From: on behalf of Panel Registry  
Subject: FW: Prosperity - Panel Response to Williams Lake Band

Attachments: Prosperity - 04-21-10 - Letter to Williams Lake Band.pdf

From: Spagnuolo, Colette [CEAA]  
Sent: Wednesday, April 21, 2010 8:21 AM  
To: 'Shari Narcisse'; 'chief@williamslakeband.ca'  
Cc: 'mbarr@grantnativelaw.com'; Prosperity Review [CEAA]  
Subject: RE: Prosperity - Panel Response to Williams Lake Band

Good morning Chief Louie and Ms. Narcisse,

Please find attached a letter from the federal Prosperity Review Panel in response to your letter dated April 13, 2010.

Regards,
Colette

Colette Spagnuolo
Panel Manager | Gestionnaire de commissions  
Project Reviews | Examen des projets  
Operations Sector | Secteur Opérations  
Canadian Environmental Assessment Agency | Agence canadienne d'évaluation environnementale  
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From: Shari Narcisse [mailto:Shari.Narcisse@williamslakeband.ca]  
Sent: Tuesday, April 13, 2010 6:17 PM  
To: Spagnuolo, Colette [CEAA]  
Cc: mbarr@grantnativelaw.com  
Subject:

Please see attached letter from Chief Ann Louie.

Original to follow via mail.
April 21, 2010

Chief Ann Louie
Williams Lake Indian Band
2672 Indian Drive
Williams Lake, BC
V2G 5K9

Dear Chief Louie:

The federal Prosperity Review Panel (the Panel) is in receipt of your letter dated April 13, 2010 in which you provide the Williams Lake Indian Band’s public hearing submission for consideration by the Panel. You indicate that a lack of capacity has hindered your ability to meaningfully participate in the review panel process and that you will not be able to attend any of the hearing sessions in person. As such, you request that the Panel not provide its report to the Minister of the Environment until such a time as the Williams Lake Indian Band is able to secure additional capacity funding to support its participation in the review process.

The Panel notes that your public hearing submission contains information regarding the Williams Lake Indian Band’s asserted Aboriginal rights and title. As well, the submission contains information with respect to how the proposed Prosperity Gold-Copper Mine project (the Project) may affect the Band’s current use of land and resources for traditional purposes and how it may affect your cultural heritage. This information will be of use to the Panel in fulfilling its mandate.

You suggest that the Panel will not be able to complete and provide its report to the Minister without information from the Williams Lake Indian Band regarding the potential impact of the project on your Aboriginal rights and title. The Panel determined on February 2, 2010, that it had sufficient information to proceed to the public hearing. Based on this determination, the Panel scheduled and announced the public hearing on February 9, 2010. In the Panel’s letter of October 6, 2009 it stated that the information contained in the environmental impact statement, as supplemented by the additional information provided in response to information requests, would be further developed and clarified through the public hearing process. While the Williams Lake Indian Band’s submission on April 13, 2010 does not contain the entire traditional use study.

1 Prosperity Public Registry, CEAR Document #2081
2 Prosperity Public Registry, CEAR Document #1631
3 Prosperity Public Registry, CEAR Document #1658
4 Prosperity Public Registry, CEAR Document #1260
that was being prepared, the information that has been provided in its letter is the type of information that the Panel was referring to in its letter of October 6, 2009.

The Panel is still in the process of gathering the information that it requires to complete its assessment and is of the opinion that this information can be obtained during the course of the public hearing process. This includes the written information provided by the Williams Lake Indian Band. For these reasons, the Panel is not prepared to report to the Minister of the Environment that it cannot complete its assessment.

Finally, your letter raises a number of issues with respect to your concern that the Crown will be unable to fulfill its duty to consult as a result of the lack of participation by the Williams Lake Indian Band in the federal review panel public hearing. The Panel is mandated to invite information from First Nations related to the nature and scope of potential or established Aboriginal rights or title in the area of the Project. However, the Panel does not have a mandate to make any determinations as to the scope of the Crown’s duty to consult First Nations and/or whether Canada has met its respective duty to consult and accommodate. A copy of your letter has been forwarded to the Crown Consultation Coordinator with the Canadian Environmental Assessment Agency.

If you have any questions or concerns, you can contact Colette Spagnuolo, Panel Manager, at 613-245-8245, or via email at Colette.spagnuolo@ceaa-acee.gc.ca

Sincerely,

<original signed by>

Robert Connelly
Panel Chair

c.c. Jon Pierce, Crown Consultation Coordinator, Canadian Environmental Assessment Agency