



# MiningWatch Canada

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## Federal Panel Reviews

### An Essential Tool for Evaluating Complex and Controversial Mining Projects

#### A Special Brief for Mining Day on the Hill by MiningWatch Canada, November 23, 2010

On November 3rd the Government of Canada announced that it was rejecting Taseko Mines application to develop an open-pit gold and copper mine in the traditional territory of the Tsilhqot'in Nation, 125 km west of Williams Lake, BC. The Prosperity project needed federal approval because it included the destruction of two lakes and a stream with abundant trout populations. The project was opposed by both the affected First Nations.

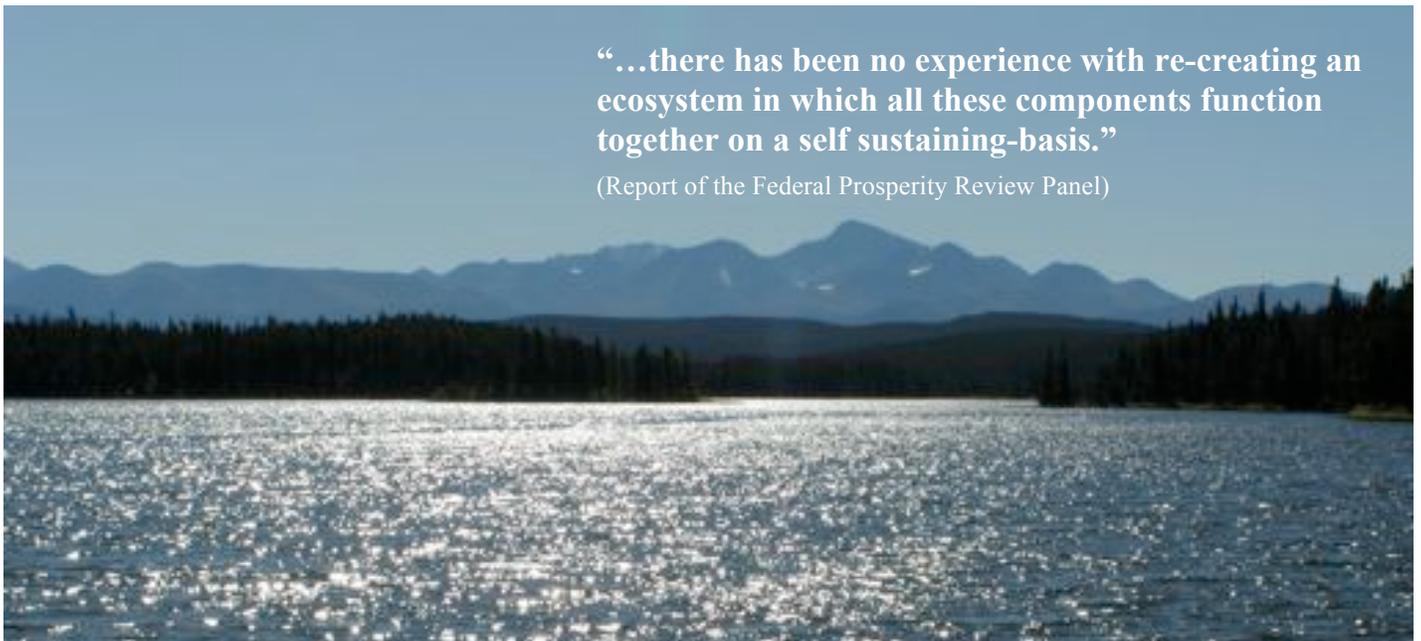
The destruction of lakes and streams for mining projects is a highly controversial practice and has been a focal point of criticism of the mining industry. The recent sector performance review by Natural Resources Canada identified it as an issue of concern to Canadians.

When such controversial projects, with potential for significant negative impacts are proposed by industry it is vital that they receive a rigorous, transparent and independent review to evaluate the extent of impacts and the degree to which they can be mitigated. This review can best be achieved at the level of environmental assessment offered through a panel review. Over the last 15 years only 7 mine projects have completed federal panel reviews. Two of these reviews were done on projects proposing the destruction of lakes for tailings disposal (Prosperity and Kemess North) and both were rejected by Cabinet based on the panels' findings.

Until such time as regulations prevent the destruction of lakes, streams and wetlands for mining waste dumps panel reviews of such projects are essential. MiningWatch is very concerned about actions by the Government of Canada that could severely restrict the application of panel reviews.

**“...there has been no experience with re-creating an ecosystem in which all these components function together on a self sustaining-basis.”**

(Report of the Federal Prosperity Review Panel)



## Federal Panel Reviews: An Essential Tool by *MiningWatch Canada*

### The importance of Federal Panel Reviews

Federal panels:

- Ensure consideration of federal policies and objectives.
- Provide opportunity for open and transparent public hearings on important issues.
- Enable the Crown to better meet its duty for Aboriginal consultation.
- Increase resources, time and accessibility to ensure effective stakeholder participation.
- Provide ample opportunity for coordination with provincial assessment processes.
- Are threatened by recent changes to the Canadian Environmental Assessment Act.

### What Review Panels have said about destroying lakes for waste dumps

- [Taseko's] fish and fish habitat compensation plan would not likely be successful.
- Taseko would be unable to modify the proposed fish and fish habitat compensation plan such that it would be acceptable to all parties.
- Teztan Biny (Fish Lake) and Nabas areas are unique and of special significance to the Tsilhqot'in. ...the loss of the area for practicing their current use, spiritual and cultural activities would be significant and unmitigable.
- The [Kemess North] Panel found persuasive the arguments of some review participants that a lake should be ascribed more intrinsic value than simply its equivalent fish habitat productivity.



**“The Duncan (Amazay) Lake area has had a history of Aboriginal traditional use, and the Lake is considered by Aboriginal people to be endowed with spiritual value...”**  
Kemess North Mine Joint Review Panel Report