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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

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

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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			
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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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22	<b>COURT REPORTING:</b>		
23	Mainland Reporting Services, Inc.		
24	Nancy Nielsen, RPR, RCR, CSR(A)		
	Stephen Gill, CCR, CSR(A)		
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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