

## TÂSILHQOT'IN NATIONAL GOVERNMENT

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August 11, 2010

The Hon. John Duncan  
Minister of Indian and Northern Affairs  
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Dear Minister Duncan,

Congratulations on your appointment to cabinet and we look forward to working with you in your role as Minister of Indian and Northern Affairs. We are sure your work as Parliamentary Secretary to your predecessor Mr. Strahl, and your work over the years on the Standing Committee on Indian and Northern Affairs will serve you in good stead. We also note that your long service as an MP from British Columbia must have given you an insight into the needs and concerns of First Nations in this province, and an understanding of the ways in which we can all move forward.

Hopefully you had a chance to read the detailed letter that we sent to you and all your BC caucus colleagues and copied to Environment Minister in late July, and which is attached to this letter for easy reference.

We are writing to seek an urgent meeting with you regarding the future Teztan Biny (Fish Lake) and our lands. We are awaiting a response to a similar request sent a month ago to Environment Minister Jim Prentice. Perhaps a joint meeting could be arranged. We have been led to understand that meetings and calls have occurred with proponents of the mine and are concerned that we have yet, at time of this letter to you, to receive a response from Minister Prentice to our month-old request for a meeting.

As you know, the Canadian Environmental Assessment Agency's review panel report on July 2 concluded that the proposed Prosperity Mine would: "result in significant adverse environmental effects on fish and fish habitat, on navigation, on the current use of lands and resources for traditional purposes by First Nations and on cultural heritage, and on certain potential or established Aboriginal rights or title."

The report found the "Prosperity Lake" could not begin to meet DFO's requirements for "no net loss," that the impacts on blue-listed (endangered) grizzly bears would also be cumulative and irreversible, and that navigation under the Navigable Waters Protection Act would be impossible.

The report specifically stated that the mine would permanently destroy lands and waters described as an “important cultural and spiritual area” for the Tsilhqot’in people, “an important teaching environment” for Tsilhqot’in youth, an “important source of fish for their sustenance” and “a place of spiritual power and healing for the Tsilhqot’in.” It further warned that “the loss of the Teztan Biny (Fish Lake) and Nabas areas for current use activities, ceremonies, teaching, and cultural and spiritual practices would be irreversible, of high magnitude and have a long-term effect on the Tsilhqot’in,” and that these “impacts on the physical and mental health of the Tsilhqot’in communities would be long term.”

The report stated that the panel did not believe that any recommendations to address issues should the project proceed “would eliminate or accommodate the significant loss First Nations would experience.”

Minister, approval of this project in defiance of these conclusions would constitute a flagrant and unlawful violation of the constitutional rights of the Tsilhqot’in people under s. 35 of the *Constitution Act*.

Yet the company pursuing this project has made public statements to investors and the media insisting that your government will indeed approve the mine and that it will do so hastily, within days or at most two or three weeks of Parliament resuming sitting on Sept. 20. The company also told investors that outstanding court cases regarding our unceded title and rights were of no concern to the company or its investors and that once the mine was approved, any findings in our favour would be the government’s “problem.”

Significant efforts have also been made by the Province and the company to minimise the importance of our sacred lake – a beautiful, pristine important trout-bearing wilderness lake that has been featured in BC tourism pamphlets. We can assure you it is not “a shallow, mucky pond,” and urge you and Minister Prentice to come to our territory to see for yourself what is at stake.

There has also been an extensive public campaign to persuade the public to support the proposed mine by claiming economic benefits that do not stand up to close scrutiny. Indeed there is no evidence that the dollar figures provided by the company have been independently assessed by the BC government.

However, other analysis has been conducted and these studies demonstrate that the figures used were grossly exaggerated and were not subjected to accepted accounting methodology. They demonstrate that, when all costs are factored in and realistic estimates of revenues are assessed, the net cost to British Columbia will be at least \$20 million a year to support this proposed mine. The claimed job creation figures are also grossly inflated and would not appear to have much effect on local unemployment. We are confident enough of the accuracy of this analysis that we believe an objective independent review would demonstrate its validity.

It is bad enough that dollars should be used to try to justify circumventing the Constitution and the federal government’s duty to the First Nations and the environment, but to have such blatantly misleading information used to achieve this end is extremely upsetting.

It should therefore come as no surprise that grave cause for concern exists not only among the First Nations of the Tsilhqot'in Nation, but also among First Nations and First Nations organizations across British Columbia and throughout Canada. This concern cannot be overstated. Nor can the united determination of our Tsilhqot'in peoples and First Nations in BC and Canada to defend against this proposed mine.

The Assembly of First Nations chiefs, in their resolution last month announcing their pledge to help the Tsilhqot'in defend their land, advised your government that: *"First Nations across Canada are watching its decision to see whether there remains any value or integrity in environmental assessments for major projects, or whether First Nations must turn to litigation and other means to assert our rights and protect our cultures."*

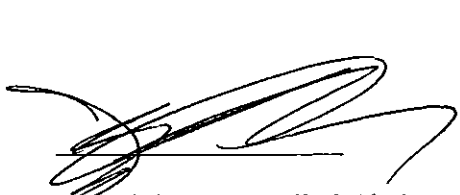
The chiefs also cautioned the federal government that: *"Approval of the proposed Prosperity Gold-Copper Mine, despite the clear warnings of its independent Panel, would demonstrate utter disregard for the survival of First Nations as distinctive cultures within Canada."*

We also have the personal support of National Chief Shawn Atleo, the Union of BC Indian Chiefs, the BC First Nations Summit and other leadership groups and individual First Nations in BC and Canada.

Finally, as the Tsilhqot'in Nation made clear in a news release last week (copy attached), attempts by the Province to buy First Nations support for this project will not work. Our culture is at stake and is not for sale – it cannot be bought.

It is imperative that we meet with you and Minister Prentice to ensure that the severity of the situation – and the importance of rejecting the proposed mine based on the findings the CEEA panel report regarding impacts on our First Nations and the environment – is recognized by your government. We trust we will hear from you shortly and that a meeting can be speedily arranged, given the claims that your government's decision is imminent. We would be pleased to accommodate your schedule and meet in Ottawa or British Columbia, or in Calgary with you and Minister Prentice if that would be more convenient. We look forward to your positive reply.

Yours sincerely,



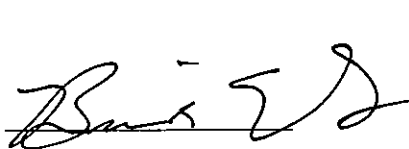
Joe Alphonse - Tribal Chairman  
Tl'etingox't-in



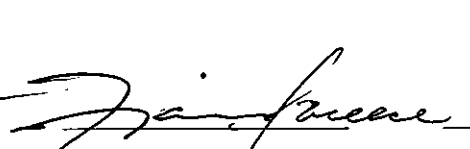
Ivor D. Myers – Chief  
Yunesit'in



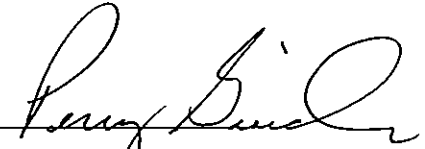
Marilyn Baptiste- Chief  
Xeni Gwet'in



Bernie Elkins – Chief  
?Esdilagh



Frances Laccese – Chief  
Tl'esqox



Percy Guichon - Chief  
Tsi Deldel