

The LOGBOOK of CSP²

The CENTER for SCIENCE in PUBLIC PARTICIPATION

"Technical Support for Grassroots Public Interest Groups"

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BRITISH COLUMBIA UPDATE

2007 was a huge year for mining in BC. While record high commodity prices fuelled tremendous levels of exploration and development, several unparalleled precedent setting decisions were rendered that will have far reaching implications on resource development policy in BC and Canada.

The Xenigwet'in (pronounced 'honey gwi-teen') First Nation of central BC won a major victory when the Supreme Court of Canada acknowledged Aboriginal rights and title on a portion of their traditional lands as one of the findings of the four year court case. This decision sets a unique precedent in BC and will change the way resource development policy and laws apply on Aboriginal lands. One key aspect of the decision found that the BC Forest Act does not apply within Aboriginal title lands and the way that Canada and BC have been making resource development decisions is unconstitutional, violates Aboriginal title, and is illegal. There will be implications for resource extraction proposals throughout BC.

CSP² continues to work with the Tsilhqot'in (Chilcotin, part of the Xenigwet'in First Nation) and Friends of Nemiah Valley on the Fish Lake Mine review (called Prosperity Mine by the proponents). Amy Crook of CSP² was invited to present a review of BC mining practices at the recent celebration and education evening hosted by the Friends of Nemiah Valley at the University of Victoria. More than 300 people attended this event to hear how the court decision will affect mining proposed on First Nation lands in BC.

Our work on the Fish Lake mine is strategic for a number of reasons. First; because the proposed



Local Member of Parliament Nathan Cullen speaks to folks gathered at the Sacred Headwaters gathering, August 2007.

mine is located in traditional Tsilhqot'in territory where rights and title have now been acknowledged by the courts, the local communities will likely have a definitive decision making role. This will redefine the BC environmental review process by giving First Nations significant control over development on their lands rather than scrambling for consultation and accommodation with every company that knocks on their door. This has tremendous implications for resource development across Canada where other Nations are seeking recognition of rights and title to their traditional lands.

Second; Taseko, the mine proponent, proposes to fill Fish Lake with mine tailings and waste rock. The Tsilhqot'in are opposed to any impacts to Fish Lake, a culturally and spiritually important lake. BC will imminently announce the formation of an independent review panel for the Prosperity Mine. The Tsilhqot'in have requested a large role in determining the review panel structure and process, again re-defining mining policy in BC.

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CENTER for SCIENCE in PUBLIC PARTICIPATION
224 North Church Avenue
Bozeman, Montana 59715-3706

Phone: 406-585-9854 Fax: 406-585-2260
e-mail: csp2@csp2.org Web: www.csp2.org

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The Fish Lake situation rings clearly like the Amazay Lake and the Kemess North mine expansion proposal. The independent review panel process recommended denial of the expansion of the Kemess North project because of concerns with converting a sacred lake into a waste treatment facility. This is the first decision where an EA process valued conservation of culture and wilderness values in the long term over short term economic gain. CSP2 continues to support the Tse Keh Nay in their efforts to stop the decision from being overturned through political posturing by the mining industry and government of BC.

The laws regulating the “conversion” of fish bearing lakes to mine waste disposal sites are currently under review nationally. CSP2 is participating in this review at the invitation of the Canadian Environmental Network.

We continue our close work with the Nak'azdli First Nation on the Mount Milligan mine proposal. The Nak'azdli are in the process of writing their own Aboriginal Interest and Use Study (AIUS) detailing the impacts and benefits to their community, culture, economy, environment and spiritual values from the mine. CSP2 continues to provide significant assistance to the Nak'azdli Tribal Council and Treaty office on their AIUS and as they negotiate with Terrane Metals and BC on the environmental review process. Nak'azdli are requesting an independent review panel.

In addition to our policy and process work, our grassroots support of mining affected communities continues across northern and central BC. From the Stikine watershed to the headwaters of the Arctic and Fraser Rivers we daily work with individuals trying to find balance among multiple projects, industry timelines, ecological needs and cultural strengths. Our approaches vary from community to community and person to person, yet our goal is continue to support people who want to learn more and be more active in the way their lands are managed.

As such, we are receiving an increasing number of requests for help from First Nations and communities across BC affected by exploration and development of mines in traditional territories and the boreal forest. In response, we are collaborating with



Kemess South Mine

EAGLE (Environmental Aboriginal Guardianship through Law and Education) an aboriginal non-profit legal firm, the Pembina Institute, Rivers Without Borders, and multiple First Nations leadership organizations and individual Nations to organize a Mining Rights and Title education and policy forum in June 2008. This gathering will bring together First Nations throughout BC to collectively address mining impacts and the flaws in the environmental assessment process. The goal of the forum is for the Nations to collectively create a strong mining policy that they will present as a united front to government and industry.

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CSP2 will be contributing to this effort in many ways. We will provide technical support for the Nations as they craft a mining policy. We are also collaborating with EAGLE and Pembina to develop an outreach and education mining toolkit for communities. This will be a comprehensive update and rewrite of the Beneath the Surface document that EAGLE and the former Environmental Mining Council of BC produced in 2001. It will include a step by step guide to mining law and how it relates to Aboriginal rights and title, a description of mining impacts from exploration through reclamation, and an analysis of the environmental assessment process.



Fish Lake, BC.

The lake is to made into a tailings disposal site for the proposed Prosperity open pit copper mine, near the town of Williams Lake, BC. Exploration drilling is underway adjacent to the lake in the lower right hand corner of the picture.

The toolkit will be written for communities and will detail many successful strategies and case studies. We will develop communication mechanisms to make the information user friendly and accessible through a website, interactive CDs and by delivering workshops in the coming year(s).

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FROM THE EXECUTIVE DIRECTOR

This issues' main article is an update on the work we have been doing in British Columbia in the past year. First Nations in British Columbia are faced with more than normal array of daunting challenges. Added to the always present economic, cultural, and housing and health issues, First Nations in BC are negotiating with the Province to settle land claims, while at the same time facing large scale mining development on the lands they claim but do not yet have title to. Mining on this scale, fueled by record high mineral prices, is an issue few First Nations have experience with. The role CSP2 has chosen to play in BC is to assist First Nations with their mining-related issues, while at the same time attempting to make mining and mining policy more environmentally and socially sound.



Dave Chambers is the Executive Director of CSP2

CSP2 has incorporated a sister organization in British Columbia – The Centre for Science in Public Participation. It made sense both operationally and financially to make this move. So, even though we are legally two separate organizations, we are fully integrated from a management and operational standpoint. Same staff, same board, same organizational goals, just 'Center' in the US, and "Centre" in BC.

Kendra Zamzow, Ph.D., has joined CSP2 and is based in Anchorage, AK. Kendra recently completed her doctorate in Environmental Chemistry at the University of Nevada at Reno, where she worked with Glenn Miller, a CSP2 board member. Kendra will give CSP2 an on-the-ground presence in Alaska, where we are tasked with providing technical analysis and support to Alaska groups on the Pebble and Donlin Creek mines, both of which are projecting permitting applications in 2009, and with coal mining, which is proposed for the Cook Inlet area northwest of Anchorage. And we still have ongoing issues with Kensington (tailings disposal), Red Dog (mine expansion, reclamation, and lead dust), Fort Knox (tailings dam seeps and a new heap leach pad), ... and then there's Greens Creek, Pogo, True North, Nixon Fork, Rock Creek,

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224 North Church Avenue
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