



# T̂SILHQOT'IN NATIONAL GOVERNMENT

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## Tsilhqot'in Media Backgrounder – Prosperity Mine Proposal



Tsilhqot'in Gathering at Teztan Biny June 2010

The Tsilhqot'in Nation has never ceded nor surrendered our rights or title to our lands, water or way of life including our future generations. We are gratefully still able to drink from our streams, rivers and lakes alongside the wildlife. It is our duty and responsibility to protect our head waters, wildlife, plants (including forests), and lands that sustain us and have done so since time immemorial.

We still live with respect to Mother Earth, annually gathering our medicines, berries, hunting and fishing and passing on these traditional practices to our children, youth and share with others on the land. Our people have always protected our lands, waters and wild salmon as in the War of 1864 when our War Leaders stopped the road coming in from Bute Inlet - the South West side of the Tsilhqot'in Territory. Our people knew back then that if they allowed the invasion for gold it would destroy our wild salmon along with our way of life, and again today we are faced with the same threat.

Taseko Mines Ltd.'s (TML) proposed 'New prosperity' copper and gold mine lies within the Declaration of Rights area identified by B.C.'s courts in the *Tsilhqot'in vs. BC (William)* Case of November 2007.

## **Overview**

For twenty years Taseko Mines has been trying to get approval for one of the most contested mining projects in Canada. The project has major environmental problems and no consent from the First Nations who would be affected by it. Recognising a long list of problems with the project, the federal government responded to a review panel report by refusing necessary authorisations. Only three months after this refusal, the proponent has resubmitted a revised application that does not address the issues at hand. The federal government has yet to decide if and what kind of review the re-submitted application will undergo.

The Tsilhqot'in National Government's position is that no review is necessary and the new proposal should be rejected as well.

## **Timeline and Background**

### **Early 1990s to 2000s**

A large but low grade deposit of copper and gold is advanced by Taseko Mines Ltd. (TML) with significant challenges – high concentration of contaminants and serious concerns from provincial and federal government agencies due to environmental impacts.

The proposed Prosperity Mine is opposed by the Tsilhqot'in Nation based on a myriad of concerns, including the location of the ore body in the Teztan Biny (Fish Lake) pristine wilderness area of South Central BC, the heart of Tsilhqot'in traditional territory, and its location *within* the landmark *Tsilhqot'in (William) v. B.C.* Aboriginal title case. In 2007, Justice Vickers awarded the Tsilhqot'in Aboriginal rights to hunt and trap, etc., in this area.

Federal departments refuse to consider authorizations of Taseko Mines Ltd.'s (TML) proposal.

Company continues to promote the project despite the opposition of the Canadian government and the Tsilhqot'in Nation.

### **2008/2009**

Company lobbies to derail the streamlined federal-provincial joint environmental review. Province proceeds to a review despite lack of participation by the Tsilhqot'in, who foresees political interference (e.g. TML contributed \$25,500 from Nov 2008 to May 2009 to the BC Liberals and former Premier Campbell publicly supported the project prior to BCEAO approval).

BCEAO approves the mine in Jan. 2010. In good faith, the Tsilhqot'in participate in the federal review process.

### **2010**

Federal Panel Review hearings begin in March 2010.

On July 2, 2010, the federal panel issues its report, concluding the project will “likely cause significant adverse environmental effects that cannot be justified in the circumstances”. These effects included: loss of lands and

resources to the Tsilhqot'in, impacts on fish and fish habitat, impacts on a threatened grizzly bear population and impacts on remote tourism. ....

On November 2, 2010, the federal government responds to the Federal Review Panel report by rejecting the project, stating the report was "scathing" and "probably the most condemning report [the Minister has] seen." Prime Minister Harper echoed these sentiments, citing "the myriad and serious environmental concerns that were raised by that assessment."

### **Current Situation:**

On February 21, 2011, Taseko Mines Ltd. (TML) resubmitted its 3<sup>rd</sup> revised proposal since the 1990s.

On August 9<sup>th</sup>, 2011, the Canadian Environmental Assessment Agency received a project description that is considered complete, and the Agency now has until November 7<sup>th</sup> to determine whether a new environmental review process will proceed.

The Tsilhqot'in continue to reject this devastating mine proposal and is calling for the federal government to stand by its earlier decision and the work of the review panel and reject the new proposal. The TNG's legal analysis shows that there is no need to undergo another EA process as the government has the discretion to not review the project. This analysis by TNG's legal team has been supported by the legal staff of Ecojustice.

### **The "New" Proposal**

The only significant change to the new proposal is that the tailings pond has been moved upstream by 2Km. While other infrastructure has been slightly modified, the fact remains that the ore body lies immediately beside and under Teztan Biny and that the ore body is a toxic cocktail waiting to contaminate the region's water.

The 'new' proposal still eliminates Yanah Biny (Little Fish Lake) and the Nabas region, which are intimately connected to Teztan Biny as the spawning grounds for Teztan's unique trout population. Tsilhqot'in members have homes in the area, loved ones buried, and they would be permanently displaced by the toxic pond. Teztan would be inaccessible for at least a generation, and according to those presenting at the Panel, would likely never use the area again due to the mine's impacts.

The new proposal still eliminates 81% of Teztan's spawning habitat. It does not address the significant impacts identified by the previous panel, including impacts to the South Chilcotin grizzly habitat and Tsilhqot'in culture

The new proposal is not actually new. The federal authorities already reviewed this version of the mine, previously "Alternative #2" in the company's original environmental impact statement. The experts, the Panel and the company itself deemed this version of the mine as more environmentally risky than the original, rejected proposal.

### **Does the new proposal "save" Teztan Biny as the company claims?**

No. The new proposal surrounds Teztan Biny by one of the world's largest open pit mines, with the tailings pond directly above the lake and discharging contaminated water directly into it.

*"Developing Prosperity means draining Fish Lake. We wish it were otherwise. We searched hard for a different way. A way to retain the lake and have the mine. But there is no viable alternative. The lake and the deposit sit side by side. It is not possible to have one without the loss of the other."*

- Brian Battison, V.P. Corporate Affairs, Taseko Mines Ltd.  
Opening Presentation at the Panel Hearings, March 22, 2010

*“What happens to the water quality in Fish Lake, if you try and preserve that body of water with the tailings facility right up against it, is that over time the water quality in Fish Lake will become equivalent to the water quality in the pore water of the tailings facility, particularly when it’s close. **You might be able to delay that by moving the tailings facility farther away to Fish Creek South. You may even be able to minimize that, reduce it by mitigation measures that could be applied. But eventually that water quality will change.**”*

- Scott Jones, V.P. Engineering, Taseko Mines Ltd.  
Panel Hearing Transcript, CEAA Reg. Doc#2253, v.29, p. 5450

Though not reflected in the revised proposal, TML has a plan to significantly expand the mine. The ore for the expansion is *under* the lake.

*“**The Panel notes that expansion of the open pit would encroach on Teztan Biny (Fish Lake).** While Taseko indicated that future mine expansion did not influence its consideration of alternatives, the Panel recognizes that there would be pressure to mine the full ore body in the future to maximize resource extraction. **If the current Project proceeds and if future expansion was approved, Teztan Biny would be eliminated in any case.**”*

- Federal Panel Review Report, p. 50 (emphasis added)

Bear in mind the Project as contemplated here (21-year life) mines about 50% of the resource.

*“**As commodity prices increase, as the potential pit increases, it increases out, radially out towards the lake. So that as commodity prices increase, as this thing demonstrates that it has higher and higher reserves, you would start to encroach on to the lake to the point that in order to ensure the safety of personnel and equipment and everything else working within that pit, you reach a point where you actually impact Fish Lake and you lose Fish Lake....if the pit enlarges to the point that it actually intersects with the lake and you lose the lake, if you’d chosen mine development plan one or two, in anticipation of saving the lake, you just kind of lost the game. If you know what I mean. You’ve made your best efforts to save the lake. And then maximizing the extraction of the resource, you’ve lose the lake.**”*

- Scott Jones, V.P. Engineering, Taseko Mines Ltd.  
Panel Hearing Transcript, CEAA Reg. Doc#2253, v.29, pp.5428-29 & 5444-45

### **The Panel and the Government Agreed that This Proposal is Worse**

*“The Panel notes that Taseko examined 2 alternatives that would avoid the destruction of Teztan Biny. **Mine Development Plan 2 [Alternative #2], with the tailings storage facility located upstream of Teztan Biny, would in time likely result in contamination of Teztan Biny.** While Mine Development Plan 1 would preserve Teztan Biny, it would result in mine water discharge to another watershed and could also affect Teztan Biny if Taseko decided in the future to expand the open pit. While offering short term benefits, **the Panel agrees with the observations made by Taseko and Environment Canada that Mine Development Plans 1 and 2 would result in greater longterm environmental risk than the preferred alternative.**”*

- Federal Review Panel Report, p. 65 (emphasis added)

The Panel concluded that the Tsilhqot'in Nation would suffer the unfathomable loss of their long-standing cultural connection to Teztan Biny (Fish Lake), *even if the lake itself was preserved*:

“The Panel observes that the proximity of the open pit and associated mining facilities would be close enough to Teztan Biny (Fish Lake) to eliminate the intrinsic value of the area to First Nations even if another alternative were chosen.”

- Federal Review Panel Report, p. 50 (emphasis added)

### **Links:**

Analysis of “New Prosperity” proposal, and its similarities to the old proposal.

[www.wcel.org](http://www.wcel.org) & [www.miningwatch.ca](http://www.miningwatch.ca)

News stories: [www.teztanbiny.ca](http://www.teztanbiny.ca)

Audit of BC Prosperity EA Review - <http://northwestinstitute.ca/>

Photos & Video:

Blue Gold: The Tsilhqot'in Fight for Teztan Biny (Fish Lake) - <http://vimeo.com/9679174>

A Tsilhqot'in Treasure of Mountains, Rivers and Lakes - <http://vimeo.com/13704214>

Related Links/Supporters:

First Nations Women Advocating Responsible Mining - <http://www.fnwarm.com/>

R.A.V.E.N. – [www.ravenrust.com](http://www.ravenrust.com)

Friends of Nemiah Valley – [www.fonv.ca](http://www.fonv.ca)

Council of Canadians - <http://www.canadians.org/water/issues/TIAs/teztan-biny.html>

Sierra Club BC – <http://www.sierraclub.bc.ca/campaign-spotlights/fish-lake-at-risk-again/>

Wilderness Committee - [http://wildernesscommittee.org/what\\_we\\_do/save\\_fish\\_lake](http://wildernesscommittee.org/what_we_do/save_fish_lake)

Donate! - <http://www.tsilhqotin.ca/abouttng.htm>