activities and sense of connection and history.

22 MS. LARCOMBE: Absolutely.

23 MS. MORIN: Thank you.

24 THE CHAIRMAN: I just have a bit of a  
25 follow-up question I think more related to

1 Mr. Bell-Irving's question. But he's just excused  
2 himself for a moment.

3 But we heard, actually, in the community of  
4 Esket, and I appreciate you weren't there, but Chief  
5 Gottfriedson who spoke about his experiences to some  
6 extent with mining project in his territory. And he  
7 was very clear, of course, not to suggest that their  
8 experience could be immediately translated to the  
9 community of Xeni Gwet'in. He was, after questioning,  
10 by us and others, did provide some information there.  
11 And in fact provided, I guess, some suggestion of the  
12 kind of conditions that would be needed that you've  
13 talked about, which is trust and building a good  
14 relation and so on.

15 But I gathered from that, that at least for  
16 his community, that seemed to be something that in  
17 their case acceptable.

18 You have, in your other document that you  
19 submitted to us, which I've looked at and I appreciate  
20 you didn't have time to present it this morning, but  
21 we do have it here and we have looked at it, you  
22 talked about a lot of problems for First Nations and I  
23 can understand why, obviously. And a lot of negative  
24 results from employment in mines for First Nations.

25 I'm wondering, in your experience, there

1 surely must be some positive benefits as well that you  
2 must have observed for First Nations and employment.

3 I guess my question is, is there, in your  
4 studies, is there a great difference between the  
5 benefits to First Nations versus the benefits you've  
6 seen to non-Aboriginal People who might be working in  
7 some of these mines, is there a really apparent  
8 difference there?

9 I mean, for non-Aboriginal People, I'm sure  
10 some of those same problems exist as well, being away  
11 from families and so on. So I'm just wondering if  
12 there's a real distinct difference there.

13 MS. LARCOMBE: Are you asking me do First  
14 Nation communities have a disproportionate impact,  
15 negative impact?

16 THE CHAIRMAN: That's essentially it, yes.

17 MS. LARCOMBE: Yes, I would say they do.

18 And it goes to part of what I talked about in my  
19 presentation about because of historic events and  
20 colonization, a lot of First Nations are, you know, in  
21 a somewhat fragile state of recovery. And it doesn't  
22 take a lot of outside influences to turn that around.  
23 And money and access to money is certainly, if you  
24 have a propensity to alcohol or any other abusive  
25 behaviours, it can actually just the having the cash

1 actually can exacerbate that.

2 The presentation that I didn't go through,  
3 but also does have a couple of pages of positive  
4 impacts, I'm not presenting a completely biased view  
5 of things.

6 But there are success stories, but they are  
7 very community and project specific. And I personally  
8 haven't -- I think it would be a fascinating research  
9 project would be to look at what were the things that  
10 made that work. But most of the literature focuses on  
11 why it doesn't.

12 THE CHAIRMAN: Thank you. I appreciate  
13 you're pretty tight for time, and I think that  
14 concludes our questions.

15 I would just ask if you have a few minutes  
16 more if there may be questions from others in the  
17 audience.

18 I would start, first, with the Federal  
19 departments, Transport Canada, and Natural Resources,  
20 Environment Canada. I don't see any questions there.

21 In terms of the order of presenters, which is  
22 our priority list of questioners, I would go next to  
23 MiningWatch. Any questions? I see none.

24 Share the Cariboo-Chilcotin Resources  
25 Society? I'm not sure they're here. No questions.

1 Friends of Nemaiah Valley? Okay.  
2 Williams Lake and District Chamber of  
3 Commerce?

4 SPEAKER: No questions.

5 THE CHAIRMAN: Okay. I lost my list here,  
6 but I think I should remember this off by heart by  
7 now.

8 Canoe Creek?

9 Esketemc First Nation, any questions? Okay.  
10 Thanks, Joe.

11 I think I've been through them all. So it  
12 sounds like nobody else has any questions of you.

13 I thank you again for your presentation and  
14 your response to all of the questions this morning.  
15 And wish you a safe trip back to Winnipeg. Thanks  
16 again.

17 MS. LARCOMBE: Thank you.

18 THE CHAIRMAN: I think at this point we'll  
19 take a break and return to Taseko's presentation on  
20 the economic aspects. Thank you.

21 **(BRIEF BREAK)**

22 THE CHAIRMAN: Ladies and Gentlemen, I would  
23 like to resume the hearing, please, I'd ask you to  
24 take your seats so we can get started again. I would  
25 like to resume the hearing again, please.

1 We started off this morning reversing our  
2 order somewhat to accommodate Patt Larcombe and will  
3 now revert back to the original plan, which was to  
4 have Taseko give a presentation to kick off each of  
5 the topic-specific sessions. So we'll now turn to  
6 them to do that. And ask Mr. Bell-Irving to introduce  
7 the presenter as well for us.

8 **CONTINUED PRESENTATION BY TASEKO MINES LIMITED ON TOPIC 5:**

9 **SOCIO-ECONOMICS:**

10 **EXPERT PANEL:**

11 **Mr. Steve Nicol, Lions Gate Consulting**

12 MR. BELL-IRVING: Thank you, Mr. Chair.

13 Rod Bell-Irving for Taseko Mines. I have on my left  
14 Steve Nicol with Lions Gate Consulting, and he will be  
15 doing the presentation.

16 **PRESENTATION BY MR. STEVE NICOL:**

17 MR. NICOL: Thanks Rod. Steve Nicol. I  
18 have a company called Lions Gate Consulting. I'm  
19 based in Vancouver.

20 And I've been doing economic development and  
21 economic impact work for about 22 years. Mostly for  
22 government, regional district government, small  
23 government, Provincial Government, and Federal  
24 Government over the, as I say, the last 22 years.

25 I should say that there was a consulting

1 team, it just wasn't myself that was preparing this  
2 socio-economic work. There was two other consultants  
3 on the team. But what I want to do is take about a  
4 half an hour, and I'll lead you through the process  
5 that we went through and some of the conclusions that  
6 we arrived at in the SEA.

7 So the EIS Guidelines asked us to describe  
8 the socio-economic environment including a description  
9 of the urban and rural settings. And really a focus  
10 on the parameters of interest to address various human  
11 activities and values, and the traditional activities  
12 of Aboriginal People.

13 The assessment methodology that we used was  
14 an assessment of impacts, as the title of the EIS  
15 implies.

16 It's an impact assessment.

17 Our task as indicated was to identify Project  
18 effects, determine proposed mitigation, and determine  
19 the significance of those potentially adverse effects.

20 When we do that assessment, we do it against  
21 what we call the base case conditions. So not the  
22 baseline conditions as they exist today, but against  
23 potential future conditions in the absence of the  
24 project.

25 And the impacts are measured against the

1 indicators that are indicated in the, that are stated  
2 in the EIS Guidelines.

3 So the general approach I've got in three  
4 sections here. First is the economics. Determine the  
5 distribution of Project spending and the potential  
6 incremental costs that might be incurred as a result  
7 of that spending.

8 The social and health issues really are based  
9 upon a determination of the population effects,  
10 although we do have transportation in the social, so  
11 it's not entirely population related, but most of the  
12 social and health effects are population related and  
13 what we look for is where do those effects, where do  
14 those population impacts create effects adverse or  
15 otherwise.

16 And finally there's the land and resource use  
17 component. And here we're talking about impacts  
18 related to the land base and how they might affect the  
19 values of other users of that land base.

20 So the values identified in the EIS, we have  
21 16 in all. We have four under economic. And we're  
22 looking at the labour market, so we're looking at  
23 employment, and we're looking at employment income.  
24 We're looking at government revenues. And we're  
25 looking at what we call regional economic development,



1           which is the business activity that sort of revolves  
2           around that spending.

3                       We also have social parameters, including  
4           population, which is really the basis of most of the  
5           following effects under social and health.

6                       We also look at housing.

7                       And transportation.

8                       And also community services.

9                       We also have health. And when I say health  
10          here, I'm not talking about human health and risk  
11          assessment, I'm talking about the demand for health  
12          services.

13                      And finally, that's not social, that's land  
14          use. Or resource use, the final bullet.

15                      We are looking at age-specific parameters  
16          here, land use, forestry, mining, fishing, hunting,  
17          recreation, tourism, and trapping.

18                      I just want to give you a bit of an idea  
19          about how we determine significance. We ask ourselves  
20          three questions: Is the effect adverse; is the  
21          adverse effect potentially significant; and if it is  
22          potentially significant, what is the likelihood of  
23          that occurring.

24                      And, of course, that assessment is based upon  
25          the effects rated criteria that are listed in all of

1 the, in all of the values. We're talking about the  
2 magnitude. We're talking about geographic area,  
3 frequency, duration, so forth.

4 Now, unlike the biophysical studies and the  
5 wildlife studies and such, determining significance is  
6 a bit of a challenge on the socio-economic side. We  
7 do not have, except in the case of land use and  
8 resource use where we might have some thresholds, we  
9 generally don't have really well-defined thresholds on  
10 the social and the economic side.

11 So what we look for when we're determining  
12 significance is are there variations from historical,  
13 recent historical, or deviations from recent  
14 historical variations?

15 So, for instance, if we know that the  
16 population for a particular study area, local or  
17 Regional Study Area, is going up and down 10 percent  
18 or 5 percent annually or every five years, and we have  
19 a project that's going to have population impacts that  
20 fall within that threshold, then we would expect, we  
21 would expect the various parameters, the various  
22 values to be in a situation that they would be able to  
23 respond to those, because they have in the past.

24 Now, the information sources that we've used  
25 here, obviously there's a lot of baseline information

1 for the values that I've listed. We have statistical  
2 data.

3 We do have baseline studies. We do have  
4 projections about where some of these indicators and  
5 values are going into the future to determine a Base  
6 Case.

7 And we do have other projects that we can  
8 look to to give us an indication about what some of  
9 those impacts and what some of those likelihoods are  
10 going to be.

11 So when I say other projects, I'm talking  
12 about we do have numerous mines in the province of  
13 British Columbia. And we do have two operating mines  
14 in this area right now, one of which is Gibraltar and  
15 the other which is Mount Polley.

16 So we look to those to give us some  
17 indication about how these values might change.

18 For the land use, we rely extensively, at  
19 least at the beginning, on the GIS. So we find out  
20 from the Provincial data warehouse and other data sets  
21 who could be potentially displaced by the mine, so  
22 what registered Rights are there on the Project  
23 components.

24 Now, in terms of filling in the data gaps and  
25 trying to understand what some of those effects are

1 going to be, we're talking with service providers,  
2 we're talking with, in the case of the land, resource  
3 users, and land managers, to give us an indication of  
4 potential effects.

5 The major conclusions, and I'll just take  
6 you, there's a lot of information contained in the  
7 socio-economic assessment, so I've really crunched  
8 down the conclusions here to a small set of bullets.

9 When we look at the economics, one of the,  
10 and my first bullet here is about the base case, so  
11 what's going to happen in the absence of the Project.

12 We don't see a lot changing from the  
13 baseline. In other words, what you see today. This  
14 is a resource-based economy that's heavily dependent  
15 on the forest industry. We've had some increase in  
16 mining activity over the last five or six years,  
17 obviously with the two mines restarting.

18 But basically, this is still a  
19 forest-dependent economy.

20 And I might also add that more than  
21 50 percent of the total community income in this  
22 region comes from the public sector and from  
23 non-employment sources of income such as transfer  
24 payments.

25 So other than forestry and the public sector,

1 we don't have any dominant industries in this region.  
2 And that includes tourism and agriculture and mining.

3 Now, the mountain pine beetle is going to  
4 have a major impact on the economy in this region in  
5 the not too distant future. And I think there's a lot  
6 of analysis that's gone into the mountain pine beetle  
7 and what might happen. So there's some disagreement  
8 about the timing of the effects.

9 But I don't think there's any disagreement  
10 that there's going to be mills closed in the interior  
11 of B.C. and within this community, within these  
12 communities specifically, over the next 5 to 10 years.

13 The positive effects of this Project. These  
14 numbers I've got up here are direct. So we do have  
15 direct effects. We also have indirect and induced  
16 effects. I won't get into those. I'm just going to  
17 give you the direct numbers.

18 378 person-years of employment during  
19 construction.

20 377 person-years of employment during  
21 operations.

22 Approximately \$30 million a year annual  
23 payroll during operations.

24 Approximately \$30 million annually revenues  
25 to government.

1           And as I said, there are other spinoff  
2 effects that are not listed here.

3           So what is this employment and what is the  
4 payroll and what does the purchasing of the mine do?  
5 Well, it creates business to local business  
6 development. So we have local suppliers, local  
7 contractors, we have service providers, we have retail  
8 businesses, we have commercial businesses, that are  
9 benefitting from the spending not only from the mine,  
10 but from the mine workers.

11           And I think if you talk to the business  
12 community in the region, there's a great deal of worry  
13 about what's going to happen down the road when the  
14 forest industry takes a big fall. And with the  
15 spending that's coming from this mine, we can expect  
16 to see many of those businesses keep going in this  
17 region.

18           Now on the social side.

19           Again, the first bullet here is a Base Case  
20 description. And, again, it refers to the mountain  
21 pine beetle. What's happened since 2000 or late 1990s  
22 is we've had a loss of population in this region. And  
23 by the region, I mean the Cariboo and also the  
24 Cariboo-Chilcotin.

25           That loss of population is because of

1 declining economic activity. So we've already had  
2 setbacks in forestry to some extent. So with that as  
3 a bit of -- and we would expect to see if we have one  
4 or two mills closed over the next number of years, if  
5 there's no employment to keep those families in the  
6 community, we would expect to see a continuing of the  
7 past where we have an out-migration of residents and  
8 families.

9 What does that mean? Well, you're losing  
10 population, obviously, but you're also losing  
11 services. So you have schools that have declining  
12 enrolment. You have other government services that  
13 are lowering their capacity, obviously, in response to  
14 public policy and guidelines for what's needed to  
15 serve that population, local population. So it stands  
16 to reason, if you have a population of X and your  
17 population declines by half, government services are  
18 not going to stay the same.

19 We've assumed with the employment impacts  
20 that I previously pointed out that a good portion of  
21 that employment will be coming from outside the  
22 region.

23 We do have high unemployment. Above-average  
24 unemployment in the region. And we would hope that we  
25 could cut that unemployment down. We did an analysis

1 on the skill levels of that unemployment population  
2 and it's really not possible for the mine to get its  
3 workforce, based upon its own skill requirements, from  
4 the unemployment pool, if you will. That means there  
5 will be a need to, for workers to be brought in to the  
6 region, and we're assuming that's going to be from  
7 within British Columbia. Although there might be some  
8 technical positions that would require bringing  
9 workers from further afield.

10 This, in our modelling, this would create an  
11 LSA population increase of between 5 to 6 percent  
12 during the peak of the Project. By LSA, I mean  
13 Williams Lake and the rural areas between the mine and  
14 Williams Lake.

15 That population will be similar to population  
16 levels that were experienced in 2001 that are noted in  
17 the 2001 Census.

18 So that's an important consideration because  
19 what it tells us is the community has already been at  
20 this population level in the recent past.

21 The change in demand for housing during  
22 construction is going to be felt during construction  
23 and most particularly during the early years of  
24 operation when most of the workforce comes into the  
25 community.



1           And we have a housing forecast that's based  
2           upon really the population assumptions and those  
3           population assumptions distinguish between where  
4           people are going to reside. The majority is expected  
5           to reside in Williams Lake, but we're also going to  
6           have a rural component. And that rural component,  
7           it's a bit unclear about where that rural component  
8           would live, because it's a large geographic area, we  
9           have several small communities and we also have First  
10          Nations communities.

11           In terms of transportation, what we looked at  
12          in transportation is, and the question we addressed  
13          for transportation is, is the transportation  
14          infrastructure and transportation services, are they  
15          able to deal with the effects of this Project in terms  
16          of the demand that it's going to create for those  
17          services?

18           So the only bullet I have up here, regards to  
19          Taseko Whitewater Road, because that's the one, as  
20          we've heard over the last few days, where there is  
21          some concern about things like traffic mortality and  
22          that sort of, wildlife, wildlife mortality, sorry, and  
23          that sort of thing.

24           We also looked at the ports in Vancouver. We  
25          looked at CN Rail. We looked at the airport. There's

1 going to be increased demand for all of these  
2 services.

3 Taseko Whitewater Road, the template's a bit  
4 blurry here because it's behind here, that says 150  
5 vehicles per day. That road right now is capable of  
6 carrying five to seven hundred vehicles per day. So  
7 the reason I bring this up is the Ministry of  
8 Transportation and Infrastructure has not indicated  
9 that there would be any problem handling the truck and  
10 the other vehicle demand on this road.

11 Once we get out to Highway 20, and  
12 Highway 27, these are, of course, part of the  
13 Provincial highway system, and the volume, in an  
14 incremental sense, does not really alter significantly  
15 the amount of traffic on those roads.

16 We did look at accident rates as well and  
17 that sort of thing. And so other parameters other  
18 than just traffic volume.

19 Now, an important aspect of the social  
20 assessment is community services. So I've got here  
21 commercial, recreation, and by recreation here I mean  
22 community recreation facilities, ballparks, hockey  
23 rinks, that sort of thing.

24 Fire protection, water, sewer. These were  
25 specified in the EIS Guidelines, so we had a look at

1           these. And the service providers indicated that they  
2           can be met. The demand, based upon the population  
3           effects that we have estimated, could be met with  
4           existing capacity.

5                     Based upon the population, there would be a  
6           need for more RCMP officers. Based upon the per  
7           capita estimates of those services.

8                     And there would also be approximately 250  
9           K-12 students brought into the system, into the  
10          education, into the public education system. So we're  
11          assuming this is public, it could be private, but  
12          we're assuming it's public.

13                    Right now, we're losing one to two hundred  
14          students annually in the School District.

15                    Now, the fifth or the, yes, the fifth  
16          component of the social assessment was the Aboriginal  
17          culture and heritage. And, really, this section  
18          relied exclusively on those reports that have been  
19          cited previously at these hearings. So the Cindy  
20          English report, the two Alexander reports that were  
21          done for the Land Use Plans in the Sustainable  
22          Resource Management Plans that are existing, and also,  
23          of course, the Court materials.

24                    There is obviously recognition of traditional  
25          use and values in this area. Because we were limited

1 to the documentation that we had, we did not make any  
2 determination of significance or confidence in this  
3 particular section.

4 In terms of resource use, which is our third  
5 chapter in this Volume 6, we also have a situation  
6 where the mine is expected to obviously alienate a  
7 certain amount of land within the Project, within the  
8 mine footprint. And also to some extent on the  
9 transmission line.

10 The Base Case is important in looking at  
11 these values, because we have a lot of change  
12 happening on the landscape with the mountain pine  
13 beetle. And I think that was brought up yesterday in  
14 the terrestrial assessment.

15 So, for instance, deforestation or beetle  
16 kill happening in the region, this is going to affect  
17 the values that we're looking at in this particular  
18 chapter.

19 It affects tourism, it's going to affect  
20 trapping, it will affect forestry, of course, and it  
21 will affect recreation.

22 So just to go over briefly some of the  
23 effects. The loss of Fish Lake as a special place,  
24 when I say a special place, I'm not just speaking in  
25 an Aboriginal sense, but it is used by recreation

1 users. It is used by fishermen. And it is used by  
2 other resource users.

3 The land use impacts.

4 In this section, what we looked at is really  
5 what are the land management objectives on the public  
6 land base and how the Project would interact with  
7 that.

8 So we do have a Land Use Plan in the  
9 Cariboo-Chilcotin. We do have two SRMPs, Sustainable  
10 Resource Management Plans.

11 And what the Project is going to do,  
12 obviously from a forestry perspective, it's going to  
13 cause what we call a "regeneration delay". So rather  
14 than having that particular piece of forest available  
15 for a prescription in the future, it's going to be  
16 harvested now and the next regeneration is going to be  
17 deferred obviously because there's going to be no  
18 trees on that landscape, until decommissioning.

19 The major issue identified in the land use  
20 was old growth management areas. So there is old  
21 growth management areas designated within the Project  
22 components and those would have to be replaced. And  
23 that would be done in consultation with Ministry of  
24 Forest and Range.

25 I might add that it's not unusual to replace

1 OGMAs around a forest district based upon project  
2 developments that might occur within the forest.

3 There is displacement of hunting, fishing,  
4 recreation, and trapping activity. All of those occur  
5 at Fish Lake. They all occur, to some extent, other  
6 than fishing along the transportation, along the  
7 transmission corridor.

8 And there's also potential for disruption to  
9 range barriers. Again, this was a specific indicator  
10 provided in the EIS.

11 The range barriers refer specifically to the  
12 transmission line and what the transmission line does  
13 to the movements of cattle. There are some major  
14 ranch operations along the transmission line.

15 The emphasis is on mitigation to resolve  
16 issues at the LSA, at the local levels. So when we  
17 did the assessment on these land uses, and we did  
18 value each of these particular uses; we did value  
19 hunting, we did value fishing, and recreation, and  
20 trapping.

21 And there will be individual licence holders  
22 and in some cases non-licence holders in an official  
23 sense. Patt was indicating that there is a, there is  
24 a rancher, a First Nations rancher who does graze.  
25 Ministry of Forests and Range who is responsible for

1 issuing those range licences is aware of this and  
2 knows about it.

3 But the mitigation, and again, at the local  
4 level, with those licensees that would be affected,  
5 would be expected, in our view, anyway, to manage the  
6 effects on land and resource uses to eliminate any  
7 significant adverse effects.

8 I might add that on all of these land uses,  
9 the right to conduct those activities is not exclusive  
10 of any other activity, so for a guide outfitter who  
11 has a hunting territory, or for a trapper who has a  
12 trap line, or for an outdoor recreation tour guide who  
13 has backcountry recreation tenures, those tenures  
14 provide a right to conduct and to use the land base  
15 for those activities. And they are multiple-use  
16 licences. So that means there's numerous different  
17 activities going on on the land base at the same time,  
18 obviously.

19 Some of the commitments in the Table of  
20 Commitments just indicate where the mitigation is  
21 going here.

22 Taseko is committed to business development,  
23 employment and training. These are just summaries, of  
24 course. Hiring policy that maximizes social benefits,  
25 provides opportunities to Cariboo-Chilcotin

1 candidates. So I mentioned earlier, the more  
2 employees we can hire within the community, within the  
3 region, the fewer population effects there would be.  
4 So that would be an objective of the company.

5 Obviously to provide opportunities for local  
6 First Nations.

7 And encourages local suppliers and  
8 contractors to hire locally.

9 So the obligation to commit to creating as  
10 much opportunity in the region as possible would not  
11 just be for the company, but for its contractors and  
12 suppliers.

13 Taseko also has a program, Mining Your  
14 Future, that it currently has at Gibraltar.

15 And this would be implemented for Prosperity.

16 In terms of business development policies,  
17 we're talking about local, as I said, maximizing local  
18 procurement, so procurement, not just for local  
19 companies, but for First Nations companies, encourages  
20 entrepreneurship, innovation and productivity gains,  
21 commits to invest locally through purchasing and  
22 hiring practices.

23 I've got a health and safety bullets up here,  
24 but I'm not really addressing that. Rod is. But  
25 there is a comprehensive health and safety program,



1 occupational health and safety committee that will be  
2 established and a transportation and access and  
3 management plan.

4 So that's my presentation. I just have a few  
5 more slides. We did have the benefit of reviewing a  
6 couple of submissions, one from TNG, from Patt,  
7 another from the Friends of Nemaiah Valley. And I'm  
8 just going to briefly give our perspective, and also  
9 MiningWatch, also just briefly give our perspective  
10 about our response to their response.

11 The Friends of the Nemaiah Valley, I'm going  
12 by the March 11th, 2009 report by Mr. Shaffer.

13 And, really, when we look at this, and we  
14 look at the work that we've done for this  
15 socio-economic impact assessment, I think it's  
16 important to understand that we've been asked to do an  
17 impact assessment. And a lot of what Mr. Shaffer's  
18 submission is referring to is a cost benefit analysis.  
19 So I'll just start out with the first bullet there.

20 Yes, this is not a cost benefit analysis. So  
21 our Terms of Reference were not to engage in a cost  
22 benefit analysis. Our Terms of Reference was to do an  
23 impact assessment.

24 The reference to analysis is needed of the  
25 net economic and social costs outlined in the

1 sustainability principle, so there is in the EIS  
2 Guidelines a reference to sustainable development.

3 And I think the point here is that the  
4 statement refers to the EA's contribution to  
5 sustainable development. It's not a reference to what  
6 we're obligated to review in the EIS Guidelines.

7 The EIS calls for an assessment of net  
8 economic benefits and Project justification. We did  
9 not see that in the EIS.

10 There's also a comment about the social  
11 opportunity cost of labour. This might have proven to  
12 be a very valuable exercise, I'm not sure.

13 But it's not typically done in an impact  
14 assessment.

15 And it's not specified in the EIS.

16 Mr. Shaffer also talks about the net economic benefits  
17 of tax payments. So, for instance, in the case of  
18 what we call fee-for-service taxes, property taxes,  
19 gas taxes, water taxes. Our view on that was that not  
20 all of those -- that there is an incremental payment  
21 to government. It is fee-for-service, yes, it's meant  
22 to be for a specific provision of a specific service,  
23 such as water. But that we still have a net economic  
24 impact, especially to, especially to local government.

25 Mr. Shaffer also talks about the net social

1 costs of electricity. That's really outside the ambit  
2 of our study. It wasn't in the EIS. And all I can  
3 say is we were told by BC Hydro that they have the  
4 power to provide the Project.

5 We also have a couple slides here on  
6 MiningWatch. And this is from a March 5th, 2010  
7 submission. And these summaries on the left here are  
8 really MiningWatch had quite a bit of commentary  
9 leading up to their assessment, so I've really cut it  
10 down here.

11 What SEA effects are admissible?

12 The EIS requires, and I think there were some  
13 misinterpretation of what's actually required out of  
14 the EIS. And our interpretation is that the EIS  
15 requires justification for accepting potentially  
16 adverse effects. We weren't aware of any language  
17 that talks about justifying the Project.

18 So we're not justifying the project. Our  
19 analysis is not about justifying the project. Our  
20 analysis is about what are the adverse impacts going  
21 to be from a socio-economic perspective and can they  
22 be mitigated and are they acceptable.

23 The scope of analysis of study areas,  
24 MiningWatch had a lot of issues around the selection  
25 of study areas. And our viewpoint on that is we do

1 have different study areas for different  
2 socio-economic parameters. For instance, the land use  
3 parameter, the land use values, we looked at from more  
4 of a ground-based perspective. So the Local Study  
5 Area would be usually the Project components.

6 For something like health services, we  
7 don't -- to use the mine components as a study area  
8 does not make a lot of sense, because that's not where  
9 the services are provided.

10 So the study area changes according to how  
11 those effects are going to be manifested and where  
12 they are going to be concentrated and that means that  
13 the study areas will differ according to the value  
14 that's been measured.

15 There was also questions about how to  
16 evaluate socio-economic or how to undertake a  
17 socio-economic assessment. And our response to that  
18 is many of the parameters that MiningWatch talks about  
19 is that we have addressed those. We probably haven't  
20 addressed them to the suitability of MiningWatch. But  
21 we have addressed those according to the EIS  
22 Guidelines. And also we do have a major part, again,  
23 as with the land use side, on the other social  
24 components, especially for community services and  
25 health services. These impacts, and these effects,

1 are expected to be managed through mitigation.

2 There's a comment in MiningWatch.  
3 Sustainable development and justification for the  
4 Project. So I'm just coming back to my previous  
5 point. We were never under the impression that we're  
6 trying to justify the Project in this assessment.

7 And, again, as with Mr. Shaffer's report,  
8 we're not doing a cost benefit approach. That's not  
9 our approach. It's an impact assessment approach.

10 And the only comment I have here is, as long  
11 as the adverse effects are mitigated to the Panel's  
12 satisfaction, then the Project has met the working  
13 definition of sustainability.

14 The issue about local capacity for more  
15 population, I've addressed that. There will be a  
16 population impact. We do have concerns about it. I'm  
17 not saying it's not an issue. What we're saying is  
18 that can be mitigated. The communities have been  
19 there in the past. And I note that Patt indicated  
20 that many of the communities are growing again.

21 So I assume when she says that, we're talking  
22 about on-Reserve populations. So we've got some  
23 growth happening there. And the capacity to deal with  
24 that population, both in Williams Lake and in the  
25 rural areas, does require mitigation.

1                   And, finally, monitoring program for  
2                   socio-economic effects. Well, the Table of  
3                   Commitments and the mitigation as outlined in the EIS  
4                   has been accepted by the Province, so I'm not sure  
5                   what else we could say or Taseko wants to say about  
6                   that.

7                   The effects of mine closure. What  
8                   MiningWatch means here, I assume, is that we don't  
9                   only have a plan closure in the future, but we could  
10                  have a mine closure at any time in the future, for  
11                  instance if metal prices ...

12                  That something that's extremely difficult to  
13                  predict from a socio-economic perspective. Would it  
14                  be year 5, would it be year 10, would it be year 15?  
15                  It matters when that occurs. But in any case, it was  
16                  not included in the, again, in the EIS Guidelines,  
17                  that particular Project parameter.

18                  That's the end of my presentation.

19                  THE CHAIRMAN:                   Thank you, Mr. Nicol, for the  
20                  presentation.

21                  I'm just going to check on questioning.  
22                  We're getting close to lunch, but I will check first  
23                  to see in terms of the order of priority, it would be  
24                  Transport Canada is a speaker. Do they have any  
25                  questions? Perhaps we can deal with those at this

1 point.

2 **QUESTIONS OF TASEKO MINES LIMITED BY TRANSPORT CANADA, BY**

3 **MS. LINDA SULLIVAN:**

4 MS. SULLIVAN: I have two general areas  
5 where I'd like to ask a question.

6 THE CHAIRMAN: And it's Linda Sullivan, I  
7 believe, for the record.

8 MS. SULLIVAN: Sorry, I keep forgetting  
9 that.

10 The first refers to displacement of fishing  
11 and recreation to local areas in the  
12 Cariboo-Chilcotin. This is quantified in the EIS as  
13 being an increase of 0.4 percent in raising in other  
14 Cariboo-Chilcotin lakes. And the concept of  
15 displacing means that you are dispersing to other  
16 areas and you're increasing the effort and so on in  
17 these other areas.

18 Of interest to Transport Canada is the impact  
19 on fishing and recreation in these other areas. And  
20 I'm wondering if Taseko has any plans to deal with  
21 this increase or is it just an acknowledgment that  
22 this will take place?

23 MR. BELL-IRVING: I think at this point it's an  
24 acknowledgment that it would take place. And with  
25 respect to the displacement, I think one might think

1 of that as a temporal displacement because of the  
2 intended plan to recreate the lake and to return the  
3 land through reclamation. So there's a different  
4 spread, a timeframe around the temporal nature of it,  
5 but a temporal rather than a permanent.

6 MS. SULLIVAN: You've also indicated in  
7 other material presented to the Panel that you intend  
8 to stock lakes. Do you think this will have any  
9 influence on where the fishing and recreation would be  
10 displaced to? Do you feel this could have a positive  
11 impact on that increase?

12 MR. BELL-IRVING: We fully anticipate that  
13 would be the case. But, again, that depends on the  
14 final selection of which lakes, where they are, the  
15 number of variables that would dictate how the public  
16 generally and First Nations and others might make use  
17 of that. But that would be the direction of the  
18 trend. It would be a positive contribution, yes.

19 MS. SULLIVAN: And, I'm sorry, I may have  
20 forgotten to look for this in the EIS, did you have  
21 any particular lakes that you were looking at? I know  
22 this is in discussion with MoE and potentially with  
23 First Nations. Did you have any sort of candidate  
24 lakes that you're currently considering?

25 MR. BELL-IRVING: The nature of our discussions



1 so far have produced a list, I think, of about 14  
2 candidate lakes, which is on the record, from the  
3 Provincial Government, and we're working through that  
4 list with them to select the candidates.

5 MS. SULLIVAN: Thank you. My second  
6 question relates to employment opportunities. And  
7 this is specifically with reference to First Nations.  
8 You this morning said that the Table of Commitments  
9 outlines First Nations employment opportunities. And  
10 I have in front of me the Table of Commitments that is  
11 part of your Environmental Assessment Certificate.

12 I just wanted to read this out to you because  
13 I feel the language is a bit vague. And I know that  
14 Transport Canada will be ultimately looking to work  
15 with you on developing opportunities for mitigating  
16 impacts on navigation. And I just want some clarity  
17 on what we might be looking at down the road.

18 And so I focus on First Nations because the  
19 presentation was this morning and you specifically  
20 referenced it, so I looked at it.

21 So the language that you've chosen to use in  
22 terms of direct employment is:

23 "Expand efforts to hire local First Nations  
24 candidates by ensuring employment opportunities are  
25 communicated."

1                   This is under Economic Contributions and it's  
2                   Section 19, Direct Employment.

3                   And you also add to that:

4                   "Undertake to inform local communities of the  
5                   employment positions and opportunities available at  
6                   Prosperity before expanding the search for potential  
7                   employees."

8                   And then another one was 19.4:

9                   "Establish policies to help potential  
10                  candidates gain required standards and  
11                  qualifications."

12                  And then you refer to your training program  
13                  which is 20.0, Training. 20.1 it says:

14                  "Promote Mining Your Future."

15                  This was mentioned in the general hearings.  
16                  So these words expand and establish policies and  
17                  promote. I'm wondering if you could be more specific  
18                  about actions that you might take given that you've  
19                  spent the last 17 days in community hearings and have  
20                  you given some more thought to the wording that's in  
21                  these commitments?

22                  THE CHAIRMAN:                   Before you respond to that.

23                  Ms. Sullivan, I'm always conscious of I guess the  
24                  mandates of Federal departments and I'm just trying to  
25                  understand how this might be related to the mandate of

1 Transport Canada with respect to navigation here?

2 MS. SULLIVAN: Well, the relation is that we  
3 are required to consult with First Nations. And I  
4 guess we want to understand what kind of commitments  
5 Taseko is making to First Nations so that we can  
6 expand on that ourselves or build from that. That's  
7 why I'm looking at this.

8 THE CHAIRMAN: Thank you for that  
9 clarification.

10 MR. BELL-IRVING: I rather suspect the  
11 specificity that you might be looking for, we're not  
12 able to provide today. These commitments are, as  
13 you've described, perhaps general, they are not  
14 specific, they are policies, they are promises which  
15 are now commitments, legal obligations.

16 But I think there are some underlying  
17 principles that will help shape how we'll put the meat  
18 on the bones, as it were, of these principles. And we  
19 expressed those principles in the communities. In  
20 some instances, I think, whether it was effective or  
21 not, it was part of our intention by telling the story  
22 that we told in Redstone, which you may not have  
23 heard, but it was to illustrate how we felt these  
24 concepts or these principles might actually be  
25 realized at an individual level. So how you would see

1           these commitments actually manifest themselves into a  
2           job or into a career. And I won't go back over that  
3           story, but the basic principles include the fact that  
4           Taseko will do everything it can, reasonably, to  
5           provide information, to provide opportunities, and  
6           provide assistance in the form of Mining Your Future  
7           and other to-be-developed type activities, perhaps.  
8           But all of which will go for nought and mean nothing  
9           if on the other hand, First Nations, which we're  
10          talking about here, don't themselves wish to take  
11          advantage of these opportunities and to step up to the  
12          plate, as it were, and participate.

13                        So we can't do it alone, I guess is a  
14          fundamental message. But I can't be more specific  
15          than that in terms of the meat, as it were.

16   MS. SULLIVAN:                        Thank you.

17                        That's all the questions that I have. Thank  
18          you, Mr. Chairman.

19   THE CHAIRMAN:                        Okay, thank you, Ms. Sullivan  
20          for the questions and the answers.

21                        The next on the list would be the Tsilhqot'in  
22          National Government. I imagine there are a number of  
23          questions there. And I'm just wondering about how  
24          much time might be needed. I suspect it might be more  
25          appropriate to break for lunch, but perhaps I can

1 check with Ms. Crook here.

2 MS. CROOK: Yes. Mr. Chair, I believe we  
3 have at least four different questioners that would  
4 like to come forward and that might generate more. I  
5 suspect it will take at least half an hour.

6 THE CHAIRMAN: Yes, it will take some time,  
7 obviously, so I think this is probably an appropriate  
8 time to break for lunch. It's 10 to 12:00, and let's  
9 plan to resume at 1 o'clock. Thank you.

10 **(NOON BREAK)**

11 **(PROCEEDINGS ADJOURNED AT 11:55 A.M.)**

12 **PROCEEDINGS RECONVENED AT 1:00 P.M.)**

13 THE CHAIRMAN: Ladies and Gentlemen, I would  
14 like to start again, please.

15 We thank you for reconvening. As we broke  
16 for lunch, we had finished questioning by Transport  
17 Canada and, as I indicated, the next series of  
18 questions would be from Tsilhqot'in National  
19 Government and I believe I heard that there might be  
20 four questioners or four people who have questions  
21 associated with the Tsilhqot'in National Government,  
22 so I will leave that to you to sort out the order, but  
23 just come forward and identify yourself.

24 MS. CROOK: Mr. Chair, I think as we talked to  
25 the Secretariat, we're trying to shorten things so

1 everyone has a chance to present, so we're only going  
2 to have a few short questions and then we're going to  
3 try and cover our issues in our closing remarks.

4 THE CHAIRMAN: I think that's reasonable,  
5 yes, given that we have quite a few speakers on the  
6 list yet this afternoon. Thank you.

7 **QUESTIONS OF TASEKO MINES LIMITED BY TSILHQOT'IN NATIONAL**  
8 **GOVERNMENT, BY MR. TONY PEARSE:**

9 MR. PEARSE: Thank you, Mr. Chairman, it's  
10 Tony Pearse for TNG.

11 Mr. Bell-Irving has gone on at length  
12 throughout these hearings about the commitments that  
13 the company has made and the commitments that are  
14 attached in the Certificate. And I'm wondering if  
15 Mr. Bell-Irving would tell the Panel what he knows  
16 about the B.C. Environmental Assessment legislation in  
17 terms of its provisions for follow-up work following  
18 issuance of a certificate.

19 MR. BELL-IRVING: The short answer, very little  
20 specifics, but I do know that very recently, and  
21 particularly evidenced in our Certificate, the  
22 Environmental Assessment Office has gone through an  
23 internal review to address issues to, related to a  
24 couple of things.

25 First of all, the ability to follow up and to

1 ensure compliance.

2 And secondly, the ability and the issues  
3 associated with perhaps changes to the Project that  
4 occur from the time it's certified to the time it's  
5 actually built.

6 And in those two areas, I believe I'm correct  
7 in saying that in our Certificate issued in January,  
8 that it reflects language based on legal advice from  
9 the Justice Ministry, that is intended to, in my  
10 words, hold our feet to the fire.

11 To go any further than that, I can't give you  
12 any more details about the history of the Act or how  
13 it's applied.

14 MR. PEARSE: Thank you. You would agree  
15 with me, Mr. Bell-Irving, that there is no established  
16 provision within the Environmental Assessment Office  
17 for follow-up programs, auditing, inspection, and  
18 compliance measures with respect to any Project that  
19 receives a B.C. Certificate; isn't that correct?

20 MR. BELL-IRVING: No, I can't agree with that.  
21 I don't know.

22 MR. PEARSE: It would not surprise you to  
23 learn, I suppose, that there isn't such a program,  
24 that once the Certificate is issued, the Environmental  
25 Assessment Office is done for on a particular project?

1 MR. BELL-IRVING: I certainly wouldn't agree  
2 with that. And I can't accept that.

3 MR. PEARSE: Have you ever reviewed an  
4 Annual Report from the Environmental Assessment  
5 Office? I think they are called the Annual Service  
6 Plans?

7 THE CHAIRMAN: Mr. Pearse, first of all, I'm  
8 not sure of the relevance of this. We don't have that  
9 office here to really respond to those questions.

10 MR. PEARSE: Mr. Chairman, the relevance  
11 is that the company is relying quite heavily, I think,  
12 to demonstrate the viability of this Project on the  
13 existence of its commitments, which would imply some  
14 sort of enforcement or certainly an auditing function,  
15 a monitoring function in terms of follow-up like the  
16 Federal legislation provides for. And I'm trying to  
17 get Mr. Bell-Irving to admit that there is no such  
18 similar provision at all in the B.C. regime, so once  
19 the Certificate's issued, that's it.

20 THE CHAIRMAN: Well, fair enough, but the  
21 point is obviously the commitments are there and  
22 Taseko presumably has to follow them, but I think in  
23 all fairness, these questions really ought to be  
24 directed to an agency that isn't here.

25 MR. PEARSE: Okay. I guess if I might



1           just be allowed one other question about this. I  
2           guess I'm wondering if Mr. Bell-Irving would explain  
3           why in terms of reclamation and closure the Crown  
4           demands its security up front and doesn't rely on  
5           commitments to do the work at the end of the Project?

6   MR. BELL-IRVING:                    Again, Mr. Pearse, I'm, I  
7           feel as though I'm on trial here. I do not speak for  
8           the **Mines Act** or the Mines Branch or the Provincial  
9           Government. We are a company that exists and operates  
10          within the law of the land. And we follow the law of  
11          the land. And that we will continue to do.

12   MR. PEARSE:                        You really haven't answered  
13          my question, though. I'm asking you why the Crown  
14          requires you to put security up front for your  
15          reclamation commitments rather than just rely on your  
16          good word that at the end of the day you're going to  
17          do the work.

18   MR. BELL-IRVING:                    Mr. Pearse, I can't answer  
19          that question. Perhaps the Mines Branch would be  
20          better able to do so.

21   THE CHAIRMAN:                      I think the question again is  
22          I think directed to a department that isn't here. The  
23          why they require this I think is only something they  
24          could answer. Obviously I would assume that if it  
25          becomes a legal requirement, the company has to

1           respond to it.

2       MR. PEARSE:                               That's true, Mr. Chairman,  
3           but it does speak to the meaningfulness of all of  
4           these commitments that have been made, so, you know,  
5           on the one hand, there's a certain commitment that the  
6           Crown doesn't take at face value, it requires the  
7           company to put a security deposit on it, so my  
8           question is really going to all of these other  
9           commitments, what's there to ensure they get done at  
10          the end of the day.

11                               But I am done. Thank you very much.

12       THE CHAIRMAN:                           Thank you. The next  
13           questioner from TNG?

14       MS. CROOK:                               We're done.

15       THE CHAIRMAN:                           Oh, you're done. Okay. Then  
16           we'll move directly to the next presentation which is  
17           I understand first of all that Transport Canada's  
18           agreed to fall further back in the order and allow  
19           MiningWatch Canada to be next and that's fine. That's  
20           Joan Kuyek, I believe. I'm sorry, in my exuberance  
21           here to move to the next presentation, I missed the  
22           opportunity for others besides TNG to raise questions  
23           if they wish. My apology for that.

24                               So I just about let you off pretty easy  
25           there, Rod.

1                   Again going through the order, in fact, the  
2                   next questioners would be MiningWatch. If they have  
3                   any questions.

4   MR. HART:                                We do, Mr. Chair, but we're  
5                   going to defer our statement for the summations.

6   THE CHAIRMAN:                         Okay, thank you. Then Share  
7                   the Cariboo-Chilcotin Resource Society, any questions?

8   SPEAKER:                                No questions.

9   THE CHAIRMAN:                         No questions. Okay. Friends  
10                  of Nemaiah Valley?

11   SPEAKER:                                No questions, Mr. Chairman.

12   THE CHAIRMAN:                         Williams Lake District  
13                  Chamber of Commerce?

14   SPEAKER:                                No questions.

15   THE CHAIRMAN:                         No questions, okay. The  
16                  other Federal departments would be Environment Canada,  
17                  Fisheries and Oceans and Natural Resources Canada, any  
18                  questions? None.

19   Okay, Canoe Creek Band is next?

20   Esketemc First Nation, question?

21   MS. BEDARD:                            We'll defer them to closing  
22                  comment.

23   THE CHAIRMAN:                         Okay. Then I guess the only  
24                  ones left would be the Panel. And I think we have a  
25                  few here, but not very many.

**QUESTIONS OF TASEKO MINES LIMITED BY THE FEDERAL PANEL:**

1 THE CHAIRMAN: The one I had,  
2  
3 Mr. Bell-Irving, goes back to a question that I  
4 raised, I believe, back in the Nemiah community. And  
5 I wondered at the time whether you had had discussions  
6 with the Tsilhqot'in National Government regarding an  
7 Impact Benefit Agreement. And, if I recall, you  
8 indicated at the time, and we received no indication  
9 otherwise, that it would be the or was the preference  
10 of the Tsilhqot'in National Government to not discuss  
11 that until such time as the Project might be approved,  
12 if I recall. I think that was generally the exchange.

13 Since that time, we've also come to  
14 understand more about the, or at least from what  
15 you've told us, more about the Province's revenue  
16 sharing plans, and I wonder, would you, if the Project  
17 was approved, would you still be prepared to enter  
18 into discussions regarding an Impact Benefit Agreement  
19 with First Nations?

20 MR. BELL-IRVING: If I may, Mr. Chairman, I'd  
21 like to confer with my colleague at the back of the  
22 room to answer that properly. If you'd just give me a  
23 minute.

24 THE CHAIRMAN: That would be fine.

25 MR. BELL-IRVING: We all have higher

1 authorities.

2 The short answer, Mr. Chairman, is, yes, we  
3 would. Taseko Mines is, always has been, and will  
4 remain open to all mutually beneficial and reasonable  
5 offers and suggestions in that regard.

6 THE CHAIRMAN: Thank you. I just wanted to  
7 get clarification of that.

8 And Nalaine, I think you had some questions.

9 MS. MORIN: I got a couple of questions.

10 Employment opportunities and benefits for  
11 First Nations has been brought up a number of times  
12 during the hearing sessions as has the Mining Your  
13 Future program. You have stated you are legally and  
14 morally committed to working with communities.  
15 However, you have also suggested that the onus for  
16 initiating such discussions rests with First Nations.

17 So my question is, given this position,  
18 please clarify how you plan to meet your commitments  
19 to the Province and the objectives of the Mining Your  
20 Future program outlined in the EIS, recognizing the  
21 limited resources First Nations have indicated are  
22 available to them, if First Nations communities do  
23 contact you, will you make the necessary efforts to  
24 bring the programs to them? Or if they don't contact  
25 you, will you make the necessary efforts to bring your

1 programs to them?

2 MR. BELL-IRVING: I think, firstly, that the  
3 legal obligation and responsibility rests with Taseko  
4 Mines. And I think that's clear. As to how that  
5 responsibility and obligation is discharged, we  
6 believe requires two parties, or a relationship to  
7 some extent, in order to begin that process. We can't  
8 do it alone, in other words.

9 So without the requiring much in the way of  
10 resources, I would expect the first step might be that  
11 the First Nations would in some manner indicate a  
12 willingness to discuss, a willingness to engage in the  
13 discussions about how we might implement, define and  
14 implement those commitments.

15 With respect to the Tsilhqot'in National  
16 Government, it's a matter of public record that the  
17 current situation is on record that that Nation will  
18 "do everything in their power to stop this Project" or  
19 words to that effect.

20 With that position clearly on the table, we  
21 are at a loss at this point in time as to what more we  
22 might do until there's some indication from the Nation  
23 of a change or at least a willingness to consider the  
24 possibility of jobs, the possibility of a future.

25 So it's a shared responsibility. But that

1           would be, in our view, the first step, and then, yes,  
2           of course Taseko would make the effort, would go to  
3           the communities, would do whatever's reasonably  
4           possible to make every effort to give meaning to these  
5           commitments.

6   MS. MORIN:                                    Thank you.

7   MR. BELL-IRVING:                            You want to add to that?

8   THE CHAIRMAN:                              Mr. Battison.

9   MR. BATTISON:                              Thank you, Mr. Chairman.

10                            I would like to add to that response, if I  
11                            could.

12                            The Mining Your Future program is in large  
13                            measure focused on individuals, not just First Nation  
14                            individuals, but all individuals who are interested in  
15                            developing a career in the mining industry and  
16                            hopefully with our company.

17                            So it will be up to those individuals, not  
18                            necessarily the Chiefs or the Bands, to negotiate  
19                            that. If somebody wants to step forward, and is  
20                            looking for some help and some guidance and some  
21                            advice, then that's really the essence of the program,  
22                            focused on individuals to help them.

23   THE CHAIRMAN:                              Thank you. Nalaine.

24   MS. MORIN:                                In the EIS you stated:

25                            "In the absence of direct impact

1 statements from First Nations, we  
2 are unable to determine the  
3 significance of Project effects on  
4 cultural heritage values."

5 Given that you now have the benefit of the  
6 information gathered during the community hearing  
7 sessions, can you provide your determination of the  
8 significance of the Project effects on cultural  
9 heritage values?

10 MR. BELL-IRVING: Regrettably, no. We heard a  
11 lot of information and we've learned a lot. But,  
12 again, one of the principle reasonings for my line of  
13 questioning of Patt Larcombe this morning was to try  
14 and put the effects that were summarized today in  
15 relation to Teztan Biny and the Project area into a  
16 context, either local, regional, or otherwise, and I  
17 was unable, unfortunately, to get that contextual  
18 information that would give us the ability to provide  
19 you with our determination in that regard.

20 MS. MORIN: Has your determination of  
21 significance on current use of lands and resources for  
22 traditional purposes changed?

23 MR. BELL-IRVING: I'm sorry, I didn't hear the  
24 first part of that. Has?

25 MS. MORIN: Has your determination of



1           significance on current use of lands and resources for  
2           traditional purposes changed?

3   MR. BELL-IRVING:                   No.

4   MS. MORIN:                         Given that there is an  
5           acknowledgment of effects on cultural heritage  
6           resources, have you given any consideration as to how  
7           you might mitigate those effects?

8   MR. BELL-IRVING:                   Other than in order to do so  
9           in a meaningful way, again, we would start with  
10          establishing a relationship and in dialogue have some  
11          understanding of how effectively one might. But other  
12          than that, no.

13   MS. MORIN:                         Thank you.

14   THE CHAIRMAN:                     Thank you. And, Bill, you  
15          had a question.

16   MR. KLASSEN:                       Yes. In the presentation,  
17          Mr. Nicol, you mentioned, or provided some information  
18          about traffic volumes along the Taseko Whitewater  
19          Road. And if I understood you correctly, you said  
20          that traffic volume is going to go up to about 150  
21          vehicles per day. And the slide seems to indicate  
22          that the road could handle as many as 500 to 700  
23          vehicles, did I understand that correctly?

24   MR. NICOL:                         That's right.

25   MR. KLASSEN:                       And I think you mentioned

1 something about accident rates. Do you know what the  
2 current number of accidents is on that road given  
3 the --

4 MR. NICOL: Not on that road no.

5 MR. KLASSEN: So do you have any  
6 projections of what they might be at 150 vehicles per  
7 day?

8 MR. NICOL: There is no -- the baseline  
9 estimate came from the Ministry of Highways. There's  
10 no traffic counting on that road. Only on Highway 20  
11 and Highway 97.

12 MR. KLASSEN: But for a road of that type  
13 with that traffic volume, is there not some rule of  
14 thumb about the number of accidents that might be  
15 expected?

16 MR. NICOL: It would go up.

17 MR. KLASSEN: To what point?

18 MR. NICOL: We don't have accident rates  
19 on that road.

20 MR. KLASSEN: The reason I ask those  
21 questions is because accidents or potential for  
22 accidents on that road with the increase in traffic  
23 was a concern raised in the communities. Thank you.

24 THE CHAIRMAN: Thank you, that concludes our  
25 questions.

1                   So we'll get back to Joan Kuyek again.

2                   Please come forward.

3                   **PRESENTATION BY MININGWATCH CANADA, BY MS. JOAN KUYEK:**

4                   MS. KUYEK:                                   Thank you, Mr. Chairman.

5                                   I'm pleased to be able to present here today,  
6                   and I appreciate the time of the Panel to listen to  
7                   me.

8                                   I'm the former coordinator of MiningWatch  
9                   Canada and was there from its inception in 1999 until  
10                  I semi-retired about a year-and-a-half ago.

11                                  I'm self-taught on most of the socio-economic  
12                  issues, although I've spent my entire working life  
13                  working as a community, organizing community  
14                  developer, 30 of them in Sudbury, so I'm quite  
15                  familiar with a lot of the impacts of mining on  
16                  communities, even when it's economically viable and  
17                  works well.

18                                  I'm an author of a number of publications on  
19                  mining taxation and one of them peer-reviewed in an  
20                  Oxford University Press publication that came out last  
21                  year.

22                                  I think my resume's on file.

23                                  What I'm going to address today are a number  
24                  of the claims from the mining company about the  
25                  validity, about the great benefits that they are going

1 to provide through this mine to communities and  
2 province and the rest of the country.

3 The order of my presentation is to, first  
4 off, look at the ability of this company economically  
5 to deliver on its promises.

6 I'm going to do an overview of the taxation  
7 matters associated with the company.

8 We will look at GDP, Gross Domestic Product,  
9 as a measure of economic well-being.

10 Some economic alternatives to the mine.

11 And we'll address questions of vulnerability  
12 and inequality in the socio-economic assessment.

13 Look at some of the socio-economic issues  
14 around closure.

15 And I'll end with a few comments about  
16 "Justified under the circumstances."

17 I hope that's acceptable.

18 The first question that we've asked is: Can  
19 Taseko deliver on its promises.

20 Being able to deliver on your promises as a  
21 mining company means having a bottom line that's  
22 healthy and it means you can meet your economic  
23 commitments.

24 This is a low-grade mine. It's very  
25 dependent on the currency exchange rate, on commodity

1 prices, and obtaining affordable financing. Because  
2 it is low-grade, it's subject to boom and bust cycles,  
3 like most low-grade mines are.

4 It's important to note that the  
5 socio-economic commitments in the BC Environmental  
6 Assessment Office Agreement are mostly for monitoring,  
7 and agreements to discuss, to develop, to expand.  
8 There are very few hard commitments in the  
9 socio-economic section.

10 In terms of First Nations history with  
11 Gibraltar so far, which is the other operating mine  
12 owned by this company, it's important to note that the  
13 B.C. Environmental Protection Permit which was renewed  
14 in 2001, only allowed effluent discharge to the  
15 tailings impoundment and not to the environment.

16 At that time the public did not know that the  
17 company from the beginning had "recognized that excess  
18 water discharge will eventually be required."

19 This is referred to in the Roscoe Postle  
20 Technical Report of 2005.

21 The request for this permit to discharge to  
22 the Fraser River was opposed by the Xat'sull First  
23 Nation who said it would affect the salmon and the  
24 sturgeon. It ended up in the Environmental Appeal  
25 Board who agreed that it would affect the sturgeon and

1 sent it back for a determination, and by a majority  
2 vote allowed the discharge anyway.

3 They did say that the First Nation had been  
4 adequately consulted and the company now has permits  
5 allowing it to discharge 3.5 million cubic metres a  
6 year to the Fraser River.

7 To my knowledge, and I've checked with many  
8 others, there are no Impact Benefit Agreements with  
9 any First Nations in the mine footprint, the Gibraltar  
10 Mine footprint, about sharing benefits or that commit  
11 the company to employment quotas.

12 They have had five years, six years to  
13 develop those. And that has not been done.

14 As I said, this is a low-grade mine. The  
15 mineral resources or gold are 0.41 grams per tonne.  
16 About that much (indicating), Mr. Chairman, per tonne  
17 of rock. And copper at 0.24 percent. The mineral  
18 reserves, which are much harder and are subject to  
19 economic verification, only differs slightly with gold  
20 at 0.43 grams per tonne and copper at 0.22 percent.

21 The gold is dispersed throughout the mine and  
22 cannot be retrieved without mining the copper, which  
23 means that if the copper price drops, it becomes more  
24 difficult to make money off the gold.

25 There will also be considerable smelter

1 penalties for antimony, which is, in the concentrate  
2 is 0.30 to 0.4 percent, for arsenic, which is  
3 0.2 percent of the concentrate, and mercury, which is  
4 quite high, 80 to 150 parts per million.

5 In the Jones Report, the December 2009  
6 technical report, he says:

7 "Mercury will incur the penalties  
8 and not all smelters, even if they  
9 blend, will be prepared to take  
10 such quality."

11 I'm not sure if you're aware of smelter  
12 penalties and how they work, but when -- you are, so I  
13 don't need to go into that.

14 I just wanted to show you some copper and  
15 gold ore grades for mines from 2009 and it's the open  
16 pit ones that are most interesting.

17 And if you'll notice that the proposed  
18 Prosperity Mine is considerably lower in its gold  
19 content and in its copper content than almost all the  
20 others that are named there.

21 It's also lower than, in terms of copper,  
22 than Gibraltar, although the Gibraltar Mine has  
23 molybdenum and not gold.

24 The Jones Report again says:

25 "This low copper means that

1                   there will probably be some limit  
2                   on the quantity that any one  
3                   smelter will take, as the grade is  
4                   below the average smelter blend  
5                   and reduces the metal output from  
6                   the furnaces."

7                   I think it's important to note that there are  
8                   a number of differences between what gets said in the  
9                   technical reports and the financial reports of the  
10                  company and what's said in the EIS. They are for  
11                  different audiences and they are said in different  
12                  ways and they say different things.

13                  To what extent can we rely on these technical  
14                  reports and feasibility studies?

15                  There's a number of problems with the  
16                  Feasibility Studies for the Prosperity Mine, but in my  
17                  mind, the most serious one is that, although the  
18                  resource estimates were undertaken by independent  
19                  consultants, the updated economic evaluation for the  
20                  mine was directed by Scott Jones, who is Vice  
21                  President of Engineering for Taseko and not an  
22                  independent qualified person as required by National  
23                  Instrument 43-101 of the Securities Exchange  
24                  Commission.

25                  National Instrument 43-101 reads that:



1                   "An independent technical  
2                   report subject to subsection (2),  
3                   a technical report required by any  
4                   of the following provisions of  
5                   this instrument must be prepared  
6                   by or under the supervision of a  
7                   qualified person that is at the  
8                   date of the technical report  
9                   independent of the issuer."

10                  Now, this is not an unusual problem in the  
11                  mining industry. Many, many technical reports are  
12                  prepared by vice-presidents of the company. But it  
13                  doesn't qualify as a 43-101 report. And I don't  
14                  actually understand why the company hasn't got it done  
15                  by an independent evaluator.

16                  Some of the other problems.

17                  The return on investment in the technical  
18                  report has been calculated on a before-tax basis. And  
19                  the return on investment is considered in the  
20                  December 2009 version to be only 10 percent. I notice  
21                  looking at the Taseko website two days ago that they  
22                  are now saying that it's going to be 30 percent based  
23                  on today's copper and gold prices, although I'm pretty  
24                  sure that the costs haven't been gone over with the  
25                  same care.

1           Even according to the December 2009 technical  
2           report, the return on investment is most sensitive to  
3           the exchange rate followed by operating costs and  
4           metal prices.

5           Taseko has said in their financial statements  
6           that a difference of 10 percent in the exchange rate,  
7           Canadian to U.S. dollars, can affect their bottom line  
8           by over \$13 million annually.

9           The December 2009 technical report capital  
10          and operating costs are based on pre-tax calculations,  
11          as, by the way, were all earlier technical reports for  
12          both Gibraltar and Prosperity.

13          So it's also important to note that although  
14          commodity prices are higher currently much more than  
15          the numbers in the studies, they are very volatile.  
16          They are conservative numbers for the value of copper  
17          and gold in the studies.

18          And according to those same studies, many  
19          costs are not included in the cost estimates.  
20          Environmental, archaeological and ecological  
21          considerations other than those in the current design,  
22          costs for acquisition of rights-of-way, compensation  
23          to affected First Nations, the cost to produce the  
24          Environmental Impact Statement, and the cost of  
25          obtaining environmental approvals and permits from

1 local, provincial and national authorities. No  
2 financing charges or interest, it assumes full  
3 financing.

4 No allowance for currency exchange  
5 fluctuations after September 3rd, 2009, and it's based  
6 on an exchange rate that's considerably different than  
7 that today, which is almost at par.

8 No contingency for sustaining capital or  
9 operating costs, although there is a contingency for  
10 capital costs.

11 Power costs, which are over one quarter of  
12 the costs of operating the mine depend on a very  
13 subsidized price of \$38 per megawatt hour, which is  
14 much lower than the cost to BC Hydro.

15 And that again is from the Jones Technical  
16 Report.

17 The consumables are 46 percent of operating  
18 costs. Consumables are the grinding balls and  
19 reagents that are required to produce the concentrate.

20 And anybody in the mining industry knows that  
21 the prices for steel fluctuate dramatically, and if  
22 prices for steel aren't stable, then those consumables  
23 are going to change.

24 And there is no allowance for costs  
25 associated for weather interruption of construction

1 activities.

2 The reclamation costs in the technical report  
3 are based on 1.0 percent per pound of copper. And  
4 that's all that's allocated for reclamation and  
5 closure.

6 If they were able to mine the entire  
7 potential copper resource of 3.6 billion pounds, it  
8 would mean that 36.5 million would be accumulated.  
9 But it would only accumulate as the mine grew in size  
10 and impact.

11 And as Mr. Pearse pointed out, the Province  
12 generally requires companies to pay a considerable  
13 amount up front, which will affect the cash flow of  
14 the company quite dramatically.

15 It's important to note that at least half the  
16 costs of reclamation of the Gibraltar Mine are only  
17 protected by giving the Province the first right to  
18 seize mine equipment and machinery if the company  
19 defaults on reclamation obligations at closure.

20 And the other half of the reclamation costs  
21 for the Gibraltar or for Taseko, in this case, are in  
22 a Qualifying Environmental Trust. The investment of  
23 which is not controlled by the Province.

24 In order to open Gibraltar in 2004, there  
25 were a number of deals made with the Province,

1 including the Province assuming a good part of the  
2 reclamation obligation.

3 And in terms of best practices around  
4 reclamation, the Gibraltar Mine is not fully  
5 protect -- the taxpayers aren't fully protected  
6 against a default in the Gibraltar Mine.

7 Again it's important to note that any changes  
8 in these variables, from contingency to weather to  
9 adequate reclamation bonds, to the exchange rate,  
10 could result in interruptions in mine operations or  
11 premature closure.

12 This is not a sure deal.

13 And I'm going to move on now to talking about  
14 taxation.

15 Taxes from metal mines are less than 1.0  
16 percent of all revenues in the Province of British  
17 Columbia. The figure that you usually see includes  
18 coal mines, industrial minerals, pits and quarries.  
19 It's not exclusively metal mines.

20 Sometimes it's expanded to include energy and  
21 minerals and then you're talking about other kinds of  
22 leases, too.

23 The actual taxes paid, both income taxes and  
24 mineral taxes, are considerably less than statutory  
25 rates and are based on profits.

1 Taseko does not expect to pay income taxes on  
2 the Prosperity Mine. And neither did they expect to  
3 pay any on Gibraltar.

4 The province's mining industry pays a  
5 Marginal Effective Tax Rate of just 10.1 percent  
6 compared to an overall average for other industries of  
7 31.6 percent. In other words, mining companies pay a  
8 marginal effective tax rate that is less than  
9 one-third of the rates paid by other industries in the  
10 province. This is from unpublished research from the  
11 Pembina Institute and it's referenced in the  
12 submission I made in March.

13 This is a graph that shows where the  
14 difference between mining taxes paid, which is the  
15 little line on the bottom, and mining company profits  
16 between 1996 and 2006. And you can see that the  
17 mining taxes paid don't anywhere keep up with the  
18 mining profits. Granted the profits have gone down  
19 with the change in the market, but the mining taxes  
20 keep pace in their own way, but it's a big gap.

21 The Taseko Technical Reports say the  
22 following about taxation. In Section 18.10 in Jones  
23 on page 132:

24 "The economic model was run on a  
25 before-tax basis. B.C. mining

1 taxes were estimated and included  
2 in the cash flow model. The  
3 Project will also be subject to  
4 Federal and Provincial income  
5 taxes but these taxes are not  
6 fixed and it is believed that tax  
7 planning methods will be available  
8 to minimize the effect on Project  
9 economics."

10 And again on page 153:

11 "No allowance has been made for  
12 Federal and Provincial income tax.  
13 The only taxes calculated in this  
14 analysis are with respect to B.C.  
15 mineral taxes. No allowance has  
16 been made for GST or Provincial  
17 sales tax."

18 The B.C. mineral tax.

19 The B.C. mineral tax is a royalty. And a  
20 royalty is a fiscal instrument designed to compensate  
21 the public for the loss of a non-renewable resource  
22 such as minerals, gems, oil, and gas. Royalties are  
23 often described as "resource rent". They may be  
24 payable to government or to a private leaseholder.  
25 It's quite common, for example, for mining companies

1 or First Nations to make an agreement with another  
2 mining company to pay them a net smelter return, which  
3 is not based on profit.

4 In this case, the B.C. mineral royalty is  
5 called the mineral tax, and it is based entirely on  
6 profit. We'll look at it a bit more in a moment.

7 And it should be noted that the revenue  
8 sharing that is being contemplated by B.C. and Taseko  
9 would be a percentage of the mineral tax. So  
10 understanding how the mineral tax works is pretty  
11 important. It's not the same thing as an Impact  
12 Benefit Agreement which could be negotiated like the  
13 Minto Mine is with a net smelter return.

14 So the mineral tax in B.C. is calculated  
15 under the **Mineral Land Tax Act** and the **Mineral Tax**  
16 **Act**. And it's in two stages:

17 A 2 percent tax on net current proceeds,  
18 which is sales grants and subsidies, less operating  
19 expenses and reclamation costs;

20 And a 13 percent tax on net revenue, which is  
21 based on profit.

22 So in fact the entire tax is based on profit,  
23 although slightly different versions of it.

24 In digging through the Taseko financial  
25 statements, I found these two figures for mineral tax.



1                   2007 actually showed as nil, but I find it  
2                   hard to believe that I was reading it right.

3                   2008, they paid \$606,000 on an operating  
4                   profit of 28.1 million, and in 2009, \$981,000 on an  
5                   operating profit of 48.3 million.

6                   It corresponds to about 2 per cent of the  
7                   operating profit. It is not the statutory rate of  
8                   15 percent, which is used in other parts of their  
9                   financial statements for the purposes of calculating  
10                  their accumulated future tax assets with the Federal  
11                  Government.

12                 Taseko income tax paid Federally and  
13                 Provincially is interesting also.

14                 If you look through the financial statements,  
15                 there's a whole range of ways in which tax can be  
16                 affected. For example, Taseko has accumulated almost  
17                 \$37 million in what they call "tax assets".  
18                 Exploration, development, and deferred operating costs  
19                 that can be used against future taxes and so on. But  
20                 the actual tax paid on the Gibraltar Mine, which has  
21                 been, you know, in full flush for a number of years  
22                 now, in 2005, there was a tax recovery of over  
23                 \$4 million. In 2006, they had to pay \$4.4 million.  
24                 In 2007, almost \$4 million. And then in 2008, there  
25                 was another tax recovery of \$2.1 million. And in

1 2009, their income tax to Federal and Provincial  
2 Governments together was \$669,000. If you add that  
3 up, the average annual income taxes paid are just over  
4 half a million dollars.

5 And I can provide background documents for  
6 that if you need it, but I think this is important to  
7 note that this is considerably different, considerably  
8 different than the statutory rates and considerably  
9 different than the kinds of commitments we are hearing  
10 from the company about what they are going to pay in  
11 Table 2.12 I think it is in the EIS.

12 In 2009, the company's gross sales were  
13 almost \$189 million and their operating profit was  
14 \$48 million.

15 They estimated their tax on that profit at  
16 statutory rates to be \$3.376 million, but only had to  
17 pay \$669,000 for the current year. It should be noted  
18 that this is only 20 percent of the statutory rate and  
19 that income tax paid was slightly over 1.0 percent of  
20 the operating profit in that year.

21 The costs to the public and government for  
22 this project on the other hand are substantial.

23 And I won't go into the hydro subsidies in  
24 great detail, because I believe Dr. Shaffer is going  
25 to do that. But in looking at the technical report,

1 one could calculate that they were expecting to  
2 receive about \$35 million annually in BC Hydro  
3 subsidies. That's the difference between the cost per  
4 megawatt hour in their technical report at \$37.4 per  
5 megawatt hour, and the \$88 per megawatt hour, which is  
6 the average, the average price for purchasing power in  
7 B.C.

8 I'm not privy to the agreement that Gibraltar  
9 has with BC Hydro over its power costs, but what the  
10 technical report says is it will be the same as they  
11 get at Gibraltar.

12 Dr. Shaffer has also talked about GHG  
13 emissions annual costs to BC annually of 2.6 to 2.8  
14 million dollars. And he will expand on that.

15 There's also increased use of roads,  
16 emergency services, health and social services,  
17 housing permits and other services, which are talked  
18 about in the socio-economic report as though they will  
19 somehow magically appear when people need them.

20 And the Taseko Road upgrades that we've heard  
21 about and increased maintenance will be covered by the  
22 MTO.

23 Never counted is the huge cost to First  
24 Nations, to municipal governments, to Provincial and  
25 Federal Governments, for negotiation, accounting,

1 Environmental Assessment, lost opportunity costs,  
2 those are huge costs to all of us, and access to water  
3 for free, and access to Crown land for free.

4 When we raised this in our conformance  
5 review, we were told that, of course, access to Crown  
6 land was free, you never had to pay for it.

7 I'm going to turn now to the whole question  
8 of using Gross Domestic Product as a way of evaluating  
9 a Project.

10 Taseko has made a lot of its huge  
11 contribution to Gross Domestic Product in British  
12 Columbia. And I think it's worth remembering that  
13 this is a system of accounting that was created by the  
14 Americans and British during the Second World War to  
15 quantify the monetary value of work during the war  
16 effort.

17 It became the foundation for the United  
18 Nations system of national accounts and it's the way  
19 that work throughout the world generally is evaluated.

20 But it has a glaring flaw. It has no debit  
21 column. So that wars and something like the Exxon  
22 Valdez spill are shown only as contributing to the  
23 GDP, not as detracting from it.

24 And I wanted to, in a book I was recently  
25 reading by Bill McKibben, he said:

1 "An economically productive citizen  
2 is a cancer patient who totals his  
3 car while on the way to meet his  
4 divorce lawyer."

5 And I thought that was worth repeating.

6 In the GDP, most cultural and caring  
7 activities, subsistence fisheries and farming have no  
8 value whatsoever.

9 Neither do services provided by the  
10 environment, water, waste disposal, provision of  
11 oxygen, and so on.

12 In 1997, Costanza valued worldwide ecosystems  
13 services at 33 trillion dollars, more than twice the  
14 value of GDP in that year, GNP, Gross National  
15 Product.

16 And for the purposes of evaluating an  
17 environmentally and culturally destructive project  
18 like a mine, the GDP is a useless measure.

19 Community economic development.

20 People end up accepting something like a mine  
21 because they figure they have no alternative. People  
22 let their forests be clearcut because they think they  
23 have no alternative.

24 We're ready to do almost anything to feed our  
25 kids.

1                   But I think it's important to note that there  
2                   are already many, many initiatives in the  
3                   Cariboo-Chilcotin that provide opportunities for  
4                   community economic development, sustainable  
5                   development that meets the needs of the present while  
6                   building opportunities and well-being for future  
7                   generations.

8                   If they were to receive the kind of  
9                   government investment that Taseko expects to make its  
10                  mine operate, a much more diverse and healthy economy  
11                  could be built by the citizens of the  
12                  Cariboo-Chilcotin region working together.

13                  And this isn't new. People are already doing  
14                  it. It needs support and encouragement.

15                  With encouragement to the existing wide  
16                  variety of renewable energy projects, tourism, horse  
17                  logging, wood fibre initiatives, sustainable  
18                  agriculture, specialty ranching and food activities,  
19                  and the arts and heritage sector, the required jobs  
20                  and livelihoods can be created. And B.C. has some of  
21                  the most outstanding groups for supporting this work  
22                  and helping people learn how to do it and helping  
23                  people work together in the country.

24                  The realization of these initiatives is made  
25                  more difficult when local and provincial attention and

1 incentives are focussed on getting a single high-wage  
2 employer to solve the region's problems. It takes  
3 everybody's energy all the time.

4 The Mayor and other decision-makers in the  
5 region are aware of the need to diversify the economy  
6 and actually believe that this mine would be of  
7 relatively short-term benefit and would help them  
8 diversify.

9 And I want to put it squarely on the table  
10 that I think the Panel has a responsibility under CEAA  
11 to support sustainable development. It's clearly  
12 there in your mandate.

13 When we talk about the benefits of a large  
14 employer, the silver bullet syndrome, we're actually  
15 talking about something that's been named by Polese  
16 and Shearmur as the "Intrusive Rentier Syndrome."

17 They did a study a few years back that looked  
18 at what they called "peripheral regions," places like  
19 Sudbury and Williams Lake and other towns that faced  
20 serious problems when a highly capitalized employer  
21 moves in. It's hard to find people to fill lower wage  
22 jobs, it's hard to attract investment for unrelated  
23 enterprises and for startups, there's heightened  
24 income disparity and social tensions, there's  
25 increased domestic and societal violence, there's

1 increased hard drug use and alcoholism. And the  
2 community faces a boom and bust economy because of its  
3 dependence on that single employer.

4 Williams Lake has already seen its share of  
5 that. It's seen with the forestry industry and it's  
6 seen it with Mount Polley and Gibraltar and it's  
7 walking into it again.

8 The mine will worsen social and economic  
9 problems for vulnerable populations, especially women  
10 and Aboriginal Peoples.

11 There has been no proper identification of  
12 socio-economic impacts on vulnerable groups.

13 In the EIS, it said that:

14 "The EIS must use the World  
15 Health Organization determinants  
16 of health to do an analysis of  
17 health effects."

18 His was not done. We raised it in a  
19 conformance review and it was ignored and the  
20 company's response has been that they weren't required  
21 to do it.

22 It says "must". That's the language. And  
23 it's in my documents.

24 And the World Health Organization  
25 determinants of health require:



1 "An analysis of effects on  
2 vulnerable populations, including  
3 women, youth, First Nations and  
4 the services on which they depend,  
5 and an analysis of informal  
6 supports and of the social fabric  
7 in the communities that enable  
8 vulnerable people to survive.  
9 Kinship and friendship, country  
10 foods, various agencies that help  
11 people out, barter, informal  
12 sector employment ..."

13 And so on.

14 One of those characteristics is gender  
15 divisions. And a gender analysis is considered to be  
16 important now in almost every Environmental Assessment  
17 that is done, by the World Bank, by the United  
18 Nations, certainly in Canada it was a very important  
19 part of the Mackenzie Valley Environmental Review.  
20 SEDAR requires it for its projects still, I think.  
21 But there's no gender analysis in this document.  
22 None.

23 And the need for that specific gender  
24 analysis can be seen in the great discrepancy between  
25 incomes and earnings between women and men in the

1 Cariboo Region.

2 In the 2006 Census, median earnings for men  
3 were \$35,624 and for women were \$16,684.

4 Less than 50 percent the wages of men.

5 The median earnings for full-time employment  
6 for men, \$53,499, for women, \$32,279.

7 From all sources, median income from all  
8 sources, men \$31,594, women \$17,279.

9 Women are also less likely to qualify for  
10 employment at Prosperity Mine, and if they do, they  
11 will get the lower paying jobs. Unless something is  
12 done about that.

13 There will also be a housing crisis for low  
14 income people. There's a big difference in  
15 communities between what happens for housing for poor  
16 people and what happens for people who have decent  
17 incomes.

18 And having lived in a mining town and seeing  
19 what happens when there's hiring booms or hiring  
20 busts, for that matter, the pressure always falls on  
21 single parent women and Aboriginal People because they  
22 can't move around like that. They don't have the  
23 money to pay the rent. Other people become more  
24 desirable tenants. And although more accommodation  
25 may be built to handle the pressure, it's going to

1 take many years to do that well. And it still remains  
2 to be seen whether that will accommodate the people  
3 who really need it.

4 The EIS provided some very disturbing  
5 information about the health of the most vulnerable  
6 population in the Regional Study Area and about the  
7 capacity of the social fabric and the effect of First  
8 Nations communities to be able to absorb the changes  
9 caused by the mine. And my March submission went  
10 through a number of the sections from the EIS and I'd  
11 urge you to read them. I won't go through them again.

12 The Interior Health Authority, which, in  
13 fact, was the only health organization that was  
14 consulted by Lions Gate, they didn't talk to any of  
15 the other social agencies.

16 The Interior Health Authority has stated  
17 that:

18 "The Aboriginal People in the  
19 Interior do not enjoy the same  
20 level of health as surrounding  
21 non-Aboriginal population.

22 Registered Indians continue  
23 to have a shorter life expectancy  
24 and gaps continue to be seen  
25 between males and females as well

1 as between on- and off-Reserve  
2 populations."

3 We're told that there will be, if the mine  
4 goes ahead, that Aboriginal employment in the mine  
5 will be a major force. But I think it's important to  
6 note a few things.

7 The first is that Taseko says that 8 to  
8 12 percent of the Gibraltar workforce is Aboriginal  
9 but it has no data about their occupations, wages or  
10 First Nation of origin.

11 And when the consultants did the visiting to  
12 the various First Nations and asked them where they  
13 worked, nobody said they worked at Gibraltar, so I  
14 don't know what the story is there.

15 In 2006, there were 620 Aboriginal people in  
16 the B.C. mining workforce. That's not very many.

17 As well, AIMBC estimated that in 2007, about  
18 10 percent of 7,071 seasonal employees in mineral  
19 exploration were Aboriginal. Those are generally  
20 seasonal jobs.

21 Unemployment rates in the industry in 2006  
22 were 10.7 percent for Aboriginals, twice the rate for  
23 non-Aboriginals.

24 The income gap between Aboriginal and  
25 non-Aboriginal mining workers was \$18,000 in 2006, up

1           \$12,200 from 2007. From 2001.

2                   That's a, I think that's stunning, actually  
3 that figure. And says something about the quality of  
4 the agreements that are being able to be negotiated  
5 with mining companies.

6                   And of importance in the gender analysis is  
7 that the women were only 14 percent of Aboriginal  
8 mining employees in Canada and they earned 15,000 less  
9 than men.

10                   Those are Canadian figures, those last ones,  
11 but it still says that there's some very serious  
12 problems in this industry about inequity for  
13 Aboriginal People and for women. And if you're an  
14 Aboriginal woman, it's even worse.

15                   I'm going to turn now to closure.

16                   The company says that there are no  
17 significant socio-economic concerns at closure because  
18 it's going to be just like it was at the beginning.  
19 But we need to note a few things.

20                   The first is that when a major mine closes,  
21 the mine mill infrastructure and other oversized  
22 buildings and equipment become a liability instead of  
23 an asset. Somebody's got to get rid of them. So that  
24 in many places where companies have closed because of  
25 economic uncertainty or closed because the ore body

1 ran out, the mine mill infrastructure is left there  
2 for the taxpayer to clean up. And those who used the  
3 infrastructure and the equipment as some kind of  
4 security against their own debt, will find that,  
5 instead of having an asset, they have got a liability.  
6 That's the problem with the Province's attachment of  
7 the mine equipment at closure instead of taking a  
8 security up front.

9 Regional governments and close by communities  
10 are faced with the loss of population and loss of  
11 revenue from taxes.

12 The costs of providing services either remain  
13 the same as they were during the mine life and may  
14 actually increase.

15 There's a fair amount of literature out there  
16 about the increased needs of populations for support  
17 when mines and other large industries close.

18 And that's in fact what the Cariboo-Chilcotin  
19 is facing now may be a product of the problems in the  
20 forestry industry.

21 For most of the people in the community, when  
22 the mine's closing, the only answer seems to be  
23 finding another ore body and enlarging the mine  
24 footprint. We've seen that over and over again.  
25 People get hooked on mining. There's not much else

1 they can think of to bring in. And instead of  
2 concentrating on other forms of community economic  
3 development, the rush is on to find another ore body  
4 no matter how low-grade it is, no matter what a big  
5 footprint it's got. And the result of this is that  
6 political and social tensions rise over the community  
7 future. People who were good friends and neighbours  
8 start fighting over what's going to happen next. And  
9 sustainable long-term projects to rebuild the  
10 community economy are crowded out.

11 And I just, in light of that, would like to  
12 say that I think Mount Polley's impending closure is  
13 an opportunity to rethink the future of the  
14 Cariboo-Chilcotin, not to increase dependency on  
15 unsustainable mining one more time.

16 This is a quote from the Elliot Lake Tracking  
17 Study which is from 1998, which is not that long ago.  
18 And it's the most extensive study of the  
19 socio-economic impacts of mine closure that's been  
20 undertaken in Canada:

21 "The efforts at finding new  
22 directions that did occur were  
23 often beset by political division  
24 and a lack of openness and  
25 community solidarity.

1                   In boom times at Elliot Lake  
2                   the dominant values fitted easily  
3                   with an increasingly high level of  
4                   consumerism and an  
5                   individualization of social and  
6                   environmental problems. But with  
7                   the mass lay-offs of the 1990s and  
8                   the acute crisis facing Elliot  
9                   Lake's development, it became  
10                  increasingly apparent that neither  
11                  these dominant economic and social  
12                  values nor the legacy of top-down,  
13                  company-town democracy could hold  
14                  the community together under  
15                  stress."

16                  And that study goes on to talk about all the  
17                  problems hat Elliot Lake ran into and continues to run  
18                  into in trying to rebuild themselves.

19                  I should note here that the company thinks  
20                  that there is nothing, basically nothing that needs to  
21                  be mitigated at closure, that there will be no  
22                  socio-economic effects.

23                  And I think that's unacceptable.

24                  And certainly the studies that we've done,  
25                  including a major literature review of mining



1 dependent communities, would indicate that that's not  
2 acceptable.

3 "Justifiable under the Circumstances."

4 I understand that the Panel is going to have  
5 a very difficult question in front of you. If you  
6 decide that the mine has significant environmental  
7 effects, then you're required, you're required by your  
8 Terms of Reference to talk about what justifiability  
9 might mean in those circumstances. The company is  
10 calling for very limited view of that. But it's the  
11 mandate of a Federal Panel to decide whether these  
12 effects can be justified.

13 And although it's the Minister and the  
14 Responsible Authorities that will make the final  
15 decision on this mine, you're charged with making  
16 recommendations about it.

17 And in terms of the analysis of  
18 socio-economic concerns, this discussion of what the  
19 company is claiming its benefits are has been limited  
20 to this presentation. And Mr. Shaffer's,  
21 Dr. Shaffer's presentation.

22 If a decision is going to be made as the  
23 BCEAO did that the mine should go ahead because of its  
24 wondrous economic benefits to the province, then that  
25 has to be analyzed. You can't just accept GDP data

1 and data from the company about its tax revenues and  
2 its property taxes and its employment spin-offs. It's  
3 got to be examined and analyzed.

4 What the Panel's responsibility is is to look  
5 at sustainable development to decide if this Project  
6 contributes to sustainable development and to decide  
7 if it's in the interests of the public for it to go  
8 ahead.

9 The Tsilhqot'in and the Secwepemc and other  
10 rural Peoples that live among them will suffer the  
11 enormous social, cultural, and economic impacts  
12 directly related to the mine's environmental  
13 footprint, and they are going to live with those  
14 impacts forever.

15 The people who will benefit from this mine  
16 don't live in the environmental footprint of the mine.

17 When they drew the boundaries for the Local  
18 Study Area for socio-economic effects, they included  
19 Williams Lake. Williams Lake is not in the  
20 environmental footprint of the mine. And most of the  
21 benefits will accrue to Williams Lake and outside the  
22 area of the TNG and the Secwepemc.

23 To permit this mine will have serious  
24 political repercussions across the region, the  
25 province, and the country. And in terms of the

1           circumstances that could justify this mine, that's a  
2           major question.

3                         And it is our position, and my position, that  
4           this would be environmental racism to permit this mine  
5           under the circumstances.

6                         Thank you.

7   THE CHAIRMAN:                         Thank you, Ms. Kuyek.

8           (Applause)

9   THE CHAIRMAN:                         I'd ask that we refrain from  
10          applause during these hearings, please.

11                        I would ask Taseko if they have any  
12          questions, please.

13   MR. BELL-IRVING:                     If I may just ask for a  
14          minute's time to.

15   **QUESTIONS OF MININGWATCH CANADA BY TASEKO MINES LIMITED:**

16   THE CHAIRMAN:                         Ready, Mr. Bell-Irving?

17   MR. BELL-IRVING:                     Yes.

18   THE CHAIRMAN:                         Go ahead, please.

19   MR. BELL-IRVING:                     Thank you. I have just a few  
20          short questions, if I may.

21                        When you were presenting your employment  
22          figures with a focus, quite properly, I'm sure, on  
23          mining, do you have any statistics on a similar topic,  
24          not necessarily for mining, but in other sectors where  
25          the circumstances might be described as you have a

1 First Nation that is in a relationship with an  
2 industry, where it's a good relationship, might even  
3 be in the form of an IBA, and perhaps other incentives  
4 or aspects, instruments, do you have any statistics  
5 that might give us some insight as to, you know, your  
6 statistics paint I think an effective picture, but I'm  
7 looking for some hope and perspective that that may  
8 not be real. Can you give us some insight as to a  
9 little more reality here?

10 MS. KUYEK: Well, I think that was  
11 reality. I can give you a little bit of hope.

12 MR. BELL-IRVING: Okay.

13 MS. KUYEK: My understanding is that when  
14 a First Nation has been able to approach a mining  
15 company, for example, from a position of great  
16 strength, and the mining company has a rich enough  
17 deposit to really want to get at it, some things can  
18 happen that make a difference.

19 The Raglan mine managed, through Makivik  
20 Corporation managed to negotiate a pretty good impact  
21 benefits agreement. They found after a number of  
22 years that they were having trouble retaining Inuit  
23 employment, but they still did pretty well. The Inuit  
24 did very well out of the Voisey's Bay Agreement. And  
25 I've heard their IBA coordinator present, and she's

1 quite pleased with it. And I don't think the Innu  
2 were as pleased, they were very different culturally,  
3 although they did manage to get a number of contracts  
4 and so on. They were able to, at a huge price to the  
5 First Nation, mind you, negotiate some pretty good  
6 agreements.

7 MR. HART: If I may add. The Proponent  
8 has had 17 years to figure out how to work with  
9 Aboriginal communities, so I would look to them to  
10 provide the examples of how to do it.

11 MR. BELL-IRVING: You mentioned just now, and  
12 previously a number of times, this IBA, this concept  
13 of a benefit agreement. Is it your view or  
14 understanding that an IBA is necessarily a  
15 pre-requisite or a condition, either legal or  
16 otherwise for any successful development?

17 MS. KUYEK: I think the first  
18 prerequisite is the right to say no. I believe in  
19 free prior informed consent and the right of a First  
20 Nation to determine what happens on their territory.  
21 That said, if the First Nation determines freely that  
22 they want to go ahead and have an agreement, then  
23 there are a number of examples and supports for  
24 participation agreements and IBAs, one as close as the  
25 Tahltan's agreement over Iskut.

1           But if you don't have the right to say no and  
2           you can't walk from the table, you have no power in  
3           that negotiation. And I think that that's important.  
4           Any of us who have been in tough negotiations know if  
5           you can't say "I'm out of here," you've got no power.

6           And so First Nations are very often in a  
7           position where they can't do that. And unless they  
8           have the right to say no and the ability to say no, I  
9           think it's very difficult for any First Nation to  
10          negotiate a fair agreement.

11       MR. BELL-IRVING:                    Thank you. In your remarks,  
12          I understood you to make some suggestions and provide  
13          perhaps advice to what the local community here might  
14          do with respect to their future.

15                 In the context of that advice, do you think  
16          it's the community's responsibility and the  
17          community's choice to make that, to decide, or is it  
18          our choice, our opportunity to suggest to them what  
19          they should do?

20       MS. KUYEK:                         I think, I believe it's the  
21          community's responsibility and -- responsibility to  
22          determine their future. That said, we live in a very  
23          complex network of communities so that, for example,  
24          this is Secwepemc land. And they live in a  
25          relationship with the settler community of Williams

1 Lake and Williams Lake itself is made up of a number  
2 of different communities, for example.

3 So within that complex network, communities  
4 have a responsibility to determine what they want to  
5 do with their lives and the lives of their children  
6 and their grandchildren and their great-grandchildren.

7 But we are buffeted all the time by external  
8 forces that keep us from being able to do that. What  
9 happens in the lumber industry, what happens with  
10 commodity prices, what happens with weather and  
11 accidents, all those things affect us.

12 And in this country, First Nations People,  
13 perhaps more than anyone, know what it is to have your  
14 lives arranged by outside forces and have to take  
15 responsibility within that context.

16 And people who come here as immigrants often  
17 know that from the disasters in their own country.

18 So it's not a black and white answer. It's a  
19 complex one.

20 MR. BELL-IRVING: I appreciate that. And if I  
21 may, just one last question. Given your presentation  
22 in its entirety, in your view, is there anything as a  
23 healthy mining community anywhere in B.C.?

24 MS. KUYEK: I haven't visited them all,  
25 Rod, I've been to a number.

1 MR. BELL-IRVING: Anywhere in Canada?

2 MS. KUYEK: Healthy. World Health  
3 Organization social determinants of health. I would  
4 have told you that Sudbury wasn't doing too bad until  
5 the last year-and-a-half. And there's been a strike  
6 going on there for a year and the soil is pretty  
7 toxic. It looks like they are going to bust the  
8 union. And they are going to leave behind a 5,000  
9 hectare tailings impoundment.

10 I mean, this healthy mining communities, I  
11 don't know. There must be some somewhere. I think, I  
12 think there's a better opportunity to be a healthy  
13 community if you're talking about a quarry. And I was  
14 one of the founders of the National Orphaned and  
15 Abandoned Mines Initiative. And every time they  
16 wanted to come up with an example of a successful  
17 closure, someone would trot out a quarry, right,  
18 because if it's got acid mine drainage, you're going  
19 to have problems forever.

20 And so if it's an oxide mine like the Viceroy  
21 mine, you've got a better chance of closing it up  
22 properly than you do some other kind.

23 I liked living in a mining town. I liked it.  
24 I liked my, I still, that's still my home.

25 And it's not -- I mean, it makes people



1 strong and it makes them resilient. But, you know, we  
2 really got to start thinking about other ways to live  
3 on this planet. And if we don't do that, we're  
4 dooming our kids to a disaster.

5 And mining towns are full of great people who  
6 can make those kind of things happen.

7 But I don't know if I'd say there's a healthy  
8 mining town.

9 MR. BELL-IRVING: Thank you, Mr. Chairman. No  
10 other questions.

11 THE CHAIRMAN: Thank you. We'll just check  
12 through the list of others that may have questions.  
13 And this is in the order of those who are registered  
14 to speak.

15 Transport Canada? Any questions? No.

16 Then it would be next Share the  
17 Cariboo-Chilcotin Resources Society, Mr. Carruthers,  
18 questions?

19 MR. CARRUTHERS: I do.

20 THE CHAIRMAN: Yes.

21 **QUESTIONS OF MININGWATCH CANADA BY SHARE THE**

22 **CARIBOO-CHILCOTIN RESOURCES SOCIETY, BY MR. BILL**

23 **CARRUTHERS:**

24 MR. CARRUTHERS: I would like to ask the nice lady  
25 here with the presentation, is Taseko doing anything

1           illegal with regards to taxation policy?

2   THE CHAIRMAN:                        Sorry. I think here at the  
3       front here. You're getting the ladies mixed up.

4   MS. KUYEK:                            No, they are not doing  
5       anything illegal, no.

6   MR. CARRUTHERS:                      Okay. Lots of errors in the  
7       way we calculate GDP. Is this within the mandate of  
8       the Panel or Taseko to consider?

9   MS. KUYEK:                            I think if Taseko has raised  
10       it as a justification for the mine, then it becomes  
11       part of the mandate of the Panel and the public to  
12       consider it.

13   MR. CARRUTHERS:                      So you want to reinvent how  
14       we calculate whatever it is that is going on in our  
15       society at this mandate here?

16   MS. KUYEK:                            If I could say. I'm not  
17       doing that. There is a huge network of economists  
18       and --

19   MR. CARRUTHERS:                      I understand what you're  
20       saying, but is that within the mandate of this table  
21       here?

22   THE CHAIRMAN:                        Hold on, we need to complete  
23       an answer to the question first of all, and I think  
24       she hadn't completed, so please let her respond.

25   MS. KUYEK:                            The mandate of the Panel is

1 to look at sustainable development. That requires  
2 looking at the ways in which we do economic costing.

3 MR. CARRUTHERS: Fair enough, but it's an  
4 industry standard now, so what you're suggesting is  
5 that whatever's done throughout the world is going to  
6 have to change as a result of this?

7 MS. KUYEK: It is changing, as a matter  
8 of fact.

9 MR. CARRUTHERS: That's fine, that's what  
10 evolution is, we're not talking about a revolution  
11 here, are we?

12 THE CHAIRMAN: Whoa, I think I'm not going  
13 to entertain a discussion on whether GDP is the model  
14 that we should be using here. I think that's a little  
15 bit beyond our mandate, to say the least. Do you have  
16 another question, sir?

17 MR. CARRUTHERS: Lots of social issues.  
18 Should we decline the Project until we solve all of  
19 the issues and injustice in the world?

20 MS. KUYEK: No.

21 THE CHAIRMAN: Thank you, Mr. Carruthers.  
22 Next would be Friends of Nemaiah Valley, any  
23 questions?

24 SPEAKER: No questions.

25 THE CHAIRMAN: Okay, Williams Lake and

1 District Chamber of Commerce, any questions?

2 SPEAKER: No questions.

3 THE CHAIRMAN: Okay, I'll check with our  
4 Panel. One question, okay.

5 **QUESTIONS OF MININGWATCH CANADA BY THE FEDERAL PANEL:**

6 MS. MORIN: You mentioned that women in  
7 First Nations are less likely to qualify for  
8 employment at Prosperity. What steps do you recommend  
9 Taseko or the Federal Government take to mitigate this  
10 or improve the equity?

11 MS. KUYEK: Well, I think the first thing  
12 is to have an -- well, there's an organization in  
13 Newfoundland called Women in Resources Society. And  
14 they have worked carefully with the mining industry in  
15 Newfoundland to look at what are the barriers to  
16 women's employment in mining. They have a whole  
17 curriculum around that. They will provide advice to  
18 mining companies and to women's groups and the public,  
19 and I would suggest looking at what they do.

20 MS. MORIN: Thank you.

21 THE CHAIRMAN: Thank you. Again, the order  
22 of questioning, are there any questions from the other  
23 Federal departments, that would be Fisheries and  
24 Oceans, Natural Resources and Environment Canada? I  
25 see none.

1 Canoe Creek Band?

2 Esketemc First Nation? No.

3 That covers everybody. So thank you, again,  
4 Mrs. Kuyek, for your presentation.

5 MS. KUYEK: Thank you.

6 THE CHAIRMAN: Again, I think we have time  
7 for another presentation before we take a break.  
8 There seems to be a lot of cooperation amongst the  
9 registered speakers here in terms of managing the  
10 order. And I see that, once again, Transport Canada  
11 has agreed to move back in the list and so has  
12 Mr. Carruthers with the Share the Cariboo-Chilcotin  
13 Resources in order to allow Dr. Shaffer with the  
14 Friends of Nemaiah Valley to speak. So that's my  
15 understanding of what's been agreed amongst all the  
16 different registered speakers, so please come forward,  
17 Dr. Shaffer.

18 **PRESENTATION BY FRIENDS OF NEMAIHAH VALLEY:**

19 **EXPERT PANEL:**

20 **Dr. Marvin Shaffer**

21 **PRESENTATION BY MR. DAVID WILLIAMS:**

22 MR. WILLIAMS: Thank you.

23 I wanted to thank the Panel and the other  
24 presenters for being so co-operative and showing  
25 flexibility. It's we work under difficult

1           circumstances.

2                       Friends of the Nemaiah Valley, I should  
3           introduce myself. David Williams, Friends of the  
4           Nemiah Valley.

5                       We financed our approach here and many of the  
6           presenters, professional presenters, through private  
7           and small donations, everything from five to 5,000  
8           dollars. We've raised almost \$50,000 to do that.  
9           That's why so many of the experts are here this week.

10                      Early on in the process, we realized that  
11           Taseko's economic assumptions and economic benefits of  
12           the mine were suspect and indeed we felt they were  
13           highly exaggerated. So we saw the need for an  
14           independent expert opinion. We were fortunate enough  
15           to be able to higher Dr. Marvin Shaffer of Simon  
16           Fraser. And I'm just going to briefly run through his  
17           resume.

18                      Dr. Shaffer has a Ph.D. in economics from UBC  
19           and he's the recipient of many accomplishments and  
20           awards. He's a consulting economist and presently  
21           Adjunct Professor of Public Policy in the Public  
22           Policy Program at Simon Fraser University. He has  
23           taught macro economics and currently teaches benefit  
24           cost analysis, natural resource economics and  
25           econometrics.

1           He's a specialist in energy, transportation,  
2           and natural resources.

3           Some of his major accomplishments are:

4           -       He has conducted an independent  
5           economic analysis for the Gitxan for the Kemess North  
6           mine.

7           -       He negotiated an agreement that  
8           transferred responsibility to B.C. Transit from the  
9           Provincial Government to Greater Vancouver.

10          -       He negotiated agreements for the return  
11          of the power benefits owed to B.C. under the Columbia  
12          River Treaty which minimizes transmission costs and  
13          maximizes market opportunities for the Province.

14          -       He developed a framework now widely  
15          used in B.C. for the evaluation of major policies and  
16          projects.

17                 Some of Dr. Shaffer's conclusions re the  
18                 Taseko's Prosperity Mine are that this Project  
19                 requires a methodologically correct assessment of  
20                 benefits and costs, which Taseko has not done.

21                 He also looks at the environmental and  
22                 community net benefits and costs.

23                 And he has concluded that there is no  
24                 evidence of significant positive net benefits for  
25                 society as a whole.

1                   So I'd now like to invite Dr. Shaffer to  
2                   present and explain his findings to the Panel.

3                   **PRESENTATION BY DR. MARVIN SHAFFER:**

4                   DR. SHAFFER:                   Thank you, David. I feel like a  
5                   modern day Luddite. I didn't prepare a PowerPoint  
6                   presentation, but there's a summary of the points that  
7                   has been distributed and I'll go through them and I'm  
8                   really here to answer any questions you have about the  
9                   report that was filed in March.

10                  THE CHAIRMAN:                   We do have the report, all  
11                  right, yes.

12                  DR. SHAFFER:                   And you can hear me the mic  
13                  is on.

14                                 A project like Prosperity will have adverse  
15                                 environmental and social impacts. And you've heard  
16                                 considerable evidence on that. A central question  
17                                 that ultimately may have to be addressed is whether  
18                                 there are economic benefits from this Project and if  
19                                 they are of a magnitude that offset whatever adverse  
20                                 effects there may be.

21                                 We heard this morning, and I don't think  
22                                 there's any dispute about this, the economic impact  
23                                 analysis in the EIS, and I would add the economic  
24                                 impact reporting in the B.C. Environmental Assessment  
25                                 Office Report, does not indicate whether there's any,



1 to what extent the Project will generate net economic  
2 benefits, at least as economists define the term.  
3 What they provide was an impact assessment. And I  
4 think it's very important to understand, because  
5 there's often a confusion when you hear evidence about  
6 economic impacts, there's often a confusion as to  
7 whether and to what extent that constitutes a benefit,  
8 it simply doesn't.

9 And for example, an employment impact and the  
10 associated income really is just an indication that  
11 there's a demand for labour. And if you talk about  
12 the direct demand for labour, those are the direct  
13 impacts, and the indirect go further into the economy.

14 Whether there's a benefit or not really  
15 depends on what the people hired would otherwise be  
16 doing. So what you are really trying to estimate or  
17 look at is the incremental income or benefit that  
18 people hired will realize as a result of the job  
19 opportunity.

20 Economic impacts and wage impacts don't tell  
21 you anything of that.

22 Government revenue impacts similarly don't  
23 tell you if taxpayers are benefiting as a result of  
24 the Project, because they don't tell you to what  
25 extent the revenues represent incremental taxes, taxes

1 that wouldn't otherwise have been paid. And they  
2 don't net out the incremental expenditures that  
3 governments incur to deal with any migration  
4 associated with the Project or deal with the Project  
5 itself.

6 There clearly, and I want to say this, I was  
7 asked to do this by Friends of the Nemaiah Valley but  
8 they did ask for an independent report and I'm trying  
9 to share with you my assessment of it, positive or  
10 negative. And there would be economic benefits from  
11 this Project. There would be some incremental income  
12 one would expect from the employment generated. There  
13 would be some incremental tax revenues, so we can  
14 quarrel about how often that will be.

15 The important point that I raised in my  
16 report, though, as far as the employment impacts go,  
17 the economic benefits are likely to be relatively  
18 small. That isn't to say they are not significant to  
19 a small community that's looking forward to an  
20 increase in the population, or that isn't to say it's  
21 not significant for a person who might otherwise be  
22 unemployed.

23 But by and large when we look out at the  
24 economy as a whole, and what we're looking at is jobs,  
25 at least in the mine, that are highly skilled, for

1           which there may be shortages in the medium to  
2           long-term, the challenge here, or the opportunity here  
3           isn't to employ people who would otherwise be  
4           unemployed, the challenge here is to attract the  
5           workforce, train the workforce, that you're going to  
6           need and have to sustain through the Project.

7                         There may be some benefit because of the  
8           increment wages and value of that job relative to  
9           others, but most likely you'll be attracting people  
10          who would otherwise be working, and in the case of  
11          skilled workers, working at skilled jobs.

12                        And similarly for the indirect and direct and  
13          the spinoff jobs that people talk about, economists  
14          take the view, the longer view, that in the longer  
15          term, an economy functions reasonably well, not  
16          perfectly, as we know. In the past few years would be  
17          a good example where it has functioned very poorly.  
18          But over the longer term, generally speaking when you  
19          hire people, you attract them from other productive  
20          activities, whether it's in a wage economy, a  
21          traditional economy, or other work. And therefore the  
22          benefits will be relatively small.

23                        And I didn't do a detailed, and certainly I  
24          didn't do an independent benefit cost study of this  
25          Project, I relied on the information provided in the

1 EIS. And from that I would argue that there may be  
2 some benefits, and if we're generous with the  
3 employment benefits and generous with the tax,  
4 incremental tax benefits, meaning tax payments that  
5 wouldn't otherwise be made, I present in the report an  
6 estimate of some \$18 million of benefits annually when  
7 the Project is in operation. And that would come in  
8 part because of the incremental income afforded by the  
9 incremental job opportunities and in part by the  
10 mineral taxes and incremental income taxes that  
11 wouldn't otherwise be paid.

12 On the other hand, if, to have a balanced  
13 assessment, and it's very important here, one has to  
14 look at the costs. And some of the costs that I  
15 highlight in the report are ones that are very  
16 important in the context of mining Projects.

17 And one in particular is the cost of the  
18 electricity. And I want to explain this because  
19 there's often confusion about this.

20 I'm certainly not suggesting in my report  
21 that Taseko or other mines aren't paying the posted  
22 rate for electricity, the industrial tariff that BC  
23 Hydro has put forward. They are. But this is a  
24 regulated rate and it's regulated on the basis of  
25 historic costs, in other words really reflecting the

1 costs of the hydroelectric facilities that were built  
2 in the '60s and '70s and are very low cost sources of  
3 power.

4 The consequence of a demand for electricity  
5 though is to cause BC Hydro to go out and acquire new  
6 electricity. And the cost of new sources of supply  
7 are more than double the average rate that industrial  
8 users like Taseko and other mines and other industries  
9 are paying.

10 Right now, the average industrial rate is  
11 less than \$40 a megawatt hour. In the 2006 call for  
12 energy, BC Hydro paid an average of \$88 an hour --  
13 sorry, \$88 per megawatt hour for electricity. There  
14 is a call-out right now, 2008 call, and although we  
15 haven't heard the results of that, we're expecting it  
16 could be \$100 or more.

17 And what this means is, and this isn't a  
18 fault of the mine, the mine is paying whatever they  
19 are told to pay, but the fact of the matter is, the  
20 consequences for British Columbians is that there's a  
21 very significant subsidy to this operation, a very  
22 significant cost. Because British Columbians are the  
23 ratepayers who have to pay the costs that now get  
24 built into BC Hydro's revenue requirements. An  
25 incremental requirement will cost, let's say, \$90 as

1 compared to the near \$40 average revenue they will  
2 receive from Taseko. There'll be having to contribute  
3 \$50 a megawatt hour or some \$35 million per year to  
4 support this Project. That's a very significant net  
5 cost of this Project if you want to look at the  
6 benefits and the costs overall.

7 And in fact that's significantly greater in  
8 itself than the benefits I would estimate you'll get  
9 from the employment and taxes generated by this  
10 Project.

11 There are other costs as well, extranalties  
12 as we like to say in the trade. And an obvious one is  
13 associated with greenhouse gas emissions. It's a very  
14 significant one in this day and age. And the reason  
15 why that's an extranality is because British Columbia  
16 is committed to meeting certain targets, certain  
17 emission targets, and so when there's a new source of  
18 emissions, as there is in this Project, I think  
19 something like 50,000 tonnes per year during  
20 operations and somewhat more during construction,  
21 those will have to be offset. And unless they are all  
22 offset by the mine for which we have no reason to  
23 believe they will be, the mine will be granted, when  
24 we have some kind of program, it's typically the case  
25 that generators of GHGs will be given some initial

1 rights to generate GHGs, that will have to be offset,  
2 that will have to be paid for in effect by other  
3 industries and households and people in the province.

4 And adding to the cost.

5 Certainly the information in the EIS, if you  
6 were just looking at impacts, leaves the impression  
7 that there are significant economic benefits in this  
8 Project.

9 My review of this suggests that in terms of  
10 those benefits and costs you can reasonably quantify,  
11 the things you might hold up against the adverse  
12 environmental and social or for that matter positive  
13 community effects that you can't quantify, they are  
14 significantly negative. That the cost, the subsidy in  
15 the provision of electricity itself, not even  
16 mentioning the environmental impacts associated with  
17 that, exceed the measurable benefits of this Project.

18 At the end of the day, you have to deal with  
19 trade-offs and you have to consider these things as  
20 trade-offs.

21 If there was a suggestion that whatever  
22 adverse environmental effects there may be are offset  
23 by positive net benefits, my conclusion is, well, you  
24 can't say that. There are no measurable net overall  
25 benefits to trade-off. There are certainly pockets of

1 benefits, communities that may benefit, but there's no  
2 evidence to suggest there are overall net benefits  
3 from this Project and certainly no evidence to suggest  
4 that they are of a magnitude that would offset the  
5 adverse environmental and social effects you've been  
6 hearing about.

7 And that's the summary of my report and I'm  
8 happy to answer any questions that people have about  
9 the report or my presentation today.

10 THE CHAIRMAN: Thank you, Dr. Shaffer. I  
11 have read your report earlier, and I thank you for the  
12 short overview of it.

13 And I'll turn to Taseko to see if they have  
14 any questions.

15 **QUESTIONS OF FRIENDS OF THE NEMIAH VALLEY, BY TASEKO**

16 **MINES LIMITED:**

17 MR. BELL-IRVING: Yes, Mr. Chairman.

18 Dr. Shaffer, two questions. With relation to  
19 your resume and your vast experience and knowledge,  
20 could you comment to the extent to which you have  
21 worked within the EA Assessment field particularly  
22 with the Provincial EA office and for that matter with  
23 the Federal office EAO or the EA or CEAA, rather, and  
24 can you comment on why, what I think you're suggesting  
25 in your paper and I certainly heard you suggest now,



1           this full cost accounting methodology, if I can call  
2           it that, is not a part of Provincial or Federal  
3           legislative or policy requirements at this point in  
4           time?

5   DR. SHAFFER:                   Well, I'll just start with my  
6           experience, and I didn't bring my resume with me, so  
7           I'll just go from memory.

8                           I did, as Mr. Williams pointed out, I did  
9           work and present evidence to, of a similar nature, I  
10          might add, to the hearing on the Kemess, North Kemess  
11          project. I did work with the B.C. Environmental  
12          Assessment Office actually as an advisor to them on a  
13          salmon aquaculture review.

14                           I have presented to the Manitoba  
15          Environmental, it was an environmental panel in in  
16          Manitoba with I think a CEAA component dealing with  
17          the Wuskwatim Hydroelectric Project. I would have to,  
18          if somebody had a copy of my resume.

19   MR. BELL-IRVING:               No, I don't.

20   DR. SHAFFER:                   In any event, I have had some  
21          experience, both as an advisor to the Environmental  
22          Assessment Office and as an advisor to participants in  
23          the process.

24                           And my point is this. I mean, certainly  
25          there's references in the Terms of Reference and the

1 original guidelines for the EIS to look at the net  
2 benefits of the Project and net costs of the Project.

3 There's certainly reference to talk about the  
4 justification for the Project.

5 And it's not so much, I go back to some  
6 discussion this morning, that I'm here to say, oh, you  
7 have to do a benefit costs analysis the way I teach it  
8 at SFU, good idea, I know people that can do that for  
9 you. But that's not what I'm saying. I'm just saying  
10 if you want to understand the consequences of the  
11 Project, and if you want to assess the significance of  
12 some of the economic impacts that you're citing as  
13 important evidence, you have to deal with the economic  
14 significance in the way that an economist understands  
15 that. In other words, it's not good enough to tell a  
16 Panel, well, the impact is \$30 million in wages when  
17 you're not really telling the Panel if that's a good  
18 or a bad thing or to what extent.

19 So it's in that spirit that I present that.  
20 It's not to say, oh, there's another methodology you  
21 have to use. You have to look at the significance of  
22 the impacts if you want to inform the debate as to  
23 whether some trade-off is worthwhile or not.

24 MR. BELL-IRVING: Okay, again, you're opening  
25 remark, I think, was that this Project requires a

1           methodologically correct analysis. I think I heard  
2           you say that.

3       DR. SHAFFER:                            I either said that or I wrote  
4           that. I recall that. I think actually, yeah, misread  
5           it.

6       MR. WILLIAMS:                         I said it and I stumbled over  
7           "methodological".

8       MR. BELL-IRVING:                     So it was David. You agree  
9           with that?

10      DR. SHAFFER:                         I'll answer for his --  
11           because there is a reference. I come back to the same  
12           point I was trying to make earlier and it's not meant  
13           to be an adversarial one. It's simply to say, if you  
14           want to present, as you do in Environmental Impact  
15           Assessment and other areas, if you want to present  
16           information on the meaning and significance of, let's  
17           say, a tax impact or, let's say, an employment impact,  
18           then you have to do it, I would argue, as an economist  
19           in a methodologically correct way. And the correct  
20           way is not to present in itself the gross impact. For  
21           example, a lot of the tax impacts in the EIS refer to  
22           taxes paid by the workers. Or sales taxes paid by the  
23           workers. Well, that's in itself, not meaningful  
24           unless there are incremental taxes. And they are  
25           incremental taxes that haven't been captured in your

1 measure of the employment benefit.

2 So that's why I think it's -- that's why I  
3 think it's important to be methodologically correct.  
4 And I understand, I've seen a lot of EIS reports.  
5 I've seen the BC EAO reports that just talk about  
6 economic impacts.

7 But I can tell you, economic, and I can tell  
8 you almost every economist I know would agree with me,  
9 that economic impacts in themselves don't tell you  
10 anything about the benefit that those impacts give  
11 rise to.

12 MR. BELL-IRVING: Okay, but you would, and I  
13 think you did say that you've reviewed the EIS.

14 DR. SHAFFER: Yes.

15 MR. BELL-IRVING: And reviewed what you  
16 described as an economic impact assessment, that that  
17 is what we've done, and I think you acknowledge that.

18 Given the circumstances that we find  
19 ourselves in as a company, a few short days from the  
20 close of this Federal review hearing process, having  
21 gone through a Provincial Review Process and having a  
22 decision rendered by the Provincial Review Process, at  
23 both levels of government, Federal and Provincial,  
24 having independently reached a determination that our  
25 submission as presented was adequate to proceed to

1           hearings in the case of the Federal case, and on the  
2           Provincial's case adequate to proceed to their  
3           legislated time lines for review, given that we've got  
4           three days or so left, do you have any suggestions as  
5           to how we might apply such a methodologically correct  
6           analysis in the remaining two days?

7       DR. SHAFFER:                   Well, in the remaining two days? I  
8           would say you might want to just tell me if I'm wrong  
9           in that -- or tell the Panel that I'm wrong, if you'll  
10          make your arguments.

11                   But the point I'm raising is, in what you've  
12          presented, if at the end of the day the Panel has to  
13          say to the government or the government itself has to  
14          consider whether there are net benefits of a magnitude  
15          that warrant, justify, an offset, whatever  
16          unmeasurable environmental or social consequences  
17          there may be, I'm just saying, no, there's no evidence  
18          of that.

19                   And that's, I would say, my expert opinion on  
20          that. If there's other contrary views, so they'll  
21          presumably come out.

22       MR. BELL-IRVING:               Thank you. You wouldn't get  
23           one from me.

24                   Mr. Chair, that...

25       THE CHAIRMAN:                  I'll just see if there are

1 other questions. Going through the priority list,  
2 order of presenters on this subject, Transport Canada,  
3 any questions?

4 Tsilhqot'in National Government, any  
5 questions?

6 MiningWatch?

7 MR. HART: One very brief one,  
8 Mr. Chair.

9 THE CHAIRMAN: Mr. Hart.

10 **QUESTIONS OF FRIENDS OF THE NEMAIH VALLEY BY MININGWATCH**  
11 **CANADA, BY MR. RAMSEY HART:**

12 MR. HART: Dr. Shaffer, would the two  
13 months that the Panel needs to prepare its report  
14 provide adequate time for them to perhaps commission  
15 their own independent robust economic review of the  
16 Project?

17 THE CHAIRMAN: I'll answer that, because  
18 it's not possible. Whether it can be done in two  
19 months or not is not relevant because we have to take  
20 our decision based on the evidence we receive by the  
21 end of the day tomorrow. That's when the -- or the  
22 end of the day today. I'm sorry, I'm mixing up the  
23 days of the week here. The record closes at the end  
24 of today, and we have two days of closing arguments.

25 MR. HART: I apologize. I was under the

1 impression that the Panel could commission their own  
2 studies?

3 THE CHAIRMAN: No, because everything that  
4 we receive has to be tested in the public arena, so we  
5 cannot do that. So there's no need to respond.

6 The next would be Share the Cariboo-Chilcotin  
7 Resources Society, any questions.

8 SPEAKER: I have no question, but I did  
9 change places so the doctor could make the airplane.  
10 (Inaudible).

11 THE CHAIRMAN: I guess that was heard but it  
12 won't go on the record.

13 FORMER CHIEF WILLIAM: I'd like to thank  
14 Mr. Carruthers as well.

15 THE CHAIRMAN: And I noted the change.  
16 Williams Lake District Chamber of Commerce,  
17 any questions?

18 SPEAKER: No questions.

19 THE CHAIRMAN: Then the other Federal  
20 departments, Fisheries and Oceans, Natural Resources  
21 Canada, Environment Canada, any questions?

22 No, I see none.

23 Canoe Creek?

24 Esketemc First Nation? Ms. Bedard, please.

25 **QUESTIONS OF FRIENDS OF NEMALIAH VALLEY BY ESKETEMC FIRST**

1           **NATION, BY MS. BETH BEDARD:**

2           MS. BEDARD:                           Thank you, I have a question  
3           of clarification.

4                           In the last exchange between Dr. Shaffer and  
5           Mr. Bell-Irving, did Mr. Bell-Irving, you indicated  
6           that you agreed with Dr. Shaffer?

7           MR. BELL-IRVING:                    I would be terribly  
8           inappropriate if I disagreed with a lot that a man of  
9           that quality could offer here. So I don't recall a  
10          specific question. If you want the answer, you'd have  
11          to take it from the record.

12          MS. BEDARD:                           Thank you.

13          THE CHAIRMAN:                    I think we've been through  
14          all the list of questioners except the Panel. And  
15          I'll see. Bill?

16          **QUESTIONS BY THE FEDERAL PANEL:**

17          MR. KLASSEN:                        Thank you, Mr. Chairman.

18                           Dr. Shaffer, with respect to the supply of  
19          electricity to the Project, are you suggesting that  
20          there isn't electricity currently available that would  
21          meet their needs and additional capacity would have to  
22          be developed at the cost that you're indicating before  
23          this Project could go ahead?

24          DR. SHAFFER:                        The BC Hydro system is a growing  
25          system, and so when you add and in this case 700



1 gigawatt hours of electricity as demand on the system,  
2 that's about 15 percent of the size of Site C, the  
3 energy output of Site C, you have to develop  
4 additional resources to meet that incremental  
5 requirement. It's not that there's a one-to-one  
6 relationship between this electron goes to that user,  
7 but the fact of the matter is that when you add a load  
8 of that magnitude, you have to go out to get more  
9 power to meet the total system requirements.

10 I think what BC Hydro's indicating is that  
11 they are in a position in the timeframe that this mine  
12 would come on to meet the requirement. And they would  
13 do that. But they have been planning to do that by  
14 adding, having resources available for when it would  
15 come on-stream and then adding down the road as the  
16 system keeps going.

17 THE CHAIRMAN: Thank you. Dr. Shaffer, I  
18 understand your point about net benefits and I know  
19 you can appreciate we're not here to establish  
20 electricity rates in B.C., but I was curious, it's not  
21 really related, but have you done this presentation  
22 before the B.C. Utilities Commission with respect to  
23 rates in British Columbia?

24 DR. SHAFFER: I've certainly written  
25 papers, you know, policy papers and I've appeared

1 before the B.C. Utilities Commission discussing this  
2 and other issues, particularly in the context of  
3 conservation strategies. You know, does it really  
4 make sense to go out and spend tens and hundreds of  
5 millions of dollars on conservation when you're  
6 attracting new electric-intensive loads at rates that  
7 are half the cost of new supply. I can tell you what  
8 most economists think about that.

9 But there are sort of two separate issues.  
10 The issue about pricing, what's an appropriate pricing  
11 strategy. And the benefit cost question, which is,  
12 given the pricing strategy that for whatever reasons  
13 the Utilities Commission has adopted, and in fact they  
14 have adopted it because, by law, the government has  
15 dictated that the benefit of heritage hydro resources  
16 will be shared by ratepayers. In other words, the  
17 government has dictated to the Commission you will use  
18 average cost rates, not marginal cost rates.

19 So it's in that regulated context that you  
20 have to ask yourself the question, well, what is the  
21 consequence, then, of a new electric-intensive load  
22 coming on the system? Well, as with many regulated  
23 prices, it's a distortion, a price distortion, and the  
24 effect of the distortion in this case is that other  
25 people will bear the cost of that new load coming on

1 the system, the difference between the marginal cost  
2 of supply and the average cost that's paid, the  
3 average rate that's paid for that.

4 THE CHAIRMAN: Thank you. And that  
5 concludes our questioning. Thank you again,  
6 Dr. Shaffer for your presentation, and the Friends of  
7 Nemaiah Valley for organizing your appearance before  
8 us.

9 This is an appropriate time to take a short  
10 break. We'll come back in about 10 minutes. Thank  
11 you.

12 **(BRIEF BREAK)**

13 THE CHAIRMAN: Ladies and Gentlemen, I would  
14 like to start again, please.

15 Our next speaker on the list of registered  
16 speakers, and I add these names were all registered  
17 some time ago according to our Procedures, is  
18 Transport Canada followed by Share the  
19 Cariboo-Chilcotin Resources Society, and then Williams  
20 Lake and District Chamber of Commerce.

21 So Transport Canada, please.

22 And as you come forward, I would just like to  
23 say thank you for agreeing to have others go ahead of  
24 you and for allowing those who had to run and catch  
25 planes to speak in advance.

1 MR. MACKIE: You're welcome, Mr. Chair.

2 **PRESENTATION BY TRANSPORT CANADA:**

3 **EXPERT PANEL:**

4 **Mr. John Mackie**

5 **Ms. Linda Sullivan**

6 **PRESENTATION BY TRANSPORT CANADA, BY MR. JOHN MACKIE:**

7 MR. MACKIE: Panel Members, Elders,  
8 Chiefs, Taseko officers, Ladies and Gentlemen, I would  
9 like to thank the First Nations whose traditional  
10 territory we are currently meeting in today.

11 My name is John Mackie. I spell M-A-C-K-I-E.  
12 I am responsible for delivery of the ***Navigable Waters***  
13 ***Protection Act*** for this Project.

14 I've been a navigable waters protection  
15 officer marine inspector for the past 12 years. Prior  
16 to this, I served in the Canadian Coastguard for 22  
17 years, 16 years of which as a seagoing member.

18 I am certified by Transport Canada as a  
19 navigating officer and held a position as a deck  
20 officer for the last six years of my seagoing time.

21 I have with me today Linda Sullivan,  
22 S-U-L-L-I-V-A-N, Senior Environmental Officer with  
23 Programs Branch of Transport Canada. Linda has been  
24 working in the field of Environmental Assessment for  
25 the past 12 years. In addition, she has worked in the

1 DFO in the Salmon Enhancement Program associated with  
2 hatchery programs.

3 Transport Canada appreciates this opportunity  
4 to appear before this Panel and present our  
5 topic-specific comments as they relate to our role and  
6 mandate under the **Canadian Environmental Assessment**  
7 **Act** and the **Navigable Waters Protection Act**.

8 Transport Canada submitted a document on  
9 April 16th, 2010, that describes the analysis and  
10 conclusions that have been undertaken by the  
11 department.

12 On February 4th, 2010, the Review Panel  
13 invited Transport Canada to attend the public hearings  
14 and requested that the department, based on its  
15 expertise in matters of navigation, provide an  
16 overview of its mandate, roles and responsibilities  
17 and its views on a number of key areas.

18 Transport Canada is offering advice to the  
19 Panel on the following topics:

20 Key effects of the Project on the proposed  
21 mine site and the surrounding environment.

22 Possible mitigation measures.

23 And proposed monitoring and follow-up  
24 programs.

25 Transport Canada's written brief and

1 presentation on March 24th, 2010 to the Review Panel  
2 provided an outline of the department's roles and  
3 responsibilities under the ***Navigable Waters Protection***  
4 ***Act*** and the ***Canadian Environmental Assessment Act***.

5 The brief also offered an overview of  
6 Transport Canada's key findings, possible mitigation  
7 measures, including risks, and a preliminary view of  
8 the significance of effects of the Project on  
9 navigation.

10 At this session, Transport Canada will  
11 present its findings to the Panel on the potential  
12 effects of the Proposed Project.

13 The purpose of this presentation is to  
14 provide details on Transport Canada's additional  
15 analysis of the impacts of the Project on  
16 socio-economics, particularly navigation, in the  
17 following areas of interest to the department:

18 Boating activities.

19 Fishing activities.

20 Recreation activities.

21 Possible mitigation measures.

22 And follow-up programs.

23 Risks.

24 And conclusion on significance.

25 In Volume 6, Section 7 of its Environmental

1 Impact Statement, Taseko Mines Limited provides an  
2 assess of the Project's effects on navigable waters.

3 Taseko identified all waterways and  
4 waterbodies that will be directly affected and  
5 provided representative physical characteristics of  
6 those potentially affected waterways.

7 They also identified the Project components  
8 that will impact waterways and waterbodies and the  
9 anticipated effects.

10 In addition, Taseko provided information on  
11 current and/or historic usage on the effected  
12 waterways and waterbodies.

13 In general terms, they have met these  
14 requirements in the EIS Guidelines.

15 The information review focused on the  
16 navigation usage by the public, not by First Nations.

17 Although the EIS guidelines did not  
18 explicitly require Taseko Mines to describe mitigation  
19 measures for impacts on navigation, the **Canadian**  
20 **Environmental Assessment Act** requires mitigation for  
21 any change in the environment that impacts  
22 socio-economic conditions, in this case navigation.  
23 We will discuss the possible mitigation measures later  
24 in this presentation.

25 In these next few slides, I will talk about

1 the NWPA and the process that Transport Canada uses to  
2 deliver it, in general and specific to the Prosperity  
3 Gold-Copper Project.

4 Navigation is a commonlaw right that cannot  
5 be interfered with except through Federal legislation  
6 or regulation.

7 The Navigable Waters Protection Program of  
8 Transport Canada is responsible for the protection of  
9 the public right to navigation and the protection of  
10 the environment through the administration of the  
11 ***Navigable Waters Protection Act.***

12 The NWPA ensures that works constructed in  
13 navigable waterways are reviewed and regulated to  
14 minimize the overall impact on navigation.

15 The Act includes provisions for the removal  
16 of unauthorized works or obstructions that render  
17 navigation more difficult or dangerous.

18 Since the mid-1990s, the Prosperity  
19 Gold-Copper Mine Project has undergone consideration  
20 on some level pursuant to the regulatory provisions of  
21 the NWPA.

22 Taseko has been in contact with staff at  
23 Transport Canada from time to time to discuss elements  
24 of the Project that have undergone refinement.

25 This is an iterative process that continues



1 through the Environmental Assessment phase and allows  
2 for departmental staff to remain current with the  
3 proposal.

4 During the EA phase, it is expected that  
5 elements of the Project may be modified. These  
6 modifications may be included in our final assessment  
7 of the navigation impacts.

8 At a point where the EA is concluded and the  
9 potential adverse environmental effects had been  
10 considered and appropriate mitigation measures are  
11 identified, Taseko and Navigable Waters Protection  
12 Program staff are then free to discuss the statutory  
13 requirements needed in order to complete the review  
14 under the **Navigable Waters Protection Act**.

15 Once Project information is received, an  
16 assessment of navigability of waterways within the  
17 Project footprint is conducted by TC Navigable Waters  
18 Protection Program staff. This assessment includes an  
19 assessment of the physical characteristics of the  
20 subject waterways through an initial desktop review of  
21 the technical information.

22 Application of the **Navigable Waters**  
23 **Protection Act** and assessment of navigability is  
24 largely guided by some key principles of common law.

25 For example, navigation need not be

1 continuous, but may fluctuate seasonally.

2 Further examples are laid out in Annex 2 of  
3 our written submission.

4 The administrative definition of navigability  
5 noted in Transport Canada's general sessions  
6 presentation captures these principles.

7 Transport Canada uses a suite of tools to  
8 assess the navigability of waterways within a Project  
9 footprint. These include, but are not limited to:

- 10 - observing the physical  
11 characteristics of the waterway,  
12 including flow and Volume;
- 13 - determining the level of  
14 public access to the waterways;
- 15 - determining if a waterway is  
16 used for navigation by obtaining  
17 local knowledge through  
18 consultation with local residents,  
19 recreation, commercial groups,  
20 chamber of commerce, and First  
21 Nations;
- 22 - determining if the subject  
23 waterway was used historically or  
24 could be used if the waterway is  
25 currently not used for navigation

- 1 purposes;
- 2 - reviewing officer experience
- 3 of the subject waterways or
- 4 personal knowledge;
- 5 - conducting a review of the
- 6 publications available for the
- 7 area such as land use documents,
- 8 nautical charts and so on;
- 9 - review of the baseline
- 10 information supplied by the
- 11 Proponent;
- 12 - Obtaining anecdotal
- 13 information from other sources.

14 Transport Canada's understanding of the

15 navigability of any given waterway is subject to

16 change at any time depending on the circumstances or

17 new information brought forward for departmental

18 review.

19 Once navigability is understood and it is

20 determined that waterways are indeed navigable for the

21 purposes of the ***Navigable Waters Protection Act***, the

22 proposed placement of the works and the activities

23 associated with these works are assessed to determine

24 the impacts on navigation.

25 This assessment then guides program staff in

1 determining the most appropriate provisions of the  
2 NWPA that would apply to the Project.

3 For the Prosperity Gold-Copper Mine Project,  
4 waterways within the footprint of the mine were  
5 considered.

6 The waterways affected by the Project that  
7 involved Transport Canada interest are:

8 Fish Lake.

9 Little Fish Lake.

10 Portions of Fish Creek.

11 Big Creek.

12 And the Fraser River.

13 All of the proposed physical elements or  
14 works within the Project footprint were reviewed where  
15 they may impact navigation on these waterways.

16 The level of impact or interference to  
17 navigation was considered and guided staff in  
18 determining the impacts if the impacts are substantial  
19 or other than substantial.

20 Key elements of the Project involve the  
21 placement of low-grade ore and overburden in Fish  
22 Lake, inundation of Little Fish Lake, and a dam in  
23 Lower Fish Creek.

24 Transport Canada considers these elements to  
25 be a substantial interference to navigation.

1           The transmission lines to be placed over Big  
2           Creek and the Fraser River are considered and other  
3           than substantial interference to navigation.

4           Provisions of the ***Navigable Water Protection***  
5           ***Act*** applied to this Project are:

6           Section 5(2) which refers to the works that  
7           are substantial interferences to navigation. This  
8           provision allows the Minister to approve the  
9           interference under any conditions that are deemed  
10          appropriate.

11          Taseko's EIS states, indicates, excuse me,  
12          that the entire navigable portion of Lower Fish Creek  
13          will be impacted by the placement of a dam, diversion  
14          of water around the mine and filling of Fish Lake with  
15          mine waste.

16          These are considered substantial  
17          interferences.

18          Section 5(3), which refers to works that are  
19          other than substantial interferences. This provision  
20          allows the Minister to approve works that are  
21          considered less of an interference to navigation and  
22          applies to placement of the transmission lines.

23          Section 22, part 2 of the ***Navigable Waters***  
24          ***Protection Act*** prohibits the placement of material in  
25          a navigable waterway.

1                   Section 23 provides the governor and council  
2                   with the authority to exempt in whole or in part a  
3                   waterway or waterbody from this prohibition.

4                   An assessment of the impacts to navigation  
5                   will be conducted. However, the Navigable Waters  
6                   Protection Program staff will need to follow a  
7                   different regulatory process that includes a  
8                   submission of a Regulatory Impact Analysis Statement  
9                   to the Treasury Board Secretariat of Canada.

10                  As was mentioned in our previous presentation  
11                  at the general sessions, this Governor and Council  
12                  process will be informed by the report produced by the  
13                  Panel.

14                  Two things that Transport Canada considers in  
15                  determining navigability and the potential impacts to  
16                  navigations are: Access, public access, and public  
17                  use.

18                  We know from the information provided in the  
19                  EIS that public use, uses, forestry road access, the  
20                  public uses forestry road access to get to Fish Lake.  
21                  We know as well from testimony provided by First  
22                  Nations that they also use the lake.

23                  A boat ramp at the lake provides the direct  
24                  access to the water.

25                  As indicated in the EIS, the number of

1 recreational users range from 188 to 247 in 1995 and  
2 1996 respectively. Of the recreational users, roughly  
3 80 percent were boaters using hard-hulled boats,  
4 inflatable craft, canoes and rafts.

5 Volume 6, Appendix 5E, page 588 states that:  
6 "Aerial boat counts for the 2006 and 2007 summer  
7 seasons indicate Fish Lake to be one of the busier of  
8 the 32 lakes in the Chilcotin flight circuit with  
9 regular but low use levels."

10 The portion of Fish Creek downstream of Fish  
11 Lake that is navigable to the 8 Metres Falls and  
12 according to Taseko, there is occasional use of Fish  
13 Creek but for kayaking. Fish Lake is currently used  
14 recreational, largely during the months of July and  
15 August.

16 TC assessed all interferences to navigation  
17 likely to result from the project, the proposed  
18 Project.

19 Future steps for Navigable Waters Protection  
20 Program staff would be to determine what mitigation  
21 would be most appropriate.

22 In the case of the proposed installation of  
23 the transmission lines over Big Creek and the Fraser  
24 River, provided there's enough vertical clearance  
25 between the lowest part of the lines and the seasonal

1 highwater of the subject waterways, it is possible to  
2 mitigate these during the design phase of the Project.

3 In the case of Fish Lake, Little Fish Lake,  
4 and Fish Creek, the impacts to navigation are  
5 substantial. Typical of examples of mitigation  
6 measures for impacts to navigation might include  
7 signage, portage routes, public notification and so  
8 on.

9 As such opportunities are not possible for  
10 these substantial interferences, mitigation for these  
11 impacts require staff to consider other possibilities.

12 In the EIS, Taseko puts forward creation of  
13 Prosperity Lake as compensation for the destruction of  
14 fish and fish habitat due to the Project.

15 As this Project involves destruction of  
16 navigable waterways, it seems that creation of Fish  
17 Lake might be the only available opportunity to  
18 mitigate this interference to navigation. Prosperity  
19 Lake.

20 It should be noted that it is unusual for TC  
21 to consider this form of mitigation for loss of  
22 navigation.

23 In addition, the department will be looking  
24 to Taseko to propose other forms of mitigation to  
25 support their Project. In an effort to balance the



1 right of navigation and local economic need, it may be  
2 possible for Taseko and Navigable Waters Protection  
3 Program staff to agree upon a mitigation strategy.

4 I'll turn it over now to Linda Sullivan.

5 MS. SULLIVAN: In addition to assessing the  
6 impacts of the Project under the **Navigable Water**  
7 **Protection Act**, Transport Canada as a Responsible  
8 Authority under the **Canadian Environmental Assessment**  
9 **Act** analyzed the effects of changes in the environment  
10 due to the Project with the focus on socio-economic  
11 conditions, particularly navigation.

12 This part of our presentation summarizes our  
13 analysis as provided in Sections 3 through 7 of our  
14 April 16th submission to the Panel in which we  
15 identified how features of the mine design will  
16 extinguish navigation, describe the impacts on  
17 boating, fishing and recreation activities, and  
18 offered suggestions for mitigating the effects.

19 At this point it should be noted that Taseko  
20 Mines Limited and Transport Canada have not discussed  
21 how the impacts of the Project on navigation might be  
22 considered, might be mitigated, I should say, and we  
23 look forward to further discussion.

24 At this point, we are going on what's in the  
25 Environmental Impact Statement and putting forward

1 ideas of our own.

2 According to Transport Canada's review of the  
3 Environmental Impact Statement, Fish Lake will be  
4 drained and used to store 60 metric tonnes of non-acid  
5 generating overburden and 102 metric tons of non-acid  
6 generating waste rock with a stockpile ultimately  
7 reaching 60 metres in height during the 20-year mine  
8 life.

9 Little Fish Lake will be inundated by the  
10 Tailings Storage Facility by year 7.

11 Lower Fish Creek will be permanently rendered  
12 non-navigable by the dam at the outlet of Fish Lake.

13 Taseko states in the EIS that since the Fish  
14 Creek watershed is only 1.0 percent of the Taseko  
15 River watershed, reduction in flows during mine  
16 operation is unlikely to impact the Taseko River.

17 Therefore, removing flows from Fish Creek  
18 should not affect navigation downstream within the  
19 Taseko River, and Transport Canada focused its  
20 analysis on the mine site itself.

21 The Fish Creek and Beece Creek watersheds  
22 will be reconfigured to capture water for the head  
23 pond and the man-made Prosperity Lake above the  
24 Tailings Storage Facility. Taseko has stated that  
25 post-closure water will eventually flow from the

1 Tailings Storage Facility into the mine pit until it  
2 is filled.

3 Water will then overflow into Lower Fish  
4 Creek restoring flows by 21.0 percent over baseline  
5 due to the reconfigured watershed.

6 This process may take up to 50 years and  
7 would eventually increase flows into the Taseko River.

8 This figure gives an indication of the  
9 relationship between boating, fishing and recreation  
10 at Fish Lake.

11 Boaters visit Fish Lake to enjoy the remote  
12 location and pristine setting. Of those, 80 percent  
13 of boaters go to Fish Lake to take advantage of the  
14 fishing opportunities.

15 Due to its remote location and difficult  
16 access via a 4x4 vehicle road, only small trailered or  
17 car-top vessels would be used at Fish Lake such as  
18 canoe, dinghies, inflatables and so on. It is unusual  
19 to find a project where boating, and, in this case,  
20 navigation, is so strongly linked to fishing and  
21 recreation. Transport Canada really has not come upon  
22 this in our previous review of projects.

23 So this means that boating on Fish Lake is  
24 made desirable by the highly successful fishing  
25 opportunities there and made possible by the access to

1 recreation facilities such as campsites and the boat  
2 launch.

3 So let me describe the condition,  
4 socio-economic conditions at Fish Lake.

5 Boating at the mine site is restricted to  
6 Fish Lake, Little Fish Lake, and the portion of Lower  
7 Fish Creek above the 8 metre falls, as mentioned  
8 already.

9 Fish Lake is ranked 7th amongst the Chilcotin  
10 lakes in terms of boating use.

11 First Nations indicated during the hearings  
12 that they use a boat, a raft to access the small  
13 island in the middle of Fish Lake as a sacred place of  
14 healing and a place where they gain their powers.

15 Due to the placement of mine waste in Fish  
16 Lake, the Project will eliminate all boating  
17 activities at Fish Lake. As the island in the middle  
18 of Fish Lake will be covered over with mine waste,  
19 First Nations will no longer be able to access this  
20 spiritual site.

21 Anglers catch about 4100 to 4900 trout  
22 annually at Fish Lake. These rainbow trout are  
23 considered small, about 200 to 400 grams but easy to  
24 catch. And this seems to be the consensus amongst  
25 everyone who has visited the lake.

1                   It is estimated that between 388 and 654  
2                   angler days occur at Fish Lake with a high of over  
3                   1,000 angler days. Angler days means, for example, if  
4                   I was to go fishing for one day, that would be called  
5                   an angler day. If I was there for two days, that  
6                   would be two angler days. So if the same group was  
7                   there fishing for five days and there were five  
8                   people, it would be five times, 25. So five times 5.  
9                   So that would be 25 angler days. So that's how they  
10                  come up with these figures.

11                  And Taseko could correct me if I've erred in  
12                  that matter.

13                  Placement of mine waste in Fish Lake will  
14                  eliminate all sports fishing activities at Fish Lake  
15                  and the mine site area. Sport fishing pressure in  
16                  other Cariboo-Chilcotin lakes is expected to increase  
17                  slightly due to the displaced fishers. An increase of  
18                  about point four percent of angler effort in other  
19                  lakes.

20                  The Fish Lake recreation site has five  
21                  gravelled campsites, pit privies, two picnic tables  
22                  and a boat launching area. The number of visitors  
23                  range from 400 to 850 between June and September.

24                  On average, group spends about 1 or 2 days at  
25                  the campsite.

1                   Due to the Fish Lake being remote, the  
2                   recreation facilities are necessary and critical to  
3                   supporting the public engaging in boating and fishing  
4                   activities.

5                   Construction of the mine will result in loss  
6                   of the boat launch ramp camping sites and  
7                   opportunities for overnight stays.

8                   Mitigation measures identified by Taseko  
9                   Mines in the EIS do not specifically target impacts on  
10                  navigation as mentioned earlier.

11                  Transport Canada is willing to entertain any  
12                  options proposed by Taseko such as enhancing or  
13                  developing navigation opportunities at other  
14                  recreation sites and parks in the area. Hence our  
15                  question earlier about where Taseko would like to  
16                  stock lakes, as we feel these represent the best  
17                  opportunities.

18                  The most ambitious mitigation measure  
19                  presented by Taseko is the construction of Prosperity  
20                  Lake to compensate for the loss of fish and fish  
21                  habitat and fishing opportunities in Fish Lake.

22                  The surface area of Prosperity Lake is  
23                  proposed to be larger than Fish Lake, about 132  
24                  hectares versus 111 hectares. And deeper on average,  
25                  6.2 metres versus 3.7 metres.

1 Taseko plans to stock Prosperity Lake with  
2 20,000 Fish Lake fish ranging in size up to one  
3 kilogram to provide a trout fishery.

4 They predict that a viable trout fishery  
5 could be established in Prosperity Lake within  
6 approximately seven years.

7 If this plan proves successful, Prosperity  
8 Lake could potentially serve as a key mitigation  
9 measure for the loss of navigation at Fish Lake and  
10 Little Fish Lake provided Prosperity Lake is designed  
11 to take into account navigation concerns by mimicking  
12 the amenities and resources currently available at  
13 Fish Lake that make that waterbody desirable for  
14 boaters and fishers. And I mentioned those already.

15 This might include road access to Prosperity  
16 Lake, access to boat launch sites, access to healthy  
17 fish that are abundant and safe for consumption, and  
18 access to recreation facilities.

19 There may be other options available to  
20 Taseko Mines that would satisfy Transport Canada's  
21 requirements. And Transport Canada looks forward to  
22 engaging in discussion of these or other mitigation  
23 strategies with Taseko Mines Limited if the Project  
24 proceeds.

25 I should note that we would also be engaging

1 in consultation with First Nations about these  
2 opportunities as well.

3 Transport Canada identified risks during our  
4 initial presentation to the Panel on March 24th. And  
5 I'm going to go into a bit more detail about why we  
6 feel they are important to Transport Canada.

7 The technical feasibility of developing  
8 Prosperity Lake is of concern to Transport Canada  
9 because a viable trout fishery in Prosperity Lake is  
10 critical to the strategy suggested by Transport Canada  
11 for mitigating impacts on navigation.

12 In its presentation to the Panel, Fisheries  
13 and Oceans Canada raised a number of concerns around  
14 design and implementation of the Fish and Fish Habitat  
15 Compensation Plan such as the suitability of the  
16 design concept, including spawning channels,  
17 intermediate transfers of fish, ground water, and so  
18 on, the population size of 20,000 fish in Prosperity  
19 Lake, and future mine expansion.

20 Transport Canada shares these concerns as  
21 they relate to the success of a mitigation strategy  
22 for impacts on navigation related to fishing  
23 activities.

24 Transport Canada is also concerned that  
25 access to Prosperity Lake for navigation has not been



1 considered. It was mentioned in discussions but we  
2 are not aware of any particular design.

3 In the current design plans for the mine that  
4 we have seen, the only access road to the mine site  
5 will have a fence with a 10-metre-wide gate, it will  
6 be 1.8 metres high with a chain link topped by three  
7 strands of barbed wire and extending 50 metres on  
8 either side of the road. This is clearly needed to  
9 ensure mine safety and public safety.

10 Thus the public and First Nations would not  
11 be able to gain unrestricted access to Prosperity  
12 Lake.

13 During a meeting on March 12th, Transport  
14 Canada alerted Taseko Mines Limited to this concern.  
15 It may be possible to allow access to Prosperity Lake  
16 through an independent road, but this may create  
17 health and safety or liability risks for Taseko and  
18 the public. We are not aware of what this might  
19 entail.

20 Based on creole surveys conducted by Taseko  
21 Mines Limited, currently ice breakup on Fish Lake  
22 occurs in mid-May each year, allowing boaters to  
23 access Fish Lake in early June.

24 Transport Canada is concerned that the raised  
25 elevation of Prosperity Lake at 1557 metres relative

1 to Fish Lake, which is at 1457 metres, could mean  
2 spring breakup is later for Prosperity Lake.

3 If the mine operates for an additional 13  
4 years, then the level of Prosperity Lake could be  
5 raised by an additional 36 metres bringing the total  
6 elevation change to 136 metres or roughly 400 feet.

7 If these elevation differences between Fish  
8 Lake and Prosperity Lake result in delays in spring  
9 break-up, then access to navigation in Prosperity  
10 would also be delayed.

11 As Fish Lake currently supports 85,000 trout  
12 between 200 to 400 grams, Transport Canada is  
13 concerned that stocking Prosperity Lake with less than  
14 25 percent of the existing trout population may be too  
15 low to redress the loss of fishing opportunities  
16 currently available in Fish Lake.

17 We understand that the Ministry of  
18 Environment is looking for trophy fish, but we would  
19 like to express our concern that angler enjoyment of  
20 the fishery at Fish Lake has been voiced as the  
21 relative ease of which fish can be caught, in other  
22 words at least 2.4 fish per hour. They do not express  
23 concern over the size of the fish.

24 Some groups were able to capture as many as  
25 50 fish in one day when we looked at the records

1 provided by Taseko.

2 By reducing the number of fish available for  
3 capture, the angler effort would need to increase to  
4 capture the same number of fish. This could lead to a  
5 less enjoyable boating and fishing experience.

6 Transport Canada is concerned that Prosperity  
7 Lake would then fail to serve as an effective  
8 mitigation measure for the loss of navigation and  
9 fishing at Fish Lake.

10 Another risk that can -- we've identified is  
11 associated with the trout fishery, which is whether  
12 fish caught in Prosperity Lake are safe to consume.  
13 We've heard from First Nations that this is a serious  
14 concern for them.

15 If the recreational community embraces  
16 Prosperity Lake, as Taseko predicts they will, and  
17 begins to use it for boating and fishing, then the  
18 public must be assured that the fish are safe to eat.  
19 Similarly, First Nations will need to be assured that  
20 the fish are safe to eat.

21 If current consumption patterns do not change  
22 and fish tissue remains the same as currently  
23 available in Fish Lake, then the risk to human health  
24 may be low as found by Health Canada in its March 10th  
25 submission to the Review Panel.

1                   What remains is a perceived view that fish  
2                   caught in Fish Lake due to its proximity to the  
3                   Tailings Storage Facility would not be safe to  
4                   consume.

5                   Both the public and First Nations have  
6                   expressed this concern during the general sessions  
7                   and, again, during these sessions.

8                   In addition, Health Canada observed that  
9                   subsistence fishing for First Nation communities may  
10                  exceed the values studied by Taseko and advised the  
11                  Review Panel that the subjects tested may not have  
12                  been representative of this most vulnerable group.

13                  Health Canada recommended conducting a survey  
14                  to confirm some consumption rates and monitoring to  
15                  support Taseko's claim that target species are safe to  
16                  eat.

17                  Transport Canada supports the suggestion,  
18                  particularly for fish consumption, as a success of a  
19                  fishery on Prosperity Lake is a key to mitigating  
20                  adverse effects on navigation in Fish Lake.

21                  And we heard earlier about the concerns  
22                  related to fish consumption that monitoring may not be  
23                  sufficient.

24                  Finally, our analysis of risk took us to what  
25                  are concerns about the operation measures

1 post-closure.

2 And the mine expansion which potentially  
3 would take the mine to the additional 33 years of mine  
4 life.

5 Taseko expects Prosperity Lake to operate in  
6 perpetuity without intervention once it is established  
7 as a functioning ecosystem that can sustain fish.

8 This means that waterflows into and out of  
9 the lake will always be within identified parameters,  
10 that water levels in the lake will fluctuate as though  
11 it is a natural waterbody, that the lake ecosystem can  
12 withstand normal fluctuation in weather and so on.

13 However, Prosperity Lake is, is a man-made  
14 lake. It is perched adjacent to two man-made  
15 structures. The dam that separates it from the  
16 Tailings Storage Facility and creates the lake, and  
17 the dam that keeps the Tailings Storage Facility  
18 secure.

19 Any number of complications could arise after  
20 mine closure. A seismic event may affect the  
21 integrity of either or both dams.

22 Leakage from either dam could compromise  
23 their strength or ability to maintain water levels.

24 If an event related to climate change should  
25 occur, Prosperity Lake could drain at a faster rate

1 than the inflows can keep up with, thereby affecting  
2 the water level in the lake.

3 There's only one-metre elevation difference  
4 between Prosperity Lake and the Tailings Storage  
5 Facility, thus, if the water level in Prosperity Lake  
6 drops due to excess leakage or reduced inflow, then  
7 the water in Tailings Storage Facility might begin to  
8 seep into Prosperity Lake until a steady state is  
9 achieved.

10 Taseko has indicated that mineral reserves  
11 may be mined beyond the 20-year mine life, potentially  
12 another 13 years.

13 In its February 3rd letter to Environment  
14 Canada, and that's 2010, so a few months ago, Taseko  
15 offered several suggestions for dealing with an  
16 increase in the height of the dams at the tailings  
17 embankment.

- 18 1. Raise Prosperity Lake by 36 metres.
- 19 2. Raise Prosperity Lake by some  
20 intermediary level, or.
- 21 3. Leave Prosperity Lake as-is.

22 If Taseko raises Prosperity Lake, there is a  
23 risk that it would then become part of the active mine  
24 site during the period when the lake is being raised.

25 If Prosperity Lake is not raised, but the

1 Tailings Storage Facility is raised, then there's a  
2 risk that water would seep from the Tailings Storage  
3 Facility in the direction of Prosperity Lake until a  
4 steady state is achieved due to the level of the  
5 Tailings Storage Facility being higher than the water  
6 level in Prosperity Lake.

7 I realize that in the presentation given by  
8 Environment Canada that Taseko felt that these were  
9 likely not concerns but we were not aware of any plans  
10 that they had to avoid those at the time we reviewed  
11 these potential changes in Prosperity Lake.

12 So any of these scenarios might limit or  
13 prohibit public access thereby affecting navigation on  
14 the lake, fishing and fish access to recreation  
15 amenities, which would be campsites, boat launch,  
16 et cetera. And so Transport Canada is concerned about  
17 the implications for navigation that may arise out of  
18 mine expansion due to potential changes in the way  
19 Prosperity Lake operates.

20 So the issues that we have raised regarding  
21 this potential mine expansion need to be considered if  
22 Taseko pursues a mine expansion.

23 Our summary is as follows:

24 That, as proposed, the mine will eliminate  
25 all boating, fishing and recreation activity.

1           Although Fish Lake is relatively small, it is  
2           a desirable fishing, boating, recreation site in the  
3           Cariboo-Chilcotin region due to its remote location  
4           and abundance of easily-caught fish.

5           In our submission to the Panel, Transport  
6           Canada noted that Taseko Mines Limited will be  
7           required to mitigate interferences to navigation and  
8           offered suggestions to assist Taseko in developing  
9           mitigation strategies, which we have mentioned just  
10          now.

11          Transport Canada also outlined a number of  
12          considerations for any mitigation measures that may be  
13          proposed, including fishing success, recreation  
14          facilities, accessibility, and setting.

15          Transport Canada has identified risks  
16          associated with these suggested mitigation measures.

17          Number one would be technical feasibility of  
18          mitigation measures.

19          Transport Canada recognizes that mitigation  
20          for complete destruction of navigable waterways  
21          carries a risk of technical failure.

22                  Access to navigation.

23          Elevation differences between Fish Lake and  
24          Prosperity Lake could delay boat access while  
25          unrestricted road access to a lake that is adjacent to



1 an active mine site may pose safety risks.

2 Trout fishery.

3 Due to stocking of Prosperity Lake with a  
4 quarter of the number of fish currently in Fish Lake,  
5 and boaters, fishers may be discouraged from using the  
6 site if the catch-to-effort ratio increases.

7 Fish consumption.

8 Taseko will need to address a perception that  
9 the fish in Prosperity Lake are not safe for  
10 consumption.

11 Operation of mitigation measures  
12 post-closure.

13 Water levels in Prosperity Lake may not be  
14 maintained without intervention if either the Tailings  
15 Storage Facility or the dam creating Prosperity Lake  
16 is breached through a seismic event or erosion or some  
17 other means.

18 Mine expansion.

19 The biggest concern from an navigation  
20 perspective is the potential for public access to be  
21 prohibited if Prosperity Lake becomes a part of the  
22 active mine site.

23 Monitoring and follow-up program.

24 Should the Project be permitted to proceed,  
25 Transport Canada will work with Taseko Mines Limited

1 to develop a mitigation plan in keeping with the  
2 navigation concerns raised in this presentation. We  
3 will also work with First Nations to ensure that their  
4 concerns are addressed.

5 Transport Canada will also work with other  
6 Federal departments to ensure mitigation measures are  
7 implemented and to develop a monitoring and follow-up  
8 program for the Project.

9 Transport Canada's conclusion.

10 We mentioned this in our presentation on  
11 March the 14th and we reiterate this here. That due  
12 to the complete destruction of Fish Lake, Little Fish  
13 Lake, and portions of Lower Fish Creek, mitigation is  
14 not possible at the site of interference to  
15 navigation.

16 To date, Taseko Mines Limited has not offered  
17 any proposals for mitigating these interferences. We  
18 believe they have been very busy working on the Panel  
19 hearings and this is why we have not heard from them.

20 Transport Canada finds that the Prosperity  
21 Gold-Copper Mine Project as proposed by Taseko will  
22 lead to significant adverse effects on navigation  
23 unless Taseko Mines provides technically and  
24 economically feasible measures that will mitigate  
25 these impacts.

1                   Transport Canada's assessment of this Project  
2                   may be reconsidered as additional information is  
3                   brought forward or as the Project is amended to  
4                   address the concerns of stakeholders.

5                   Transport Canada remains willing to discuss  
6                   mitigation strategies with Taseko Mines Limited.

7                   Thank you for the opportunity for Transport  
8                   Canada to provide its views to the Panel on the  
9                   impacts of the Project on navigation.

10                   THE CHAIRMAN:                   Thank you, Ms. Sullivan, and  
11                   Mr. Mackie.

12                   I'll turn first to Taseko Mines for  
13                   questions, please.

14                   **QUESTIONS OF TRANSPORT CANADA BY TASEKO MINES LIMITED, BY**

15                   **MR. BELL-IRVING:**

16                   MR. BELL-IRVING:                   Thank you, Mr. Chairman.

17                   Linda, if you wouldn't mind, go back to your  
18                   summary of findings and your conclusions regarding  
19                   significant effect and help me understand Transport  
20                   Canada's definition and application of the word  
21                   "mitigation".

22                   You, in your summary of findings conclude  
23                   that our Project will: "Eliminate all boating,  
24                   fishing and recreational activities."

25                   Have I got that right?

1 MS. SULLIVAN: Yes, that's what it says.

2 MR. BELL-IRVING: Does that finding take into  
3 account that that elimination is temporal insofar as  
4 the difference in time between when Fish Lake is  
5 drained and Prosperity Lake is filled?

6 MS. SULLIVAN: In terms of mitigation,  
7 Transport Canada has considered the temporal changes  
8 and the delay in access to Prosperity Lake while it's  
9 filling and being prepared to become a viable fish and  
10 fish habitat compensation site.

11 And we had originally thought about the  
12 concept of access to other recreation sites to adjust  
13 for this temporal loss of navigation. This seems to  
14 be a concern for First Nations. And so we are  
15 restricting this discussion mainly to Prosperity Lake  
16 until we have an opportunity to discuss mitigation  
17 with the First Nations.

18 MR. BELL-IRVING: So if I understood that,  
19 then, the primary determinant of your findings of  
20 elimination and of significance resolves around the  
21 delay?

22 MS. SULLIVAN: No, our finding of  
23 significance is related to the complete elimination of  
24 navigation and the inability to mitigate it by the  
25 usual means. So the application of signage or portage

1 routes or something like that that would allow boaters  
2 to continue to enjoy the same navigation as before  
3 with some minor conveniences.

4 MR. BELL-IRVING: Well, that was heading to my  
5 next line of questioning, because you used signage,  
6 portaging and public notification of examples of  
7 acceptable mitigation. And I understood your  
8 presentation to infer for fish habitat related reasons  
9 and the questions around the viability of the  
10 Compensation Plan as a reason for proposing that the  
11 Prosperity Lake isn't suitable mitigation. I think  
12 the words you used, it was "unusual to consider a lake  
13 as compensation."

14 MS. SULLIVAN: I'll let John answer that.

15 MR. BELL-IRVING: Should we be talking about  
16 signage and notification as an alternative as a way to  
17 mitigate?

18 MS. SULLIVAN: I'll let John respond to  
19 that.

20 MR. MACKIE: Just a minute, Rod. In  
21 delivery of the ***Navigable Waters Protection Act***, the  
22 provisions of the Act, it is normal for staff, for  
23 myself, to look at the interferences to navigation at  
24 the site of the proposed work. Normally, in most  
25 cases, what we're looking at is an interference, not a

1 complete extinguishment. This proposal is unusual.  
2 We are looking at the extinguishment of a couple of  
3 waterways where the public right of navigation exists.  
4 And we've had to think outside the box.

5 Now, the examples of mitigation through  
6 signage, public notification, those are examples of  
7 mitigation for a work where the interference might be  
8 associated with the construction activities of that  
9 work. Once it's in, it's not necessarily an  
10 interference any longer.

11 And clearly those types of mitigation for the  
12 interference wouldn't apply in this case. Those are  
13 examples of a small logging road bridge over a  
14 relatively rural waterway.

15 MR. BELL-IRVING: Thank you for that  
16 clarification. So, again, then, with respect to this  
17 issue of mitigation, are you clearly indicating that  
18 you've made a determination of significance of effect  
19 before you have applied or considered mitigation?

20 MS. SULLIVAN: That's correct. Because we  
21 have come up with these notions on our own and have  
22 not been able to discuss these ideas with Taseko. So  
23 without any further discussion with Taseko and their  
24 commitment to engage in mitigation measures, that  
25 would be our conclusion. And I think I made that

1 clear in the presentation that that's really all  
2 that's lacking.

3 MR. BELL-IRVING: So with respect to  
4 mitigation, then, beyond signage and public  
5 notification, you mentioned access to Prosperity Lake  
6 was not assured. And you mentioned, I think, that we  
7 had discussed, and I thought perhaps explained what  
8 the intention with Prosperity Lake access was, but  
9 according to your presentation, obviously there's  
10 still no understanding there. Let me repeat, that  
11 Prosperity Lake is being built as a lake with access  
12 for purposes of fishing. It's being created to house  
13 and sustain a population of fish from Fish Lake.

14 As to how that access would be maintained or  
15 created, that detail perhaps is not nailed down in a  
16 construction-level drawing yet, but the general  
17 concept is to continue along the 4500 Road, not the  
18 mine access road, which I think you indicated was  
19 gated and secure, which, of course, it should be, but,  
20 rather, to continue along the public road, 4500, which  
21 in my estimation is a much better road than the  
22 existing road to Fish Lake now, to Prosperity Lake.

23 So with that understanding, does access to  
24 Prosperity Lake still present Transport Canada with an  
25 issue?

1 MR. MACKIE: It does. Access presents an  
2 issue for us simply because we don't -- other than  
3 your explanation right here and right now and through  
4 these proceedings, we have nothing on paper. We have  
5 seen no proposal to where the access is going to be.  
6 I understand conceptually where it might be. But as  
7 we discuss the regulatory provisions of the NWPA, and  
8 the need in future steps, and this is likely, I'm  
9 going to suggest, this will formulate our discussions  
10 in future, we don't have a clear understanding where  
11 the access is going to be, how it's going to be put  
12 in, and how it's going to be maintained.

13 Did I answer?

14 MR. BELL-IRVING: Thank you.

15 Mr. Chair, we have no further questions.

16 THE CHAIRMAN: Thank you, Mr. Bell-Irving.

17 I will check, then, with our list of questioners.

18 First of all, Tsilhqot'in National Government, any  
19 questions.

20 MS. CROOK: Yes, Mr. Chair.

21 THE CHAIRMAN: Please go ahead.

22 **QUESTIONS OF TRANSPORT CANADA BY THE TSILHQOT'IN NATIONAL**  
23 **GOVERNMENT, BY MS. AMY CROOK:**

24 MS. CROOK: I'm apologizing for turning  
25 my back to the Elder.



1                   Amy Crook with Centre for Science asking  
2                   questions on behalf of TNG.

3                   Really an interesting presentation. I don't  
4                   think I understood the ramification of your  
5                   legislation before, so thank you for that.

6                   I have a series of questions and I think  
7                   that's probably the best place to start.

8                   I guess I'd start from the, probably Patt  
9                   Larcombe's presentation is a good place this morning  
10                  where she captured a lot of the concerns about, on  
11                  behalf of the Tsilhqot'in Nation, the fishing values,  
12                  the camping values, spiritual values, boating as a  
13                  food source, as a back-up food source, the health  
14                  impacts, et cetera, et cetera.

15                  So I guess my basic question to you is do you  
16                  consider Prosperity Lake a good replacement? How  
17                  would you mitigate for that?

18                  THE CHAIRMAN:                   If I could just clarify the  
19                  question. I assume this is mitigation with respect to  
20                  navigation, is that the question?

21                  MS. CROOK:                           Well, that was my  
22                  understanding is that those factors were considered  
23                  under your legislation; correct?

24                  MR. MACKIE:                           Yes is the short answer to  
25                  that. And I'll reiterate a little bit.

1 Or maybe a little bit of background.

2 Nationally the provision of the NWPA that  
3 we're considering, Section 23, the Governor in Council  
4 order, or actually an exemption, has been used four  
5 other times, there's not a lot of experience with it.

6 The normal delivery of the **Navigable Waters**  
7 **Protection Act** would see to mitigate the interference  
8 at the point of the work. That can't be done here.

9 So we think the only other way to look at  
10 mitigation with regards to navigation is what is on  
11 the table for fisheries. And that is the creation of  
12 Prosperity Lake. That said, it has become, we've  
13 become aware through these proceedings that the effect  
14 on First Nations is something to be considered. We  
15 were, up until the general sessions, we were unaware  
16 of the spiritual and ceremonial meaning to the First  
17 Nations. And we will be taking that into account.

18 Does that?

19 MS. CROOK: That's helpful, yeah. But I  
20 guess my follow up question is how, has this been,  
21 have you mitigated for these uses, these?

22 MR. MACKIE: The mitigation we're  
23 considering and, again, I'll bring it back, it would  
24 be to the proponent to Taseko to bring us a mitigation  
25 plan, a strategy, we don't know, because it hasn't

1           been brought to us, and we haven't looked at it in any  
2           details with regards to mitigation to navigation. We  
3           don't really know if it will work. There are risks  
4           associated with it. I think our colleagues Federally  
5           have identified risks. Our risks are similar in  
6           nature for a different reason. Or our assessment of  
7           risk is similar but for a different reason.

8           MS. CROOK:   Okay. If we move to the  
9           possibility that Prosperity Lake is constructed and  
10          you've reached an agreement with the First Nations and  
11          the company around mitigation, if, based on some of  
12          the information that we've brought forward about the  
13          possibility of Prosperity Lake and Taseko River and  
14          other areas being contaminated by or the groundwater  
15          and the surface water being contaminated by mine  
16          discharges in the future, how would you factor that in  
17          as mitigation? Do you deal with temporal issues in  
18          the future?

19          MS. SULLIVAN:                                       I think you're getting to  
20          areas that are probably better answered by Environment  
21          Canada or Natural Resources Canada. We work with the  
22          other Responsible Authorities and try and deal with  
23          these kinds of issues. Transport Canada does not have  
24          the expertise to respond to that.

25          MS. CROOK:   Actually, I'm sorry, let me

1 frame it a little bit differently. Let's say that we  
2 accept Prosperity Lake as mitigation, as a loss, and  
3 then that becomes contaminated or as you put up,  
4 there's a problem with the dam or something happens,  
5 is there then some compensation for that? Some, how  
6 does that factor in?

7 MR. MACKIE: So when we're talking about  
8 compensation, I just need a little bit of clarity. If  
9 there's a failure in the dam structure and there's a  
10 leakage or discharge, I'll speak to that.

11 Approval provisions, should the Panel  
12 recommend, accordingly, to the Minister, and should  
13 Transport Canada be in a position to further review  
14 towards an approval, terms and conditions of an  
15 approval would need to address the short, medium, and  
16 long-term goals for provision of navigation. If there  
17 was a failure in a physical structure that resulted in  
18 the loss, a further loss to navigation, a man-made  
19 structure, and in this case the dam, we would require  
20 the owner of the work to repair it and to a state at  
21 which navigation could then -- was, where it was  
22 originally.

23 MS. CROOK: Okay. I really think this is  
24 important, so I'm going to pursue this further. We  
25 talked about in perpetuity, the dam stays here

1 forever, I don't know, eventually, as we heard from  
2 Ann Maest, dams fail. Where does the, who's the owner  
3 then, who do you go to?

4 MR. MACKIE: Well, I can speak to in, and  
5 I'm sorry if I'm falling back on the regulations, the  
6 regulations under the **Navigable Waters Protection Act**  
7 identifies approval of a given work. It is important  
8 for the department to understand who the owner of the  
9 work is, certainly through the construction and  
10 operations phase, and through the closure phase.

11 The owner of the work, for lack of, oh, for  
12 lack of, I think if I'm grasping your question, the  
13 owner of the work would be that entity which appears  
14 on our file.

15 If, and I'm not sure if it's satisfactory to  
16 you, but I'll try, if there's a failure, if there's a  
17 problem with an approved work, we would go to the  
18 owner to ensure that it is rectified accordingly.

19 MS. CROOK: Okay. And, again, if you do  
20 replace fishery, harvest, recreationally, culturally,  
21 in Prosperity Lake, let's just say that that happens,  
22 and then there were something that happened, a  
23 contaminant problem or something happened in the  
24 future and you lost that fishery, is that something  
25 that your regulation contemplates dealing with at some

1 point in the future?

2 MS. SULLIVAN: That's something that the  
3 Department of Fisheries and Oceans would definitely be  
4 concerned about. We've raised the issue of fishing as  
5 the reason for going to Fish Lake to go boating is to  
6 access the fishing, so that's how the two are, in our  
7 minds, inextricably linked in this case. But the  
8 Department of Fisheries and Oceans would be  
9 responsible at that point.

10 MS. CROOK: Okay, one more question.  
11 Moving off site, going to the Taseko River, we've  
12 heard that the flow is going to be reduced in the  
13 Taseko River, is this also under your navigation? Or  
14 under your jurisdiction, sorry?

15 MR. MACKIE: The short answer is, yes, it  
16 is. The information we had in the EIS report  
17 indicated a low percent, I think 1.0 percent. We  
18 don't, we don't anticipate that that would be cause an  
19 effect on navigation down in the Taseko River.  
20 Through these proceedings, and correct me if I'm  
21 wrong, Rod, that 1.0 percent may not be quite the  
22 case. It may be some other percentage of flow  
23 affected, I'm not sure.

24 In any event, yes, it is captured within the  
25 meaning of the NWPA for approval of works and effects

1 on navigation upstream and downstream.

2 MS. CROOK: Just one more question.

3 THE CHAIRMAN: I wouldn't mind getting a  
4 response from Mr. Bell-Irving as well on that  
5 question. Is that a correct understanding of  
6 Transport Canada's with respect to the flow reduction,  
7 just for the record?

8 MR. BELL-IRVING: I think the flow reductions  
9 that we have detailed in our assessment during the low  
10 months of the year -- let me start again.

11 During the period when Fish Creek is in  
12 flood, and Taseko River is in on the rising  
13 hydrograph, the contribution of the Fish Creek flow at  
14 the confluence approximates 11.0 percent of the flow  
15 of Taseko at that moment in time at that particular  
16 location.

17 For the rest of the year, averaged over the  
18 balance of the year, the Fish Creek contributes  
19 approximately 1.0 percent of the flow into the Taseko  
20 River at that same location.

21 THE CHAIRMAN: I think that confirms I think  
22 the original statement you made, then, by the sound of  
23 it.

24 MS. CROOK: One more question. We've  
25 heard a lot about the bond, the financial surety that

1 will come to ensure a lot of these things happen in  
2 the future and that there's treatment if there needs  
3 to be treatment for the water and the dam maintenance,  
4 et cetera, et cetera. What's your role in that?

5 MS. SULLIVAN: This is something that is  
6 very unusual for Transport Canada. We've discussed  
7 this just in a preliminary kind of way with senior  
8 management and they have indicated that we would  
9 support any efforts that Fisheries and Oceans and  
10 NRCan might take to develop a bond. And, as I say,  
11 this is highly unusual for Transport Canada because of  
12 the circumstances around this Project.

13 MS. CROOK: Am I correct in thinking that  
14 the Province is usually the one that holds the bond  
15 and it's fairly unusual for Federal agencies to get  
16 involved?

17 MS. SULLIVAN: Fisheries and Oceans Canada  
18 normally requires bonding for a project where fish and  
19 fish habitat are being created. And I'm speaking on  
20 behalf of Fisheries and Oceans because they are not  
21 here. But that's a normal course of operation for  
22 them.

23 For Transport Canada, we would not normally  
24 have to do such a thing because, as we indicated  
25 earlier, usually signage or portage routes, those



1 kinds of things, would mitigate interference, so this  
2 is an unusual circumstance.

3 THE CHAIRMAN: I think we've heard from  
4 Fisheries and Oceans on that matter, and I think, if I  
5 recall, they referred to it as a Letter of Credit,  
6 that's the term they use, rather than a bond.

7 MS. CROOK: Okay, great. And I just, I  
8 think I can speak on behalf of the TNG Nation that  
9 they would welcome further discussion with you on  
10 these issues.

11 THE CHAIRMAN: Mr. Pearse?

12 **QUESTIONS OF TRANSPORT CANADA BY THE TSILHQOT'IN NATIONAL**  
13 **GOVERNMENT, BY MR. TONY PEARSE:**

14 MR. PEARSE: Thank you, Mr. Chairman.

15 I would like to first of all thank you for  
16 the presentation, this is a totally new subject to me  
17 and my head is still reeling a bit. I think you did a  
18 good job of laying out some of the risks and then you  
19 took me off in a different direction thinking about  
20 what might be possible in the way of mitigation.

21 So I want to ask you a couple of questions  
22 about that.

23 You did identify the use of the lake by First  
24 Nations People for boating to get to the island that  
25 has sacred and cultural heritage value to the First

1 Nations. I'm going to suggest to you that the loss of  
2 that is not mitigable. Would you agree with me?

3 MS. SULLIVAN: I would have to start to  
4 engage in more conversation directly between the  
5 department and the TNG, so I can't really comment at  
6 this point. We've heard some very compelling stories  
7 and, so, I really can't comment at this point.

8 MR. PEARSE: Well, I would like to push  
9 you a little bit on that. I think we're at a point in  
10 the whole process now where we have to sort of come to  
11 some answers about this, all of these issues. Do you  
12 have any idea about how one might compensate or  
13 mitigate for that kind of a loss?

14 MR. MACKIE: As I mentioned earlier, the  
15 consideration we gave to this Project was in absence,  
16 in absence of discussions with local First Nations.  
17 We've been made painfully aware that Fish Lake is  
18 significant from a cultural and a spiritual  
19 perspective.

20 As Linda mentioned, we need to take this  
21 notion back to senior management in Transport and  
22 discuss it with them. We understand, Transport  
23 understands it has a fiduciary responsibility to  
24 consult with First Nations and we will be doing that.

25 MR. PEARSE: You will agree with me, then,

1 I think at this point there's nothing in front of the  
2 Panel or in front of any of us that would even  
3 remotely suggest the possibility of mitigating this  
4 kind of an impact. This is not a matter for later  
5 consideration and consultation, I'm talking about  
6 right now. This Panel is finishing today and they  
7 have to write a report.

8 So I'm asking you to comment on that and  
9 confirm that there's nothing in front of the Panel  
10 that would even remotely suggest that this could be  
11 mitigated.

12 MS. SULLIVAN: I would have to say that,  
13 because we haven't discussed mitigation with Taseko,  
14 and I know that from -- we have not had conversations  
15 with First Nations either, that it's really difficult  
16 to answer this question. It's something that  
17 Transport Canada has not considered in the past  
18 because our decisions have been fairly  
19 straightforward.

20 This is a very complex issue and it's very  
21 difficult to offer you a definitive answer at this  
22 point.

23 MR. PEARSE: I think the question was very  
24 simple. It's kind of a "yes" or "no" type of  
25 question.

1 THE CHAIRMAN: Mr. Pearse, I think you've  
2 got your answer there. I think you've gone as far as  
3 you can in terms of getting a "yes" or "no" answer  
4 there, from what I understand from the comment.

5 Is that correct Transport Canada?

6 MR. MACKIE: Yes, that's correct. It's  
7 not an easy question to answer right now.

8 MR. PEARSE: Can I then ask a question  
9 about Prosperity Lake. I think, I don't know how long  
10 you've been involved in this process, but there is  
11 substantial evidence that we heard this morning from  
12 Patt Larcombe and from the communities, a high degree  
13 of certainty that First Nations People would not use  
14 Prosperity Lake for fishing purposes.

15 So I would suggest to you as well that  
16 there's no apparent mitigation for that particular  
17 risk.

18 Would you agree with me?

19 MS. SULLIVAN: I would agree that First  
20 Nations have stated that in earlier presentations. I  
21 can't deny that.

22 MR. PEARSE: Thank you, Mr. Chairman.

23 THE CHAIRMAN: Thank you. I see  
24 Chief Baptiste, please.

25 **QUESTIONS OF TRANSPORT CANADA BY THE XENI GWET'IN FIRST**

1           **NATION, BY CHIEF MARILYN BAPTISTE:**

2           CHIEF BAPTISTE:                               I need to turn the mic  
3   and not be completely to her back.

4                               I have one question and that's with respect  
5                               to your responsibility for the crossing at the Chilko,  
6                               Chilcotin River below the Stone community on the  
7                               Tsilhqot'in bridge and what, throughout our hearings,  
8                               our People have consistently voiced concerns about  
9                               those huge mining trucks crossing that bridge and the  
10                              amounts of that traffic. And that's a single-lane  
11                              bridge.

12          MR. MACKIE:                               The NWPA would apply to  
13                              bridges crossing a navigable waterway. Actually  
14                              recently, last year, 2009, the **Navigable Waters**  
15                              **Protection Act** was amended and prior to its amendment  
16                              a bridge was considered, was a named work. There were  
17                              four named works in the act: Bridge, boom, dam,  
18                              causeway, if any one of those was proposed for a  
19                              navigable waterway required the ministerial approval.

20                              That said, any bridge currently proposed for  
21                              a waterway would require an approval prior to  
22                              construction.

23                              Existing bridges, unless Taseko is planning  
24                              to upgrade the existing bridge to handle the traffic,  
25                              there's no approval provision required for an existing

1 bridge.

2 CHIEF BAPTISTE: I just have to comment  
3 that, of course, Taseko Mines Limited has made it  
4 clear that they will be utilizing the road that we  
5 travel, including that bridge, one-lane bridge, at the  
6 expense of the interior roads, who has, just for  
7 everyone's information, just updated that deck last  
8 week, I believe it was.

9 Thank you.

10 THE CHAIRMAN: That concludes the questions,  
11 I think, from Tsilhqot'in National Government.

12 Then moving through MiningWatch, any  
13 questions?

14 MR. HART: No, Mr. Chair.

15 THE CHAIRMAN: Okay, Share the  
16 Cariboo-Chilcotin Resources Society?

17 SPEAKER: No questions.

18 THE CHAIRMAN: No questions.

19 Friends of Nemaiah Valley? No.

20 Williams Lake and District Chamber of  
21 Commerce?

22 SPEAKER: No questions.

23 THE CHAIRMAN: No questions. Okay.

24 The Panel, then.

25 **QUESTIONS OF TRANSPORT CANADA BY THE FEDERAL PANEL:**

1 THE CHAIRMAN: I have one to start with.

2 Many of the questions have been answered in  
3 terms of trying to understand the uniqueness, I would  
4 put it, of the situation here with respect to  
5 Transport Canada's or at least the consideration of  
6 issuing a permit at some point in the future if the  
7 Project is approved under the ***Navigable Waters***  
8 ***Protection Act***.

9 Mr. Mackie, you mentioned that there were  
10 four other occasions where exceptions had been  
11 granted. Would these have been occasions that  
12 involved a mining operation filling in a lake, in  
13 other words, do you know?

14 MR. MACKIE: I believe Duncan McKay Lake,  
15 I think. Yeah, a colleague of mine actually handled  
16 the review of the Duncan McKay Lake Project, and  
17 actually, the company escapes me. But there's that  
18 one. Eskay Creek. Recently Newfoundland, Labrador,  
19 there was one referred to as Sandy Pond and I'm  
20 unfamiliar with that project.

21 We're currently looking at, and I'll bring  
22 things back here locally, proposed, we're looking at  
23 two other mining projects that are proposing the same  
24 element, to in-fill navigable bodies of water.

25 THE CHAIRMAN: If I recall, then, from some

1 of the names you mention, those are mining projects,  
2 so it sounds like there have been exemptions granted  
3 in the past, is that your understanding for mining  
4 projects?

5 MR. MACKIE: At least one that I know of  
6 here locally. As I mentioned, the Sandy Pond one in  
7 Newfoundland and Labrador, I'm not sure that was a  
8 mining project, but there was an exemption issued for  
9 that one. I'm unfamiliar with the details.

10 THE CHAIRMAN: And you mentioned Eskay  
11 Creek, which is a mining project?

12 MR. MACKIE: That's right, yes.

13 THE CHAIRMAN: Okay, thank you. Another  
14 question, it sounds like, and you haven't used the  
15 word No Net Loss, but we've certainly used that a lot  
16 here in terms of fish and wildlife compensation, that  
17 sort of thing. Is that a fair way to characterize the  
18 policy here that you're trying to prevent any loss of  
19 navigation, is that a term that you use under the  
20 ***Navigable Waters Protection Act***?

21 MR. MACKIE: It's not a term that we would  
22 normally use. Linda mentioned there, it's, along with  
23 bonding or some such, DFO uses the No Net Loss policy.

24 The approach under the ***Navigable Waters***  
25 ***Protection Act*** would be to consider the direct



1 interference proposed by the work at the site and then  
2 mitigate for that interference.

3 I can give a couple of examples. Extreme  
4 examples might be a dam.

5 Given the nature of navigation on the  
6 particular waterway, what the waterway is used for in  
7 terms of navigation, a navigation lock would be one  
8 way to mitigate for the interference.

9 We don't have a policy with regards to No Net  
10 Loss. Our approach is to try and mitigate to the  
11 extent that we can.

12 THE CHAIRMAN: So in this case, again,  
13 looking at whether mitigation is possible, and, of  
14 course, that's something that is not answered at this  
15 stage, but the use of Prosperity Lake would be one  
16 option, and I suppose other lakes have been discussed  
17 as possible ways to mitigate, but the problem with  
18 that, of course, is that it increases access to those  
19 other lakes and puts pressure on them and we've heard  
20 a lot about that, but would that be a normal  
21 mitigation measure in a situation like this if you  
22 didn't have those other issues to deal with?

23 MR. MACKIE: There's nothing normal about  
24 this Project for us. It's required us -- we didn't --  
25 granted we didn't require to do this at the outset,

1 but it's required us to consider or think outside the  
2 box in mitigation terms. Key elements would involve  
3 destruction of some important waterways. And it's not  
4 something that we're used to dealing with. We take  
5 very serious the common law right of navigation. In  
6 common law terms, it prevails and supersedes over all  
7 other uses of the waterway, but we recognize the need  
8 in certain cases to balance economics with the  
9 proposal. And in a normal situation, we would be able  
10 to balance the economics or the economic needs of a  
11 community and mitigate effectively the placement of a  
12 proposed work.

13 It's, as Mr. Bell-Irving mentioned, there are  
14 a number of waterways being considered, and correct me  
15 if I'm wrong, for the fisheries compensation. It's  
16 possible any number of these, if, and we recognize the  
17 issues with access, public access, we'll need to  
18 consider that in our discussions with Taseko and the  
19 local First Nations what the public access means.

20 Again, it was pulling something out of the  
21 EIS that might work if we pursue it. And I've been  
22 doing this for 12 years. It's new for me.

23 THE CHAIRMAN: Okay, thank you. Nalaine a  
24 question?

25 MS. MORIN: I think it's possible you

1 might have already answered this, but I will ask it.

2 In the Compensation Plan it talks about,  
3 again, access to various lakes. But during the  
4 community hearing sessions, First Nations communities  
5 express concerns regarding increased access indicating  
6 that the potential, that there's a potential effect to  
7 their culture, tourism and traditions.

8 How do you suggest addressing and mitigating  
9 these concerns?

10 MS. SULLIVAN: This is something that we  
11 heard, although we were not at the community hearings,  
12 we certainly heard that during the general sessions.  
13 And we took that to heart.

14 We felt that, you know, initially when we  
15 were considering this, we hadn't looked at the  
16 possibility of where that access might take place.  
17 And so in a general sense we thought this might help  
18 mitigate for navigation impacts.

19 Now, having heard from the First Nations, we  
20 recognize that a more strategic approach needs to be  
21 taken to this. And we would like to discuss that with  
22 First Nations and Taseko. We feel that we have to be  
23 careful about the idea of access. What we were  
24 thinking was not new roads. We were thinking more  
25 along the lines of I guess I'd say a boat launch ramp

1           that would facilitate existing access to a lake. So  
2           if that would help fish and fish habitat in some ways  
3           because you wouldn't have people running their boats  
4           up and down an area that's considered fish habitat.

5                        We were thinking of things like a campsite  
6           where there might not be a campsite. But it would be  
7           areas where we thought there was already some use and  
8           that's why I asked the questions about where was  
9           Taseko thinking of stocking fish. Because they said  
10          they have a list of 14 different lakes and we don't  
11          really know what the logistics are around those lakes.

12   MS. MORIN:                        So, from what you've just  
13          said, you're saying that increased road access to  
14          lakes in the area is not ideal mitigation based on the  
15          concerns that have been raised by First Nations?

16   MS. SULLIVAN:                    Well, the other aspect of  
17          that is that Taseko is not really in the business of  
18          building roads, so we did not want to suggest things  
19          that were well out of their ability to provide,  
20          because it would, you know, start engaging too many  
21          other aspects, so we felt that the simple solution  
22          might be the better solution. So, as I mentioned,  
23          recreation types of things that creates better access  
24          to an existing lake.

25   MS. MORIN:                        Thank you.

1 THE CHAIRMAN: Thank you. I think that  
2 completes the Panel's questions.

3 A few others on the list in terms of the  
4 order of participants. I'll just check.

5 Other Federal departments, any questions?

6 No.

7 Canoe Creek Band, I don't think they are  
8 here.

9 Esketemc First Nation, any questions of  
10 Transport Canada? No. Okay.

11 And I think that covers everybody, then, that  
12 is on our list.

13 So I thank you, Transport Canada, for your  
14 presentation and for helping us understand the  
15 application of, or the possible application, I suppose  
16 of the Act in this instance.

17 MR. MACKIE: Thank you.

18 THE CHAIRMAN: I think we can handle one  
19 more speaker before we take a bit of a break. It  
20 would be the Share the Cariboo-Chilcotin Resources  
21 Society. Again they have been registered for some  
22 time on our list of speakers. Mr. Carruthers, please.

23 **PRESENTATION BY SHARE THE CARIBOO-CHILCOTIN RESOURCES**

24 **SOCIETY, BY MR. BILL CARRUTHERS:**

25 MR. CARRUTHERS: Thank you, Mr. Chair, for

1 the opportunity to speak to you and the Members of the  
2 Panel.

3 My name is Bill Carruthers and to give you a  
4 little background on this thing, I've been involved in  
5 land use advocacy group for 20 years. It's not a new  
6 subject to me although it's new in the mining  
7 industry, most of it has been involving the forest  
8 industry.

9 The reason I'm here today to speak to you is  
10 because I'm quite concerned about what's happening in  
11 the forest industry with regards to a lot of our  
12 constituents and their financial situation.

13 I earn my living by doing financial planning  
14 for people, most of it right now has to do with  
15 financial counselling to people who are in trouble  
16 with banks and other organizations.

17 So I'll carry on with my talk, then.

18 The Share the Cariboo-Chilcotin Resources  
19 Society contracted to have a report done on the  
20 feasibility of unemployed forest workers transiting  
21 from the forest industry to the mining industry.

22 The study determined that a large mining  
23 operation like Prosperity Project would have  
24 approximately 60 different job classifications. Of  
25 these, 10 would require university degrees at a

1 minimum and 19 would require technical or trades  
2 qualifications at a minimum.

3 The balance of 25 to 30 job occupations could  
4 potentially be filled by unemployed forest workers,  
5 they could be filled by Aboriginal People, anybody,  
6 but I'm focusing on the forest industry at the moment,  
7 so subject to various levels of work experience and  
8 education requirements we estimate that up to 250  
9 workers could be employed directly in the mine and  
10 another 400 to 500 in various indirect jobs that would  
11 be created as a result of this Project getting  
12 approved.

13 The current state of the forest industry is  
14 such that it becomes critical to our ability to  
15 stabilize and maintain the services available in these  
16 communities including community economic health.

17 We have mentioned before this only stops the  
18 downward slide, it doesn't put us back on a level of  
19 economic activity that we experienced back in 2007 and  
20 earlier.

21 The Panel visited Alexis Creek and it was  
22 explained that the employment situation is mainly  
23 government organizations. Since you visited there, 12  
24 out of 18 people who worked for the Ministry of  
25 Forests have been given notice that they are redundant

1 and will be laid off or relocated to currently empty  
2 positions in other government industries. But  
3 there'll certainly be moved out of Alexis Creek.

4 The forest industry has downsized. The  
5 Ministry of Forests is downsizing to match the  
6 industry decline. The multiplier effect work is going  
7 down as well as up.

8 Currently the Gibraltar Mine, I have  
9 interaction with a lady that does, through another  
10 organization I'm involved with, that does the  
11 pre-employment hiring for the Gibraltar Mine, she's  
12 receiving an average of 300 resumes a month from  
13 people seeking work. A Project like Prosperity would  
14 put a dent in this number of unemployed but it  
15 wouldn't cure it.

16 Our current tax base in Canada is heavily  
17 reliant on the extraction of natural resources. I'm  
18 somewhat shocked at Dr. Shaffer's presentation where  
19 he said there was no net present value to us. There  
20 maybe a small amount.

21 He didn't talk about the larger reliant on  
22 the tax base that this company relies on.

23 It is estimated, and I got these out of a  
24 website or off the website from other people who made  
25 submissions, that a Project of this size would



1 generate over a billion dollars in Federal tax revenue  
2 and I extrapolated this out over 33 years, so you'll  
3 have to bear with me, I may be taking a little bit of  
4 liberty with that.

5 And over 2.3 billion in Provincial Government  
6 revenue in the form of royalties, income and  
7 consumption taxes.

8 In addition, if 700 former forestry workers  
9 were employed as a result of Project, it would produce  
10 a payroll of 35 million annually based on the average  
11 wage of \$50,000.

12 If the mine can sustain itself for 33 years,  
13 we're looking at payrolls in excess of \$1.15 billion  
14 over this time period.

15 And I haven't factored anything into that,  
16 I've just straightlined it. Not all of that is  
17 disposable income but up to 60 percent of it would be  
18 available in the form of consumption, mortgage, car  
19 payments, groceries, furniture, children and  
20 recreational activities.

21 Now comes the dilemma, how do we convince the  
22 First Nations People living in the Chilcotin this  
23 might be the answer to the future?

24 I can't speak to the past transgressions  
25 other than to say what happened wasn't right.

1           However, with a Project like Prosperity comes the  
2           opportunity to change the future for First Nations  
3           without abandoning the past.

4                     The Prosperity Mine is an opportunity for  
5           increased self-reliance, greater self-confidence,  
6           pride and personal accomplishments that come through  
7           new economic and business opportunities.

8                     There is no guarantee that any of the First  
9           Nations People will reap these benefits.

10                    But it will certainly be a better potential  
11           opportunity than trying to succeed in the rapidly  
12           shrinking forest and ranching industry.

13                    You've heard presentations on fishing,  
14           hunting and trapping, even some tourism opportunities  
15           in this area. But these are all marginal economic  
16           benefits because of remote location and the different  
17           seasons. These are more lifestyle enterprises rather  
18           than a way to make a living.

19                    Another major factor we considered is the  
20           pressure on the health care system. The First Nations  
21           and non-First Nations communities are subject to the  
22           same medical issues and pressure on the health care  
23           system will only increase. Without the taxes that a  
24           Project like Prosperity can produce, we'll be dealing  
25           with a reduction in health care relative to an

1           increase in need.

2                       There's no doubt that this Project would go a  
3           long way towards stabilizing a very precarious  
4           economic situation reducing the potential social  
5           problems that are the direct result of a declining  
6           economy.

7                       This supports our contention that if this  
8           Project meets the current criteria for environmental  
9           responsibility, and we're not for one minute  
10          suggesting that it shouldn't, then it should proceed.

11                      In pure economics, you heard from Dr. Shaffer  
12          who is an economist, my economics training said pure  
13          economics, land and resources should be used for the  
14          highest and best use.

15                      It is pretty clear that the lake and the  
16          surrounding area have significance to the First  
17          Nations People but the economic benefits to the whole  
18          population far outweigh the cultural value and I  
19          apologize for that but I've had to use strong words in  
20          this thing here to make a point.

21                      It doesn't mean that they should be pushed  
22          out of the way to allow this Project to proceed, but  
23          at the same time we cannot let this opportunity pass  
24          us by.

25                      It is difficult for our group to see any

1 reason for not proceeding with this Project especially  
2 when you factor in over \$4 billion in potential  
3 payroll benefits, taxes and royalties.

4 We thank you for the opportunity to present  
5 our point of view. I've certainly heard lots of  
6 different points of view. I was actually surprised by  
7 the last presentation by Transport Canada. I didn't  
8 realize what kind of mandate they had. I always  
9 thought some of those things that they were involved  
10 in were handled by the Provincial Government, but I've  
11 come to learn a few things about my own Federal  
12 Government.

13 Anyway, I thank you for the opportunity to  
14 present our point of view and look forward to your  
15 decision so that everyone can get on with their lives.

16 And I would like again to thank the Panel for  
17 the amount of time that you've dedicated to this.

18 So thank you.

19 THE CHAIRMAN: Thank you, Mr. Carruthers.

20 We're certainly all learning something through this  
21 exercise, it seems, including the Panel. That's  
22 partly why we're here or largely why we're here,  
23 obviously, in order to assist us in reaching a  
24 conclusion and making our recommendations.

25 Thank you, again, by the way, for going later

1 to accommodate others who were speaking before you.

2 I'll turn first to Taseko if there's any  
3 questions.

4 MR. BELL-IRVING: No, Mr. Chairman, no  
5 questions.

6 THE CHAIRMAN: Thank you, then on the list  
7 of order, Transport Canada, any questions?

8 Tsilhqot'in National Government, any  
9 questions? Chief Baptiste.

10 **QUESTIONS OF SHARE THE CARIBOO-CHILCOTIN RESOURCES SOCIETY**  
11 **BY THE XENI GWET'IN FIRST NATION, BY CHIEF MARILYN**  
12 **BAPTISTE:**

13 CHIEF BAPTISTE: I just had an odd kind of  
14 a question here.

15 Do you know if there's any studies, you refer  
16 to the social impacts to unemployment. And, of  
17 course, coming from the First Nations perspective,  
18 we've lived, we were born into unemployment, we were  
19 born into poverty, and we lived that all the time, and  
20 in a lot of these general or hearings from all kinds  
21 of presentations we've heard the social impacts when  
22 mining does take place or does come into a new area.  
23 And you refer to the social impacts of unemployment.  
24 Do you have any suggested studies that clearly look at  
25 those social impacts from both those views, from

1 unemployment as well as such?

2 MR. CARRUTHERS: I apologize, Chief Baptiste,  
3 if I didn't understand your question. Have I seen any  
4 studies regarding unemployment?

5 CHIEF BAPTISTE: The social impacts of  
6 unemployment compared to the social impacts of mining  
7 industry coming into like our backyard, for instance?

8 MR. CARRUTHERS: No, I've seen nothing as  
9 a comparison, but I can answer your question a little  
10 bit with regard to unemployment.

11 Some of the counselling, financial  
12 counselling has to do with people that are getting  
13 their houses repossessed by banks and also going  
14 through personal bankruptcy things because they have  
15 lost their jobs.

16 My neighbour down the street has been out of  
17 work for a year. His vocation every day is to walk  
18 his dog. It's not a happy site seeing him on the  
19 street and saying hello to him in the morning.

20 I don't have a big picture. I have a small  
21 picture of what's happening to people in our  
22 community. And I realize the First Nations People  
23 have obviously had the worst of all of that there.

24 But we have to move on and get this thing  
25 sorted out and I believe that if this Project went

1 ahead, then there is a way to work together to get  
2 this whole thing started back on a track that has only  
3 lead to a little bit better than what we've got now  
4 than a situation that we live in.

5 I don't know if I'm making sense or answering  
6 your question.

7 The study between unemployment and the mining  
8 industry, I don't know. That's a --

9 CHIEF BAPTISTE: I think you've exhausted  
10 that, that's fine. I would just like to then ask a  
11 question. You suggested getting past, getting past  
12 and getting past, and working together. What is your  
13 efforts and your society's efforts to work with the  
14 First Nations in the Cariboo-Chilcotin?

15 MR. CARRUTHERS: I'm a director of an  
16 economic development corporation for one of the First  
17 Nations Bands and I'm probably the strongest critic of  
18 what they do. But I'm also their biggest friend, if  
19 somebody comes to me and says is there something I can  
20 do for them. So that's the best I can answer on that.

21 I'm personally committed to making this thing  
22 work. That doesn't mean that the whole rest of  
23 society in the Cariboo-Chilcotin feels the same way  
24 about it that I do or maybe there's more committed  
25 people than I am. So.

1 CHIEF BAPTISTE: Thank you for your views.

2 THE CHAIRMAN: Thank you. Questions  
3 from MiningWatch? No.

4 MR. HART: I have none, Mr. Chair.

5 THE CHAIRMAN: Okay, Friends of Nemaiah  
6 Valley? No.

7 Williams Lake and District Chamber of  
8 Commerce? No.

9 Other Federal departments? Okay. And I  
10 missed ourselves, the Panel, any? No, I think we're  
11 okay for questions. And Canoe Creek Band is not here.  
12 Esketemc First Nation? Ms. Bedard.

13 **QUESTIONS OF SHARE THE CARIBOO-CHILCOTIN RESOURCES SOCIETY**

14 **BY THE ESKETEMC FIRST NATION, BY MS. BETH BEDARD:**

15 MS. BEDARD: Thank you, Mr. Carruthers, it  
16 was very interesting listening to your presentation.  
17 I've heard of you and it's nice to be able to put a  
18 face to your reputation.

19 How would you define "unsustainable mining"?

20 MR. CARRUTHERS: I'm not sure I understand --

21 THE CHAIRMAN: I'm not sure that this  
22 question is relevant, Ms. Bedard.

23 MS. BEDARD: Well, I think it is.

24 THE CHAIRMAN: Could you explain why?

25 MS. BEDARD: Because we're dealing with a



1 Project that a large number of people feel is  
2 unsustainable, so I'm curious because Mr. Carruthers  
3 is espousing the benefits of this Project and I was  
4 curious how he balanced the benefits against the  
5 perception that there is unsustainable aspects to it.

6 MR. CARRUTHERS: Are you talking about the  
7 situation where the mine could shut down if mineral  
8 prices are going down, is that what you mean by  
9 unsustainability?

10 MS. BEDARD: That is one aspect. Another  
11 would be pollution. Do you think that that is an  
12 issue?

13 MR. CARRUTHERS: I certainly think it is. I  
14 mentioned in my presentation that this thing has to be  
15 an environmentally responsible Project.

16 MS. BEDARD: Have you read the EIS?

17 MR. CARRUTHERS: Yes, I have. Boy, lots of  
18 reading to get through that.

19 MS. BEDARD: And in your scientific  
20 opinion?

21 MR. CARRUTHERS: I'm not a scientist.

22 MS. BEDARD: How do you define First  
23 Nations Rights?

24 THE CHAIRMAN: Again, Ms. Bedard, I'm not  
25 sure this is relevant for this gentleman. To me,

1           that's not a question that's appropriate here.

2   MS. BEDARD:                            Okay, I will skip that  
3           question.

4                            With the economic benefits that you feel  
5           exist for Williams Lake, do you think that there are  
6           any negative aspects for First Nations?

7   MR. CARRUTHERS:                    There's always the potential  
8           for some negative aspect of the thing if they don't  
9           get looked after properly in this thing.

10   MS. BEDARD:                         You mentioned that  
11           anecdotally you'd heard that there were 300 people a  
12           month looking for work at Gibraltar. Are they all  
13           from Williams Lake?

14   MR. CARRUTHERS:                    No, they are from all over  
15           British Columbia.

16   MS. BEDARD:                         And I was also interested in  
17           the figures that you used to illustrate your talk. Do  
18           you have references for those?

19   MR. CARRUTHERS:                    For which part of it?

20   MS. BEDARD:                         All of your figures that you  
21           used.

22   MR. CARRUTHERS:                    We commissioned money under  
23           the Environmental Assessment process from the Canadian  
24           Environmental Assessment Agency and we had the report  
25           commissioned and the report was turned in in November,

1 and it's posted on the web site if you would like to  
2 look at it and see where the references for some of  
3 that information came from.

4 MS. BEDARD: Thank you.

5 THE CHAIRMAN: Thank you. I think that  
6 completes the questions for you, Mr. Carruthers.  
7 Thank you again for your presentation and responding  
8 to those questions.

9 We'll take a short break and return to the  
10 next speaker which is the Williams Lake and District  
11 Chamber of Commerce.

12 **(BRIEF BREAK)**

13 THE CHAIRMAN: Ladies and Gentlemen, I would  
14 ask everybody to take their seats again, please, I  
15 would like to resume the hearing.

16 Thank you, everybody, I think we're getting  
17 ready to start again. And we have a presentation from  
18 Williams Lake and District Chamber of Commerce.  
19 Mr. Cobb, I believe, and if I understand correctly,  
20 amongst other things or that may be the essence of  
21 your presentation, but you're going to present the  
22 film that we talked about I guess during the hearings  
23 on the first week in Williams Lake.

24 **PRESENTATION BY WILLIAMS LAKE AND DISTRICT CHAMBER OF**  
25 **COMMERCE:**

1 **PANEL:**

2 **Mr. Walter Cobb**

3 **Mr. Jason Ryll**

4 THE CHAIRMAN: Please proceed to introduce  
5 what you're planning to do.

6 **PRESENTATION BY WILLIAMS LAKE AND DISTRICT CHAMBER OF**  
7 **COMMERCE, BY MR. COBB:**

8 MR. COBB: Thank you, again, to the  
9 Panel for the opportunity to present.

10 My name is Walter Cobb. I'm the first  
11 vice-president of the Williams Lake and District  
12 Chamber of Commerce.

13 And as indicated, the video you're about to  
14 see has somewhat been shortened to respect your  
15 request and of course the time limits that we've been  
16 all put on.

17 It's my pleasure to introduce Jason Ryll from  
18 Front Row Voiceovers and he's also a Director of the  
19 Chamber of Commerce.

20 Jason will present and respond to questions  
21 about the content of and the personalities in the  
22 video as you will see.

23 Jason.

24 **PRESENTATION BY WILLIAMS LAKE AND DISTRICT CHAMBER OF**  
25 **COMMERCE, BY MR. RYLL:**

1 MR. RYLL: Thank you. For clarification, it  
2 is Ryll, R-Y-L-L. And, yes, I am a Director with the  
3 Chamber and also a member of the Chamber and thank you  
4 for allowing us to come and present to you on our  
5 members' behalf our video dealing specifically with  
6 socio-economics of Williams Lake and area.

7 The premise of the video presentation is  
8 specific to Williams Lake and area as it is the  
9 largest and closest service centre for the community  
10 and communities out west.

11 The video itself will deal a little bit with  
12 a number of different issues, history of mining in the  
13 area and it's impact to the community and its members  
14 as well.

15 We interviewed a number of people from within  
16 the community who were willing to step forward on  
17 camera and let their voices be heard. Either they  
18 weren't able to come and present to the Panel  
19 themselves or were busy with other obligations and  
20 couldn't come for today.

21 Without further ado, I guess, I would like to  
22 just get to the video.

23 **(VIDEO PLAYED)**

24 Thank you. We attempted to identify the need  
25 for a stimulus to a very hard hit industry-dependent

1 region of our province. Our membership is just not  
2 from the City. It reaches as far west as Bella Coola.  
3 Through a request for input and the membership has  
4 encouraged us to take a leadership role in supporting  
5 this Project. And that's why we're here.

6 Many would have you believe that there's  
7 nothing in it for them if they're not part of the  
8 business community. It should not be about I and me.  
9 It should be about we and us.

10 Williams Lake, as indicated in the video, is  
11 a service centre for many of the surrounding areas.  
12 For many, in the more remote areas, Williams Lake is  
13 also the source of much of what sustains them, food,  
14 health care, education and whatever else they may need  
15 there.

16 There is a need to understand that without a  
17 strong economy, that projects like this allows, many  
18 of our needs will no longer be available in the  
19 Williams Lake area.

20 These services will likely never be available  
21 in the Chilcotin without an increasing development or  
22 people. And that all comes hand-in-hand. Those  
23 services will need to be sought in larger centres like  
24 Kamloops or Prince George, because we do seek them.  
25 Do we really want to travel that distance for many of

1           our needs? I will say to you as one individual, who  
2           has been in business in this area since 1969, now  
3           supporting my grandchildren, I might add, that if we  
4           do not see this Project proceed, we will not be in  
5           business two years from now. Because we can no longer  
6           have, we no longer have the population or customer  
7           base that allow us to pay the rent.

8                        The Chamber of Commerce has had many  
9           inquiries from investors and developers looking to  
10          relocate or locate here, but they have indicated they  
11          are awaiting the outcome of this process to see if  
12          collectively we are truly able to support a community.

13                      Thank you once again for your time. I will  
14          turn it back now to Jason to answer any questions.

15   THE CHAIRMAN:                      Thank you, Mr. Cobb. I'll  
16          turn first of all to Taseko for questions.

17   MR. BELL-IRVING:                    No questions, Mr. Chair.

18   THE CHAIRMAN:                      I'll check to see, we'll go  
19          through the list, of course, of others who may have  
20          questions, but I'll say we're getting a little late in  
21          the day at this point, so hopefully we'll be able to  
22          minimize those, but in fairness to everybody, I'll go  
23          through the list.

24                      Transport Canada? No.

25                      Tsilhqot'in National Government? No.

1 MiningWatch?

2 MR. HART: Very quickly, Mr. Chair.

3 **QUESTIONS OF WILLIAMS LAKE AND DISTRICT CHAMBER OF**

4 **COMMERCE BY MININGWATCH CANADA, BY MR. RAMSEY HART:**

5 MR. HART: Ramsey Hart, MiningWatch  
6 Canada.

7 The presenters in the film offered a variety  
8 of opinions and statements. Can you give us an  
9 indication if any of them have work experience or  
10 studied in the areas of mine monitoring and  
11 Environmental Assessment, the effects of mining on the  
12 environment.

13 MR. RYLL: To the best of my knowledge,  
14 none of the subjects interviewed have expertise in  
15 those fields of which you've mentioned. And I think,  
16 if I may be so bold as to say, if you walk down the  
17 street, I doubt many people in the community have such  
18 areas of expertise to be able to answer that.

19 We purposely sought out people to get a  
20 general sense of the community's barometer, I guess,  
21 of people who do support the Project but to find out  
22 what their concerns are.

23 MR. HART: And I think that's very fair,  
24 I'm not in any way suggesting that their opinions and  
25 comments aren't valid. It's just important to



1 contexturalize them. That's all.

2 THE CHAIRMAN: Thank you.

3 Cariboo-Chilcotin?

4 SPEAKER: No questions.

5 THE CHAIRMAN: Friends of the Nemaiah  
6 Valley? No. Okay.

7 Panel Members? Just a quick question, I  
8 think we have that supporting data in your written  
9 document, I think that's been submitted to us, if I  
10 recall?

11 MR. RYLL: I believe so. If not, we'll  
12 make it available to you.

13 THE CHAIRMAN: I think we have it in the  
14 document, but we'll verify that. In fact this becomes  
15 a part of the record in any case so we'll have it  
16 there.

17 I think the Panel is okay, then, with  
18 requests.

19 Other Federal departments? Okay.

20 And then the other list, Canoe Creek?

21 Esketemc First Nation?

22 And I think I've covered everybody off.

23 So thank you, again, for bringing some views  
24 of people that haven't had an opportunity to appear  
25 before us. We've seen similar presentations in other

1 places that we've gone to, it brings a perspective  
2 that is important to understand from all the different  
3 people that live in this region, so thank you.

4 MR. COBB: Thank you.

5 THE CHAIRMAN: So that completes the  
6 presentation from Williams Lake and District Chamber  
7 of Commerce.

8 I have committed to try to hear from a few  
9 people that I think there may only be one or two that  
10 were indicated were on the list if time permits and  
11 one of those is Titi Kunkel, I hope I've pronounced  
12 your name correctly, but we'd be pleased to hear from  
13 you as well if you want to come forward for your  
14 presentation, please.

15 Please proceed.

16 **PRESENTATION BY MS. TITI KUNKEL:**

17 MS. KUNKEL: Thank you very much for  
18 giving me the opportunity to present to the Panel. I  
19 would also like to acknowledge the communities within  
20 whose territory we are today. I'd like to acknowledge  
21 the Shuswap People, the Tsilhqot'in People.

22 And this presentation is more to do with the  
23 work that I have done with different communities and  
24 my ongoing work with them.

25 My name is Titi Kunkel, that's TITI, last

1 name K-U-N-K-E-L.

2 I am a Faculty Member of the University of  
3 Northern British Columbia, and I work primarily with  
4 First Nation communities.

5 So within this presentation, I'm going to  
6 just introduce myself a bit more and talk about my  
7 research study and some of the conclusions I've come  
8 up to.

9 My work with communities and an assessment of  
10 the impact of this mine on some Cariboo-Chilcotin  
11 communities.

12 I'm going to focus on the impact on women and  
13 poverty within the communities.

14 And then I have a final conclusion with that.

15 I have the opportunity to have lived in three  
16 continents. And my Indigenous heritage is African, so  
17 I lived in England and I'm here now in British  
18 Columbia.

19 So education-wise, I have a BSc in computer  
20 sciences from the University of Lagos, a Master's  
21 degree in Business Administration from Thames Valley  
22 University, English, and I have a Master's in Natural  
23 Resources and Environmental Studies from UNBC and am  
24 currently a PhD candidate at University of Northern  
25 British Columbia also in Natural Resource and

1 Environmental Studies.

2 I'm working with the university right now on  
3 Aboriginal business development coordinating a program  
4 working with communities in the Williams Lake, Quesnel  
5 and the Vanderhoof region. And the program is working  
6 with Aboriginal communities.

7 So I have taught several courses for the  
8 university including First Nation Studies, Business  
9 Ethics, Operations Management and Entrepreneurship.

10 My area of research is community and economic  
11 development and capacity building within marginalized  
12 communities. So my current research now is working  
13 with First Nation communities to create sustainable  
14 economic development.

15 And I'm also working on Aboriginal values and  
16 the impact of resource development on Aboriginal  
17 values and the compatibility of such as well.

18 So I looked at the Prosperity Mine document.  
19 I read part of it. I was more interested in the  
20 social economic aspect of it.

21 Now, the mine is anticipating creating  
22 350 jobs directly over the next 22 years. And it's  
23 also proposing to bring economic benefits to the  
24 Cariboo-Chilcotin communities.

25 Now, there are issues raised by the First

1 Nation communities. And I believe you've heard all  
2 those issues, so I looked at the issues because of my  
3 work with the communities.

4 Now, from the past work that I have done,  
5 communities want to develop, communities want to close  
6 the gap between themselves and the non-Aboriginal  
7 communities. So based on that, I looked at the impact  
8 of the mine on these communities that I have been  
9 working with.

10 So my conclusions are that Aboriginal People  
11 in the Cariboo area represent about 10 percent of the  
12 population, so they are quite a significant number of  
13 Aboriginal People, especially people with the Native  
14 American origin.

15 Now, those people have survived in this area  
16 for millennia, they depended on their hunting and  
17 fishing and gathering activities and they still depend  
18 on those activities.

19 The mountain pine beetle has had significant  
20 impact on their ability to continue to practice their  
21 traditional lifestyle. And some people are still  
22 doing it regardless of the challenges that they face.

23 So mining without substantial benefit to the  
24 communities will be a further blow to their existence.

25 The impacts for fish and wildlife, the

1 potential for contamination of plants and berries,  
2 impact on water quality, will have significant adverse  
3 effect on women within these communities. And unless  
4 there are financial structures in place to provide  
5 special compensation for these women, it is unlikely  
6 that this Project is going to bring prosperity to  
7 them.

8 So in the following sections, I will talk a  
9 little bit more about how I came to these conclusions.  
10 But from some of my studies also, at the best of  
11 times, Aboriginal People are less likely to get jobs.  
12 But the Harvard study actually shows that the Indian  
13 culture is an asset and that has to be worked in when  
14 it comes to jobs and economic development for First  
15 Nations People.

16 So with the higher than average unemployment  
17 within the Cariboo Region, Aboriginal People living on  
18 Reserves, I mean, they need training, they need the  
19 experience or they are going to face an even bleaker  
20 prospect of getting jobs on the proposed mine.

21 From my work with the universities, it is  
22 apparent that foundational skills and upgrading  
23 courses would be required before we can even think of  
24 the delivery of mining training to these communities  
25 as suggested by Taseko.

1           We are trying to deliver business development  
2 projects to these communities and we are facing  
3 significant challenges because of this lack of  
4 foundational skills and lack of opportunity to get  
5 operating courses for some of those people.

6           Now, one of the other things that I looked at  
7 was the fact that having a 125 kilometre power line  
8 going through the community is going to affect those  
9 people, but there are opportunities out there as  
10 demonstrated by the Tsilhqot'in Power Project in  
11 Hanceville that power can be produced locally and that  
12 might help the communities, that might provide more  
13 jobs locally.

14           Because when we look at the projects that's  
15 been proposed, we can also see that there are  
16 opportunities locally that can be used to create jobs  
17 if the arrangement was there.

18           So from my studies, there actually isn't any  
19 justification for the 125 kilometre of power line  
20 because there are resources around. There's biomass,  
21 there's wind, there's geothermal, and I'm actually  
22 working on some of these projects with communities to  
23 see what's out there for them.

24           So within the Cariboo area, we have two  
25 cities, which is Quesnel and Williams Lake, and we

1 have the district municipalities as well, there's 100  
2 Mile House. But in addition to that, we have 78  
3 Indian Reserves and we have 12 electoral areas.

4 Now, the population of the people in the  
5 Cariboo area, we have over 62,000 people and of this  
6 over 9,000 Aboriginal Peoples and 6,000 of them are  
7 people with North American Indian ancestry. So that  
8 is quite a significant number.

9 So in addition to that, looking at the labour  
10 figures, a lot of those people are not in the  
11 workforce, they are not in the labour force. We have  
12 over 2,600 Aboriginal People who are not in the labour  
13 force.

14 Now, of those participating in the labour  
15 force, we have over 3,800 of them. Of that 3,800,  
16 just about 3,000 are employed, 720 are not employed,  
17 but those not participating in the labour force are  
18 the ones that I'm actually more concerned about  
19 because they are the ones who depend on the hunting  
20 and the fishing and the trapping and the gathering  
21 activities for their subsistence.

22 So from the 2006 Census, I mean, it actually  
23 showed that there is significant inequalities between  
24 Aboriginal Peoples and the non-Aboriginal population  
25 and the areas that actually highlighted, that area are



1 areas of education, labour force participation,  
2 unemployment rates and employment income. So  
3 Aboriginal People are, they typically have low human  
4 capital so they cannot participate in the labour force  
5 and then the long-term effects of marginalization is  
6 still playing out within those communities.

7 Now, the distance from the service centre is  
8 also something that creates a challenge for the  
9 participation in the labour force.

10 So these people still depend heavily on the  
11 hunting, fishing and gathering activities in a similar  
12 way that we depend on the economy.

13 And from the 2001 Census, there's actually  
14 some communities that were shown to depend on hunting.  
15 And the Alkali Lake community is one of them where  
16 over 46 percent of the adults in that community for  
17 the year 2001 hunted and 100 percent of those actually  
18 hunted for food.

19 Now, there's not enough data to go into all  
20 the different communities in the Project area, but  
21 this is just an example that they depend on these  
22 activities.

23 Now, the 2006 Census does not have this  
24 information so we're unable to go that far to say  
25 these are the number of people that actually depended

1 on it at that point.

2 But going by the 2001 Census data, there are  
3 communities out there and within the Project area,  
4 Alkali Lake and the Williams Lake Band actually are  
5 examples of those that depend on hunting for food.

6 Now, 61.0 percent of the adults also depended  
7 on fish for food in the year 2001 within the Alkali  
8 Lake community.

9 And if you work with these people, you would  
10 actually know that this to them is like our dependence  
11 on the national economy. So they depend on these  
12 activities in a similar way.

13 I'm more concerned about the woman and the  
14 state of poverty within the communities in the Project  
15 area.

16 And this table here is just a summary of some  
17 of the things that I found. That on-Reserve female  
18 population is about 991 in the year 2010, according to  
19 INAC, and from that information, just going down the  
20 table, you see that there is a very high unemployment  
21 rate amongst these women.

22 And when we judge by this service centre and  
23 the distance from that service centre, you can start  
24 to see that unless these women are highly skilled,  
25 it's natural that while they are travelling to the

1 service centre to look for jobs, because by the time  
2 you travel say 233 kilometres to get to work and back  
3 on a daily basis, you would spend a lot more  
4 travelling than you'd actually make, unless you're a  
5 highly skilled person making lots of money. And that  
6 is not the case with these women in these communities.

7 So going by this, as a woman of, you know,  
8 Indigenous heritage myself, and having lived in  
9 countries like Nigeria, I mean, I have seen the effect  
10 on poverty on women. And if a woman lives in poverty,  
11 then her children will be in poverty as well. And  
12 there's very little chance of women in poverty  
13 actually getting out of poverty.

14 So I'm actually concerned that this Project  
15 is not necessarily going to make things better for  
16 these women.

17 Now, according to Whiteman and Blacklock, the  
18 year 2000, the differential impacts on mining  
19 operations on women can be classified as health and  
20 wellbeing, women's work in their traditional roles,  
21 and then the gender inequalities in the economic  
22 benefits of mining activities.

23 So when you start looking at this, mining  
24 jobs are gendered biased. I mean, this is an example.  
25 I mean, I picked this off of the mining websites. And

1           it's just an example of jobs advertised for the  
2           Gibraltar Mine. And all these gender biased type  
3           jobs, I mean, unless a woman is certified in those  
4           areas, and I don't see many of the women I work within  
5           the communities as having the certifications to apply  
6           for any of these jobs.

7                         But in addition to that, they don't have the  
8           means to get the training to qualify for those jobs.

9                         Now, some of these jobs also specify  
10          experience in open pit mining and there is no way  
11          these women are going to get that.

12                        So coming back to these women, they face  
13          significant challenges in terms of building their  
14          capacity. We provide business programs for them to  
15          help them. But some of the issues that we come across  
16          in, quote:

17                                 "Child care, emotional wellness,  
18                                    they're the major caregivers  
19                                    within their communities, the lack  
20                                    of transportation from Reserve to  
21                                    attend class is a big issue as  
22                                    well. And not to forget, the  
23                                    legacy of the Residential School."

24                        And that's still going true in every single  
25          community.

1           So going back to some of INAC's data, when  
2           you look at most of these communities, they actually  
3           have people who attended Residential School in every  
4           single household, that's according to the 2006 Census  
5           data that we have.

6           So the dependence on non-market economy is  
7           very, very important for these women. Things like  
8           berry picking, things like making moccasins, gloves  
9           and all the small craft items, it's very, very  
10          important for them.

11          So not having the ability to hunt and use the  
12          hide, it is going to have a big impact on the  
13          not-market economy that they depend on. Things like  
14          meat and fish as staple food, which they don't have to  
15          actually pay for in a sense, I mean, they are going to  
16          be hindered in their ability to get those.

17          Now, bear in mind that also the distance from  
18          their Reserves to the nearest service centre means,  
19          you know, buying food from Williams Lake and taking it  
20          home. I mean, these things cost a lot of money, and  
21          most of them already live in poverty, so they have to  
22          rely on their dependence, on the hunting, fishing and  
23          gathering activities.

24          So the impacts to fish and wildlife, the  
25          potential contamination of plants and berries and the

1 impact of water quality, and all of these will have  
2 significant adverse effect on these women. And the  
3 mine is unlikely to change the circumstances.

4 So in my final conclusion, unless all the  
5 issues raised by these people are addressed in a  
6 beneficial way, ways that ensures and protects these  
7 women, I think the gap between, the socio-economic gap  
8 between these communities and the wider community is  
9 going to keep increasing. And at the end of the day,  
10 I think we will be abandoning these women in the  
11 margins.

12 And I think in, you know, all what we've  
13 heard and in some of the community meetings that  
14 you've heard, you probably have heard from these  
15 women.

16 So I will say to the Panel that in your  
17 consideration, please think about the 991 women who  
18 are right now unemployed living in these communities  
19 and consider the impact of this mine on them. And in  
20 your recommendation, I mean, I am imploring, I'm  
21 asking you that to please ensure that their rights and  
22 their way of life is protected.

23 Thank you.

24 THE CHAIRMAN: Thank you, Ms. Kunkel. I'll  
25 check with Taseko if they have any questions.



1 poverty.

2 MR. CARRUTHERS: Oh, interesting. That's all  
3 I wanted to know.

4 THE CHAIRMAN: Thank you, Mr. Carruthers.

5 Then Friends of Nemaiah Valley? No.

6 Williams Lake and District Chamber of

7 Commerce? I don't see any question there.

8 Other Federal departments? No, no questions.

9 Panel Members? Nalaine, first.

10 **QUESTIONS OF MS. TITI KUNKEL BY THE FEDERAL PANEL:**

11 MS. MORIN: I just have one question.

12 You note an inherent gender bias in terms of mine  
13 employment. If the Project were to proceed, who  
14 should address this? Taseko? The government? What  
15 measures would you recommend?

16 MS. KUNKEL: Going by the Global Economic  
17 Forum, which was in the year 2007, 2008, the  
18 governments of different countries came together with  
19 industry and their recommendation was that they need  
20 industry to work with government to address this type  
21 of issues because the government themselves are unable  
22 to fully address the issues.

23 And what I will recommend in this situation  
24 will be that Taseko will work with the government to  
25 try and change some of the systemic issues that have



1           actually caused these women to be in this situation.

2   MS. MORIN:                           Thank you.

3   THE CHAIRMAN:                       Bill.

4   MR. KLASSEN:                        You refer both in your  
5           written submission and in your presentation here to a  
6           study by the Harvard School of Business that showed  
7           that Indian culture is an asset. Is that an asset in  
8           the workplace or in larger society?

9   MS. KUNKEL:                        That is an asset when it  
10           comes to economic development of these communities,  
11           because from the studies and from some of the work I  
12           have done with communities, unless a project is  
13           actually compatible with the Aboriginal values, then  
14           it is unlikely that it will get supported.

15                                       And in addition to that, the cultural aspect  
16           comes into play, because if it's in line with their  
17           values, people will easily subscribe to it and then  
18           people participate in the development.

19   MR. KLASSEN:                        Thank you.

20   THE CHAIRMAN:                       Thank you. I think that  
21           completes the questions from the Panel.

22                                       I'll just check if there's any others on the  
23           list that wish to ask you a question.

24                                       Canoe Creek?

25                                       Esketemc First Nation?

1 **QUESTIONS OF MS. TITI KUNKEL BY ESKETEMC FIRST NATION, BY**  
2 **MS. BETH BEDARD:**

3 MS. BEDARD: Thank you, I will try and  
4 make sure my questions are appropriate.

5 Ms. Kunkel, in your study of women and  
6 poverty, was prostitution one of the ways that women  
7 often deal with the poverty? Is that a problem around  
8 large mine developments?

9 MS. KUNKEL: Well, the studies that I  
10 looked at address issues in developing nations and  
11 prostitution was one of the results of that.

12 MS. BEDARD: What, in your studies, in  
13 this area, are you aware of what the economic input of  
14 First Nations into the Williams Lake economy might be?

15 MS. KUNKEL: I don't have the figures for  
16 Williams Lake, but I know that in the Quesnel region,  
17 there's over \$9 million per annum from the First  
18 Nation communities into the economy.

19 MS. BEDARD: Okay, thank you.

20 THE CHAIRMAN: I guess more of a comment  
21 than a question. In closing then, I think that -- oh,  
22 I think we've gone through everybody on the list of  
23 questioners.

24 But I just wanted to say that we did indeed,  
25 when we were in the communities, hear directly from



1 but hope to do so as it relates to today's topic.

2 I hope that what follows does not suggest  
3 that I'm anti-mining. I'm not. I'm simply not  
4 convinced that this particular Project is in the  
5 long-term best interests -- slow down, okay, sorry.

6 THE CHAIRMAN: For the transcription.

7 MR. BIRD: Oh, jeez, okay, feel free to  
8 tell me to slow down.

9 I'm simply not convinced that this particular  
10 Project is in the long-term best interests of this  
11 community, environmentally, socially, and even  
12 economically.

13 Section 25 of the Canadian *Charter of Rights*  
14 *and Freedoms*, part of Canada's *Constitution Act*  
15 guarantees this country's First Nations:

16 "Any rights or freedoms that have  
17 been recognized by the Royal  
18 Proclamation of October 7, 1763."

19 The Royal Proclamation, for those unfamiliar  
20 with it, states in clear terms that settlement or  
21 development cannot proceed on Native land until the  
22 area has been formally ceded by way of a treaty.

23 None of the Tsilhqot'in communities have  
24 ceded any of their territory by way of such a treaty.  
25 And Provincial and Federal Governments have made no

1 serious efforts to engage them in such a process,  
2 despite the fact that it remains Canadian law.

3 The Tsilhqot'in are currently appealing the  
4 recent Vickers title ruling as they feel that they  
5 have a legal right to Fish Lake. Whether their claim  
6 is a valid one or not is something that I do not  
7 intend to pursue here, but feel that no mining project  
8 of this magnitude should be developed in this area  
9 until the question of title has been adequately  
10 resolved and a comprehensive treaty negotiated.

11 As it stands now, the Tsilhqot'in have been  
12 awarded hunting and trapping rights in the Fish Lake  
13 area. In the event that this mine proceeds, such Rights  
14 would be compromised.

15 After displacing Native people from their  
16 traditional way of life, after systematically spreading  
17 smallpox throughout their lands, after denying them the  
18 right to vote, even when they served in this country's  
19 Armed Forces during both world wars, after pushing them  
20 on to Reserves that did not meet Federal Government  
21 recommendations, after denying them the Rights other  
22 Canadians had to preempt land, after apprehending their  
23 children and sending them to Residential School, where  
24 they were often abused, I can think of no worse way to  
25 make peace with the Tsilhqot'in than to drain one of

1 their sacred lakes and fill it full of tailings without  
2 their consent.

3 I personally don't want to be blamed for the  
4 wrongs that have perpetrated on the Tsilhqot'in, but I  
5 feel I have an obligation to speak out today in their  
6 defence.

7 I feel that the historical processes that have  
8 marginalized the Tsilhqot'in and other Indigenous  
9 peoples around the world will eventually come to  
10 marginalize all but the wealthy few in our society. How  
11 can we expect the Tsilhqot'in to take Canadian society  
12 seriously if we don't take them seriously?

13 Section 25 of the Charter is clear, negotiate a  
14 treaty with the First Nation and then let that Nation  
15 determine what kind of industrial development it wants  
16 to embrace and on what terms.

17 One would hope that First Nations would make  
18 rational decisions with the land and its resources, but  
19 the vital point here is that these Nations would have a  
20 high degree of sovereignty over their own affairs.

21 The backcountry where Taseko seeks to do  
22 business has long been the life blood of the Tsilhqot'in  
23 people. For centuries, the Native People in the area  
24 were able to create a sustainable society in what most  
25 people would call a very harsh climate with none of the

1 modern conveniences that we have now, like electricity,  
2 steel or food from California.

3 Historian John Lutz in his recent book *Makuk*,  
4 devotes considerable attention to the Tsilhqot'in. He  
5 describes the traditional culture as follows:

6 "The Tsilhqot'in were superbly  
7 adapted to their environment.

8 People lived in family groups that  
9 travelled from hunting to  
10 gathering to fishing to trading  
11 sites within the seasonal cycle.

12 In the spring, the lakes  
13 would be fished and sap would be  
14 collected from pine trees. The  
15 spring and summer months were also  
16 spent hunting ducks and geese and  
17 gathering a wide array of plants."

18 Am I talking too fast? I'm so sorry. I got  
19 a sticky note that says "slow down". Sorry.

20 "The spring and summer months  
21 were also spent hunting ducks and  
22 geese and gathering a wide array  
23 of plants, such as water parsnip,  
24 mountain potatoes, rice root and  
25 camas.

1                   Such activities coincided  
2                   with meeting and trading with  
3                   other tribes from the coast or  
4                   further north. In the fall"  
5                   writes Lutz, "the men might go  
6                   hunting while the women and  
7                   children pick berries in the  
8                   uplands. In the winter, families  
9                   settled into regular lakeside  
10                  locations and built or reinhabited  
11                  A-frame cabins made of poles  
12                  covered with bark or brush and  
13                  insulated with soil. Nets were  
14                  set under the ice to catch white  
15                  fish. Many would travel to salmon  
16                  fishing sites in the Chilcotin  
17                  River or Dean River systems. The  
18                  Hudson's Bay Company men described  
19                  the conical salmon traps of the  
20                  Tsilhqot'in as 'ingenious' and  
21                  noted that with a good salmon run,  
22                  they might catch between 800 and  
23                  900 fish daily."  
24                  Given that the days of catching 800 salmon a  
25                  day are obviously over, as wild salmon populations



1 continue to diminish and given that most if not all  
2 treaties involving First Nations allow for the  
3 provisioning of traditional foods, it is logical to  
4 expect the lake fisheries to become increasingly  
5 important for the Tsilhqot'in in the years to come.  
6 Local food security is becoming a critical issue the  
7 world over.

8 This matter needs to be considered seriously  
9 before draining a lake filled with 85,000 trout. It's  
10 also worth mentioning again the Tsilhqot'in have  
11 already been granted hunting and fishing rights in  
12 this area.

13 In addition to safeguarding traditional  
14 foods, how can anyone blame the Tsilhqot'in for  
15 wanting to protect their water in this day and age?

16 A recent UN environment program report states  
17 that:

18 "Over half the world's  
19 hospital beds are occupied by  
20 those suffering illnesses linked  
21 with contaminated water."

22 The horrific earthquake in Haiti earlier this  
23 year which claimed the lives of over 200,000 people,  
24 rightly shocked the world. What is even more shocking  
25 however, is that millions of people die annually due

1 to contaminated water.

2 As Anders Berntell, Executive Director of the  
3 Stockholm International Water Institute recently  
4 noted:

5 "Bad water kills more people than  
6 wars or earthquakes."

7 Imagine a scenario in which governments  
8 around the world are forced to promote Projects that  
9 jeopardize water quality in order to generate revenue  
10 to support health care costs that are increasingly  
11 related to poor water quality.

12 The big question I have for Taseko is this:  
13 If oil in the not so distant future starts being  
14 traded at \$150 a barrel or more, will this mine  
15 continue to be operational? Is this community  
16 guaranteed X-number of jobs in the event of such a  
17 scenario? Or are we going to be left with a tailings  
18 pond, a useless infrastructure, unemployment, and a  
19 scar on pristine spectacular wilderness?

20 Oil is generally recognized as a  
21 non-renewable resource. Once it is gone, practically  
22 speaking, it is gone. Of course it will never be  
23 capital G gone, but it will eventually become  
24 impossibly expensive to extract and process.

25 The moment a world uses a barrel of oil to

1 recover a barrel of oil, we have a major problem on  
2 our hands.

3 Similarly when the cost of running a mine  
4 exceeds the value of what is coming out of it, there  
5 is a problem at hand.

6 Just recently, former UK government's chief  
7 scientist David King, and researchers from Oxford  
8 University, warned that the world's conventional oil  
9 reserves have been exaggerated by up to a third.

10 Scientists from Kuwait University and the  
11 Kuwait Oil Company recently issued a report  
12 speculating that global oil production will peak in  
13 2014.

14 This generally conforms to projections in  
15 other recent studies.

16 The Joint Operating Environment 2010,  
17 prepared by the United States Joint Forces Command  
18 reports, now, I'm quoting the document:

19 "Assuming the most optimistic  
20 scenario for improved petroleum  
21 production through enhanced  
22 recovery means, the development of  
23 non-conventional oils such as oil  
24 shales or tar sands and new  
25 discoveries, petroleum production

1 will be hard-pressed to meet the  
2 expected future demand.

3 After surveying alternative  
4 energy sources, the Joint Forces  
5 Command concludes the following."

6 And again these are direct quotes from the  
7 document:

8 "During the next 25 years,  
9 coal, oil, and natural gas will  
10 remain indispensable to meet  
11 energy requirements.

12 The discovery rate for new  
13 petroleum and gas fields over the  
14 past two decades, with the  
15 possible exception of Brazil,  
16 provides little reason for  
17 optimism that future efforts will  
18 find major new fields.

19 By 2012, surplus oil  
20 production capacity could entirely  
21 disappear.

22 And as early as 2015, the  
23 shortfall in output could reach  
24 nearly 10 million barrels a day."

25 And just for the record, as I speak now, we

1 use about 85 million barrels a day, so that's a pretty  
2 staggering number to consider seeing how 2015 isn't  
3 exactly that far down the road.

4 I personally have no idea exactly when global  
5 oil production will peak, but I think it's safe to say  
6 that I can expect to experience it in my lifetime.

7 Many analysts now believe that Ghawar, the  
8 largest oilfield ever found, has reached its peak of  
9 production. In 2005, the world's second largest  
10 oilfield, Burgan, in Kuwait, entered into rapid  
11 decline.

12 Mexico's huge Canterell field, the world's  
13 third largest, is now in decline, such decline in fact  
14 that the *New York Times* believes the country will be  
15 importing oil by the end of the decade.

16 Despite our Nation's impressive tar sands in  
17 remaining a net energy exporter, Eastern Canada  
18 continues to rely heavily on foreign oil.

19 So does China. According to *Business*  
20 *Insider*, if everyone in China consumed oil at the rate  
21 of every North American, we would need seven more  
22 Saudi Arabias. China's appetite for oil rose over  
23 16 percent in the last 12 months and it is growing  
24 with each passing minute.

25 The country currently builds 1,000 kilometres

1 of four-lane highway every year. This is the  
2 situation now.

3 By 2030, China is expected to add more new  
4 city dwellers than the entire U.S. population.

5 Do we even need to discuss India?

6 Rising oil demand coupled with the  
7 diminishing global supply and a growing population can  
8 only mean increasing energy costs.

9 Such a scenario leads me to wonder how viable  
10 the Prosperity Project will be in the event that the  
11 price of oil escalates significantly.

12 And I should say this is in no way a knock on  
13 Taseko Mines. These are just numbers that I think  
14 need to be crunched and there needs to be transparent  
15 accounting in the event that energy prices skyrocket,  
16 as many agencies around the world are suggesting.

17 THE CHAIRMAN: Mr. Bird, I wonder if you  
18 might be able to wrap up.

19 MS. BIRD: I'm three paragraphs from  
20 finishing.

21 In the event that this mine does not go  
22 forward, should we consider this a missed opportunity?  
23 Is this the only way to save Williams Lake? Is it  
24 really all that bad to improve relations with the  
25 Tsilhqot'in community to preserve spectacular

1 wilderness that can rival anything on the planet?

2           Considering we have a multi-million-dollar  
3 tourism centre, perhaps we could take measures to  
4 showcase the Fish Lake area instead of destroying it.  
5 I recognize this won't create a blitzkrieg of  
6 short-term jobs but it could create some long-term  
7 jobs that don't jeopardize water quality, fish and  
8 wildlife.

9           I'll leave it at that. Just in the interests  
10 of time. And I would like to thank you for the point.  
11 The major thing I would like to just leave with is the  
12 energy costs, and I don't expect Taseko to respond to  
13 it right now, but it would be nice to, and maybe they  
14 already have responded to that, but just in the event  
15 that oil does trade at 150 or 200 dollars a barrel,  
16 will this Project be viable? Thank you.

17 THE CHAIRMAN:                   Thank you, Mr. Bird, I'll ask  
18 if Taseko has any questions. And I see none.

19           Are there any from the audience just assuming  
20 we'll be moving on quickly. And I don't think the  
21 Panel has any. So I thank you for that, Mr. Bird.

22           We have one more presentation, I believe,  
23 from Ms. Verhaeghe, and then after that I understand  
24 it's a fairly short presentation, and then after that  
25 we'll turn to Taseko for their response. And we may

1           need a break at that point.

2                       I had understood it was one person.

3 MS. VERHAEGHE:                       Yes, but she'll be  
4           accompanying me.

5 THE CHAIRMAN:                       Okay, thank you.

6 **PRESENTATION BY MS. VERHAEGHE (ACCOMPANIED BY CHIEF**  
7 **FRANCIS LACEESE, CHIEF MARILYN BAPTISTE, AND CHIEF JOE**  
8 **ALPHONSE**

9 MS. VERHAEGHE:                       Thank you, I would just like  
10           to thank you once again for the opportunity to speak.  
11           I guess for the record, just if you needed to know,  
12           it's Chief Francis Laceese, Chief Marilyn Baptiste and  
13           Chief Joe Alphonse that are with me.

14                       We have been consistent throughout this  
15           entire process in saying that we are not willing to  
16           sacrifice an area of such profound spiritual and  
17           cultural importance for the sake of profit.

18                       Yet Taseko has come back to state, and I  
19           quote:

20                               "There is a new way for this  
21                               land to provide for your people.  
22                               That new way is through minerals.  
23                               And through the application of  
24                               modern technology and know-how,  
25                               can provide for the people in a



1 manner consistent with your  
2 attachment to the land, your  
3 responsibilities and your high  
4 regard and respect for the land.

5 The principle of the land  
6 providing for your community is no  
7 different.

8 The Earth provided food,  
9 medicine, and other valuables to  
10 sustain First Nations.

11 Today the Earth can continue  
12 to do all of that and provide  
13 economic opportunity and benefit  
14 for First Nations People without  
15 compromising your past practices,  
16 traditions and belief in a manner  
17 consistent entirely with these  
18 principles and in accordance with  
19 the conduct of your ancestors,  
20 those who have come before you."

21 It's, I have the PDF reference and I can give  
22 that to you at a later time.

23 But Taseko, your quote to me illustrates the  
24 extreme large separation between Taseko and ourselves,  
25 the Tsilhqot'in.

1                   When I read this quote, I came to terms that  
2                   maybe Taseko does not have a sense of compassion for  
3                   our People. And that most likely Taseko has no desire  
4                   or will to understand what our composition is.

5                   Mr. Chairman, and Taseko, I ask that you bear  
6                   with me for one moment because what I'm about to say  
7                   sounds as though at first it's an insult, but if you  
8                   will indulge me for a moment, I'll try to explain it.

9                   Taseko, you say a lot without saying enough.

10                  What I mean by this is that we have  
11                  consistently asked for more information about the  
12                  effects that this Project would have on our food, our  
13                  medicine, our spiritual connection with the land.

14                  We needed to fully understand this Project,  
15                  because we wanted to give you the benefit of the  
16                  doubt. But still what we have received from you is  
17                  not enough to justify the loss that we will endure  
18                  from this Project.

19                  I would like to express to the Panel and  
20                  further to the Federal Government that we are not  
21                  interested in jobs, revenue or benefits from this  
22                  Project if it is at the expense, the loss of a  
23                  cultural area that we are significantly attached to,  
24                  physically, spiritually, metaphysically. When I say  
25                  metaphysically, I mean the realities to us which are

1 outside of science.

2 This process may be a necessary process, a  
3 very informative process, but it really does not  
4 capture the true essence of our culture.

5 Our teachings to an outsider may seem  
6 superstitious, but it's like a mantra of how we exist  
7 and how we connect with the Earth.

8 For example, if we have not received the gift  
9 of game, when we hunt, that is for a reason. And we  
10 know those reasons.

11 We have the right to continue to learn and  
12 gain a connection with this area and continue to fish,  
13 hunt, pick berries in this area.

14 There is a pressure on local, Provincial and  
15 Federal Governments to provide employment in this area  
16 because of the forestry downturn. Providing jobs and  
17 revenue in exchange for this proposal is not a good  
18 exchange in our eyes. The Prosperity Mines will have  
19 incalculable affects to our Nation. And we are  
20 expressing to the Panel and the Federal Government  
21 that there is no real measure that could compensate  
22 the Tsilhqot'in nation for these harms.

23 You heard Mr. Hartman speak, Dr. Hartman, at  
24 the end of this presentation, at the end of his  
25 presentation on a sense of place. I have concerns of

1 the large liability that this poses on us. Our  
2 communities are inherently immobile. Through thick  
3 and thin, community members stick close to home  
4 because this is the land that they learned about the  
5 places to hunt and gather. They know the geography,  
6 the characteristics of season changes. It is us who  
7 step forward and have been vocal to express we are not  
8 comfortable with this proposed mine.

9 And it is evident now after the presentation  
10 that we may be forced to face this daunting task of  
11 reclamation on this Project.

12 The liability goes deeper and I've expressed  
13 this already as our complete loss. As I have said  
14 previously, we are interested in environmentally  
15 sustainable and culturally acceptable economic  
16 development opportunities.

17 We are interested in pursuing more business  
18 opportunities that fit within this criteria, but quite  
19 frankly, this process is a significant drain on our  
20 resources.

21 Our revenues are being eaten up as we speak  
22 to entertain this Panel hearing.

23 I think of how we spent many years in  
24 developing our relationship with the government. We  
25 get one step forward and processes like this take us

1 two steps backwards. This has been a large resource  
2 drain.

3 I was talking to Chief Marilyn about the need  
4 to continue to develop more community specific  
5 strategies in our Nation for economic development. If  
6 we have any revenues, it is allocated to this process.  
7 I would love to have the ability to allocate those  
8 resources to our economic development plans. This is  
9 a direct negative result of this process. And I know  
10 that's not, I'm not expressing that in the way, that's  
11 not my culture, that this isn't yours, this isn't your  
12 problem to bear.

13 We've worked for days and years to negotiate  
14 a forest and range agreement. And the Tsilhqot'in  
15 Framework Agreement. In one year, we had 256 full  
16 days for the forest and range opportunity agreement in  
17 negotiations with the Ministry of Forests.

18 The day after we received the news, when we  
19 signed the Tsilhqot'in Framework Agreement, it was the  
20 day after that we received the news or it was within a  
21 certain amount of time that we received the news that  
22 the Environmental Certificate had been accepted from  
23 the Provincial Government. It was the day after we  
24 received the news of the Certificate that the  
25 Provincial Government came to our door with a cheque

1 for the first installment of the Tsilhqot'in Framework  
2 Agreement.

3 It was really hard to celebrate the  
4 agreement.

5 I look at this process and I see the time it  
6 takes for my Chiefs, from my job. We have other  
7 significant issues. We, too, are a government. We  
8 have issues in health, housing, employment, other  
9 natural resources, oils and gas, fishery. We have  
10 larger issues like gang violence, youth development,  
11 Residential School issues. We have members' needs  
12 that need to be serviced. This is currently affecting  
13 that.

14 I say we are interested in pursuing more  
15 business opportunities, but I can assure the Panel  
16 that we are capable of finding these partnerships on  
17 our own merit. What I have taken from Taseko's quote  
18 is that paternally Taseko feel that they know what is  
19 better for us than we do.

20 Thoughts like that are gone with the past.  
21 We live in the year 2010. Shouldn't we be treated  
22 differently? Shouldn't we be entrusted to know what  
23 is best for ourselves?

24 One thing is for sure, it can never ever be  
25 said that we did not thoroughly express our opposition

1 to this Project, as it violates our rights and it's  
2 documented exceedingly in the transcripts. This is a  
3 massive liability on all parts because if we the  
4 Tsilhqot'in were in control of the Project, we would  
5 not assume this risk.

6 Yes, there could be promises to our Nation in  
7 the realms of revenue sharing, jobs, funding  
8 injections to our communities. However, where we are  
9 now, in this room, shows us that this relationship is  
10 not a positive and healthy one for our People.

11 Past and current performances show us how to  
12 predict, they may show us how to predict future  
13 performances. If that is the case, I feel our future  
14 is pretty bleak.

15 I ask the Panel and the Federal Government to  
16 recognize that we have extended our hearts and our  
17 time in the spirit of relationship building. Like so  
18 many other First Nations.

19 I would like to continue to gather at Fish  
20 Lake with our People and enjoy it fully for what it  
21 currently is now.

22 That's everything I had to say. And out of  
23 respect, I asked the Chiefs to come with me, and they  
24 have a few moments.

25 THE CHAIRMAN:

Thank you, Ms. Verhaeghe.

1 I'm sorry, is that the end of the presentation?

2 MS. VERHAEGHE: Yes, that's the end of my  
3 presentation.

4 THE CHAIRMAN: I'm sorry, was that the end  
5 of the whole presentation?

6 MS. VERHAEGHE: No.

7 THE CHAIRMAN: What is the expectation? I  
8 just want to thank you for the presentation, but we  
9 are going to hear from the Chiefs tomorrow, I think,  
10 or Monday with closing remarks. Isn't that the case?  
11 I'm just wondering at this stage if there's anything  
12 more that you can add to information we've gathered at  
13 this stage?

14 MS. VERHAEGHE: There's just one, a few  
15 points I think that Francis wanted to, and Chief  
16 Marilyn wanted to have, and yes, this is not the  
17 closing remarks portion.

18 THE CHAIRMAN: Okay, go ahead.

19 CHIEF LACEESE: Yes, Chief Lacey from  
20 Tl'esqox, Tsilhqot'in, I just wanted to make one  
21 comment and reserve the rest for my closing.

22 Just regarding the archeology that's proposed  
23 for the proposed transmission line. And I think I  
24 heard IR Wilson is the person that they are going to  
25 use to do that, do the archeology there. But my



1 community, and I think a few of the others are aware  
2 of IR Wilson back in the, quite a while back. We  
3 ended up with a confrontation over IR Wilson. We  
4 ended up doing a roadblock. We ended up in court.  
5 And he was saying there was no archaeological in that  
6 certain area that's close to my community. And  
7 that's -- so we don't have no faith in IR Wilson  
8 because of, you know, that ended up in the Court case  
9 and we ended up on the roadblock, so I just wanted to  
10 make that comment.

11 Thank you.

12 THE CHAIRMAN: Thank you, Chief Laceese,  
13 that is new information that you responded to. Thank  
14 you.

15 Chief Baptiste.

16 CHIEF BAPTISTE: Thank you. And, of  
17 course, I just want to also add that this is in  
18 addition to Patt Larcombe's presentation this morning,  
19 of course we chose to defer to the end of the day  
20 because of the others who had to be heard and leave.

21 And I would just like to basically first of  
22 all say thank you to Mike Bird. I would like to hire  
23 that boy for radio. He basically stole all my words,  
24 so I will make it short.

25 THE CHAIRMAN: Well, that's quite a

1 complement, isn't it.

2 CHIEF BAPTISTE: I guess basically with that,  
3 there really -- it seems to me that there really can't  
4 be any more said or any more to say. But honestly  
5 there is so much more to say. And it's been repeated  
6 several times throughout all the hearings that there  
7 is simply not enough time for this process and to  
8 truly reflect our People.

9 And even though you have heard a very deep  
10 connection and that our ties to the land, our ties to  
11 our land and with respect to socio-economics is our  
12 health, our healing, our spirituality. All of who we  
13 are, what we are, is tied to the land. We are with  
14 the land.

15 And that cannot be separated as in this  
16 European way. Economics is separated from other  
17 aspects of life.

18 There was once a time when we lived in  
19 balance and we did not have to go to a doctor, we did  
20 not have to go to physical education or go to the gym  
21 to have our physical activity.

22 You hear about all the high rates of diabetes  
23 and obesity that affect people of all race.

24 There was a time when we didn't have to go to  
25 a mental health practitioner for that piece of our

1           livelihood because of our connection to our land and  
2           our culture, our values. By living off the land, that  
3           was all incorporated within our daily lives. From the  
4           day that we were born.

5                    Being raised in a baby basket, for instance,  
6           that was a form of discipline, you heard about that, I  
7           believe, in some of the testimony.

8                    And with respect to the economics, it was  
9           also a part of who we are. We trapped, we traded, we  
10          hunted, we traded. It was a part of our survival. It  
11          wasn't a simple choice. It was a part of who we were.  
12          And it is still a part of who we are.

13                   We cannot separate ourselves from the land.  
14          And we cannot sacrifice the headwaters in our  
15          territories and the wild fish, the wild stocks of the  
16          lake trout.

17                    I keep hearing comments about the importance  
18          of lake stocks or lake trout will be more important in  
19          the coming years. I feel that we always have had that  
20          importance.

21                    And we have always utilized the lakes. And  
22          we will continue. And we still do utilize the lakes.

23                    And I guess some of the stuff in regards to  
24          the archaeological aspects of this Project, the  
25          reference to the protection of archaeological matter,

1 this study or there is some discrepancies with the  
2 studies that Taseko Mines has used. And there's  
3 supposed to be 70 sites that are protected. I can't  
4 see how our continuing to go forward with such an  
5 impact and with protected archaeological matter.

6 And still beyond that, it's been quite  
7 clearly demonstrated that there is still much more  
8 work to do in archeology.

9 And that's one of the reasons, of course, why  
10 Francis reflected the Tsilhqot'in concern for who  
11 actually goes out on our lands and does a part of this  
12 work with our participation.

13 And I have to say, I know Patt did not stress  
14 too much, but the protection of our culture and our  
15 beliefs, our way of life is very important, something  
16 that we do not talk about. As I reflected in my  
17 presentation in Nemiah with regards to the traditional  
18 medicine that I found on the island, that I will not  
19 share photos of for the sake of that possible  
20 destruction. And that medicine is not found just  
21 anywhere.

22 And that's also been a big part of the  
23 survival of the Tsilhqot'in People, was not only the  
24 protection of our lands, but the protection of our  
25 culture and many of our Rituals. And I feel that

1 that's very important that we have set forth in this  
2 process because there has been so much that we have  
3 shared through this process that normally we would not  
4 have.

5 And I basically won't review any of the  
6 impacts because it's been very clearly identified with  
7 the smallpox, the churches, the missionaries, the  
8 Residential School impacts, the **Indian Act**, the  
9 Ministry for Children and Families and of course the  
10 drugs and alcohol. And the simple European intrusion  
11 in our way of life.

12 And, of course, that also reflects to the  
13 impacts of our education.

14 Again, our education was a part of our way of  
15 life, even though it wasn't recognized by European  
16 governments, our education was a part of who we were  
17 every day, not just when we became five years old or  
18 six years old. It was always a part of our life.

19 And, of course, we can't say enough about  
20 processes. The First Nations people have come so far  
21 forward in this world, despite all of these impacts.

22 And yet we are sitting in this process and  
23 fighting for our simple being. Fighting for our  
24 lives.

25 And, with that, simply the Environmental

1 Assessment Process, and going through this process  
2 here and clearly identifying or seeing the rubber  
3 stamp, to me, and from B.C., says to me that the Joint  
4 Review Panel is something that should be the only  
5 process for the sake of not just our future, but all  
6 beings' futures.

7 And again, got to say it again, and I got to  
8 say it again, we must protect our headwaters, our  
9 fish, our future generations and the sustainability  
10 for our People, not just for 20 years, I will say  
11 again for 1,000 years. That's a part of who we are  
12 and what we are.

13 Sechanalyagh.

14 THE CHAIRMAN: Sechanalyagh.

15 Chief Alphonse.

16 CHIEF ALPHONSE: I'm going to save what I have  
17 to say for my closing tomorrow.

18 But I just want to reiterate a presentation I  
19 heard here earlier and can't stress the importance of  
20 that presentation. And coming from the perspective of  
21 Aboriginal women, First Nation women. And prior to  
22 European contact within our Nation, I totally believe  
23 the leadership lied with our women. And for years and  
24 generations now, that has been taken away. And the  
25 atmosphere, the attitudes people have towards

1           Aboriginal women, Aboriginal women being the larger  
2           section of people, not just in this area, but in the  
3           world, that face abuses, whatever, and it's one of the  
4           goals, one of the things I set out for in my campaign,  
5           and want to see and so I acknowledge the recognition  
6           of that and what industry has to play in abuses toward  
7           Aboriginal women, and it's a section that we have to  
8           take and look at very seriously.

9                         Aboriginal women, the abuses they face, I  
10           don't have to remind people here in Williams -- in  
11           British Columbia how not too long ago, Pickton farm,  
12           and how many Aboriginal women were taken to that  
13           location, how many Aboriginal women were found, you  
14           know, were never recovered on Highway of Tears,  
15           highway leading from Prince George.

16                        So to hear a comment from somebody to come  
17           forward and say to imply that the mine is actually  
18           going to be a good thing, how in the world, you know,  
19           and the body language that was being used, I think  
20           very disrespectful.

21                        We are a proud people. Our People, our women  
22           will be proud to work for establishments and entities  
23           that we create as a Nation, that respects our views  
24           and values.

25                        And I feel on behalf of our women that I have

1 to come forward and raise that point. And iterate  
2 that we're here. It will be working for companies  
3 that are not only environmentally but that we're  
4 working as a Nation, as a group, and we're moving  
5 forward in a good way. And right now we don't believe  
6 the dealings we've had with this company has shown any  
7 respect for our values and our culture, so.

8 So to work in such an environment is not  
9 going to bring pride to any of our women within our  
10 Nation.

11 And that was the only comment that I wanted  
12 to state and kind of answer on behalf of the lady that  
13 come up here to present that view.

14 So I thank you for your time.

15 Sechanalyagh.

16 THE CHAIRMAN: Thank you, also,  
17 Chief Alphonse.

18 I'll check with Taseko to see if they have  
19 any questions at this point.

20 I think, if I may say, it's a bit of a wrap  
21 up and an overview I think that we've heard. And  
22 appreciate that, Chief Laceese, Chief Baptiste,  
23 Chief Alphonse, and Ms. Verhaeghe, for doing that  
24 overview for us. I'm sure we'll hear more in your  
25 closing remarks, of course. And I can't remember if



1 it's scheduled tomorrow or Monday, but in one of those  
2 two days in any case when we wrap up these  
3 proceedings.

4 And I do appreciate, too, that this has been  
5 very time-consuming for your People. But I guess we  
6 have been appointed to be here to do this job to hear  
7 those concerns and your views and we certainly have  
8 appreciated that opportunity.

9 So thank you. And I'll turn to Taseko.

10 Did you need a bit of a break before doing  
11 your response to the week's topic-specific sessions,  
12 Mr. Bell-Irving?

13 MR. BELL-IRVING: Mr. Chairman, no, but I would  
14 ask if it would be all right with you if I could move  
15 to that table so that I could present directly rather  
16 than sort of skewed here.

17 THE CHAIRMAN: Sure, that would be fine,  
18 yes.

19 **RESPONSE TO TOPIC-SPECIFIC SESSIONS BY TASEKO MINES**

20 **LIMITED:**

21 THE CHAIRMAN: This way you can see what  
22 you're doing. You don't have to twist your neck  
23 around, so.

24 So go ahead, Mr. Bell-Irving.

25 MR. BELL-IRVING: Mr. Chairman, if I may before

1 beginning these closing remarks, just for  
2 administrative purposes, submit our last outstanding  
3 undertaking. Particularly with respect to the request  
4 from the Department of Fisheries and Oceans related to  
5 the change in nutrient levels in the Taseko River.

6 The issue, as we recall, related, a question  
7 was asked about the anticipated effects of nutrient  
8 concentrations in the Taseko River as a result of the  
9 reduction in flows to the Fish Creek.

10 Using the data that's in our Application,  
11 using average annual concentrations in the Taseko  
12 River, both upstream and downstream of the confluence,  
13 we report the following in terms of units milligrams  
14 per litre changes:

15 Using ammonia, the change, these are average  
16 annual concentrations, the ammonia levels, both  
17 upstream and downstream of the confluence as a result  
18 of any changes in flow do not change.

19 The levels upstream are 0.012 milligrams per  
20 litre and the levels downstream are exactly the same.

21 A similar pattern with nitrate. The levels  
22 do not change. Although they are different. Upstream  
23 they are 0.02 milligrams per litre and downstream the  
24 same.

25 Orthophosphate does however change slightly.

1 Upstream, orthophosphate is at a level of 0.05  
2 milligrams per litre. Downstream of the confluence,  
3 it actually increases to 0.06 milligrams per litre.

4 Dissolved phosphate, no change. The levels  
5 are 0.011, and downstream the same.

6 Total phosphate does change slightly.  
7 Upstream, the levels are 0.034 milligrams per litre,  
8 and downstream 0.035 milligrams per litre.

9 As can be seen with those data, the water  
10 quality related to these nutrients in the Taseko River  
11 is virtually indistinguishable, both upstream and  
12 downstream of the Fish Creek confluence, indicating  
13 that there will be little or any change to these  
14 parameters.

15 By extension, this preliminary evaluation  
16 indicates that the effects to fish habitat are likely  
17 unmeasurable as well.

18 In addition to the average annual  
19 concentration, we looked at monthly average  
20 concentrations, particularly during the months of  
21 April, May and June. We used the data for the period  
22 1992 to 2006.

23 The changes in flow from the Fish Creek  
24 drainage averaged a reduction in April of 7.5 percent,  
25 in May of 3.31 percent, and in June, 0.73 percent.

1 Those are reductions in flow, not in nutrients.

2 With respect to nutrient changes, the  
3 conclusion is that there are no measurable changes in  
4 the nutrient level in the Taseko River, even looking  
5 at the monthly average levels.

6 That concludes that undertaking. And just,  
7 if I may also, before beginning the presentation,  
8 clarify on the record a definition. There was some  
9 discussion, I don't recall which topic it was raised  
10 in, but there was some discussion on the subject of  
11 what is the definition of "life of mine". And I'm  
12 referring to the 2009 December '04 Performance  
13 Measures document which is a part of the record in  
14 which Taseko has, and I was not aware of this when I  
15 was speaking to this question earlier, Taseko has  
16 defined "life of mine" to mean: The time period in  
17 which the mine is operational. For clarification,  
18 that is to mean, "operational" means "active mining of  
19 the pit," approximately 17 years, and an additional  
20 three years of processing ore until the actual mine,  
21 mill, rather, ceases operation. That is the point  
22 when the mine, life of mine period ceases. So it's  
23 approximately at year 20. 17 years of active  
24 extraction of ore, plus three years of milling  
25 low-grade ore that's been stockpiled.

1                   So now, Mr. Chairman, I'll turn to the  
2 closing remarks.

3                   And unlike my previous closing remarks, this  
4 one, of course, is going to cover all the topics of  
5 this last five weeks (sic).

6                   We'd like to begin, I would like to begin by  
7 thanking you, Chairman, and to express our  
8 appreciation for this opportunity to provide these  
9 remarks.

10                  With respect to the Alternatives Assessment  
11 discussion, as we've said on many occasions, our  
12 Project is not technically complex. While our  
13 proposal is the development of a large open pit mine,  
14 it is a basic truck and shovel operation. Drill and  
15 blasting of rock, hauling of rock to where it can be  
16 crushed into fine sand, and processed into concentrate  
17 and disposal of leftover sand deposited into a water  
18 retaining facility are not complex or technically  
19 challenging.

20                  This approach and process is commonplace  
21 throughout British Columbia.

22                  Very similar to mines we've heard about,  
23 Highland Valley near Kamloops, Huckleberry mine, the  
24 Kemess mine, Mount Polley, and our own Gibraltar Mine  
25 close to here in Williams Lake.

1                   Clearly the most captivating component of our  
2 Project revolves around the loss of Fish Lake and the  
3 development of a new lake to replace it.

4                   While we believe that this, too, is not  
5 technically challenging, it certainly is both  
6 emotionally challenging for some people, for a lot of  
7 people, particularly the First Nations communities.

8                   As we've said on many occasions, we have  
9 searched hard for an alternative. A different way. A  
10 way to retain the lake and still have the mine.

11                   It was in our interest to find this way, to  
12 keep the lake, because doing so would certainly have  
13 eliminated a lot of controversy, a lot of concern.  
14 But, as you've heard, there was no viable way or  
15 alternative.

16                   A thorough examination of the long and  
17 detailed efforts we made to assess these alternatives  
18 has concluded by both ourselves and now the Provincial  
19 Government and the responsible Federal Government  
20 authorities, as they have all concurred with our  
21 findings with respect to the alternatives.

22                   Turning to water quality and acid rock  
23 drainage, the subject of the second session.

24                   Many of the issues raised, questions asked,  
25 and the concerns expressed, particularly outlined in

1 Amy Crook's slide number 9 where she listed the  
2 concerns and the questions, and the essence, in  
3 essence the entire presentation by Dr. Morin, in our  
4 view could, and in our respectful opinion would have  
5 been resolved had the Tsilhqot'in National Government  
6 and their consultants participated in both  
7 Environmental Assessments.

8 The decision not to participate was theirs  
9 despite our efforts to involve them.

10 We wish it had been otherwise.

11 We've seen and heard a great deal of opinion  
12 on this subject and we've seen from Stratus a number  
13 of reinterpretations of a number of things that were  
14 presented in the environmental assessment.

15 It is unfortunate that Stratus was not able  
16 to submit technical comments into the Review Process  
17 until now.

18 For had they done so, surely they would have  
19 been better informed and better understood both our  
20 analysis and approach to these matters.

21 And they would have had an opportunity to  
22 perhaps better inform Environment Canada, NRCan, and  
23 Health Canada, all of whom have formed views similar  
24 to ours on these matters.

25 It's been implied that we've been arbitrary

1 in picking and choosing what data to use as inputs to  
2 our assessment. And that we endeavoured to minimize  
3 concerns regarding acid rock drainage and metal  
4 leaching or water quality.

5 This is not true. In undertaking the  
6 assessment of acid rock drainage and metal leaching,  
7 and in developing our water quality predictions, we  
8 considered all the available information and we've  
9 documented in the EIS the reasons for selecting the  
10 various inputs to our assessment that were chosen.

11 It is patently untrue that we have been  
12 hiding anything.

13 We've heard a lot of discussion about  
14 mitigation and we've heard a range of opinions about  
15 how likely it will be that water treatment will be  
16 required; how effective it might be, and how much it  
17 might cost.

18 Taseko has committed to meeting Water Quality  
19 Objectives downstream of the Project, including, if  
20 necessary, implementation of water treatment.

21 We believe that this measure is both  
22 technically and economically feasible and could and  
23 will be implemented if necessary.

24 You've heard opinions from several parties,  
25 including Taseko, relating to the potential effects of



1 the project on water quality.

2 All of these parties are reviewing the same  
3 information and they are coming to independent  
4 conclusions that are dissimilar to varying degrees.

5 The TNG reviewers appear to have chosen to  
6 adopt an extreme position, that the effects of the  
7 Project will be a lot higher than Taseko is  
8 predicting.

9 Both Federal and Provincial agencies, with  
10 considerable responsibility and experience here in  
11 Canada, have expressed opinions and reached  
12 conclusions that are much closer to the ones that  
13 Taseko came to.

14 This speaks to a healthy scientific debate  
15 and the imprecision that is inherent in this kind of  
16 assessment.

17 When considering this debate, and eventually  
18 the questions around risks and uncertainty, in this  
19 aspect of the assessment of environmental effects,  
20 Taseko, and the Canadian regulatory agencies, who are  
21 responsible for ensuring that these effects are not  
22 significant, are of the opinion that the EIS contains  
23 a description of the most probable result of carrying  
24 out this Project.

25 Turning now to fish and fish habitat.

1 DFO has concluded that gaps exist between our  
2 proposed Fish Compensation Plan and their policy  
3 objectives. They have also identified certain risks  
4 associated with elements of the Fish Compensation  
5 Plan.

6 Once the gaps and risks as identified by DFO  
7 were made known to us a mere two weeks before the  
8 hearings began, we acted to eliminate the gaps and  
9 address the risks.

10 The gaps and the risks exist in large measure  
11 because of policy objective from the government,  
12 policy objective conflicts exist between the Federal  
13 and Provincial governments. As an example, the  
14 Provincial Government wants us to incorporate the use  
15 of a hatchery as part of our plan. Yet the Federal  
16 Government discourages such practice to the point  
17 that, despite the considerable effort and associated  
18 expense, we are given no credit for it in terms of  
19 meeting the No Net Loss policy.

20 Here's an example where the reverse is true.  
21 To close the gap and to satisfy DFO policy, late in  
22 the process, we proposed an additional \$600,000  
23 compensation element in Lower Fish Creek. The  
24 Provincial Government thinks this idea is a waste of  
25 money. As does Dr. Hartman in his testimony, thinks

1           it's unsound technically.

2                       This is exactly what the Provincial  
3           Government wants to avoid, a situation where Taseko  
4           spends money just to satisfy DFO policy, but in the  
5           process ignores Provincial priorities.

6                       It would be helpful if the two governments  
7           could reconcile their policy objectives so that we  
8           might have a better chance at satisfying their  
9           conflicting objectives.

10                      While DFO admits that the gap between our  
11           plan and their objectives has narrowed as a result of  
12           our recent efforts, and while they admit the risks  
13           have been reduced, they remain of the opinion that  
14           there's still a gap and that there's still risks of  
15           success without future human intervention.

16                      As the Panel has heard, it's the intention of  
17           both DFO and Taseko to continue to work towards  
18           resolution of the remaining gap and the risks  
19           identified.

20                      Our expectation is that we will be successful  
21           at reaching a resolution.

22                      It should be noted that until such time as  
23           DFO and Taseko work these matters out to the point  
24           that DFO is satisfied and prepared to issue the  
25           necessary authorizations, neither the full

1 construction of the mine, nor its operations, can or  
2 will proceed.

3 DFO has confirmed that, by agreement, the  
4 Provincial Government has responsibility for the  
5 management of the fisheries associated with the  
6 development of our Project, specifically rainbow  
7 trout.

8 In addition, the Provincial Government has  
9 established a fisheries management plan for the area  
10 and provided a benchmark document together with  
11 performance measures.

12 DFO in their presentation quite correctly  
13 drew the Panel's attention to the fact that Taseko  
14 will have to post a letter of credit as a security  
15 against the cost of completing the Fish Compensation  
16 Plan.

17 In other words, there's a strong incentive  
18 for the company to fulfil its commitments.

19 As DFO also pointed out, the **Fisheries Act** is  
20 one of the most powerful pieces of legislation in  
21 Canada and has the ability to impose significant  
22 fines, jail time, and even prohibition of mining  
23 activities.

24 These powers constitute additional incentive  
25 for Taseko to ensure safe and successful operation of

1 the mine in all areas related to the impact.

2 We certainly have no intention of being on  
3 the receiving end of these considerable powers  
4 contained in that Act.

5 Drawing on my experience as a DFO regulator  
6 for many years, I feel obliged to provide the Panel  
7 with a somewhat of a unique perspective on this  
8 matter.

9 Typically, when DFO issues an authorization,  
10 it does so always at the end of a Project Review  
11 Process, and almost as an afterthought and a necessity  
12 on the part of many proponents.

13 Rarely, if ever, do you find a Fish  
14 Compensation Plan an integral component of a proposed  
15 project.

16 As a result, partly because often proponents  
17 are not in the fish business, and perhaps as a  
18 function of declining resources and staff capabilities  
19 on the part of DFO, there's little follow up and  
20 monitoring of the success of these Compensation Plans.

21 Nor is there much documentation of the  
22 success or failure of many Compensation Plans. And  
23 who ends up losing? The resource.

24 We heard plenty of evidence from Dr. Hartman.  
25 And there's plenty of literature. There's some

1 documented and often-quoted, Hartman and Miles, Jason  
2 Quiqley et al, that suggest that when they do have the  
3 resources to examine the success or failure of these  
4 Compensation Plans, the preponderance of the evidence  
5 suggests that they fail.

6 When we do read or hear about limited  
7 success and the many failures, I ask the question, is  
8 it because it can't be done? Or are there other  
9 circumstances that speaks to its failure? Is it  
10 because there isn't the incentive or motivation to  
11 make sure that it's successful?

12 We submit that Prosperity and this Project is  
13 different in many ways from this normal practice and  
14 situation. Our Fish Compensation Plan is large. It  
15 has multiple components and includes, as you know,  
16 building a lake, creating new habitat, it involves a  
17 hatchery, and the out-planting to a number of lakes,  
18 managing flows, ensuring temperature, quality of the  
19 gravel for spawning, et cetera.

20 And it's an integral component of our  
21 Project. It's anything but a last-minute add-on.

22 What this means to Taseko is this:

23 Our corporate reputation and our corporate  
24 culture is at risk if this Compensation Plan doesn't  
25 work.

1           Already, this Compensation Plan represents a  
2           considerable investment to the shareholders, and  
3           certainly the costs of building it are considerable.

4           In addition, we heard, not only for the  
5           authorization, but now for MMER purposes, financial  
6           security requirements are significant.

7           It's different in that we will have people on  
8           site for at least 20 years, if not much longer, whose  
9           sole purpose and responsibility, amongst other things,  
10          will be to manage the commitment, to ensure that it is  
11          successful. None of the other Compensation Plans that  
12          I've ever seen or heard have similar assurances.

13          Financial security will be in place to back  
14          up and ensure that we deliver.

15          We are not allowed and circumstances would  
16          not permit us to walk away from this compensation  
17          until it's proven to be successful.

18          We wouldn't walk away from any other parts of  
19          our Project, any other commitments and obligations,  
20          why would we walk away from this or why would we want  
21          it to fail? It's in the fabric of this company to  
22          succeed at everything we do.

23          There's no precedent for a compensation  
24          project of this scale. Perhaps the reason for that is  
25          that there hasn't been a new mine of this scale built

1 in this province at least for the past 10 years.  
2 Perhaps if there had been a mine, with similar  
3 circumstances, we would have been able to rely on that  
4 experience relevant and use that as an appropriate  
5 analogue for what we're planning to do at Prosperity.

6 We heard a lot from the Department of  
7 Fisheries and Oceans and Dr. Hartman about risks.

8 It must be remembered, each of those  
9 component parts have been proven effective in other  
10 instances.

11 Spawning habitat has been successfully  
12 created for decades.

13 Same with the development of new lakes, the  
14 stocking of lakes, water diversion, management,  
15 hatcheries, DFO themselves are in the hatchery  
16 business.

17 The only thing that's different, and perhaps  
18 unique in Prosperity's case, is that we're bringing  
19 together all these components, all these proven  
20 techniques and practices into one Project.

21 Rainbow trout, the subject, the focus of our  
22 Compensation Plan, notwithstanding the Lower Fish  
23 Creek aspect, rainbow trout are known to be a hardy  
24 species and they have been studied in great depth and  
25 detail. And have been proven to be a readily



1           adaptable and a versatile breed of fish.

2                   A regional provincial fisheries biologist  
3           indicates that it's because of this resilience,  
4           because of their adaptive nature, it's one of the main  
5           reasons rainbow trout have been used for many years in  
6           the Provincial lake stocking program.

7                   The regional fisheries biologist here in  
8           Williams Lake describes rainbow trout as:

9                    "Incredibly adaptive to most stream  
10           and lake habitats where there's an  
11           adequate flow, temperature,  
12           oxygen, and pH, and the lack of a  
13           competitor. The genetic lines of  
14           rainbow trout have not diversified  
15           significantly even though they  
16           occupy many different habitats."

17                   He offers the view that concerning  
18           Prosperity, the likelihood of rainbow trout surviving  
19           in man-made or barren lake habitats with proper  
20           temperature, oxygen and pH is very high.

21                   The probability that there are genetic  
22           changes to the stock if there is proper genetic  
23           capture from the first and subsequent transplants in  
24           the lifespan of the mine is very low.

25                   So looking ahead, what does the Panel take

1 away from the technical hearing dedicated to fish  
2 compensation?

3 The key points in our mind are these:

4 Taseko and DFO are working together to  
5 resolve the gap and the risks, all of the technical  
6 issues and risks raised can and will be addressed.

7 Secondly, the Project will not proceed  
8 without the necessary DFO authorization.

9 Thirdly, there is strong incentive and  
10 enforcement provisions in place to encourage a  
11 successful Fish Compensation Plan.

12 Fourthly, while the loss of the exact fish  
13 habitat and ecology associated with the Fish Lake  
14 ecosystem and the Prosperity Project cannot be  
15 replicated, it can be replaced, and a new habitat and  
16 associated ecology created.

17 Fifthly, what we are proposing is not unique,  
18 either in British Columbia or in Canada. Fish bearing  
19 and spawning habitat can and has been successfully  
20 created. Large bodies of water capable of supporting  
21 self-sustaining rainbow trout have been created and  
22 have been proven successful.

23 Sixthly, as DFO pointed out, a decision  
24 regarding the future of Fish Lake is, and the future  
25 of this Project, is one that ought to be made and we

1 believe will be made at the highest levels within  
2 government. In this case, Prosperity is subject to  
3 this Panel Review Process, the highest level of review  
4 that exists in Canada. And eventually the fate of the  
5 Project will rest with the Cabinet, the highest  
6 authority in the land. This is as it should be.

7 The mandate of the Panel in our view is to  
8 gather information on the environmental effects of the  
9 Project and to report your observations and findings  
10 to the Minister of Environment and ultimately to the  
11 Federal Cabinet.

12 The Cabinet will be free and unfettered to  
13 take into consideration all of that information  
14 gathered and all of the impacts and benefits  
15 associated with this Project.

16 Turning now to the terrestrial environment.  
17 We heard a discussion from Canadian Wildlife Service  
18 on the migratory birds and the number of migratory  
19 birds affected. To be clear, Taseko's estimates  
20 indicate that 63 breeding pairs of birds may be  
21 displaced as a result of the Project.

22 We heard from the Canadian Wildlife Service  
23 that they want Taseko to enter into a habitat  
24 compensation agreement, an agreement upon, an agreed  
25 upon plan to compensate for the displacement of these

1 estimated 63 pairs of migratory birds.

2 Under the conditions attached to the  
3 Provincial Certificate, as you know, Taseko is  
4 committed to working with the Ministry of the  
5 Environment and Canadian Wildlife Service to develop a  
6 framework for compensation, which includes  
7 compensation for migratory birds.

8 Wayne McCrory presented concerns regarding  
9 the regional grizzly bear population and noting that  
10 it's under pressure; the result of an increasing level  
11 of human-related activity built up over many decades.

12 While the Prosperity Project itself may not  
13 be a significant risk to grizzlies as a single  
14 activity, it nevertheless was one more additional  
15 pressure point that perhaps culminates in tipping the  
16 future for grizzlies in the region in a negative  
17 direction.

18 However, as Mr. McCrory rightly pointed out,  
19 there always exists in the immediate region numerous  
20 large protected areas and parks. These parks and  
21 protected areas were created in part to help protect  
22 grizzlies and other wildlife species and to help  
23 promote ecosystem diversity and preserve natural  
24 features.

25 This underscores the point that there are

1 already large areas currently used and readily  
2 available to help ensure the future protection of  
3 grizzly bear and other wildlife.

4 Turning to archaeology, you heard that the  
5 archaeology study undertaken is one of the most  
6 extensive ever undertaken. The area studied was  
7 large. The entire mine site, including buffer was  
8 large. The work was undertaken by walking the land.

9 By not only making detailed visual  
10 examination but also digging almost 16,000 shovel  
11 tests. A full and complete written record has been  
12 compiled and items of interest either catalogued or  
13 collected or both.

14 This work was done in accordance with the  
15 wishes of the Tsilhqot'in, guided by them, and the  
16 crew doing the work on the ground included Tsilhqot'in  
17 members.

18 The level of detail contained in the entire  
19 report is significant and the level of confidence in  
20 its findings is very high.

21 On the socio-economic discussion. We heard  
22 from MiningWatch references to IBAs. It's our view  
23 that while perhaps desirable, IBAs are not required as  
24 a precondition of Project approval.

25 We heard from MiningWatch the suggestion that

1 the 43-101 filed by Mr. Jones was somehow  
2 inappropriate or perhaps illegal.

3 This, in our view, is preposterous.

4 Mr. Pearse asked me if I was aware of any  
5 Environmental Assessment Office enforcement measures  
6 or any provisions within the Provincial Environmental  
7 Assessment Branch or group to ensure compliance and  
8 delivery of our commitments.

9 In a break this afternoon after Mr. Pearse  
10 asked the question, we looked at the CEAA website and  
11 an April 2010 users guide which, amongst other things,  
12 outlines exactly what Mr. Pearse is asking, a process  
13 and a procedure that the EAO Provincially follow.

14 It was interesting to note that that process  
15 is complaint driven. And the complaints specifically,  
16 it is indicated, should come from the First Nations,  
17 from the public, and the community at large. And it  
18 encourages the public and the First Nations to bring  
19 those complaints forward.

20 The process also outlines a range of  
21 enforcement actions, culminating with the cancellation  
22 and removal of a certificate.

23 The Friends of Nemaiah Valley posed to the  
24 Panel an interesting dilemma. I'm referring here to  
25 Dr. Shaffer where our Terms of Reference, which were

1 issued, for the EIS, which were issued by both  
2 governments, and found to be adequate, and yet he  
3 outlined in his comments the need for a  
4 methodologically correct analysis.

5 Something, that in practical terms, cannot be  
6 done before a decision on this Project is rendered.

7 Transport Canada provided us with perplexing  
8 and troubling information. In their presentation,  
9 they indicated that they were thinking out of the box.  
10 And yet late in the process they admitted that they'd  
11 not considered the effects of this Project on First  
12 Nations and that now that they are aware of the  
13 spiritual and ceremonial significance of Fish Lake and  
14 the island.

15 Transport Canada was originally attracted to  
16 our suggestion that we would open up access to new  
17 lakes, boat ramps, campsite. Now they are in need of  
18 a more strategic approach. And that they'll take this  
19 notion to senior management for discussion.

20 Taseko is concerned on many fronts with this  
21 development, but looks forward to further discussions  
22 nonetheless.

23 In their presentation, Transport Canada  
24 indicated that their determination of significance did  
25 not take into account proposed mitigation.

1                   Its determination of significance was based  
2                   on effects to navigation and not effects to the  
3                   environment.

4                   It is Taseko's understanding that this is  
5                   contrary to Environmental Assessment practice and  
6                   approach.

7                   Transport Canada then went on to render  
8                   opinions in many areas that to us seemed to be clearly  
9                   outside both their jurisdiction and expertise.

10                  This troubles us greatly.

11                  However, they then went on to suggest that  
12                  when the Minister considers his Section 5  
13                  responsibilities, his deliberations will focus on the  
14                  short and long-term effects of our Project on  
15                  navigation. This encourages us.

16                  We heard today from the Williams Lake Chamber  
17                  of Commerce about the economic and social conditions  
18                  of Williams Lake and the Cariboo Region.

19                  We heard about the adverse effect of the  
20                  mountain pine beetle and its contribution to workers  
21                  and families leaving the area and loss of services to  
22                  the area.

23                  And we heard about the positive economic  
24                  effects that Prosperity would have on the local,  
25                  regional and provincial economy during all phases.



1 Government revenues would increase, business  
2 development opportunities would increase, employment  
3 would increase, and service levels for people would be  
4 maintained.

5 Clearly, many people in the broad population  
6 recognize that there are positive effects. These  
7 desirable trends are essential for sustaining healthy  
8 communities and are necessary for a vibrant and  
9 progressive society.

10 However, as we all know, not everyone views  
11 these attributes in a positive light. They hold other  
12 views and point to other values as being of superior  
13 or greater importance.

14 Titi Kunkel brought focus on women in the  
15 labour force. And we appreciated that. We'd just  
16 like to point out that the status for women employees  
17 in the mining industry in Canada represents 14 percent  
18 of the labour force. And that at the management level  
19 at Gibraltar, and throughout the company of Taseko,  
20 women represent 50 percent of our labour force.

21 Ms. Verhaeghe and the Tsilhqot'in Chiefs gave  
22 us their views and we appreciate and thank them for  
23 their clear and direct statement. We want to state  
24 clearly that we certainly don't presume to know what  
25 is best for them. We only offer them an opportunity

1 at this time in their history to consider what this  
2 Project might offer them, but only if they want it.

3 With respect to the comments of Chief Lacey  
4 regarding the acceptability of IR Wilson as a firm to  
5 undertake the yet to be undertaken Archaeological  
6 Impact Assessment on the transmission line, we are  
7 required to hire and undertake an AIA using  
8 professionally licensed archaeologists. IR Wilson is  
9 such a firm. And IR Wilson has been granted the  
10 necessary permit to undertake this work.

11 We prefer to use these consultants, we prefer  
12 to use consultants that are acceptable to First  
13 Nations, for many reasons, and we regret that in this  
14 instance that this preference may not be achievable.

15 In closing, and on behalf of my colleagues  
16 and Taseko Mines, I would like to thank the Panel for  
17 all the time and effort that you've dedicated to your  
18 pursuit of the gathering of information and views.

19 I would like to thank the Secretariat and the  
20 transcript services for all your support and service  
21 throughout the hearings.

22 Thank you.

23 THE CHAIRMAN: Thank you, Mr. Bell-Irving.

24 Perhaps just one thing I will check on, I think at the  
25 beginning you indicated that you were responding to

1 information over the last five weeks and I think you  
2 meant the last five days. I know that these last five  
3 days can seem like five weeks but.

4 MR. BELL-IRVING: It did seem like the last  
5 five weeks.

6 THE CHAIRMAN: It can be intense, because I  
7 just wanted to verify that because I assume that  
8 you'll be having closing remarks as well of course at  
9 the end of the session on Monday after all closing  
10 remarks have been heard.

11 Then in closing this evening, I would just  
12 like to thank you for your response to all of the many  
13 issues that you have heard over the last five days and  
14 we'll look forward to hearing your closing remarks at  
15 the end of the day Monday as well.

16 I would also like to say that we've  
17 appreciated your response to all of the matters and  
18 your patience in responding to the many questions that  
19 have been raised both by ourselves and also by the  
20 many participants through the hearing process.

21 And especially in the last five days.

22 So with that, I'd like to close this evening.  
23 But before I do, two announcements.

24 One, to remind everybody that we're starting  
25 our closing remarks tomorrow morning here in this room

1 at 9 o'clock. And we have a list of speakers that are  
2 outlined to make closing remarks. I don't have it in  
3 front of me, but it will be here tomorrow morning.

4 We will be following a procedure of having  
5 the closing remarks. The Panel would be the only body  
6 that may, if we wish, to ask a question of  
7 clarification, but there will not be questions  
8 following closing remarks.

9 We're also planning to follow a fairly tight  
10 time line so that we can accommodate all of that  
11 within the time allotted.

12 And the final item I would like to refer to,  
13 of course, is the closing ceremony, drumming ceremony,  
14 which we indicated would occur at the end of this  
15 session. It occurred at the beginning of the session  
16 on Monday morning, and we'll close this evening, again  
17 a reminder of the fact that we're holding these  
18 hearings within the traditional territory of First  
19 Nations.

20 So I would ask First Nations to bring this  
21 hearing, the topic-specific hearing to a close this  
22 evening, and with that I'll formally close the record  
23 and look forward to the drumming ceremony.

24 And thank everybody as well for coming during  
25 the five days and for all of your input.

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Thank you.

**(CLOSING DRUMMING CEREMONY)**

**(PROCEEDINGS ADJOURNED AT 7:48 P.M.)**

**(PROCEEDINGS TO RECONVENE ON SATURDAY, MAY 1,  
2010 AT 9:00 A.M., SAME LOCATION)**

**REPORTER'S CERTIFICATION**

1  
2  
3 I, Nancy Nielsen, RCR, RPR, CSR(A), Official  
4 Realtime Reporter in the Provinces of British Columbia  
5 and Alberta, Canada, do hereby certify:  
6

7 That the proceedings were taken down by me in  
8 shorthand at the time and place herein set forth and  
9 thereafter transcribed, and the same is a true and  
10 correct and complete transcript of said proceedings to  
11 the best of my skill and ability.  
12

13 IN WITNESS WHEREOF, I have hereunto subscribed my  
14 name this 1st day of May, 2010.  
15  
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19 \_\_\_\_\_  
20 **Nancy Nielsen, RCR, RPR, CSR(A)**  
21 **Official Realtime Reporter**  
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