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After saving their land once from the Prosperity mine, the
T̓silhqot'in First Nation in central BC are still fighting for their
way of life against a second open-pit proposal

No Means



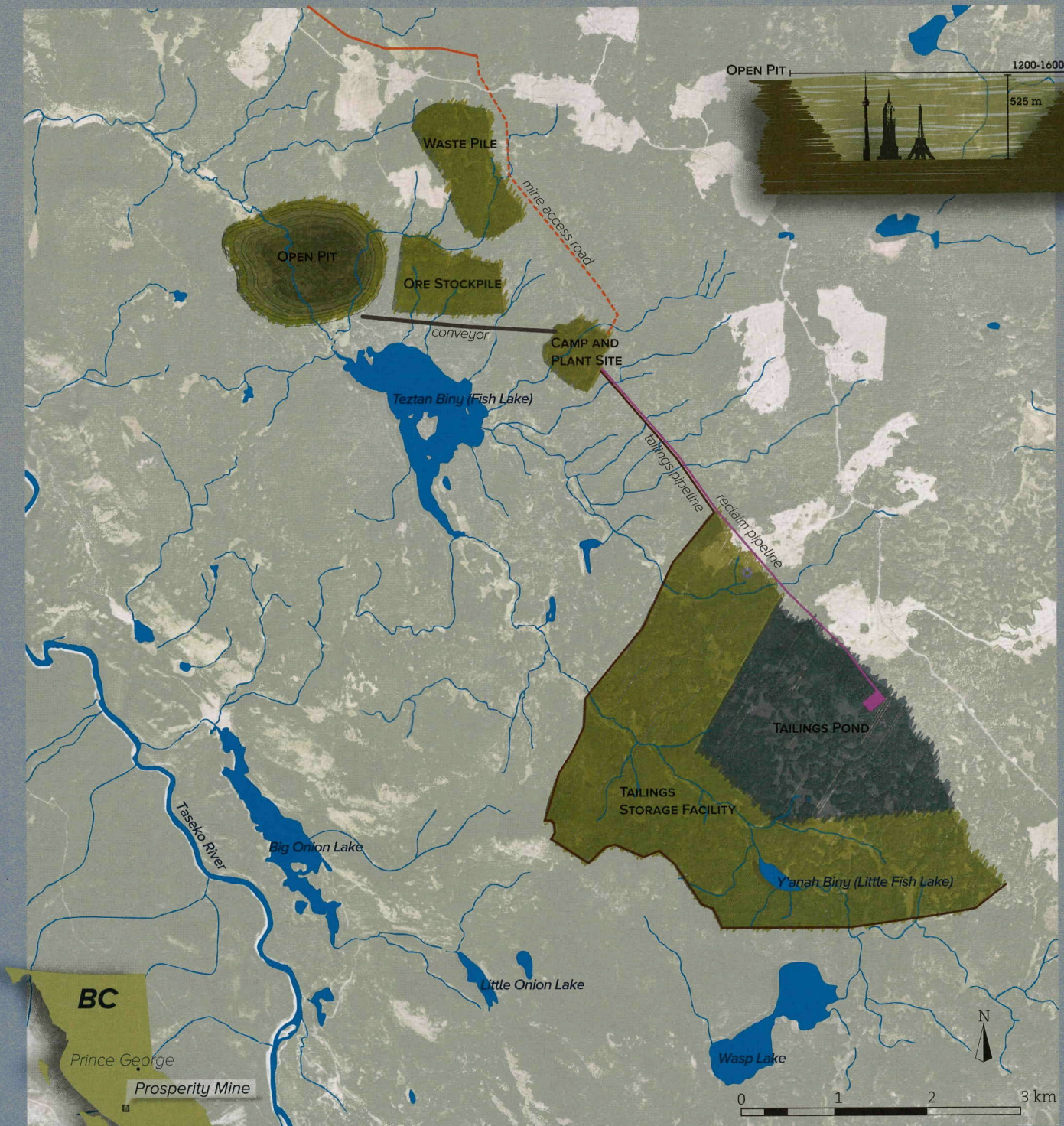
INTO

IT IS THE COLDEST NIGHT OF THE SEASON, well below freezing, and the tawny grasses are stiff with frost. Since dawn we've been trekking through a shadowy forest of pine and fir, eventually reaching a wide, arched meadow with views extending to the south and west. Ts'yl?os [pronounced, Ts-eye'-los], sacred mountain of the T̓silhqot'in First Nation, rises above a sea of ranges and valleys, catching the autumn sun on its barren, snow-dusted flanks.

Our guide is Alice William, a local T̓silhqot'in woman with a soft voice and introspective eyes. She wears a thick wool scarf and carries an old rifle across her back – “for the grizzly bears,” she says, grinning. William was born and raised in this remote corner

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– Chief Francis Laceese, T̓silhqot’in First Nation



New Prosperity – Mine Development Plan 2

of the province, a region of crystalline lakes, pristine meadows and ice-bound headwaters known as Nabas. She knows every creek and spring, and the legends of distant peaks. Though timid, she stops often to describe the importance of wild foods to her people, and how things have changed. "Until the 70s we were still haying with antique, horse-drawn machines," she says, pointing to an old track in the grass. "We were like gypsies, travelling around by wagon."

The T̓silhqot'in First Nation has been caretaking and depending on this vast stretch of forest, rock and salmon-rich waters for centuries. Like so many other Indigenous groups throughout Canada and abroad, the key to their form of survival lies in respecting and protecting the sacred places that sustain them. Also like so many others, the T̓silhqot'in land and livelihood are under threat from outside interests, in this case by Taseko Mines Limited's (TML) proposed New Prosperity gold-copper mine. After nearly four decades of exploration, intense lobbying and one development proposal rejection (by a federal review panel in 2010), TML has managed to initiate a new review for its \$1.1-billion project, with a decision by the federal government due in June 2013.

At the edge of the forest, our small group pauses in the sun and surveys the meadow. "Everything you see would be underwater," explains JP Laplante, a graduate student from the University of Northern British Columbia who works for the T̓silhqot'in National Government (TNG) as their mining, oil and gas manager. "But it wouldn't just be water. It'd be hundreds of millions of tonnes of ground-up waste rock, with a skim of water on top. And there'd be a dam over there, in this direction." He points north, where Fish Creek drains into a larger system, eventually making its way to Fish Lake.

When asked how this possibility makes her feel, William gazes out beyond the trees. "It's pretty hard to take," she says with a grimace. "I just can't envision it. All the water will be going down over the hill, all the runoff. I've got pictures of Fish Creek from this spring, just roaring. And that all goes to the Taseko River – it's all connected."

It could take a lifetime to fully appreciate the myriad connections between this landscape and its inhabitants. It's one of the few remaining places where humans move, act and speak in accordance with nature's patterns, led by the shadows of their ancestors. For 10 days I've been travelling through the rugged, hauntingly beautiful T̓silhqot'in territory, scrambling up mountainsides, avoiding grizzly bears, attending gatherings and talking with



Alice William knows every creek, spring and legend of the Ts'yl'os mountain region.

residents about TML's controversial New Prosperity mine. My liaison is Laplante, who acts as the link between government, industry and the T̓silhqot'in.

While speeding over the deeply rutted track to Nemiah Valley, an isolated community several hours west of Williams Lake, Laplante rambles off facts about mining laws and regulations. He explains the online process for staking that was established in 2005, which enables miners of any citizenship to claim subsurface rights without ever stepping foot on the land. "With so many proposals, the system is overwhelmed," he explains. "With the price for metals, it's like a modern day gold-rush."

Laplante's job frequently takes him to all six T̓silhqot'in communities, spread over hundreds of kilometres between the Coast Range Mountains and the Fraser River. With just 30 to 40 days to respond to most development proposals, he's often bouncing from meeting to meeting, trying to reach agreements with chiefs on which to fight and which to let go. "The impacts from exploration – from the use of water, to access issues and habitat fragmentation – are often of concern to the communities," explains Laplante. "It becomes a strategic decision: How do you preserve certain areas when the rights have been sold to the companies without any consultation? There's never an easy answer."

Local chiefs are open to dialogue with companies and are not exclusively anti-mining or anti-development, as they are often portrayed. But their opposition to Prosperity, and more recently New Prosperity, has been firm and unanimous.

Explored extensively beginning in 1969, the Prosperity gold-copper mine is one of Canada's largest proposed open-pit excavations. Located in the heart of the T̓silhqot'in vs. BC (William) Aboriginal title claim, the proposed mine – with its likely potential for contamination, not to mention its certain destruction of critical habitat and cultural sites – has always been contentious. The T̓silhqot'in have actively resisted for two decades, and federal ministries have never offered approval.

"This place is really important to us," says David Setah, a ranger at Ts'yl'os Provincial Park and lifelong resident of Nemiah Valley, the community closest to the proposed mine. As a witness to the impacts of industrial logging, Setah speaks passionately about protecting areas such as Nabas, both for the sake of dwindling wildlife and the cultural survival of his people. "It's where we go for moose, berries and fish," says Setah. "Our heritage is there, our spiritual connection – this is our knowledge."

Throughout the valley I speak with elders, children, councillors and chiefs. They feel



Casting for a big catch on Y'anah Biny (Little Fish Lake).

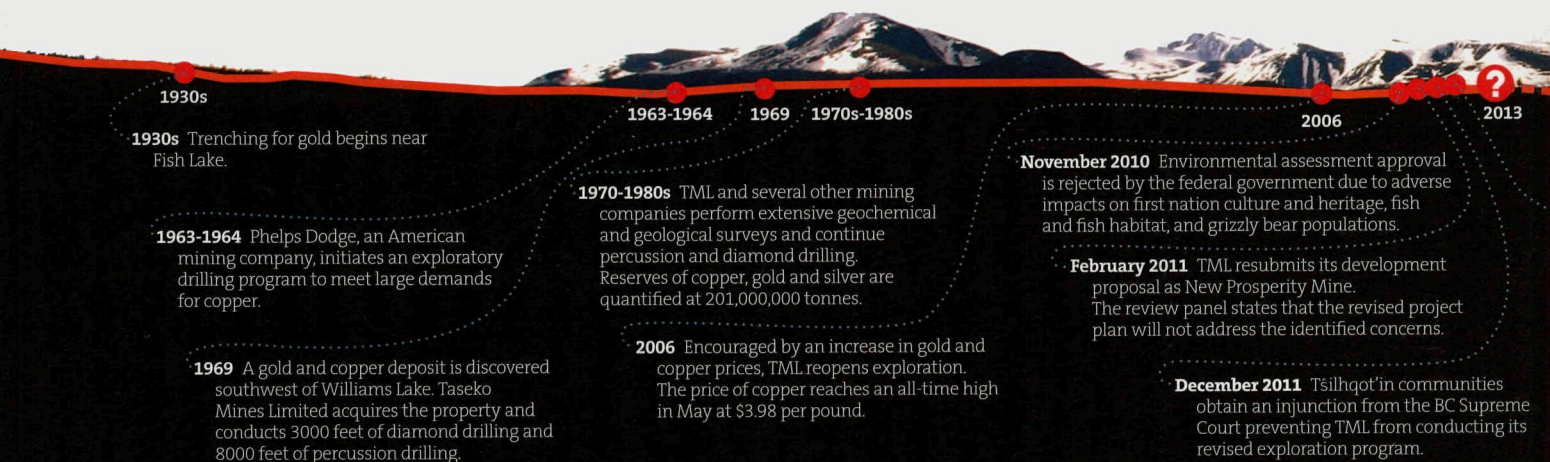
there is too much risk to their sacred sites and the wild salmon population that spawns only a few kilometres away in Lower Taseko Lake. "Our fish, water, plants, the burial grounds – it's all connected," says Xeni Gwet'in councillor Lois Williams. "How can you practice your culture if you don't have a land base to do it upon? It's an everyday kind of thing. We depend on this area."

So far, this argument has been relatively successful. In November 2010, after the provincial government had already

fast-tracked approval for Prosperity mine, the Harper government rejected TML's proposal. Based on an independent panel's scathing report, commissioned by the Canadian Environmental Assessment Agency (CEAA), the feds agreed that the impacts were too great. Of particular concern was TML's usage of a loophole in the 2002 *Fisheries Act*, which would enable them to drain Fish Lake (Teztan Biny, to the Tšilhqot'in people) and use Little Fish Lake (Y'anah Biny) further upstream as their

"tailings impoundment facility" – or, more appropriately, the waste dump.

That rejection, however, was short-lived. With an environmental certificate issued from the provincial government – "a rubber stamp," Laplante contends – the company quickly submitted another proposal based on Mine Development Plan 2, the costlier and potentially more harmful alternative, dubbed New Prosperity. To the surprise of the Tšilhqot'in and other non-first nation opponents, the federal government offered



the company another chance at assessment.

"What you have is a project that was rejected," says Tšilhqot'in lawyer Jay Nelson, "and just weeks later the company proposes an option that was rejected by the panel and the company early on as a bad alternative that will pollute Fish Lake anyhow."

Despite TML's claim that it would safeguard Fish Lake by moving the tailings dump two kilometres upstream to Little Fish Lake, the 2010 CEAA report clearly states that "the placement of a storage facility located upstream of Teztan Biny would in time likely result in contamination of Teztan Biny." The report also found that trying to avoid contamination "would likely result in mine water discharge into another watershed," thus impacting not one, but two critical river systems – Taseko and the Fish Lake drainage.

Curiously, the most damning evidence actually came from TML. By stating its intention to extract the full deposit of gold and copper, company spokespeople have also admitted that saving Fish Lake was all but impossible. "Developing Prosperity means draining Fish Lake," Brian Battison, TML's vice president of corporate affairs, told the CEAA hearings in March 2010. "We wish it were otherwise. We searched hard for a different way; a way to retain the lake and have the mine. But there is no viable alternative. The lake and the deposit sit side by side. It is not possible to have one without the loss of the other."

Laplanche says there's a myriad of impacts that TML's proposal glosses over. "They claim to be saving the lake, but there's no possible way. If they maximize the extraction as they hope to, then they'll kill the lake. And eventually the tailings pond will dump into the lake. And besides this, the mine is literally going to surround the lake. It's pure spin."

Moreover, Laplanche argues that the

possibility of approval taps into a much broader issue. "The decision – whether to respect the Tšilhqot'in or not – forms a pivotal moment in Canadian history. Will the government respect Indigenous rights, or are they going to continue a new century of denial?"

The thought of another exhausting environmental review – another process in which the Tšilhqot'in must testify for their lands and way of life – is disheartening. There is also deep concern about the Harper government's recent revision of the *Canadian Environmental Assessment Act*, which determines how major projects are reviewed.

Critics say that revisions have gutted the legislation to ensure that controversial and environmentally risky projects will be approved no matter what first nations and other citizen stakeholders have to say. Hundreds of smaller projects will now bypass the review process altogether, and those that are reviewed will receive a weakened analysis with strict timelines, limitations on public participation and a general disregard for social impacts.

"The main issue is that the federal government does not recognize first nations as an official government," says Karen Hurley, an environmental studies professor at the University of Victoria. "This project – this process and new legislation – is symbolic because if the government approves, they'll be going directly against first nations' wishes."

Locals are afraid that Ottawa may simply nod "yes" to TML's resubmission, in spite of evidence that the new proposal is much riskier than the rejected one. The vision of cultural and environmental protection coming out of nearby Williams Lake and the provincial capital certainly feeds this fear. A majority of government officials have expressed unwavering support for New Prosperity as a means to economic

diversification, especially in light of BC's mountain pine beetle epidemic.

Yet Tšilhqot'in leaders remain steadfastly optimistic, and vow to protect their sacred lands by any means necessary. "For centuries we've been fighting like this, to secure our area," says Chief Francis Laceese of Tl'eqsqw, one of the six Tšilhqot'in communities. "We look at other places where people didn't fight, and they're losing their way of life. Here, we still fish and hunt. We speak our language. There's no amount of money that could replace that."

Back at Teztan Biny, locals gather in the coming darkness of late afternoon. Along the lake's edge, anglers cast their lines, and the evening fires are lit. Despite its apparent serenity, this place buzzes with energy. It holds a raw and indescribable beauty, making it easy to understand why generations of medicine women and men, hunters, fishers and dreamers have travelled here, and still do.

"I feel that every five or 10 years this place gets more special, because if you look around, everything's getting destroyed," says former chief Roger William. "The more years that go by and we keep this place pristine, the more important it will be – to everyone." **AV**

Keep up to speed on the New Prosperity proceedings via the Friends of the Nemiah Valley and Xeni Gwet'in People's websites. fonv.ca | xenigwetin.com

The overhaul of Canada's environmental assessment policies in the 2012 budget bill has changed the approval process for large resource extraction projects like New Prosperity mine. For sharp insight about those changes (and a healthy dose of anger at your government), read Jeff Gailus' "An Act of Deception" at alternativesjournal.ca/385.

