

From: on behalf of Panel Registry [CEAA]
Subject: FW: Prosperity - Motion by Taseko Mines Ltd.

Attachments: Prosperity - 2010-03-17 - Motion 1- Taseko objection to film.pdf

From: Prosperity Review [CEAA]
Sent: Wednesday, March 17, 2010 9:53 AM
To: Prosperity Review [CEAA]
Subject: Prosperity - Motion by Taseko Mines Ltd.


Dear Registered Participants,

The federal Panel (the Panel) reviewing the proposed Prosperity Gold-Copper Mine project received an email from Taseko Mines Ltd. on March 16, 2010 objecting to the request from the Tsilhqot'in National Government to show the film "Blue Gold: The Tsilhqot'in Fight for Teztan Biny (Fish Lake)" at the general hearing sessions.

The attached letter from the Panel outlines how this objection will be addressed at the upcoming public hearing.

Best Regards,

Colette Spagnuolo
Panel Manager | Gestionnaire de commissions
Canadian Environmental Assessment Agency | Agence canadienne d'évaluation
environnementale
160 Elgin St. Ottawa ON K1A 0H3 | 160, rue Elgin, Ottawa ON K1A 0H3
prosperity.review@ceaa-acee.gc.ca
Telephone | Téléphone 1-866-582-1884
Facsimile | Télécopieur 613-957-0941
Government of Canada | Gouvernement du Canada

 Do you really need to print this e-mail? Please think of the environment! | Avez-vous réellement besoin d'imprimer ce courriel? S.V.P. Pensons à l'environnement!

**FEDERAL REVIEW PANEL
PROSPERITY GOLD-COPPER MINE PROJECT**

March 17, 2010

Subject: Motion regarding the showing of “Blue Gold” video during the public hearing

To all Registered Participants:

The federal review panel (the Panel) reviewing the proposed Prosperity Gold-Copper Mine project has received the attached e-mail from Taseko Mines Ltd. (Taseko) objecting to the showing of the video “Blue Gold: The Tsilhqot’in Fight for Teztan Biny (Fish Lake)” (Blue Gold) during the public hearing. On March 8, 2010 the Panel received the request from the Tsilhqot’in National Government to show the video “Blue Gold”¹.

The Panel intends to consider Taseko’s objection to the request by the Tsilhqot’in National Government to show the video “Blue Gold” as a motion during the first day of general hearings in Williams Lake, on March 22, 2010.

The Panel invites interested parties to provide comments on this motion in writing by Friday, March 19, 2010. However, due to the imminent start of the public hearing, interested parties (including Taseko) will be allowed to speak to the motion on the first day of the hearing, following which the Panel will make its decision after giving the motion due consideration.

Comments can be submitted via email at prosperity.review@ceaa-acee.gc.ca.

Yours truly,

<original signed by>

Robert Connelly
Chair, Prosperity Review Panel

Attach – Taseko e-mail to Panel of March 16, 2010

¹ Prosperity Public Registry CEAR Document # 1735

From: Keith Clark [KCLARK@LMLS.com]
Sent: Tuesday, March 16, 2010 11:52 AM
To: Prosperity Review [CEAA]
Cc: Brian Battison
Subject: Objection to "screening" of "Blue-Gold" video

Dear Ms. Colette Spagnuolo

Please be advised that Taseko objects to the "screening" of the "Blue-Gold" video at the General Hearing sessions.

A. It is a propaganda film

It is not evidence. It is a propaganda film, produced to influence the opinions or behaviour of people, by providing deliberately biased content in an emotional context. By its nature, there is no opportunity for Taseko or anyone else to challenge it. When it is finished it is done. There is no one to answer questions or clarify any of the assertions.

B. It is not reliable and would not be considered evidence by a court

The video would not be admissible as evidence in a court of law – it fails the required test of (1) truly representing the facts (2) fairness and absence of any intention to mislead and (3) verification under oath by a person capable of doing so. The Panel is not bound by the rules of procedure and evidence required by a court, but is required to conform to the principles of procedural fairness and natural justice.

C. It does not allow for questions, as required by the Panel's own rules of procedure

The Panel has published its procedural rules for the various hearings. A fundamental part of those procedures in the General Hearing Sessions is the right to ask questions - Participants who make presentations at the hearing sessions may be asked questions by the Panel, the proponent and other participants. (see, for example, 2.1.5, 2.2.1 (d), 2.3.1 of *Public Hearing Procedures*).

The Community Hearing Sessions have a less formal procedure, but still provide for a right to ask questions of any presenter (see 3.2(d)).

D. There is only a very limited time for the General Hearings, and viewing the video is not a good use of that time

In this case there are only 6 days of General Hearings. The General Hearings are followed by 17 days of Community Hearings (all held in aboriginal communities, including 4 days in the Xeni Gwet'in Community Band Hall) and then 5 days of Specific Sessions.

E. The subject matter is not appropriate for the General Hearings

The Panel's **UPDATE TO INTERESTED PARTIES** provided the following description of the General and Community sessions:

General sessions will provide an opportunity for participants to present their overall views and conclusions on the Project and its potential impacts. Presentations at general hearing sessions may be on any aspects within the scope of the Panel review.

Community sessions will be more informal and will be held in selected communities within the project area as detailed in the schedule, found on page 4 of this update. These sessions will allow participants an opportunity to present to the Panel their views on the

project's impacts and on issues of importance to First Nations.

The video is described as setting out issues of importance to the Xení Gwet'in. If the video is to be viewed at all – which Taseko says it should not – then it should be shown during the community session in Xení Gwet'in. This would also increase the possibility of persons who are apparently depicted in the video being available for questions.

F. The video is readily available on the internet for anyone who wishes to view it.

Woodward & Co., who are part of the RAVEN organization that produced the video, have published the link in their letter requesting that it be shown. There is no doubt that anyone who actually wants to view the video will have ample opportunities to do so, and it is not necessary or appropriate to present it during the Panel hearing process.

Thank you for your time in reading this. I would be happy to answer any questions arising from this email.

Respectfully

Keith Clark

Keith Clark
Lang Michener LLP
1500 Royal Centre
1055 West Georgia Street
PO Box 11117
Vancouver, BC V6E 4N7
Canada
Direct Line: 604 691-7454
Direct Fax: 604 893-2380
Email: kclark@lmls.com

Visit us on the web at <http://www.langmichener.ca>
----Notice Regarding Confidentiality of Transmission ----
This message is intended only for the person to which it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that any dissemination or copying of this communication is prohibited. Please notify us of the error in communication by telephone (604-689-9111) or by return e-mail and destroy all copies of this communication. Thank you.