

FIRST NATIONS LEADERSHIP COUNCIL

VIA FACSIMILE AND POST: 819-953-0279

August 11, 2010

Honourable Jim Prentice
Minister of Environment
House of Commons
Ottawa, Ontario K1A 0A6

Dear Minister Prentice,

We – the BC Assembly of First Nations, First Nations Summit, and Union of BC Indian Chiefs ("the First Nations Leadership Council") – are writing in support of the Tsilhqot'in National Government's position, rejecting Taseko Mines Ltd.'s proposed Prosperity Gold-Copper Mine Project.

Indigenous Peoples' cultures are integrally linked to the lands, waters and resources of our territories.

The proposed Prosperity Mine project would completely destroy Teztan Biny (Fish Lake), Little Fish Lake and Nebas, areas of deep cultural and spiritual significance for the Tsilhqot'in. In order to build a tailings pond and waste rock storage facility. In addition, the project would involve construction of a transmission line and access road through Northern Secwepemc and Tsilhqot'in territory, and would operate at a significant volume over decades. Taseko has proposed that the Tsilhqot'in people would move their traditional fishery to a human-made "replacement" lake called "Prosperity Lake" to mitigate the cultural and economic loss that the people will suffer as a result of the destruction of Teztan Biny. Teztan Biny supports a population of 90,000 rainbow trout; however, the new human-made lake would support only 20,000. The destruction of Teztan Biny is completely unacceptable to the Tsilhqot'in people.

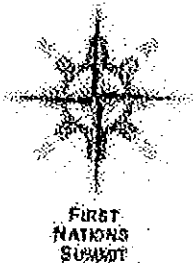
The Northern Secwepemc (Esketemc First Nation and Canoe Creek) also reject Taseko's proposed Prosperity Mine project. Specifically, they are adamantly and completely opposed to the proposed industrial power transmission line through the heart of their territories to service the proposed Prosperity Mine. This high-power industrial power transmission line and associated access roads will open up the area to further mining development.; as such, the infrastructure's impacts are of serious concern to the communities' cultures, way of life, and Aboriginal Title and Rights.

On July 2, 2010, the Canadian Environmental Assessment Agency federal review panel concluded that the proposed Prosperity Mine project would result in 'significant adverse environmental effects' on fish habitat, grizzly bears, navigation, First Nations traditional land use, First Nations cultural heritage and certain potential or established Aboriginal Rights or Title. The Panel specifically noted that the island in Teztan Biny is a site of particular spiritual importance to the Tsilhqot'in people, and that its permanent destruction for the storage of mine waste would be a high magnitude and irreversible cultural loss to the Tsilhqot'in



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people. The panel further concluded that some of the environmental impacts of the mine are too large to be overcome by the trade-offs proposed by the mine's proponents, and that the proposed habitat compensation plan was unlikely to succeed. Given these conclusions, we are confident that the federal Cabinet will realize the significant and irreversible impacts of this project and will refuse to issue approval for future development of this proposed Mine.

The controversy surrounding this particular project highlights a number of ongoing legal and policy barriers relating to land and resource projects in British Columbia. We remind you that First Nations are not merely stakeholders, but have legal and constitutionally protected rights, and responsibilities to protect their traditional territories (and all that this encompasses). Both domestic and international law recognize the importance of Indigenous Peoples' relationship to resources and all activities that take place on our traditional territories.

The First Nations Leadership Council fully supports the recent independent review of mining laws in B.C. and Canada by the Harvard Law School's International Human Rights Clinic titled *Bearing the Burden: The Effects of Mining on First Nations in British Columbia*. The Harvard study concluded current mining laws are in contravention of international and constitutional laws; are stacked against First Nations; favour industry; and, lack any consideration of shared decision-making, revenue-sharing or fair compensation. We encourage you to review and address these important conclusions.

Primary First Nations' responsibility for all activities that occur on traditional territories in British Columbia rests with the proper Aboriginal title holder (in this case, the Tsilhqot'in National Government) and we strongly encourage you to continue your efforts to work with Nations directly. Our Nations are currently going through a period of transformative change and rebuilding our institutions of government based on implementing Aboriginal title and rights.

Advocating on behalf of First Nations in BC, we urge you to properly consider the outstanding legal questions (including Aboriginal Title and Rights, Treaty Rights and other agreements between First Nations and the federal or provincial governments) that necessitate First Nations' involvement in decision-making about land and resource use in their territories. In particular, we must work in partnership to address environmental processes, laws and policies, which do not respect the legal and constitutional rights and obligations of First Nations. A critical review is required of the Department of Fisheries and Oceans' Metal Mining Effluent Regulation which permits fish-bearing lakes to be used as tailings impoundment sites, as well as the associated "no net loss" policy.

We strongly recommend that the federal government heed the findings of significant and irreparable harm to the environment, culture and rights that were reported in the Canadian Environmental Assessment Agency Review of the project, and reject the Proposed Prosperity Mine Project. We also urge your government to work with First Nations to ensure that environmental law and policy respects Aboriginal Title, rights and treaty rights. In closing, we would like to draw your attention to the fact that the national Assembly of First Nations

Chiefs-in-Assembly unanimously supported a Resolution at their recent Annual General Assembly, which conveyed full support of the Tsilhqot'in Peoples' efforts to protect their lands from the proposed Prosperity Gold-Copper Mine.

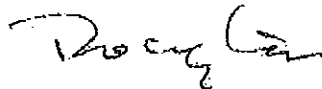
Yours truly,

FIRST NATIONS LEADERSHIP COUNCIL

On behalf of the FIRST NATIONS SUMMIT:



Grand Chief Edward John



Chief Douglas White III Kwulasultun

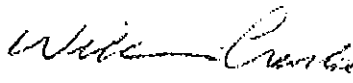


Dan Smith

On behalf of the UNION OF BC INDIAN CHIEFS:



Grand Chief Stewart Phillip

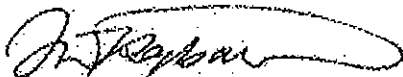


Chief Willie Charlie



Chief Bob Chamberlin

On behalf of the BC ASSEMBLY OF FIRST NATIONS:



Regional Chief Jody Wilson-Raybould

- cc: National Chief Shawn A-In-chut Atleo, Assembly of First Nations
- Hon. John Duncan, Minister of Indian Affairs and Northern Development
- Hon. George Abbott, Minister of Aboriginal Relations and Reconciliation
- Hon. Bill Bennett, Minister of Energy, Mines and Petroleum Resources
- Hon. Gail Shea, Minister of Fisheries and Oceans
- Tsilhqot'in National Government

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Fax

To: Honourable Jim Prentice **From:** BC First Nations Leadership Council

Fax: 819-953-0279 **Pages:** 4 (including cover)

Phone: 819-997-1441 **Date:** August 11, 2010

Re: Support for TNG rejection of Taseko Mine's proposed Prosperity Mine Project **cc:** See below

Urgent For Review Please Comment Please Reply Please Recycle

cc: National Chief Shawn A-in-chut Atleo, Assembly of First Nations
 Hon. John Duncan, Minister of Indian Affairs and Northern Development
 Hon. George Abbott, Minister of Aboriginal Relations and Reconciliation
 Hon. Bill Bennett, Minister of Energy, Mines and Petroleum Resources
 Hon. Gail Shea, Minister of Fisheries and Oceans
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