

SECTION 11: SUMMARY OF PANEL'S CONCLUSIONS

The Panel's mandate required it to consider and provide conclusions on the significance of the environmental effects of the Project. With respect to Aboriginal rights and title, the Panel interpreted its mandate to mean that it was also required to consider and provide conclusions on the significance of the effects of the Project on potential or established Aboriginal rights or title in the area of the Project. However, the Panel was not mandated to make any determinations regarding the validity of Aboriginal rights or title claims or the strength of those claims, the scope of the Crown's duty to consult First Nations, or whether Canada had met its respective duty to consult and accommodate in respect of rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.

The following provides a summary of the Panel's conclusions on the significance of the environmental effects of the Project and effects on potential and established Aboriginal rights in the area of the Project. The Panel's conclusions are based on the assumption that Taseko will implement all of the commitments included in the provincial Environmental Assessment Certificate (Appendix 4) and all the mitigation and environmental management measures outlined in its EIS.

The Panel has reached the following conclusions:

PURPOSE OF AND NEED FOR THE PROJECT

- Taseko has adequately outlined the purpose and need for the Project for the purposes of this environmental assessment;

ALTERNATIVES TO THE PROJECT

- Taseko's decision that an open pit mine would be the only feasible alternative to mine ore of this grade was reasonable;

ALTERNATIVE MEANS OF CARRYING OUT THE PROJECT

- Taseko's rationale for selecting its preferred alternative for the mine development plan and its approach to selecting the centreline for the transmission line were reasonable for the purposes of this environmental assessment;

SURFACE WATER

- the Project would not result in a significant adverse effect on surface water hydrology in the Project area;
- the Project would not result in a significant adverse effect on surface water quality;
- the Project would not result in a significant adverse effect on fish health in the Dasiqox (Taseko River);

GROUNDWATER

- seepage from the tailings storage facility would not result in a significant adverse effect on water quality in Jidizay Biny (Big Onion Lake);

FISH AND FISH HABITAT

- the Project would result in a significant adverse effect on fish and fish habitat in the Teztan Yeqox (Fish Creek) watershed;

TERRAIN AND SOILS

- the Project would not result in a significant adverse effect on terrain and soils;

VEGETATION

- the Project would not result in a significant adverse effect on old growth forest;
- the Project would not result in a significant adverse effect on grassland ecosystems;

WILDLIFE AND WILDILFE HABITAT

- the Project would not result in a significant adverse effect on mule deer and moose and their habitat;
- provided a wildlife habitat compensation plan is developed and implemented, the Project would not result in a significant adverse effect on migratory birds and their habitat;

ATMOSPHERIC ENVIRONMENT

- emissions of particulate matter from the Project would not result in significant adverse effect;
- the contribution to greenhouse gases from the Project would not result in a significant adverse effect;
- light pollution from the Project would not result in a significant adverse effect;

NOISE

- Project-related noise would not result in a significant adverse effect;

ARCHAEOLOGY

- provided the recommendation identified by the Panel is implemented, the Project would not result in a significant adverse effect on physical heritage and sites of archaeological importance;

CUMULATIVE EFFECTS

- the Project would not result in a significant adverse cumulative effect on vegetation;
- the Project, together with past, present and reasonably foreseeable future forestry activities in the area, would result in a significant adverse cumulative effect on the South Chilcotin grizzly bear population but would not result in a significant adverse cumulative effect on deer, moose, and other wildlife;
- the Project, in combination with an extended mine life proposal, would not result in a significant adverse cumulative effect on surface water and groundwater;
- the Project, in combination with an extended mine life proposal would further increase the likelihood of failure of the fish and fish habitat compensation plan and thus result in a significant adverse cumulative effect on fish and fish habitat;

LAND AND RESOURCE USES

- the Project would not result in a significant adverse effect on the forest industry;
- the proposed mine site would result in a locally significant adverse effect on the users of the meadows within the Teztan Yeqox (Fish Creek) watershed due to the loss of grazing lands;
- the Project would not result in a significant adverse effect on ranching and grazing along the transmission line corridor;
- the Project would not result in a significant adverse effect on hunting in the region;

- the Project would not result in a significant adverse effect on trapping in the region, but would result in a significant adverse effect on the Xeni Gwet'in (Nemiah Band)/Sonny Lulua trapline that would be most affected by the mine site footprint;
- the Project would not result in a significant adverse effect on tourism and recreation in the region, but would result in a significant adverse effect on Taseko Lake Outfitters tourism business;

NAVIGATION

- the Project would result in a significant adverse effect on navigation;

TRAFFIC

- increased traffic from the Project would not result in a significant adverse effect;

HUMAN HEALTH

- the Project would not result in a significant adverse effect on human health from consuming fish, moose meat and drinking water;
- the Project would not result in a significant adverse effect on community health services;

CURRENT USE OF LANDS AND RESOURCES FOR TRADITIONAL PURPOSES

- the Project would have a significant adverse effect on the Tsilhqot'in Nation regarding their current use of lands and resources for traditional purposes and on cultural heritage resources;
- the Project would not result in significant adverse effects on the Secwepemc Nation's current use of land and resources for traditional purposes and on cultural heritage;

ABORIGINAL RIGHTS AND TITLE

- the Project would result in a significant adverse effect on established Tsilhqot'in Aboriginal rights as defined in the *William* case;
- the Project would result in a significant adverse effect on the potential Tsilhqot'in Aboriginal right to fish in Teztan Biny (Fish Lake);
- the Project would result in a significant adverse effect on Tsilhqot'in Aboriginal title that could be granted;
- provided the planned mitigation to avoid construction in sensitive locations would be applied in cooperation with the Secwepemc, the Project would not result in a significant adverse effect on established or potential Secwepemc rights;
- depending on the size of the land settlement through the treaty process, the Project may result in a significant adverse effect on any such title that could be granted to the Esketemc (Alkali Lake Band) and the Stswecem'c/Xgat'tem (Canoe Creek Band);

CAPACITY OF RENEWABLE RESOURCES

- the Project would result in the inability of the fisheries resource in the Teztan Yeqox (Fish Creek) watershed and the South Chilcotin grizzly bear population to meet the needs of present and future generations;

BIODIVERSITY

- the Project would not result in a significant adverse effect on biodiversity;

EFFECTS OF THE ENVIRONMENT ON THE PROJECT

- the effects of the environment on the Project would not be significant;

MEASURES TO ENHANCE ANY BENEFICIAL ENVIRONMENTAL EFFECTS

- the proposed mitigation measures would not result in an enhancement of beneficial environmental effects; and

ACCIDENTS AND MALFUNCTIONS

- the proposed mitigation measures, emergency plans and commitments to address the possibility of accidents and malfunctions are adequate.