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IR 41 – Impacts on Resource Users Related to Hunting and Trapping

References:

EIS Guidelines, Section 2.7.3.1
EIS, Sections 2.7.5, 2.8.3, and 2.7.3.

Related Comments:

CEAR # 290 (Tsilhqot'in National Government)
CEAR # 282 (Esketemc Nation)

Rationale:

The EIS Guidelines (Section 2.7.3.1, p. 55) state that “with respect to hunting, trapping and guiding, provide an assessment of the effects of all phases of the Project on these activities. In addition, the EIS will:

- assess the importance of the areas affected relative to overall area traplines and guiding territories and, to the extent possible, quantify the effect on guide outfitters and trappers;
- propose mitigation measures for diminished wildlife and wilderness values of the guide outfitter territories and registered traplines affected, where appropriate; and
- identify potential effects on recreational hunting opportunities in the immediate and adjacent areas”.

This information is required by the Panel to properly assess the impacts to resource users, specifically those who engage in hunting, trapping, and guiding. The Tsilhqot'in National Government (p. 49) requests further delineation on “the anticipated or potential range of the ‘no hunting zone’ around the MDA”. It also raises concerns about how the Health, Reclamation and Safety Code might impact access or use of the Fish Creek watershed. Additionally, the Esketemc Nation (p.11) raises concerns that while “the Proponent briefly notes that the Secwepemc Nation identified adverse impacts to rights to hunt... there is no further discussion of these”.

The EIS (p.1386) notes that “there have been issues raised around the potential for the transmission line to further increase public access by linking open logged areas...” In Section 2.8.3 of the EIS (p. 1440), the Proponent, in discussing its proposed mitigation measures for increased human presence in the area and the effect on wildlife for hunting or trapping, states that “mitigation measures to be implemented during construction and operational phases will include the creation of policies to limit human activities in and around the project operations and camp areas as well as no-hunting and no-recreation policies for employees while on their work rotation”. The Proponent also states in Section 2.7.3 of the EIS (p. 1160) that “a hunting ban for mine employees during the construction and operations phases of the mine would avoid any related increase in hunting pressure in the LSA”.

The EIS also states, in Section 2.7.5 (p. 1309), that “the original panel noted that the established Tsilhqot'in rights to hunt and trap in the mine site area would be directly affected as they would no longer be able to exercise those rights until after the mine closed and the land was reclaimed. Even then, the restored landscape would be

permanently altered. The Tsilhqot'in stated that they would likely not use the area to exercise their Aboriginal rights due to the perception of contamination. The original panel determined that the effect of the Project on the established Tsilhqot'in Aboriginal rights would be irreversible. The original panel has also considered Taseko's proposed mitigation measures including the establishment of a no hunting zone for the Project area. The original panel stated that "this proposed mitigation would limit the ability of First Nations to practice their established Aboriginal right to hunt and trap in the Project area and may impact their Aboriginal rights to hunt and trap in other areas within the territory due to increased pressures on wildlife populations elsewhere".

Information Requested:

With regards to the no-hunting policy for workers on rotation, the Panel requests that Taseko:

- a. Provide further detail on the ability of mine employees to hunt when not on rotation and if the no-hunting ban would still apply. Specifically, indicate whether opportunities to hunt in the mine development area would be available to mine employees when not on rotation or to other users. Also include further detail on the area around the mine development area that would be anticipated to be subjected to the no-hunting ban.
- b. Assess the impact of a potential increase in hunting pressure in the immediate and adjacent areas of the mine development area on Aboriginal rights to hunt and trap in these areas if hunting is permitted by mine employees who are not on rotation or by other users.

Related to the affected area of the traplines and guiding territories, the Panel requests that Taseko:

- c. Provide an assessment of the importance of the areas affected relative to the overall area in non-monetary terms and, to the extent possible, quantify the effect on guide outfitters and trappers. This should include impacts to lifestyle and culture.
- d. Provide details on how the Health, Reclamation and Safety Code will be used to provide access and use. Explain what specific conditions, restrictions, or limitations could be expected by users.
- e. Clarify how the policy will be enforced. Provide any research results that indicate the success of this approach as used elsewhere.

With regards to the proposed mitigation measures for the potential increase in access to the mine area and along the transmission line, the Panel requests that Taseko:

- f. Provide additional information and/or examples from the field or literature where these mitigation measures have been used.

Information Request #41a

With regards to the no-hunting policy for workers on rotation, the Panel requests that Taseko:

Provide further detail on the ability of mine employees to hunt when not on rotation and if the no-hunting ban would still apply. Specifically, indicate whether opportunities to hunt in the mine development area would be available to mine employees when not on rotation or to other users. Also include further detail on the area around the mine development that would be anticipated to be subjected to the no-hunting ban.

Response Summary

Mine employees are members of the general public while they are off shift. As such, if they choose to use the Fish Lake area for hunting or recreational purposes on their own time, they are free to do so. In this case, mine employees would be expected to observe the same access and hunting restrictions as the general public would experience while using the site.

Discussion*Hunting Restrictions for Mine Employees*

While on shift, mine employees would not be permitted to engage in hunting activities on or off the mine property. As employees will be transported to and from the site via bus, at the end of their shift employees would leave the site for home and thus would not engage in hunting activities in the area.

If mine employees choose to engage in hunting activities on their own time (ie, while not on shift), they are free to do so. As a member of the general public, mine employees who are not on shift, may choose to use the Fish Lake site on their own time. In this instance access restrictions and No Shooting Zones in the area surrounding the mine site would apply, as they would to any other member of the general public.

Hunting Restrictions

As discussed in IR40, to ensure the safety of mine employees, a No Shooting Zone will be established around the mine development area. The No Shooting Zone may extend 1,000 m from all mine areas where employees may be working and may also consider heights of land and existing features such as road infrastructure. The conceptual location of the No Shooting Zone is depicted on Figure 40-1.

The imposition of a No Shooting Zone restricts the use of firearms in the area. However, the use of bow and arrow may be permitted in this area.

Information Request #41b

With regards to the no-hunting policy for workers on rotation, the Panel requests that Taseko:

Assess the impact of a potential increase in hunting pressure in the immediate and adjacent areas of the mine development area on Aboriginal rights to hunt and trap in these areas if hunting is permitted by mine employees who are not on rotation or by other users.

Response Summary

Under applicable hunting regulations, the Fish Lake area currently has good access and is open for hunting to the general public. It would be expected that individuals who currently use the area for hunting would continue to do so once the mine is built. It is possible that some mine employees who engage in hunting activities may choose to hunt in the area around the mine while they are not working; however, as the site is a fair distance from Williams Lake and other centers, increases in hunting activities in the area are not anticipated.

No Shooting and access restrictions around the mine site account for only a small portion (less than 1.5%) of the established rights area. As no increase in non-aboriginal hunting activities in the area are expected, when considered in relation to the entire established rights area, there is no anticipated impact on Aboriginal rights to hunt and trap as a result of increased hunting pressure.

Information Request #41c

Related to the affected area of the traplines and guiding territories, the Panel requests that Taseko:

Provide an assessment of the importance of the areas affected relative to the overall area in non-monetary terms and, to the extent possible, quantify the effect on guide outfitters and trappers. This should include impacts to lifestyle and culture.

Response Summary

In general, the guide outfitter and trapline areas impacted by the mine development are small in proportion to overall license areas. Although Taseko Lake Outfitter's license area is almost entirely south of the mine development, it is recognized that the proportional use of the mine development area for day use is significantly higher due to its close proximity to the lodge. It is Taseko's intention to discuss mitigation/compensation that is fair and reasonable in the context of verifiable losses in the case that the mine is approved and built.

As mining activities would not prevent guiding and trapping activities from occurring in the region, the mine will have no effect on cultural values. Due to the potential for employment or other business opportunities created by the mine, the mine may positively affect the lifestyles of licensees who live in the area.

Discussion*Trappers*

As noted in Section 2.7.3.1 of the 2012 EIS Application the mine development area overlaps with two registered traplines. Once the mine is built, trapline holders would experience a loss with respect to the portion of their trapline which falls within the mine development area; however this accounts for a small portion, between 1% and 4%, of their license area. As the region remains relatively undeveloped, the loss of such a small area is of little importance in relation to the overall area and would have a negligible effect. Trappers would not be affected by the No Shooting Zone that would be implemented around the mine and trapping in the vicinity of the mine could continue.

The majority of the traplines will not be affected by the mine development, and licensees could continue to use the remainder of their license areas for trapping activities. As a result, there is no impact to culture as a result of the mine development. The average harvest value of licensees is below \$500 (section 2.7.3.1 of the 2012 EIS Application). Consequently, the loss of area associated with the mine development is negligible and will not present a significant loss of income. Lifestyles of trappers who live in the vicinity of the mine development could arguably be improved as the mine would provide other employment opportunities.

Guide Outfitters

The Project is not expected to alter the opportunities for engaging in a quality recreation or tourism experience in the region or adversely affect values.

The mine development area overlaps four registered guide-outfitter territories; of which development impacts represent between only 0% and 2.2% of one individual territory. As hunting and guiding activities are undertaken in the area, access and No Shooting restrictions would affect these activities. However, the loss of access represents only a very small portion of license areas and does not preclude guide outfitters from using the majority of their tenure.

As the region remains relatively undeveloped, the loss of such a small portion of license area does not constitute a significant loss, nor would the mine development area be considered any more important than the licence area which would remain undisturbed by the Project.

Taseko Lake Outfitter's main lodge is within five kilometers of the site and the owners frequently use the area for day trips on horseback or cross country skiing as part of their ecotourism business. Although their license area is almost entirely south of the mine development, the majority of the license area is too remote for day trips and the proportional use of the mine development area is significantly higher for these activities. It is recognized that the Project could have some effect on the ecotourism portion of Taseko Lake Outfitter's operations. It is Taseko's intention to discuss mitigation/compensation that is fair and reasonable in the context of verifiable losses in the case that the mine is approved and built.

Outfitters with accommodations in the vicinity of the mine may see an improvement in lifestyle due to extra income which could be achieved through employment at the mine or offering accommodation services for mine personnel.

Information Request #41d

Related to the affected area of the traplines and guiding territories, the Panel requests that Taseko:

Provide details on how the Health, Reclamation and Safety Code will be used to provide access and use. Explain what specific conditions, restrictions, or limitations could be expected by users.

Response Summary

An explanation as to how access will be provided to Fish Lake is provided in IR 40.

Discussion

As per the *Health, Safety and Reclamation Code for Mines in British Columbia* (the Code) requirements for public access to a mine site are as follows:

- 1.3.1 Other than an inspector, only persons authorized by the manager shall enter or be permitted to enter a mine site.
- 1.3.2 Notice to this effect shall be posted at all road entrances to the mine by the manager and, for non-operating mines, the contact information of a qualified person shall be included in the notice.
- 1.3.3 Unless authorized by the manager, no persons shall enter or leave a mine except by a recognized means of entry or exit.

The Code restricts public access to mining areas for safety reasons. As discussed in IR 40, access to the Fish Lake area will be granted to all members of the public, including First Nations, with the exception that access may be restricted on any day by the General Manager or his designate due to safety concerns. Specific conditions, restrictions and limitations of use that could be expected by users are explained in IR 40.

Information Request #41e

Related to the affected area of the traplines and guiding territories, the Panel requests that Taseko:

Clarify how the policy will be enforced. Provide any research results that indicate the success of this approach as used elsewhere.

Response Summary

If members of the public enter the mine site without appropriate authorization, they will be escorted off the property and, if necessary, the RCMP would be contacted. If violations of the No Shooting Zone are noted, offenders would be reported to the appropriate authorities.

Discussion

Access to the Fish Lake Area will be permitted by allowing site users to cross the mine site area through a manned gate. Site users would be accompanied by an escort across the property. Public access to the mine site area without the authorization of the manager is not permitted. Signs to that effect will be posted along the mine access road and in the Fish Lake area.

Discharging a firearm in a No Shooting Zone is an offence under the *Wildlife Act*. Instances where individuals fail to comply with the No Shooting Zone would be reported to the appropriate authorities. Similarly, individuals who choose to ignore signage and fencing would be guilty of an offense under the *Mines Act*. In the case of unauthorized public entry of the mine site, mine personnel would escort the individuals off the property and the RCMP would be contacted.

The success of this approach is demonstrated by mines throughout BC. In some instances, members of the public have inadvertently accessed mining areas. At the Cardinal River Coal mine, there have been cases where hikers in Jasper National Park have inadvertently entered the property. In this instance, the individuals were escorted off the property by mine personnel.

Information Request #41f

With regards to the proposed mitigation measures for the potential increase in access to the mine area and along the transmission line, the Panel requests that Taseko:

Provide additional information and/or examples from the field or literature where these mitigation measures have been used.

Response Summary

Measures commonly used to limit public access to mining areas include fencing and signage. Measures such as these are being successfully used at mines throughout BC. The Mt. Milligan and Toba-Montrose transmission lines provide examples of where mitigation measures to limit access, such as road deactivation, and access management planning have been successfully implemented.

Discussion*Examples of Measures to Limit Mine Access*

Access to the mine site area would be reduced by the development of the Project as the Fish Lake access road would be eliminated and the 4500 Road ends adjacent to the mine development area. Measures to limit public access to the mine site would include fencing and signage posted along the mine access road and in the Fish Lake area. Mitigation measures such as these are being successfully used at mine sites throughout BC. Examples include Gibraltar Mine, Highland Valley Copper and Elk Valley Coal where signage, fencing and security check-in procedures at the mine entrance are being implemented.

Examples of Measures to Limit Access Along the Transmission Line

During permitting and consultation of the transmission line, Taseko has committed to working with the Ministry of Forests, Lands and Natural Resource Operations, First Nations, industrial users, and landowners to develop a public access plan. It is anticipated that no new roads will be required to access the transmission line right-of-way for construction, and that some roads could be decommissioned to address concerns with regard to increasing public access and impacts on wildlife numbers, sensitive cultural sites and grizzly bear. Examples of road deactivation techniques which could be implemented to restrict access include removal of bridges and wood box culverts, installation of large cross ditches and pullback of road fill to deconstruct the road. Measures such as these have been proven to be successful throughout BC and are commonly used in the forest industry and other resource sectors to manage access and eliminate potential environmental impacts.

The Mt. Milligan transmission line provides an example of where similar mitigation measures to those proposed for the New Prosperity transmission line were implemented to limit the creation

of new access. A large portion of Mt. Milligan's transmission line covers areas in which pre-existing roads were present. These pre-existing roads were used wherever possible to provide access to the transmission line route. Once construction was complete, roads were deactivated.

Another example of mitigation measures which have been implemented to limit access is the Toba-Montrose transmission line, a 148 km long transmission line commissioned on BC's south coast in 2010. Access to the transmission line right of way relied almost entirely on existing forestry roads. As access was a concern along portions of the line, mitigation measures employed to limit public access included deactivation of roads and the installation of gates mid span of bridges.

References

Knight Piesold Consulting Ltd. 2006. *Plutonic Power Corporation East Toba River and Montrose Creek Hydroelectric Project Application for and Environmental Assessment Certificate*. Vancouver, BC.