

2.5 CONSULTATION

The following sections describe the key consultation events and activities conducted for the development of the EIS. These consultation events and activities are divided into two major sections which include: Aboriginal Consultation and Public Consultation. A description of key consultation events as well as a summary of key issues discussed and presented at these events is provided below.

Consultation events and activities have been conducted since 1992. For the development of the Prosperity EA, events from 1992 to 2009 are summarized in Volume 2, Section 5 and associated Appendices of the March 2009 EIS/Application in four sections: Government Agency Consultation, Public Consultation, First Nation Consultation and Stakeholder Consultation. The Public Consultation Report produced for the 2009 British Columbia Environmental Assessment Office (BC EAO) review process and the First Nations Consultation Report produced for the 2009 BC EAO review process are provided in Appendices 2.5.1-A and 2.5.1-B, respectively.

During the federal review of the previous project, public hearings were conducted from March 22 to May 3, 2010 in the communities most affected by the Project. Transcripts that document the Panel hearings conducted in the spring of 2010 are available publicly (<http://www.ceaa.gc.ca/050/documents-eng.cfm?evaluation=44811&type=4>) and tables that summarize issues and concerns raised by the public and First Nations are provided in Appendix 2.5.1-C.

The following sections illustrate how Taseko has engaged with, and continue to provide up-to-date information regarding the Project to the public and aboriginal groups, particularly those most likely to be affected by or interested in the Project. It also indicates how stakeholder considerations were incorporated into the MDP project design, and the steps that the proponent has taken to involve aboriginal groups and to take their advice as to how best to deliver this information.

2.5.1 Aboriginal Consultation

This section provides information required by the EIS guidelines, plus provides an overview of Taseko's aboriginal engagement and consultation strategy.

Taseko's engagement with Aboriginal groups and the methods used for obtaining Aboriginal traditional knowledge are documented in in Subsection 2.5.1.1.

Changes that the Project may cause in the environment, which in turn may impact current use of lands and resources for traditional purposes by Aboriginal persons, physical and cultural heritage, and/or the capacity of renewable resources to meet the needs of the present and those of the future are discussed in Section 2.7.5.2.

An overview of aboriginal rights and title relative to this project is provided in Section 2.5.1.1. The reader is referred to Section 2.7.5.2 where potential impacts of the Project on potential or established Aboriginal rights or title are discussed.

Taseko's Engagement and Consultation Strategy was first implemented in the 1990s during the initial project planning period and was based on the following core values:

- First Nation engagement and consultation would provide input to assist the Project Team in effective project design, construction and post closure activities
- First Nation engagement and consultation would provide environmental and local cultural awareness key in developing a sound project
- A First Nation Consultation and Engagement Strategy would be determined in conjunction with each First Nation, and
- Funding to support capacity building within the First Nation to promote understanding of the Project would be available.

Since the early phases of project planning in the 1990s, engagement and consultation objectives have been to:

- Promote effective, proactive and responsive communications with concerned First Nations, Tribal Councils and agencies
- Build an understanding of the Taseko Prosperity Mine Plan and Environmental Assessment through continuous dialogue and information exchange
- Engage with First Nations in a timely, transparent consultation process designed to meet the needs of the local First Nations communities, determine the appropriate consultation program and engagement methods for each First Nation
- Accurately document all communications documented in the "Tables of First Nations Engagement and Consultation" (Appendix 8-2-A of the March 2009 EIS/Application)
- Record communications between the Taseko's representatives and First Nations to ensure that concerns are included in the EA, and
- Develop and carry out appropriate Commitments to First Nations during all phases of the Project.

In 2011, Taseko established an Aboriginal Policy consistent with the Mining Association of Canada's *Towards Sustainable Mining* initiative that outlines Taseko's objectives with respect to Aboriginal people.

Taseko Mines is committed to developing mutually beneficial relationships with Aboriginal Peoples and with local communities that are affected by, or that affect, the company's various endeavors.

To fulfill this commitment the following principles will guide our decisions and the conduct of our employees. In accordance with the principles of Towards Sustainable Mining (TSM) we will:

- *Respect Aboriginal and Treaty rights and seek to understand local perspectives on those rights*
- *Acknowledge and respect the social, economic, environmental and cultural interests of Aboriginal Peoples*
- *Engage with Aboriginal Peoples, in accordance with the TSM Guiding Principles, to develop open and effective relationships throughout the mining lifecycle. This includes:*
 - *Building a cross-cultural understanding so that company personnel understand Aboriginal Peoples' culture, values and aspirations, and Aboriginal Peoples understand the company's principles, objectives, operations and practices*
 - *Undertaking early, timely and culturally appropriate engagement with Aboriginal peoples, including within the environmental assessment process, to ensure their interests in a project and its potential impacts are understood*
 - *Consideration of traditional knowledge to minimize or mitigate potential adverse environmental and social impacts, and enhance positive benefits of mining and related activities*
 - *Developing agreements for participation, where appropriate, either directly with local Aboriginal communities or in conjunction with governments*
 - *Working with governments and communities to support and encourage community development programs, which may include education, training, health, culture, employment and business development, or other community needs and priorities such as capacity building*
 - *Supporting and encouraging Aboriginal involvement in environmental monitoring, closure planning and reclamation and other environmental activities that may be of interest to them, and*
 - *Developing and implementing company policies and systems that support these commitments and encourage suppliers of goods and services to the industry to do the same.*

2.5.1.1 Engagement and Consultation

Consultations Undertaken with Aboriginal Groups Prior to the Submission of the EIS and Methods Used

Taseko believes First Nation engagement and consultation is integral to the EA process. Addressing First Nations concerns in the early stages of the EA provides direction for the Project Team and their studies. A variety of consultation and engagement mechanisms include: Project notifications, follow-up phone calls, letters and emails, presentations, and meetings with Chief and Council, Tribal Councils, Elders, individual members and staff.

The First Nations that have been / will be engaged in the previous project and on New Prosperity are identified in Table 2.5.1.1-1.

Table 2.5.1.1-1 First Nations Being Consulted on the New Prosperity Gold-Copper Project

Used in this Report	Full Name
<i>Tsilhqot'in (Chilcotin)</i>	
?Esdilagh (Alexandria)	?Esdilagh (Alexandria Indian Band)
Tl'esqox (Toosey)	Tl'esqox (Toosey Indian Band)
Tl'etingqox-t'in (Anaham)	Tl'etingqox-t'in Government Office (Anaham Indian Band)
Tsi Del Del (Alexis Creek)	Tsi Del Del (Alexis Creek Indian Band)
Ulkatcho	Ulkatcho First Nation
Xeni Gwet'in (Nemiah)	Xeni Gwet'in First Nations Gov't (Nemiah Valley Indian Band)
Yunesit'in (Stone)	Yunesit'in Government (Stone Indian Band)
<i>Secwepemc (Shuswap)</i>	
Esketemc (Alkali)	Esketemc First Nation (Alkali Lake Indian Band)
Llenlney'ten (Llenlney'ten)	Llenlney'ten (Llenlney'ten First Nation)
Stswecem'c/Xgat'tem (Canoe Creek)	Stswecem'c/Xgat'tem (Canoe Creek/Dog Creek Indian Band)
T'exelcemc (Williams Lake)	T'exelcemc (Williams Lake Indian Band)
Xat'sull/Cmetem (Soda Creek)	Xat'sull First Nation/Cmetem First Nation (Soda Creek/Deep Creek Indian Bands)

Taseko began implementing their First Nation Engagement and Consultation Strategy in 1993, with the First Nation communities in closest proximity to the proposed Project mine site, access roads and transaction corridor, and transmission line. These First Nation communities included: Xení Gwet'in (Nemiah), Yunesit'in (Stone), Esketemc (Alkali) and Stswecem'c/Xgat'tem (Canoe Creek). Between 1993 and 1996, Taseko had a series of meetings with leadership within the Tsilhqot'in National Government (TNG), which, at that time, represented five First Nation communities: Xení Gwet'in (Nemiah), Yunesit'in (Stone), Tsi Del Del (Alexis Creek), ?Esdilagh (Alexandria) and Tl'etingqox-t'in (Anaham). The TNG does not represent the Tl'esqox (Toosey), who are represented by the Carrier Chilcotin Tribal Council (CCTC); however the Tl'esqox (Toosey) have worked closely with the TNG and participated in TNG meetings with Taseko.

As the engagement and consultation process evolved, Taseko held a series of meetings and distributed information booklets in the individual communities. During the late 1990s and from 2004 to 2008, nine Tsilhqot'in and Northern Secwepemc communities were engaged with Taseko on the Prosperity Project. Engagement with the Ulkatcho, Llenlney'ten (High Bar) and Xat'sull/Cmetem (Soda Creek) communities were initiated late in 2008 as the Provincial Government suggested these First Nations should also be consulted. There are now 12 First Nations included in Taseko's First Nation Engagement and Consultation Strategy.

Capacity Funding and Engagement

Between the years 2006 and 2012 inclusive, Taseko has provided in excess of \$2.0 million to the TNG providing capacity funding to assist them achieving a greater understanding of the Project including paying salaries, consulting and legal fees, travel expenses, honorariums, office costs, and responding to TNG funding requests for studies.

The Taseko Mines Prosperity Project Table of First Nation Engagement and Consultation (Appendix 8-2-A of the March 2009 EIS/Application) represents a compilation of issues by representative First Nations Governments or Tribal Councils as well as by individual First Nations communities. This table further documents the efforts undertaken to gather Aboriginal traditional knowledge, including through two ethnography studies conducted in the 1990s with participation from Aboriginal groups.

A report for the BC EAO was produced in August 2009 to summarize consultation conducted for the previous project during the Provincial EA review. This document is provided in Appendix 2.5.1-B.

During the federal review of the previous project, a public hearing was conducted from March 22 to May 3, 2010 in the communities most affected by the Project. The Panel held community hearing sessions in the First Nation communities of Xenigwet'in (Nemah Band) (March 29 to April 1, 2010), Yunesit'in (Stone Band) (April 7-8, 2010), Tl'esqox (Toosey Band) (April 9-10, 2010), Tl'etinqox (Anaham Band) (April 12-13, 2010), Tsi Del Del (Redstone Band) (April 15-16, 2010), Stswecem'c/Xgat'tem (Canoe Creek Band) (April 16-17, 2010), and Esketemc (Alkali Lake Band) (April 19-21, 2010). Closing remarks were received in Williams Lake on May 1 and May 3. The Panel was in session for 30 hearing days, over 42 calendar days. The public hearing sessions were well attended; a listing of all people who appeared before the Panel can be found in Appendix 3 of the Federal Panel report.

Panel transcripts were reviewed from the 2010 hearings to further summarize issues and concerns, as well as traditional use and knowledge obtained from the community hearings. These summaries are provided in Appendix 2.5.1-C. A table for each session summarizes:

- First Nation Community Session and date
- Contributor
- Issue, and
- Use Information.

From December 2010 to present, Taseko has attempted to engage the Tsilhqot'in and Northern Secwepemc communities and leadership on the New Prosperity Project. Engagement efforts are documented in Appendix 2.5.1-D.

Taseko has taken the following steps in attempts to gather and convey information in a manner that considered the views of aboriginal groups as to how to best achieve that objective:

- Offer to meet to discuss revisions to the Project design (December 2010).
- Offer to meet leadership and/or community to hear issues/concerns with regard to a new mine development plan and/or concerns with Taseko (February 2011).
- Phone calls and hand delivery of a digital and hard copy of the draft Project Description provided to each community (June 2011).
- Offer to meet to explain the draft Project Description and new mine development plan (July 2011).
- Offer to meet to explain the New Prosperity Project Description and hand delivery of a digital and hard copy (August 2011).
- Letters to each Nation and Chiefs requesting a meeting to discuss, or alternatively, have their written responses, on their issues and concerns with New Prosperity, their views on potential significant adverse environmental effects, and/or their views of the proposed project's effect or impact on Aboriginal Rights or Title. In this letter (April 2012), a link to a website for digital copy of New Prosperity Project Description was provided, as was notification of public meetings being held in Williams Lake on April 16, 2012.

In setting out our understanding of aboriginal interests in the EIS, Taseko is relying upon an extensive body of information that has been assembled over the last 20 years; in particular that information which was assembled during the prior panel review of the original Prosperity project. While Taseko has been trying unsuccessfully to discuss the design modifications reflected in New Prosperity and how the resulting project may or may not affect aboriginal interests, it is important to acknowledge that those efforts build upon an extensive body of existing information, much of which remains relevant to the new Prosperity project. Taseko's engagement efforts since December 2010, including the various correspondences between Taseko and the TNG, or meetings with Esketemc (Alkali Lake Band) and Stswecem'c/Xgat'tem (Canoe Creek Band), are listed in Appendix 2.5.1-D and are highlighted below.

Secwepemc First Nations

Meetings were held with the forest manager of Alkali Resources Ltd. in 2010 to further the planning on the transmission alignment route through or near the Esketemc Community Forest; however, Esketemc leadership was not present at this meeting and the proposed alignment would benefit from further discussion with Chief, Council and community members of both Esketemc and Stswecem'c/Xgat'tem. While a meeting with each of the leadership for both Esketemc and Stswecem'c/Xgat'tem did occur in 2011, Taseko's offers to present New Prosperity information to Chief, Council and/or community members have not yet been accepted. Recent correspondence includes the following and is listed in Appendix 2.5.1-D:

- Letters from Taseko to Esketemc and to Stswecem'c/Xgat'tem April 2012 offering to engage to discuss new project environmental effects and effects on aboriginal rights or title
- Letter from Esketemc June 2012 noted that there was no response to their May 2012 letter and no information yet supplied to Esketemc on mitigation or environmental management for New Prosperity
- Letter from Taseko August 2012 noting that Taseko had not received the May 2012 letter referred to above, and that Taseko is willing to meet with Esketemc, and

- Letter from Esketemc August 2012 supplying the May 2012 letter and expressing concerns with a number of aspects of the Draft EIS and the extent of engagement with Esketemc to date.

Tsilhqot'in First Nations

There has been no acceptance from Tsilhqot'in leadership to meet with Taseko; numerous offers to meet have been extended, initially in December 2010 to discuss an interest in revising the Project's design. Taseko has provided the TNG with extensive information about the New Prosperity project over the last eighteen months. These steps have included sharing both the draft version and the final version of our detailed Project Description and Taseko has afforded a very substantial opportunity to consult.

Taseko, Tsilhqot'in leadership, and the Crown met in January 2012 and reached a settlement respecting the Tsilhqot'in's concerns with and Taseko's need for geotechnical investigations for the New Prosperity mine site layout, which resulted in discontinuance of related legal proceedings.

The TNG's publicized list of "10 facts why resubmitted Prosperity Mine Proposal cannot be approved" is documentation of their perception and concern with regard to New Prosperity. Taseko's response to these 10 items is provided in Section 2.7.5.3 of this EIS.

Formal letters from the TNG have been received by Taseko and the Federal government that outline their general concerns with New Prosperity, based on their understanding of the Project. The most recent letter from the TNG was received on May 14, 2012; the concerns itemized in this letter have been added to Taseko's documentation of key issues and concerns with the Project in Section 2.7.5 of this EIS, and include:

- Stating that preserving Fish Lake does not address Tsilhqot'in concerns
- That key issues listed in the Project Description omits reference to Little Fish Lake or 'Nabas' area
- View that the new proposal is worse than previous
- View that New Prosperity does not address impacts on Tsilhqot'in culture and rights, including rights to hunt and trap
- Perception of contamination
- Perceived risk of mine expansion on Fish Lake, and
- Statement that monetary compensation cannot replace cultural loss.
- A very recent letter provided a correction that the TNG Chiefs would be willing to meet should Taseko confirm that such a meeting outcome could potentially be a decision by the company that the Project would not proceed.

Summary of Ongoing and Future Consultation Activities with Aboriginal Groups

Over the many years leading up to the submission of the EIS, Taseko has undertaken extensive consultation with First Nations. The purposes of this consultation has been to seek to develop a working relationship with the First Nations; to identify potential opportunities for mutual benefit; to identify aboriginal concerns and consider options to mitigate or accommodate those concerns; and, to perform certain procedural aspects of the Crown's duty to consult.

Taseko intends to continue those efforts during the environmental assessment process, and as appropriate, beyond that phase.

It is Taseko's intent to work closely and cooperatively with participating First Nations throughout the environmental assessment to ensure that potential project-related impacts on identified interests are appropriately addressed.

Ongoing involvement and input from First Nations will be encouraged, facilitated and supported by the Company through the provision of Project-related information as well as in-house expertise to explain that information.

The nature of the consultation process for each First Nation will be determined to a considerable degree by the interest and willingness of that First Nation to participate in consultation with Taseko but generally, Taseko will:

- Seek suggestions from the First Nations as to how Taseko may be able to make the consultation process more meaningful for their community.
- Be available to answer any specific written or oral questions from First Nations relating to the Project, and will make appropriate in-house expertise available to attend at First Nation communities if that is their wish, to provide presentations on the EIS and on the Project, and to answer questions that may arise in the community.
- Work closely with the Crown and carry out any reasonable requests of the Crown with respect to consultation.
- Provide copies of the EIS to all First Nation communities as directed by the Federal Review Panel, and facilitate access to any relevant and reasonably available supporting documentation/studies that may be of interest to specific First Nations.
- Take reasonable steps to keep the First Nations informed in relation to the scope, potential impacts, timing and progress of the Project.
- Seek First Nations' input, through whatever form of communications, meetings or other forms of information sharing is appropriate to the particular First Nations, to reasonably address concerns regarding the potential for Project-related impacts on their interests, by identifying appropriate mitigation or accommodation measures and/or other appropriate means by which to address/resolve potential impacts identified by First Nations.

Key Issues and Concerns Identified

This section provides a summary of the issues and concerns identified by First Nations. Through the consultations referred to above, a number of issues or concerns have been raised by aboriginal groups. Those issues fall within one or more of the following categories:

- Issues that are relevant to asserted or established aboriginal rights and title (which is relevant to the Crown's duty to consult and accommodate independent of the terms of the *Canadian Environmental Assessment Act*)
- Potential impacts regarding the current use of land and resources for traditional purposes by aboriginal people or impacts and physical and cultural heritage, where such impacts are derived from changes that the Project may cause in the environment (which is relevant to the panel's

consideration given the definition of "environmental effect" in the *Canadian Environmental Assessment Act*, and

- Issues that may not fall within either of the above but which were raised during the course of consultations or submissions and which are noted here for completeness and transparency.

For the purposes of fulfilling the requirements of Section 2.5.1.1 of the EIS guidelines, we are presenting in the following tables the full range of aboriginal issues and concerns identified through consultations to date, irrespective of which of the above three categories they may fall within. Taseko does, however, make further comment on the significance of such categorization of issues later in Section 2.7.5 of this EIS as well as mitigation measures relative to the concern. Further, in the interest of completeness, we are also including issues and concerns related to the original Prosperity project proposal which would have involved the loss of Fish Lake, even though the New Prosperity project does not involve the loss of that lake. These concerns are noted with an asterisk.

Table 2.5.1.1-2 Aboriginal Concerns Resulting From Potential Changes to the Environment

<p>Effects on Wildlife or Wildlife Habitat, as they relate to current use for traditional purposes or Aboriginal Right to Hunt or Trap</p> <ul style="list-style-type: none"> • New Prosperity still results in loss of habitat in the watershed. • Dust and the air carry pollutants that will be absorbed by the plants and be ingested by animals and result in tainted home country foods. • There be a net loss of habitat for wildlife (such as grizzly bear) due to Project development and will the travel corridors for animals (like mule deer) be potentially affected. • The Project and its development will increase local hunting, specifically by employees, and contractors who will come and live in the local area. • Animal abundance and diversity will be affected from mortality. • Concerned that the mine will cut off the migration of the deer and moose. • Concerned that explosives will disrupt the current wildlife. • The mine is going to be located on their south-eastern trap line. • Trappers will not be compensated for losses on the trap line as a result of the Project being developed. • Perception of contamination will still affect use of the watershed.
<p>Effects on Fish and Fish Habitat, as they relate to current use for traditional purposes or Aboriginal Right to Fish</p> <ul style="list-style-type: none"> • New Prosperity still results in loss of Little Fish Lake. • The impacts on fish habitat in the area will reduce opportunities for First Nations. • Fish living in the tailings ponds will not be suitable for eating. • Risk of mine expansion on Fish Lake. • The genetic line of existing trout population that exists today will not be maintained. • Pollution from the mine effluent drainage system might devastate the salmon and sturgeon within the Chilko and Taseko Mines River system. • Fish compensation plan may include increased access to fishing lakes further increasing competition for fish and decrease the harvest. • Fish might be larger (in Prosperity Lake) but less numerous than those currently in Teztan Biny and that it would take substantially more time and effort to catch the same amount of food.* • Fish might be contaminated from the nearby mining activities, including Jidizay Biny (Big Onion Lake) as a result of seepage from the tailings storage facility, which would also lead to avoidance of that lake. • Concerns about the water temperature in the river being affected and affecting the salmon. • Concern that if Teztan Biny (Fish Lake) was not available there would be increased competition for

resources in those other lakes.*

- Perception that contamination will affect the use of Taseko River.

Effects on Water Quality, Lakes & Waterways

- Groundwater/surface water interaction may not be monitored, or monitored long enough, when the operation period of the mine discontinues.
- Whether or not there is going to be water treatment and who will maintain it long-term.
- How ARD is going to be managed, and what the risks are if water levels in pond drop after closure.
- Whether or not toxic chemicals will be used (i.e. Cyanide), and concerns about metals such as Mercury and Arsenic.
- What are the effects on aquifers and springs, long-term?
- Prevention of groundwater impacts, and the blasting effects on the pit walls and the seepage loss from the pit.
- Concern that the Fraser River needs an 8 km wide corridor running on both sides to be protected.

Effect on Vegetation, as they relate to current use for traditional purposes or Aboriginal Right to Gather and Harvest

- New Prosperity still results in loss of portions of Fish Creek watershed.
- Concern of impact of dust and contamination on soils on medicinal plants, berries, and wildlife food sources.
- Cumulative losses for gathering in light of logging.
- Loss of traditional food gathering at Fish Lake, such as Labrador tea, soap, Saskatoon and blueberries, plants and medicines like hellebore wild potatoes, pine mushrooms, pine pitch.

Effects on Atmosphere

- Concern that noise and lights will be seen and heard from Nemiah.

Effects on the Land as a Result of Accidents

- Concern about hazards and risks such as the open pit after closure to people and animals, contribution of the Project on global warming and impacts on glacial fields, effects on the Project and infrastructure from earthquakes.
- Concerns about motor vehicle accidents/spillage and not having an action plan.

Effect of Land Disturbance on Cultural Heritage and Archaeological Resources

- Collection and distribution of First Nations cultural, burial and other archaeological sites is a concern.
- Impact on cremation sites on the island in the middle of Fish Lake.
- The loss of a heritage sites and archaeological burial ground around Fish Lake.
- Concerns regarding ancestors' homestead sites in Nabas area.
- The lack of access to the mine area is going to impact the traditional way of life.

Table 2.5.1.1-3 Aboriginal Concerns Resulting from the Presence of a Mine on Social or Economic Aspects of their Community or Nation

Socio-Economic Impacts

- Concern regarding serious mental health concerns and physical deterioration of health among Tsilhqot'in.
- Increased drug and alcohol abuse and higher crime due to money from the mine in the community.
- No assurance of long-term community benefits.
- Tourism opportunities will be ruined.
- There is concern regarding the high unemployment rate (80%) in their communities but they will not have access to jobs at the mine.
- Lack of training opportunities for employment at the mine.
- Concern that there is a lack of ownership in First Nations communities but plenty of poverty, inadequate education, and poor government fiscal control of First Nation spending.
- Concerns on how Taseko will compensate for destruction of sites for fishing, hunting, and gathering medicines.
- Concern was raised that the favourable jobs would go to non-local residents.
- No impact agreements or accommodation agreements
- Concern that the mine might not be economical and close during periods of low commodity prices.

Table 2.5.1.1-4 Aboriginal Concerns Relative to the Regulatory Review Process

General Concerns Regarding Consultation

- Concern they are not being consulted by the Crown.
- Lack of funds for participation.
- Concern that they will be put into the position of having to make a quick decision regarding the Project.
- Community members, not the Chiefs, should be the decision makers.
- For further meetings to occur, legal council will need to be present to protect Rights and Title case.
- Stated there has been no discussion outlining impact recommendations, mitigation, and compensation for any of these losses.

Potential Impact on Potential or Established Aboriginal Rights and Mitigation Measures

An aboriginal right is a custom, practice or tradition integral to the distinctive culture of aboriginal peoples at the time of contact with European settlers (generally regarded as 1793 in British Columbia). Aboriginal rights do not generally include an interest in land, but rather represent a right to undertake certain activities, such as fishing or hunting, on or in relation to land. Aboriginal title is a subset of aboriginal rights, which includes an interest in land and the right to choose the use to which land is put. Jurisprudence from the Supreme Court of Canada makes clear that the Crown has certain obligations to consult when considering applications by third parties to do things that may impact on potential aboriginal rights and title, and the Crown has an obligation to justify any infringements that occur in relation to established aboriginal rights or title.

In *Tsilhqot'in Nation v. British Columbia* 2007 BCSC 1700¹ the B.C. Supreme Court held that the Tsilhqot'in have aboriginal rights to hunt and trap (an aboriginal right to fish was not alleged)² in a broad claim area that includes, but is not limited to, the area of the proposed project area. The trial judge also expressed a non-binding opinion that the test for aboriginal title could likely be met in relation to a portion of the claimed area, but not the area of the proposed project. Rather, the Project falls within the area referred to in the decision as the "Eastern Trapline Territory" and the court stated, "I am not able to find that any portion of the Eastern Trapline Territory was occupied at the time of sovereignty assertion to the extent necessary to ground a finding of Tsilhqot'in aboriginal title".³

Established or potential aboriginal rights or title represent one subset of aboriginal interests that are considered through the environmental assessment process. They attract a different form of assessment than that which the panel must apply in relation to environmental matters. Rather than determining whether there is a "significant adverse effect" in accordance with CEAA policy⁴ the panel is mandated to gather information regarding such potential or established aboriginal rights and title, and to provide the government with information about those interests as well as any mitigation measures that are made, without reference to the "significant adverse effect" test or related policy. This in turn will allow the Crown to ensure its consultation duties have been met, in accordance with the test established by the Supreme Court of Canada in *Haida Nation v. British Columbia (Minister of Forests)* [2004] 3 S.C.R. 550 and related case law.

The potential impacts of the Project on potential or established aboriginal rights or title, and the measures proposed to prevent or mitigate such impacts are discussed in Volume 8, Section 6 of the previous 2009 EIS, and in considerable detail in Section 2.7.5 of this document.

Taseko will ensure that aboriginal groups have access to this EIS and other detailed information about the proposed project, in order to consider how it may impact their established or potential aboriginal rights or title. This will include providing aboriginal groups with hard copies and electronic copies of this EIS. Any comments provided by aboriginal groups on the EIS will be tracked and made available to aboriginal groups and the panel.

Where and How Aboriginal Traditional Knowledge is Incorporated into the Assessment

Substantial First Nations traditional knowledge and land use information was provided through working groups and consultation on the previous Prosperity Project; this information assisted in the refinement of the scope of assessments for Prosperity as described in the 2009 EIS/Application. Some additional traditional knowledge, such as vegetation and wildlife species present in the proposed mine site area based on accounts of harvesting and hunting, was presented through the Provincial EA review and Federal panel review and was considered in the Vegetation (Section 2.7.2.7) and Wildlife (Section 2.7.2.8) assessments in this EIS for New Prosperity.

¹ This decision was appealed to the BC Court of Appeal and has been heard but judgment had not been issued at the time of drafting of this EIS.

² Paragraph 1054

³ Paragraph 893

⁴ For the CEAA policy on determining what is a significant adverse effect, see: <http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=D213D286-1&offset=1&toc=show>

2.5.2 Public Consultation

For the development of the Prosperity EA, government, public and stakeholder consultation events from 1992 to 2009 are summarized in Volume 2, Section 5 of the March 2009 EIS/Application. The Public Consultation Report produced for the 2009 BC EAO review process is provided in Appendix 2.5.1-A.

During the federal review of the previous project, public hearings were conducted from March 22 to May 3, 2010 in the communities most affected by the Project. Transcripts that document the Panel hearings conducted in the spring of 2010 are available publicly (<http://www.ceaa.gc.ca/050/documents-eng.cfm?evaluation=44811&type=4>) and tables that summarize issues and concerns raised by the public and First Nations are provided in Appendix 2.5.1-C.

The following summarizes public consultation conducted from December 2010 to date on New Prosperity.

PUBLIC CONSULTATION OPPORTUNITIES

A. Interactive New Prosperity Website

On June 6th, 2011, Taseko Mines Limited launched an interactive, public access website, www.newprosperityproject.ca. The website, which has been active and unrestricted in its accessibility since its launch, is a public access information and discussion portal related to the New Prosperity Gold-Copper Project.

Key Objectives of the Website:

1. Inform the Public - The findings of scientific and economic research and analyses form part of the New Prosperity website content. This information is intended to give site users a thorough understanding of the impacts and projections of the New Prosperity Gold-Copper Project, to identify concerns related to the Project, and to understand measures being undertaken by Taseko Mines Limited to address these concerns.

Information accessible to all site users includes:

- A PDF of the New Prosperity *Project Description* in its entirety, as presented to the Canadian Environmental Assessment Agency (CEAA) in August of 2011
- A PDF of the *Executive Summary* of the Project Description
- Digital renderings of New Prosperity mine site representing the area before the commencement of operations, the area during mine operations, and the area following the closure of the mine
- A detailed third-party economic projections and impact report on the Project (developed by the Centre for Spatial Economics)
- A general overview of project proponent, Taseko Mines Limited, including a short video introduction
- A general overview of the history of mining in Canada
- Information and commentary supplied by other site users and site administrators (see item #2 below), and
- An archive of mainstream media coverage related to the Project.

2. Create an Open, Real-time Platform for Public Discussion - Taseko Mines Limited is committed to a program of transparent, fact-based dialogue around the New Prosperity Gold-Copper Project. Accordingly, the Project website is equipped with public discussion functionality with which site users may post questions, discuss project-related matters that are most relevant to their interests, and interact directly with members of the New Prosperity website team and/or other users of the website.

Categories for discussions have been created to assist users in receiving the most relevant and timely response to queries and comments. Each discussion category is formulated as a question and is populated with a response by Taseko Mines. In addition to these general responses, questions posed by site users within a category of discussion are answered within 24 hours, and typically sooner.

Sample Discussion Question from a Site User and Taseko Response:

Site User Question: *If you want an open and honest discussion on your mining plans, which the local First Nations and many environmental groups oppose, then you would not be proceeding with a civil suit against the Wilderness Committee. You are trying to bully and intimidate others in an attempt to stop dialogue and public information.*

Site Administrator Response: *There is no shortage of healthy, passionate debate about this project out there. And we encourage that, as evidenced right here on this discussion forum where opponents of the Project can freely bring their views into the open with the goal of having a discussion that is rooted in facts. We firmly believe that there is so much to be gained from New Prosperity and that it will be a big win for all Canadians. For this very reason, we can't simply sit by silently when certain parties flat out mislead the public about the Project. The facts do matter. Differences of opinion are one thing, but flagrant misrepresentation and fabrication are quite another.*

Public discussion topics hosted on the Project website include:

- Environmental impacts of the Project
- First Nations relations and other cultural considerations
- The preservation of Fish Lake and other differences between the original Prosperity plan and the New Prosperity plan
- The review process
- Employment and benefits, and
- Economic projections.

Moderation of comments submitted by site users is performed solely to mitigate against the use of profane or defamatory language. All comments submitted to the site are otherwise approved and published for public viewing. Comments of support for the Project therefore coexist with comments of opposition; the goal of fostering frank and honest dialogue has been achieved.

All comments posted to the site remain accessible to the public and are archived by subject for easy retrieval at any time.

Sample Verbatim Comments made by Site Users:

Sample 1: *With rising trade deficits with the developing world, in particular, China. It's foolish not to exploit a vast, native resource that those nations have such high demand for. Move forward with the responsible development of Prosperity.*

Sample 2: *To those that oppose mining, keep in mind that of all the things that you need to live, if it didn't grow then it was mined. Try to imagine living without metal of any kind. It isn't impossible but it was called the "Stone Age". Unless you truly live a stone age existence opposing mining is hypocritical. Rather, you should be happy that we have strict environmental controls and public participation in the development of elemental resources. Much of the metal you use every day didn't come from such a responsible country and inclusive political environment.*

Sample 3: *We should be skeptical of mining practices. It keeps corporations honest. But when public skepticism leads to a corporation addressing concerns raised, it is unreasonable to be categorically opposed to any mining whatsoever. Gold mines pose environmental risks, but those risks can be controlled. The tailing pond can be lined such that the cyanide used in the extraction process does not leach into groundwater in the short term. In the long term, that cyanide can be recycled or degraded. Those opposed to New Prosperity make broad claims that it will harm the environment. Be specific, and logical, and Taseko can address those concerns. Obstinate opposition for its own sake will be counterproductive to environmental concerns in the long run. A logical activist's opinion will always garner more respect in the courts.*

Sample 4: *I am sure that every step will be taken to minimize damage to the environment. Our province and especially our children need these jobs. The revenue the government will get will help with health care and education expenses (sic) that we currently have to pay in personal taxes. I think this project is vital to central B.C.*

Sample 5: *I think this new proposal is well thought out and addresses most if not all of the concerns with the first proposal. Other than a few special interest groups everyone in the surrounding areas are in full support of this project. We NEED the jobs and economic activity here.*

Other Information and Functionality found on the Project Website.**1. Show Your Support (opportunity to submit a letter to peers and government)**

Site users may acknowledge their support of the New Prosperity Gold-Copper Project by registering their name, email address, and postal code for authentication purposes (i.e. to ensure against the distribution of unwanted 'spam' messages).

A letter-generating template on the website also permits users to send a letter of support to a friend, peer or family member. This message may be customized by the user to precisely reflect their views on the Project.

Additionally, there is a standard letter of support that registered users may send to their local MLA or directly to the Prime Minister of Canada's office.

2. Media Centre

Active members of the media (upon verification of current journalist accreditation) are entitled to access an information resource section of the website in which project background documents, fact sheets, and economic reports are made available as reference materials.

3. Sample News Coverage

The website is also equipped with a press clippings section that provides links to stories in major news publications that directly address the New Prosperity Gold-Copper Project.

Key Website Analytics

Total Website Visits: **23,369**

Total Unique Website Visitors: **17,694**

Total Comments that have been "shared" on other Social Media Platforms: **1,423**

Average Time Spent by User on the Website: **2:35** (2 minutes, 35 seconds)

Website Comments by Sentiment (% of total):

Positive: **50%**

Neutral: **24%**

Negative: **26%**

B. Public Open Houses

The public was invited to attend open houses in Williams Lake on April 16, 2012 from 1:00 p.m. to 3:00 p.m. and 7:00 p.m. to 9:00 p.m. and in 100 Mile House on April 17, 2012 from 7:00 p.m. to 9:00 p.m. Individual letters were sent to all TNG and Secwepemc chiefs, informing them of these open houses. A historical overview of the company was presented and an update on the capital investment underway at Taseko's operating mine, citing the provincial and federal economic impacts. The rationalization of the company's decision to participate in a second environmental assessment was explained. A ten minute video of the New Prosperity Project illustrated the new design and construction plan. The public was invited to view poster boards set up on topic specific areas and to speak face to face with representatives from Taseko. This format provided the public with opportunity to ask questions, make comments, and discuss concerns about the Project with professionals knowledgeable in each area. Information tables consisted of, General and Economic Benefits, Water, Fish and Fish Lake, Reclamation, Land use, Terrestrial Assessments, Employment, Education and Training, Mining and Engineering, Camp, Infrastructure, and Mill and Tailings operation. In addition, comment cards were available to the public to submit written comments. These were collected and have been included in the summary provided in Section 2.5.2.4.

SUMMARY OF KEY ISSUES OF CONCERN RAISED BY THE PUBLIC TO-DATE

The following are the key issues raised to-date on New Prosperity at Open Houses or on the Microsite, and Taseko's responses:

General Information and Economics

- Sharing of information on the Project – Public would like to see more open houses with question/answer opportunities prior start of panel review hearings
 - *Taseko is planning on another round of Open Houses, as well as stakeholder meetings where there is interest.*
- General concern on the lack of a relationship with First Nations and that it could hold up the Project
 - *Taseko is open to communicating with First Nations on the issues of concern with the Project, potential impacts on asserted and established rights and title, mitigation measures, and benefits of the Project.*
- Benefits of mining need to be communicated to the tourism industry, and others
 - *The benefits of this project will be communicated to stakeholder groups, and specifically to those in the tourism industry that have either concerns about the Project's impacts on their business, or those interested in benefitting from the Project.*

Water, Fish and Fish Lake

- Concerns about the protection of the water supply for fish and wildlife, particularly Fish Lake
 - *Water management is detailed in Section 2.7.2.4 of this EIS and in 2.8.1, and is regulated by the BC Ministry of Forests Lands and Natural Resource Operations as well as Environment Canada.*
- Public access to Fish Lake during operations
 - *Public access to Fish Lake during operations will be managed to be compliance with the Health, Safety and Reclamation Code of BC.*
- Impacts on Lake with pit only 500m away
 - *The stability of the open pit walls is discussed in the KP report, "Preliminary Pit Slope Design", dated May 2012 (Appendix 2.2.4-A) and the effect on the lake is discussed in Section 2.7.2.4 (Hydrology and Hydrogeology) and in the BGC report, "Numerical Hydrogeologic Analysis", dated May 2012 (Appendix 2.7.2.4A-A).*
- Potential for contamination of fish, particularly from Tailings Storage Facility
 - *Water management is detailed in Section 2.7.2.4 of this EIS and in Section 2.8.1; and regulated by the BC Ministry of Forests Lands and Natural Resource Operations as well as Environment Canada.*
 - *Effects on fish are presented in Section 2.7.2.5 of this EIS.*
- Risk to Fish Lake from extended mine life
 - *This EIS has been submitted seeking approval to issue permits enabling the execution of the mine plan outlined in the EIS. The open pit associated with that mine plan has a pit rim that is approximately 500 m away from Fish Lake. Under this application there is no risk to Fish Lake as a result of extending the mine life.*

Reclamation, Land Use, Terrestrial Assessments

- Concern that the grizzly bear population will be protected
 - *Grizzly bear mitigation measures new to New Prosperity are presented in Section 2.7.2.8 of this EIS.*
- Measures taken for reclamation
 - *The reclamation plan is described in 2.8.2 of this EIS, and is governed by the BC Ministry of Energy and Mines.*
- Impact of lights and dust during operations on atmosphere and animals
 - *Project effects on the atmospheric and acoustic environment are presented in Section 2.7.2.2 and Section 2.7.2.3 of this EIS.*

Employment, Education and Training

- Contractor opportunities; Employment opportunities, and skills required; Training programs for First Nations
 - *Taseko's overview of contractor, employment and training programs are presented in 2.5.1; further engagement with the public through the EA and permitting with inform potential employees and contractors of opportunities.*

ONGOING PUBLIC CONSULTATION ACTIVITIES

Taseko is committed to maintaining an open dialogue about the Project throughout the environmental assessment process. Planned ongoing consultation plans for the public and stakeholders.

Taseko is planning to implement the following ongoing consultation activities:

- Website and newspaper advertisements and announcements would continue to be produced and distributed to keep the public aware of the Project and EA events and milestones.
- Make copies of the EIS available in local libraries and/or other suitable generally-accessible locations in Williams Lake, 100 Mile House, Alexis Creek and Williams Lake City Hall, as well as First Nations communities as directed by the Federal Review Panel.
- Continue to update the Project website to reflect important Project and EA milestones.
- Present an overview of the EIS to key local organizations with information on how to obtain copies.
- Respond to Information Requests (IRs) received from the Federal Panel and RAs.
- Meet with interested parties upon request.
- Host a second round of open houses – Taseko is intending to hold open houses in the communities of Williams Lake and Alexis Creek, and 100 Mile House depending on community interest and requests for information. The open houses will provide an overview and visual presentation of the Project and environmental assessment as described in the EIS. Representatives from Taseko will be in attendance to describe the Project and the contents of the EIS and to identify any issues raised in the pre-EIS stage and how they have been addressed in the EIS. In addition, the open houses and review of the EIS will provide an opportunity for input to identify further issues or concerns.

CONSULTATIONS WITH LOCAL GOVERNMENTS, STAKEHOLDER ORGANIZATIONS, AND FEDERAL AND PROVINCIAL ORGANIZATIONS

Meetings with governments, stakeholders and interested parties are ongoing; an interim summary is provided below:

Federal Agencies

CEAA and Federal RA's

- December 6, 2011 - An overview of the New Prosperity Project Description was provided to CEAA, Federal RAs as well as BC EAO and other BC Ministries.
- April 18, 2012 - A review of the contents and organization of the New Prosperity EIS was provided to CEAA and Federal RA's.

Fisheries and Oceans Canada

- January 26, 2012 - A review of Taseko's approach to Fish and Fish Habitat effects assessment was provided to Fisheries and Oceans Canada
- May 11, 2012 - Conference call with Fisheries and Oceans Canada to review Taseko's proposed approach on effects assessments and DFO's initial comments.

Stakeholders and Interested Parties

Chamber of Commerce, Williams Lake

Taseko was invited to attend the Williams Lake Chamber of Commerce meeting on March 29, 2012 to provide the business community with a company update. The approximately 120 attendees listened to a presentation on the company's history and a present day overview of the Company, capital investments and economic impacts, and the decision to proceed with a second environmental assessment. This was followed by a brief company video and one illustrating the new design and construction of the New Prosperity Project. The presentation was well received by the meeting attendees.

Chamber of Commerce, 100 Mile House

On April 4, 2012 the same presentation was delivered at a monthly general meeting of the 100 Mile House Chamber of Commerce. The meeting was attended by approximately 50 business representatives from the community. The majority of the attendees were encouraged by the new proposed mine plan, with the exception of one attendee who was opposed.

Alkali Resources Ltd

- August 1, 2010 – To review options for transmission line through Community Forest.

Siegfried Reuter, Taseko Lakes Lodge

- August 2, 2011 – To deliver New Prosperity Project Description
- April 2012 and ongoing – To discuss effects of exploration and New Prosperity.
- Mr. Reuter has communicated frequently with Taseko since April 2012 regarding his concerns with recent and past exploration activities on his ability to conduct guided horse rides in his Commercial Recreation tenure area and, in combination with the development of logging/roads, his ability to manage his horses on his Crown Grazing License tenure area (See Section 2.7.3.1). Taseko is working to ensure Mr. Reuter's concerns are considered during reclamation of the current exploration sites. With regards to compensation for any effect on his tourism business should the mine proceed, Taseko has received a proposal from Mr. Reuter.