



<b>Reply to the Attention of</b>	Karl E. Gustafson, Q.C.
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<b>Date</b>	August 20, 2013

**VIA EMAIL**

Federal Review Panel – New Prosperity Project  
 Canadian Environmental Assessment Agency  
 160 Elgin Street  
 Ottawa, ON K1A 0H3

Attention: Livain Michaud, Panel Manager

Dear Sirs:

**Re: Transport Canada Addendum to Written Submissions  
 (CEAR Document 1004)**

We write on behalf of Taseko Mines Limited and refer to the August 16, 2013 Transport Canada Addendum to Written Submission.<sup>1</sup>

Taseko submits that Transport Canada's Addendum goes beyond its role as an expert agency in the Panel process in that it provides an assessment of the significance of the environmental effects of the proposed New Prosperity project. The assessment of the significance of adverse environmental effects is the mandate of the Panel itself. The potential impacts of the project are for the Panel to assess, using all aspects of the five-part test set out in CEAA's *Determining Whether A Project is Likely to Cause Significant Adverse Environmental Effects* policy, not simply the one aspect of that test referred to in Transport Canada's Addendum (reversibility).

Furthermore, in Taseko's view, the findings in Transport Canada's Addendum do not support a determination of significant adverse effects on navigation, particularly given the ecological context of thousands of lakes in the area within which Little Fish Lake is located, many with similar attendant uses by First Nations.

It is also Taseko's position that the findings set out in Transport Canada's Addendum regarding the use of Little Fish Lake for navigation are not supported by the evidence presented at the community hearing sessions. Despite repeated invitations in the form of leading questions about the use of boats in either Fish Lake or Little Fish Lake from the Transport Canada official who attended the community hearings, the information provided by community members does not support the conclusion that Little Fish Lake is used currently for navigation. Indeed, in our

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<sup>1</sup> CEAR Document [1004](#).

view, the information provided in respect of navigation at the community hearings is limited to the following:

- one reference to the building of a raft at Little Fish Lake by an uncle for his young niece, and
- an ambiguous reference to the possibility that boats or rafts were used at Fish Lake or Little Fish Lake.<sup>2</sup>

Taseko's position that Little Fish Lake is not used currently for navigation is consistent with the fact that Little Fish Lake is virtually inaccessible and with the fact that it would be difficult to transport a canoe or other boat to the lake. This also explains why the only evidence of navigation involves an isolated instance of the construction of a raft at the lake. In our respectful submission that is not evidence of current use for navigation.

Yours truly,

<original signed by>

Karl E. Gustafson, Q.C.\*

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\*Law Corporation

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<sup>2</sup> See page 198 of the August 13 Hearing Transcript, CEAR Document [956](#) and Mr. Otis's testimony at page 140 of the August 12 Hearing Transcript, CEAR Document [939](#).