



Fight looms over Fish Lake

By Andrew Findlay

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Mining firm promises a new lake, but Native leader says that's the Creator's job.

Sport fishers can get slapped by the law for netting a single fish over the limit, yet a large Vancouver-based mining company is proposing to destroy a lake and the tens of thousands of trout that inhabit it. Resource-extraction projects like the proposed Prosperity Mine 125 kilometres southwest of Williams Lake are breathtaking in their scope and scale. Vancouver-based Taseko Mines says opening up this massive ore body with estimated reserves of 5.3 billion pounds of copper and 13.3 million ounces of gold will require a capital outlay of some \$800 million. Over its expected 20-year life span, Prosperity would cost \$4 billion to operate and would generate 6,800 man-years of employment and a multibillion-dollar windfall in corporate taxes for the federal and provincial governments.

However, the potential environmental and attendant socioeconomic impacts of Prosperity are equally breathtaking. Most controversial are Taseko's plans to turn Fish Lake—known to the Tsilhqot'in First Nations as Teztan Biny and home to an endemic population of an estimated 85,000 rainbow trout—into a giant impoundment reservoir for toxic mine-waste rock, altering the hydrology and ecosystem of the entire watershed along the way. Fish Lake happens to lie within the watershed of the Taseko River, a major salmon-bearing tributary of the Fraser River system via the Chilko and Chilcotin rivers, raising serious concern about the mine's possible downstream impacts on salmon habitat. A complicated plan to create compensating fish habitat—including an artificial lake called Prosperity—and deal with mine waste is detailed in a March 17, 2009, 3,000-page environmental-impact statement, a document that is at the centre of tandem federal and provincial environmental assessments currently under way.

The proposal is causing a familiar divide among the local populace. The City of Williams Lake and the regional economy have been hit hard by the mountain pine beetle and sagging softwood-lumber markets, and many citizens and business owners are glassy-eyed over the spending and jobs the mine would bring. Others, among them environmentalists and First Nations, fear that ecosystems will suffer long-term damage for relatively short-term gain. So the question being asked by many is this: are the dizzying economic gains of the Prosperity Mine worth the social and environmental risks?

Bernie Elkins, chief of the Alexandria First Nation near Quesnel, doesn't think so. Elkins is Prosperity project director for the Tsilhqot'in National Government, which represents five nations in the region. He says the TNG can't accept the destruction of a lake that supports a healthy population of fish and is culturally significant to his people.

“I find it insulting,” Elkins says about Taseko's plans to make a replacement body of water called Prosperity Lake. “We feel the Creator is the only one who makes lakes.”

Elkins admits that some members of his community would probably welcome the chance to work at the mine, and he emphasizes that the TNG is not antimining. Taseko operates the Gibraltar Mine, a

copper-and-molybdenum property within Alexandria First Nation territory, and Elkins says that his council has worked cooperatively with mine management, even giving its assent to a plan to discharge mining effluent into the Fraser River providing it's kept to levels that don't impact the fishery.

First Nations also have issues with the environmental-assessment process. According to Elkins, any decision-making system for large projects like Prosperity that neither recognizes the need for meaningful consultation and accommodation of First Nations rights—rights that have been well affirmed in B.C. and federal courts—nor allows adequate time for public input and full consideration of the long-term impacts is critically flawed. That's why the TNG decided to boycott the provincial environmental assessment, claiming that the process fails to fully consider cumulative environmental and social impacts.

It has also been a reluctant participant in the federal review. A six-week delay in receiving funding from the Canadian Environmental Assessment Agency (CEAA) infuriated the TNG, and Elkins says this hampered the TNG's ability to piece together a comprehensive response to a document that is laden with technical material beyond the expertise of most band offices. In the end, the TNG received \$300,000 in April of this year, enabling it to hire consultants and dissect Taseko's environmental-impact statement. In the introduction to its submission, which was sent to the CEAA on May 25, 2009, the TNG leaves little room for equivocation: "Teztan Biny is not just a lake nor is it just a large copper and gold deposit ripe for the digging. Artifacts uncovered indicate that Teztan Biny has been in continuous use for 7,000 years."

The CEAA is accepting public comments until September 18.

The Chilcotin Plateau is a particularly contentious area for resource development. First Nations there have a storied history of resistance to non-Native incursions and intentions dating back to the infamous Chilcotin War. This conflict started in 1864 when a band of Natives—led by the almost mythic character Klatsassin—travelled down the Homathko River, attacking and killing 14 members of a work party attempting to push through Alfred Waddington's ill-fated overland wagon road from the coast. More than a century later, Natives manned a blockade at Henry's Crossing on the Chilko River for two months, successfully quashing plans for clear-cut logging in the Brittany Triangle.

In November 2007, the tiny Xení Gwet'in First Nation, which belongs to the TNG, made legal history. After an expensive and lengthy court case in B.C. Supreme Court involving testimony from elders in their native language, Justice David Vickers acknowledged the band's rights and title to an area some 4,400 square kilometres in size, encompassing the so-called Nemiah Trapline. With the Prosperity Mine looming on the horizon, the Xení Gwet'in are once again turning to the courts. In a writ filed by Chief Marilyn Baptiste on January 6, 2009, the Xení Gwet'in assert their rights and demand that the destruction of Fish Lake be stopped.

First Nations opposing the mine have some vocal allies. David Williams, president of the Friends of the Nemiah Valley, has worked closely with First Nations toward the protection and stewardship of the Brittany Triangle and its bands of feral horses. Williams calls Taseko's plans for Fish Lake an environmental travesty.

"Once you see this lake, it's hard to comprehend how this proposal has even got this far," Williams says. "It seems like there's a split between town and country on this. In Williams Lake, especially the chamber of commerce, they are rabid about this project."

The Prosperity Mine has been on the books for some time. Initial exploration of the ore deposits was carried out in the 1930s. Taseko acquired the property in 1969 and continued exploratory drilling throughout the 1970s and 1980s. Engineering, drilling, and metallurgical work continued in the 1990s

after mineral magnates Robert Hunter and Robert Dickinson added Taseko to their mining interests. By 1998, the project was brought to the feasibility-study stage; however, in 2000 sagging mineral prices put it on ice.

Now that it's back on, the Williams Lake and District Chamber of Commerce couldn't be happier. Chamber president Sue Redford says the city's economy is in ragged shape and workers are suffering from unemployment rates that jumped almost 80 percent between January 2008 and January 2009. She says the mine would breathe life into this Cariboo-Chilcotin hub. To this end, the chamber is using a \$15,000 CEEA grant to survey local businesses and gauge the level of preparedness to capitalize on the estimated \$22 million in annual local spending Prosperity would bring.

“There's been a lot of doom and gloom, and we need a little sunshine,” Redford says. “I'm not a scientist, but I'm comfortable and believe that they [Taseko] have done their homework.”

The Williams Lake Tribune, the local newspaper, is another Prosperity Mine cheerleader and has made its position clear in a number of glowing editorials. However, its pages have also displayed strongly worded editorials against the mine. Tribune publisher Lorne Doerksen says you can't dig gold and copper out of the ground without making some sort of impact, and he's at peace with Taseko's environmental plan.

“We took a position a year ago in favour of this mine. Taseko has been a player in our community for a long time and I have faith in that company,” Doerksen says. “Fish Lake is a beautiful spot, and that's why this has stirred up so much debate. I don't think inflammatory comments reflect the majority, and I believe communities can disagree but still work together.”

Behind the emotional debate that inevitably surrounds large-scale mining projects, there are some troubling trends that don't bode well for the environment. In 2002, Fisheries and Oceans Canada quietly brought about, under Section 36 of the Fisheries Act, the Metal Mining Effluent Regulations, a convenient way to legitimize the use of an unknown number of freshwater lakes across Canada as mine-waste and tailings ponds. The regulations formed a substantial loophole for mining companies that enables them to propose fish-bearing lakes as “tailings-impoundment areas”. The benefits to business are obvious; not having to engineer and build secure storage facilities translates into many millions of dollars in savings.

There have also recently been some disturbing developments in the United States, once considered to have considerably tougher mining regulations than Canada. In June this year, the United States Supreme Court upheld a decision allowing the Kensington Mine in Alaska to dump more than 900,000 litres of wastewater per day into Lower Slate Lake even though it will kill the lake's fish; the decision has sent a chill across the environmental community in both Canada and the U.S.

There is also the issue of science and how it's applied to mine planning. Despite advances in our understanding of hydrology and the geochemistry of rocks during and after the operating life of a mine, there are indications that we still aren't very adept at predicting the long-term effects and potential for acid-rock drainage (the process that occurs when mine waste containing acid-generating sulphides is exposed to the air and reacts with oxygen, producing sulphuric acid that can then leach into the surrounding environment). In a study released in 2006, U.S. engineer Jim Kuipers examined 25 closed and operational hardrock mining sites in the U.S., comparing what was predicted in the environmental-impact statements with what actually transpired. Kuipers concluded that the “case studies, with few exceptions, portray a common and systemic theme of underestimation of water quality impacts for new mining projects”.

All this, says Amy Crook, a fisheries biologist for the Montana-based Center for Science in Public Participation (a nonprofit organization that helps stakeholders make informed comments about often overwhelmingly complex mining proposals), suggests that Canada needs to take a much more precautionary approach to hardrock mining. She says an accurate understanding of the ore body and its potential for acid-rock drainage should be the cornerstone of any mine proposal.

“It's absolutely fundamental, because if you don't understand the acid-production potential, it impacts the entire mine plan. It impacts the size of a tailings pond, impoundment dams, and the water-treatment plan,” Crook says over the phone from her office in Victoria. “In the case of Prosperity, it sits in the watershed of one of the most productive salmon systems in the world. How many more hits can the Fraser River take?”

In assembling its review of Taseko's environmental-impact statement, the Tsilhqot'in National Government hired acid-mine-drainage specialist Kevin Morin to examine the water-quality management being proposed for Prosperity. According to Morin, Taseko has underestimated the acid-generating potential and overestimated the neutralizing potential of the rock at the mine site, calling into question the company's plans for managing mine waste. The federal review panel has also expressed some concerns. In a so-called deficiency statement issued to Taseko on June 24, the panel asked the company to supply additional information on a wide range of issues, which suggests the company left a number of loose ends in its hefty submission. The feds want more details on the engineering of the proposed waste-rock and tailings locations, fish and fish-habitat compensation, water quality, wildlife and vegetation impacts, and the First Nations and cultural heritage of the site. Perhaps most importantly, the federal review panel has cast some doubt on the methodology used by Taseko to select Fish Lake as the best option for waste-rock disposal.

At Taseko's headquarters in downtown Vancouver, management is confident about Prosperity. However, they are also well aware that bringing a mine from exploration to full operation is not exactly a cakewalk in British Columbia. Despite the B.C. Liberals' gung-ho attitude toward resource extraction, not a single new hardrock mine has opened in the province since Gordon Campbell won his first term in 2001. In September 2007, Northgate Minerals' plan to expand its Kemess Mine in northern B.C. and use nearby Amazay Lake to impound mine waste was quashed by a joint federal and provincial review panel. Two months later, Teck Cominco and NovaGold deep-sixed their joint venture at Galore Creek, 150 kilometres northeast of Stewart, before the copper and gold mine had begun operation, citing escalating start-up costs. Today, Prosperity joins a list of 23 mines at various stages of the review-and-permitting process.

“The degree of scrutiny around resource projects is extremely high. There are significant challenges to bringing a mining project forward in British Columbia,” says Brian Battison, Taseko's vice president of corporate affairs.

As for the laundry list of deficiencies highlighted by the federal review panel, Battison says the company was already in the process of pulling together the requested information, which he says would have been submitted as part of the review-and-permitting process. He says the decision to pursue Fish Lake for a waste-rock disposal facility was the result of an exhaustive technical and economic review. In the end, according to the company's consultants, all other options were economically unviable.

“This has been looked at as part of a long and expensive alternatives process,” Battison says. “We have an obligation to fully reclaim the property, and we must have enough financial security in place to carry out these activities. And that reclamation work will be undertaken on an ongoing basis.”

In Williams Lake and elsewhere in the Chilcotin, there are a lot of people banking on this project moving forward. But there are likely just as many people with grave concerns about turning a pristine lake containing fish into a pond for toxic mining waste.

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