

Submission from Joe Foy, Wilderness Committee National Campaign Director

To the Panel:

The Wilderness Committee, founded in 1980, is Canada's people-powered, citizen-funded wilderness protection group. We have more than 60,000 supporters, volunteers and activists from coast to coast to coast working together to preserve wilderness, protect wildlife, defend parks, safeguard public resources and fight for a stable and healthy climate. Our head office is in Vancouver, with field offices in Victoria, Winnipeg and Toronto.

It is with the voice of our 60,000 supporters that I am pleased to present this submission.

My submission today focuses on our environmental organization's experience with public involvement in an Environmental Assessment (EA) process, and the recommendations we would suggest for improvement.

There are certainly other aspects of the EA process that need improvement as well, including proactively ensuring that cumulative impacts do not overwhelm the landscape, First Nations Rights and Title are fully recognized, and other issues – but for the purposes of this submission I have chosen to focus on an aspect of public participation that I have experience with.

Starting around 2010, the Wilderness Committee engaged in the EA processes for the Prosperity Mine project, and then the revised New Prosperity Mine project, which is located west of Williams Lake BC. I was the lead person representing the Wilderness Committee. We were concerned about the impact that the mine projects could have on Fish Lake and on the Tsilhqot'in Nation communities that rely on the surrounding lands and waters for food and cultural practices.

We wrote submissions, attended hearings, and most importantly, encouraged our supporters to make submissions to the EA public process as well.

It is our organization's strongly held belief that when the public is given a fair opportunity to participate in land use decisions then there is a better chance that people will feel they have been treated fairly – which leads to less public protest and more community stability. Better public participation can lead to government decisions that are able have wider acceptance.

The Wilderness Committee works hard to engage our supporters and encourage them to participate in EA processes that involve areas of environmental protection that we are working on.

However as a direct result of our participation in the New Prosperity Mine project EA process, the mining company proponent – Taseko Mines Ltd. – served us with a Notice of Civil Claim on March 1, 2012 stating that we had made defamatory statements on our website while encouraging our supporters to participate in the EA process.

I have included a link to Taseko Mines Ltd.'s 2012 Notice of Civil Claim.

<http://tinyurl.com/goz6dqw>

After we were issued the Notice I made the following statement in a news release dated March 22, 2012.

*“We are saying that this threat of court action by Taseko Mines Ltd. is aimed at silencing critics such as the Wilderness Committee from speaking out in the debate over protecting the Fish Lake area from the company’s proposed New Prosperity Mine,”* said Joe Foy, National Campaign Director for the Wilderness Committee. *“This court threat eats away at the very foundations of democracy and free speech that our society is based on,”*

I still hold this opinion today.

I have included a link to the full release. <http://tinyurl.com/gp2738a>

What followed was an extremely time consuming and expensive court process.

Our trial took place over the course of several days in January, March and April of 2015.

The judgment was handed down Jan. 25, 2016. Here is a link to the full judgment:

<http://www.courts.gov.bc.ca/jdb-txt/sc/16/01/2016BCSC0109.htm>

In the judgment, Taseko Mines Ltd.'s claims against us were dismissed with costs and special costs awarded to us.

However, Taseko Mines Ltd. is appealing the judgment so in effect we are still involved in this long drawn out court process – through no fault of our own – except that we chose to participate in the EA public process for the New Prosperity Mine project.

Consequently, I propose that the EA legislation needs to be improved so as to provide protection to participants who may be attacked by a SLAPP suit (Strategic Lawsuit Against Public Participation) for simply heeding the call by the EA office to submit public comment.

Public participants should be protected by anti-SLAPP legislation or given similar powers that MLAs have in the Legislature not to be sued by a project proponent for what they say or write about a proposed project.

I believe that failure to provide this protection will result in important information not being heard in some EA processes because of the fear of some members of the public that they could be sued by a project proponent and that the EA office would provide them with no relief or protection.

The Wilderness Committee is currently paying significantly elevated insurance costs because we

participated in the New Prosperity Mine project EA process and were subsequently sued by the proponent for what we had written to our supporters.

Sadly, I am aware that the very same thing could happen to our environmental organization today if some deep-pocketed company decided to take us into court again for what I have written to you in this submission.

This is not just a problem for the Wilderness Committee. This is a problem for all Canadians, which eats away at the very foundations of democracy and free speech that our society is based on.

Thank you for allowing me to make this submission in the hope that the EA process can be improved.

Joe Foy

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Joe Foy | *National Campaign Director*

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