



TŜILHQOT'IN NATIONAL GOVERNMENT

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Tsilhqot'in confident that new Panel's work will result in rejection of "New" Prosperity Mine

Tsilhqot'in Territory, May 11, 2012: The Tsilhqot'in Nation today reaffirms its position to the newly appointed "New" Prosperity Review Panel that the mine cannot be approved and that the entire credibility of Canada's environmental assessment process hangs in the balance. This version of the mine was already reviewed and rejected by the previous Panel, then called "Mine Development Plan #2", because Environment Canada and the company itself testified that it posed a higher environmental risk than the previous plan and would likely contaminate Teztan Biny (Fish Lake) over time. The mine design does not solve any of the significant impacts found by the previous Panel.

"Although the government did not appoint a First Nations member to the Panel, we recognize that three professionals have been appointed. We are confident that upon scrutiny, that the work undertaken by this new panel will completely confirm the previous panel's findings that this alternative version of the mine poses even greater environmental risk," said Tsilhqot'in National Government Tribal Chair Chief Joe Alphonse, "And will mean the same devastating impacts for our culture and our Tsilhqot'in way of life".

"We trust This Panel will undoubtedly come to understand what it would mean for our culture to have a sacred place destroyed," said Chief Marilyn Baptiste of the Xeni Gwet'in First Nation. "Yanah Biny and Nabas – where we have homes and graves – are still threatened. Teztan Biny would be surrounded and contaminated by one of Canada's biggest open-pit mining operations."

Chief Alphonse: "The Tsilhqot'in have already proven our Aboriginal rights to this area in one of Canada's longest court battles. We won't back down. No government can stop us from reflecting on who we are and the importance that this area has for us – this isn't residential school."

Chief Baptiste: "We are fighting for our cultural survival. We see this as a major environmental threat to the headwaters of the Taseko Lake and River systems. At stake is the wellbeing of one of British Columbia's salmon runs. The Tsilhqot'in have protected our headwaters and salmon for generations and we won't stop now. Keeping our waters clean and salmon safe is for everybody, not just the Tsilhqot'in."

The United Nations Declaration on the Rights of Indigenous Peoples requires States to consult and cooperate in good faith with indigenous peoples in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories. We expect nothing less as this proposal is a potential extinguishment of our Aboriginal Rights to hunt, trap and fish in a sensitive area at the headwaters of the Taseko River.

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Attachment: *Ten facts that show why Prosperity Mine proposal cannot be approved*



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Ten facts that show why resubmitted Prosperity Mine proposal cannot be approved

1. The CEAA review panel process was very different from the BC EAO rubber-stamp decision. Its report found immitigable, devastating impacts to the local fish stocks and endangered grizzly populations, and to the existing and future rights of the Tsilhqot'in and its youth. Then Environment Minister Jim Prentice described the report's findings as "*scathing*" and "*probably the most condemning I have ever read.*"
2. The company knows its new option is worse than its first plan. TML's V.P. Corporate Affairs, Brian Battison, was clear in his Mar. 22, 2010, opening presentation to the CEAA hearings, when he stated: "*Developing Prosperity means draining Fish Lake. We wish it were otherwise. We searched hard for a different way. A way to retain the lake and have the mine. But there is no viable alternative. The lake and the deposit sit side by side. It is not possible to have one without the loss of the other.*"
3. The point was emphasised by TML's VP of engineering, Scott Jones, who stated: "*What happens to the water quality in Fish Lake, if you try and preserve that body of water with the tailings facility right up against it, is that over time the water quality in Fish Lake will become equivalent to the water quality in the pore water of the tailings facility, particularly when it's close.*"
4. This proposal does not address the issues that led to the rejection of the first bid last year. Fish Lake will be affected by the toxic waste and eventually die, and it will be surrounded by a massive open pit mine and related infrastructure for decades. The Tsilhqot'in people will not have access to their spiritual place, and the area will never be returned to the current pristine state.

It is not even new. It is "Mine Development Plan 2." TML states on page 20 of its project submission: "*Option 2 is the basis for the New Prosperity design ...The concepts that lead to the configuration of MDP Option 2 have been utilized to develop the project description currently being proposed.*"

5. This option was looked at and rejected last year by the company, Environment Canada and the CEAA review panel. For example, page 65 of the review report states: "*The Panel agrees with the observations made by Taseko and Environment Canada that Mine Development Plans 1 and 2 would result in greater long-term environmental risk than the preferred alternative.*"

6. The new \$300 million in proposed spending is to cover the costs of relocating mine waste a little further away. There is nothing in the 'new' plan to mitigate all the environmental impacts identified in the previous assessment. TML states in its economic statement: *“The new development design, predicated on higher long term prices for both copper and gold, would result in a direct increase in capital costs of \$200 million to purchase additional mining equipment to relocate the tailings dam and to move the mine waste around Fish Lake to new locations. This redesign also adds \$100 million in direct extra operating costs over the 20-year mine life to accomplish that task.”* In fact, this new spending is actually \$37 million less than the company said last year it would have to spend just to go with the option that it and the review panel agreed would be worse for the environment.

7. The federal government is required under the Constitution to protect First Nations, which have been found to be under serious threat in this case, and is internationally committed to do so under the United Nations Declaration on the Rights of Indigenous Peoples. These duties are every bit as clear regarding this resubmitted proposal.

8. Approving this mine would show the Environmental Assessment process is meaningless, and would demonstrate that governments are ignoring their obligations - as the Assembly of First Nations national chiefs-in-assembly made this crystal clear this summer in their resolution of support for the Tsilhqot'in.

9. The federal Department of Fisheries and Oceans has opposed this project since it was first raised in 1995. It soundly rejected it again last year. It has no reason to support it now. Nor does Environment Canada, which, as the CEAA report noted last year, also found option 2 to be worse than the original bid.

10. There are many other more worthy projects to be pursued – the vast majority of which, if not all will require working with aboriginal communities. Natural Resources Canada estimates there is \$350 billion-\$500 billion worth of such potential projects in Canada. Governments, industry and investors do not need to go backwards by pushing this confrontational proposal and rebuffing efforts by First Nations to find a way to create a better mining system that would benefit everyone in the long run.