Dear Chief Baptiste,

During the process information session held in your community on September 22, 2009, the Panel Secretariat committed to follow-up on a number of questions that were raised. Please find attached a letter which provides responses to those issues.

Best regards,
Meaghan

Meaghan Hoyle  
Project Assessment Analyst | Analyste de l'évaluation des projets  
Operations Sector | Secteur Opérations  
Project Reviews | Examen des projets  
Canadian Environmental Assessment Agency | Agence canadienne d'évaluation environnementale  
Place Bell Canada, 22nd Floor, 160 Elgin Street | Place Bell Canada, 22e étage 160, rue Elgin  
Ottawa, ON K1A 0H3  
Email | Courriel : meaghan.hoyle@ceaa-acee.gc.ca  
Telephone | Téléphone : (613) 957-0603  
Facsimile | Télécopieur : (613) 957-0941  
Government of Canada | Gouvernement du Canada  
www.ceaa-acee.gc.ca
Chief Marilyn Baptiste  
Xeni Gwet’in First Nations Government  
102-363 Oliver Street  
Williams Lake, BC V2G 1M4

Dear Chief Baptiste:

Thank you for the opportunity to visit your community on September 22, 2009. At our last information session on June 9, 2009, you requested that the Panel Secretariat conduct another process information session in your community. The Panel directed the Secretariat to fulfill this request and as such, a second process information session was held. During this information session, the Panel Secretariat provided information regarding the process for the federal Panel reviewing the proposed Prosperity Gold-Copper Mine project and also committed to providing responses to a number of issues that were raised during the session. The responses to these issues are provided below and have been grouped under broad headings.

**Government Response to the Panel’s Report**

During the information session, questions were received regarding the Cabinet decision process following the submission of the Panel’s report. The Panel’s mandate, as stated within the Terms of Reference, is to prepare and submit a report to the Minister of the Environment and Responsible Authorities including the “rationale, conclusions and recommendations of the Panel relating to the environmental assessment of the Project”\(^1\). It is important to note that the Panel is an advisory body which makes conclusions and provides recommendations only.

As per section 37(1.1) of the *Canadian Environmental Assessment Act*\(^1\), following the submission of the Panel’s report, the Responsible Authorities prepare a response to the conclusions and recommendations contained within the Panel’s report. The Government Responses to the Panel’s report must receive approval from the Governor in Council. Any course of action decisions taken by the Responsible Authorities must be in conformity with the approved Government Response. The Responsible Authorities must wait at least 30 days following the posting of the Panel’s report on the project registry internet site before they are permitted to take any course of action decision. The Crown Consultation Coordinator, Jon Pierce, will be in contact with you in the near future to explain the process for consultation on the Panel report.

\(^1\) Prosperity Project Registry CEAR # 48

160 Elgin Street, 22nd Floor, Place Bell Canada - Ottawa, Ontario K1A 0H3
Participant Funding Program
During the information session, questions arose concerning the adequacy of funding provided by the Canadian Environmental Assessment Agency’s Participant Funding Program, and whether the funding provided is reviewed to determine its adequacy. The Panel Secretariat has referred your question to Mr. Jon Pierce, Crown Consultation Coordinator with the Canadian Environmental Assessment Agency.

Public Hearing Procedures
During the information session, it was requested that the community hearing sessions in Tsilhqot’in communities be interpreted into the local Tsilhqot’in language. The Panel Secretariat noted the same request in the information session held in June, 2009, and requested that the names of local interpreters be forwarded to it as soon as possible so that appropriate arrangements can be made. It would be greatly appreciated if the names of local interpreters be provided as soon as possible.

The issue of how to ensure the respectful treatment of Elders during questioning was raised during our discussion on the Public Hearing Procedures. This issue was previously raised at the last information session, and also raised by the Tsilhqot’in National Government in its comments on the Public Hearing Procedures dated June 19, 2009.

In the Panel Secretariat’s July 30, 2009 response to the Tsilhqot’in National Government\(^2\), it offered the following points for consideration in response to this issue:

- Section 2.3.1 and 3.2(d) of the final Public Hearing Procedures\(^3\) state that the Panel Chair may intervene during questioning to prevent discourteous or disrespectful questioning;
- Section 2.3.2 of the Public Hearing Procedures indicate that participants, including Elders, have the option of responding to a question at a later point during the public hearing, prior to the close of the record;
- Section 3.1.4 of the Public Hearing Procedures state that Elders may express their views at any time during the community hearing sessions; and
- Sections 2.1.6 and 3.2(c) of the Public Hearing Procedures outline how participants can choose to make a collective presentation. In doing so, the group may appoint one person as a spokesperson to act as a liaison between their group and the Panel. This would allow a community to decide that its Elders will make a collective presentation to the Panel, and appoint one individual (such as the Chief, band councilor, etc…) to receive

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\(^2\) Prosperity Project Registry CEAR #1059
\(^3\) Prosperity Project Registry CEAR #1047
questions and, as appropriate, direct responses from individual Elders within the group.

Suggestions were also received during the information session regarding locations for a community session during the public hearing in your community. The Panel Secretariat appreciates the suggestions provided and will consider them.

The Secretariat also notes your suggestion that various ranching organizations and hunting clubs may wish to present their views on the proposed project at the public hearing. As all of the hearing sessions are open to the public, any interested group or individual wishing to make their views on the project known to the Panel is able to do so. Sections 2.0 and 3.0 of the Public Hearing Procedures outline the procedures to be followed by anyone wishing to participate in the public hearing.

Biographical Information of Panel Members
During the information session, it was requested that the biographical notes on the three Panel members be provided. The biographical information of the Panel members, which is available on the project registry and was provided during the June 2009 information session, is attached to this letter as Annex 1.

Xeni Gwet’in Court Case
During the information session, participants wanted to understand why the environmental assessment process is continuing while the decision of the Supreme Court of British Columbia in the matter of Tsilhqot’in Nation v. British Columbia (2007 BCSC 1700) is being appealed. The Panel Secretariat has referred your question to Mr. Jon Pierce, Crown Consultation Coordinator with the Canadian Environmental Assessment Agency.

Notice of Work
During the information session, questions arose regarding the issuance of a Notice of Work (NOW) permit by the BC Ministry of Mines Energy and Petroleum Resources. As the issuance of a NOW permit is under the jurisdiction of the province, it is outside the federal Panel’s mandate. The Panel however is aware of the NOW permit and is in receipt of correspondence in which Taseko Mines Ltd. indicates that the work is necessary to fulfill the Panel’s information request with respect to the Fish and Fish Habitat Compensation Plan. In its October 6, 2009 sufficiency determination, the Panel requested that Taseko Mines Ltd. present the results of its NOW program for review prior to the start of the public hearing.

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4 Prosperity Project Registry CEAR #50
5 Prosperity Project Registry CEAR #1216
6 Prosperity Project Registry CEAR #1259
Thank-you for your ongoing involvement in the federal Panel review process. If you have any questions or concerns, please do not hesitate to contact me at (613) 957-0541 or via email at prosperity.review@ceaa-acee.gc.ca

Sincerely,

<original signed by>

Colette Spagnuolo
Panel Manager

c.c. Loretta Williams, Tsilhqot'in National Government

c.c. Jon Pierce, Canadian Environmental Assessment Agency
Annex 1: Federal Review Panel - Biographical Notes

Robert (Bob) Connelly - Chair

Mr. Connelly is a consultant who has worked in the field of environmental assessment for much of his career. He graduated from the University of Waterloo in 1970 as a civil engineer.

Mr. Connelly has devoted most of his career to public service and has wide-ranging experience with environmental assessment. He worked for the Canadian Environmental Assessment Agency and its predecessor, the Federal Environmental Assessment Review Office, for 27 years. He was appointed as Acting President of the Canadian Environmental Assessment Agency and served in this capacity for 17 months before his retirement in 2005. Prior to this, Mr. Connelly served as Vice-President, Policy Development for ten years and was responsible for policy and regulation development under the Canadian Environmental Assessment Act, research and development, inter-governmental affairs, relations with Aboriginal organizations, as well as international programs. In 2006, the International Association of Impact Assessment presented him with the Rose-Hulman Award in recognition of his contribution and leadership in the field of environmental assessment.

Mr. Connelly has extensive experience chairing federal and joint environmental assessment review panels across Canada. He chaired federal review panels examining issues related to the problem of diseased bison in Wood Buffalo National Park, and the twin tracking program for a CN Rail corridor in British Columbia. Mr. Connelly co-chaired the joint federal-provincial panel reviewing the construction of a second nuclear reactor at Point LePreau, New Brunswick and chaired the joint review panel reviewing the natural gas drilling project proposed in the Canadian Forces Base Suffield National Wildlife Area in Alberta.

Bill Klassen

Bill Klassen is a private consultant with extensive experience in natural resource management and environmental assessment in northern Canada. He has a Bachelor of Science in Wildlife Management from the University of Alaska, Fairbanks and obtained a
Master of Forestry degree from the Yale School of Forestry and Environmental Studies. He resides in Whitehorse.

Mr. Klassen has lived and worked in the Yukon, Northwest Territories, Nunavut and Alaska for the past 40 years and has held senior administrative positions in the Yukon Government. He has served as both Deputy Minister of Renewable Resources and Deputy Minister of Health and Human Resources for the Yukon Government. He worked as a consultant for government, First Nations and the private sector on a wide range of projects and has facilitated the engagement of Aboriginal communities in resource development projects. He was the federal member on the Environmental Fund Board for the Anvil Range Mine for ten years.

Mr. Klassen has broad experience with environmental assessment in northern Canada. He represented the Yukon Government in negotiations related to the drafting of the Yukon Environmental and Socioeconomic Assessment Act. He was appointed by federal Order-in-Council to chair the Environmental Impact Screening Committee, the committee that screens all development projects, for the Inuvialuit Settlement Region in the western Arctic. He served as Yukon member of the Environmental Impact Review Board for the Inuvialuit Final Agreement.

Nalaine Morin

Ms. Morin has worked for a number of years as a metallurgist and environmental supervisor in mining and resource development in Manitoba and British Columbia. She holds a Bachelor of Applied Science degree from the University of British Columbia, a Mechanical Engineering Technology Diploma from the British Columbia Institute of Technology, and is currently working on a Masters of Applied Science degree from the University of British Columbia. She resides in Sparwood, British Columbia.

Ms. Morin has lived and worked in Manitoba and British Columbia and she is currently the manager of the Tahltan Heritage Resources Environmental Assessment Team where she has developed processes for the inclusion of Tahltan knowledge in the environmental assessment and permitting processes for resource development projects in Tahltan territory.

During her time at Hudson Bay Mining and Smelting in Flin Flon, Manitoba, Ms. Morin was successful in gaining experience both as a metallurgist in milling, smelting and hydrometallurgical operations.
and as a supervisor where she was responsible for the environmental water and air monitoring programs.