



Published on *Watershed Sentinel - Environmental News from British Columbia, and the world!* (<http://www.watershedsentinel.ca>)

Fish Lake is Not a Tailings Pond

by David Williams



In 2002 the federal government, in virtual lockstep with the Bush regime, created a special exemption to federal environmental rules that would turn many of Canada's lakes into toxic waste dumps for mines. At least sixteen lakes across the country are slated to become repositories for waste rock laced with heavy metals like arsenic and mercury. Six of these lakes are in British Columbia.

Tsilhqot'in Rights and Title

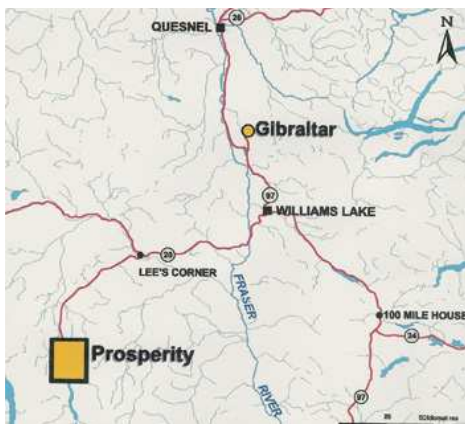
One of these lakes is Teztan Biny (Fish Lake) in the Nemiah Valley in the Chilcotin (Tsilhqot'in), 200 km southwest of Williams Lake. The location is of great significance because it is in an area where the Xení Gwet'in people of the Tsilhqot'in First Nation have proven aboriginal rights "to hunt and trap birds and animals" and "to trade in skins and pelts."

In a landmark court case, Chief Roger William, on behalf of the Tsilhqot'in people, established rights and title to over 338,100 hectares of his people's traditional homeland to protect it from a proposed massive clearcut logging regime. The intent was to establish the right to hunt and trap over the right of government to issue cutting permits to logging companies. Justice David Vickers ruled that the Tsilhqot'in Aboriginal title had been proven to approximately 200,000 hectares of land, and that Aboriginal rights extended over the rest, including the area where Teztan Biny lies and where Taseko plans to develop its mine. However, Justice Vickers could not make a declaration of Aboriginal title because of a legal technicality.

He also stated that the Forest Act (and licenses pursuant to it) would not apply to Aboriginal title lands and would unjustifiably infringe Aboriginal rights if certain information gathering steps weren't taken first.

Justice Vickers exhorted all parties in the dispute - the Tsilhqot'in, and federal and provincial governments - to sit down and come to a negotiated agreement over these lands and resources. Nothing came of it beyond an interim offer that left the Tsilhqot'in negotiators feeling that there had been a lack of serious intent on the part of both governments to resolve the issue.

Teztan Biny in the Nemiah Valley



Now a new onslaught is coming at the Xeni Gwet'in in the form of the proposed Prosperity Mine of Taseko Mines, a Vancouver based company, which owns the large Gibraltar Mine near Williams Lake. Development of Prosperity Mine at Teztan Biny can only proceed, according to Taseko Mines spokespeople, with the total destruction of the lake, because the multibillion dollar ore body of gold and copper lies right under the lake.

While Tsilhqot'in Chiefs have strongly opposed any mine option that entailed the whole or partial destruction of Teztan Biny, they have not outright opposed the project and have sought to gain a clear picture of what the mine would mean for their communities.

This beautiful lake contains 85,000 fish belonging to a unique monoculture of rainbow trout, an important First Nation food fishery since before contact. It is also a significant recreational fishery for many non-native fishers from all over the province. The provincial Ministry of the Environment says it is one of the best fishing lakes in the Cariboo/Chilcotin region.

A Tale of Two Processes

There are two ways in which a decision can be made about such a development. One is through a Joint Review Panel that is made up of a range of interested parties in an open public process. Using this process for the first time in BC, the expansion of the copper/gold Kemess North Mine northwest of Prince George was turned down. This mine, too, would have destroyed a lake - Amazay Lake - and was opposed by four First Nations, the Tsay Keh Dene, Takla Lake, and Kwadacha of the Tse Keh Nay Nation, and the Gitksan house of Nii Kyap. The Kemess decision offered hope to many First Nations communities: "This is not about protecting this lake for First Nations people; this is about protecting all lakes for all Canadians," said Gordon Pierre, Grand Chief of the Tse Keh Nay.

The second method is a Joint Environmental Review Process (ERP) under the federal and provincial governments. Essentially, the final decision is made by government ministers. Approval is virtually assured if history is anything to go by. The present provincial government is desperate to see a new mine open somewhere in BC and is subject to intense lobbying for the Prosperity mine by communities like Quesnel, Williams Lake, and Hundred Mile House, which are suffering from the loss of logging jobs.

The Tsilhqot'in committed to participate in a Joint Review Panel, but a unilateral decision was made by the provincial Minister of Environment to avoid that more comprehensive and public process. This left the Tsilhqot'in feeling betrayed. They knew that they would never be able to save Teztan Biny under the ERP, where First Nations, even where title and rights have been proven, are relegated to the position of just another stakeholder.

Immense Scale and Immense Impact

The scale of the proposed mine is immense, containing over 13 million ounces of gold and five billion pounds of copper in 487 million tonnes of ore. The study speaks of pre-production capital costs of \$807 million, with an operating cost of \$2.9 billion over the life of the mine. The current value of those metals at today's prices would be over 10 billion dollars.

The environmental and social impact would also be immense. The 'Prosperity Project' requires the construction of a 125 km. power transmission line and the construction of a 'replacement lake' called a Fish Compensation Plan.

The mine pit and the construction of the mine tailings and waste rock disposal areas would completely destroy Teztan Biny. The artificial replacement pond will require the construction of a dam and the submersion of a valley to the south of the present lake.

The long term potential for leakage of acid mine waste into the Taseko River is real. The Taseko runs into the Chilko River, the Chilcotin River, and ultimately the Fraser. Extensive road construction and up-grading will be required to carry the ore from the remote Teztan Biny site to Gibraltar mines where it will be refined.

Finally, four to five hundred miners will be inserted into the remote Nemiah Valley where the Xeni Gwet'in have lived and survived for thousands of years. This is a small community of fewer than three hundred aboriginal people whose contact with the outside world was extremely limited until a road was constructed into the valley in the early 1970s. They are fiercely independent and protective of their land and its resources. Their First Nations culture is strong and vibrant.

To protect their land and their way of life the Xeni Gwet'in have now been forced to go to court.

The Tsilhqot'in National Government media release, dated January 6, 2009, states:

"The court action by Chief Marilyn Baptiste of the Xeni Gwet'in First Nation on behalf of the Tsilhqot'in Nation, is seeking a declaration of an Aboriginal right to fish in Teztan Biny, a pristine mountain lake in the heart of Tsilhqot'in territory. For the Tsilhqot'in, the lake is sacred and its destruction unthinkable. The court action aims to permanently stop Taseko from using this natural lake as a disposal site for its toxic mine tailings, a controversial mining practice in Canada that threatens to leave a legacy of environmental contamination that will last for millenia."

David Williams is a native British Columbian with a profound sense of place. He lives in Victoria and the Nemiah Valley. He grew up in Courtenay and Golden.

Watershed Sentinel, March-April 2009

Environmental news from the Georgia Strait, British Columbia, and the world! The Watershed Sentinel is a bi-monthly magazine from British Columbia on the West Coast of Canada. It offers a mix of bioregional and global perspectives on environmental, health, and sustainability topics. The Watershed Sentinel watches over some of the most stunning landscapes in the world: tall trees, taller mountains, and the expansive ocean and forest. The magazine focuses is on how we humans affect these treasures—from our logging and fishing practices to how we treat our air and water—and on the solutions, both large and small, that will eventually create a sustainable society.

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