

TITLE AND RIGHTS COURT CASE EMPHASISES NEED FOR MINING REFORM IN BC

<http://www.newswire.ca/en/releases/archive/November2010/12/c3816.html>

WILLIAMS LAKE, BC, Nov. 12 /CNW/ - The Prosperity Mine proposal is now history, and it is time to focus on reforming British Columbia's mining regime and Environmental Assessment process to create a positive environment for responsible mining in BC, the Tsilhqot'in National Government said today as it prepares for a ground-breaking Title and rights case in Vancouver next week,.

"Taseko's proposal is dead and any variation that involves Fish Lake and its environs are non-starters," said TNG Tribal Chair Chief Joe Alphonse. "If we want jobs and economic opportunity we need to move on and find ways to work together to identify projects that can work."

The federal government rejected the ill-named Prosperity proposal on the "scathing" findings of the CEAA review panel report, which the federal environment minister said was "the most condemning" he had ever seen. The company repeatedly said that there were no other viable options, and two potential alternatives were found by the CEAA panel and the federal department of Fisheries and Oceans to be even worse than the rejected project. (See West Coast Environmental Law assessment: <http://wcel.org/resources/environmental-law-alert/oh-wait-%E2%80%93-we-don%E2%80%99t-need-destroy-fish-lake-after-all>)

Furthermore, the BC Court of Appeal will hear appeals of the Tsilhqot'in Nation's groundbreaking Aboriginal title trial starting Monday Nov. 15. The trial court's judgment affirming Tsilhqot'in Aboriginal rights to hunt and trap throughout lands that include the Fish Lake area - a prominent factor in the CEAA panel report - is not under appeal. However, the Court of Appeal will be considering whether the Tsilhqot'in Nation additionally holds Aboriginal title (recognized ownership of the land) to the Fish Lake area.

"It is not in the best interests of First Nations or anyone else in BC for the province and industry to add to the 17 wasted years already spent on this totally discredited project by pursuing it any further and continuing to pretend there is no need for mining reform," said Tl'esqox Chief Francis Laceese.

Xeni Gwet'in Chief Marilyn Baptise, whose Tsilhqot'in Nation is at the centre of the pending court appeal, said: "According to reports, the company spent \$100 million pursuing this mine despite it being made clear since the beginning that neither our First Nations nor the federal government could accept this proposal.

"That money, the tax dollars wasted by the Province to promote this doomed proposal, and the scarce resources that First Nations were forced to use to defend against it could have been far better spent creating real economic opportunities and jobs. It is time to put an end to this waste and futility.

"It says volumes about the credibility of the industry that its game plan for solving its problems is to keep its government allies on side by publicly endorsing the HST, instead of working with us to find a mining system that works fairly for the environment and everyone," said Chief Baptise.

Former Xeni Gwet'in Chief Roger William, who brought forward the case in which Justice Vickers assigned hunting and trapping rights over the whole claim area, said "Our case being heard before the BC Court of Appeal will not affect the proven Aboriginal hunting and trapping rights that have already been applied to stop this project, but they do have the potential to establish our Aboriginal title to the land.

"The provincial and federal governments accept that hunting and trapping rights exist and the question to be decided by the appeal courts is whether to grant Aboriginal title to the lands."

Chief Baptise added: "This is a ground-breaking case and should the judges so decide, we believe it would be the first time that a court has recognized Aboriginal title. This could break the logjam that has stalled the recognition process in BC."

However, because this is potentially such an historic case, it is expected that a verdict will not come until next year and that it will likely proceed to the Supreme Court of Canada, which could take several more years.

"The question is, in the meantime, do the industry and governments want to continue wasting effort and money pursuing projects that cannot proceed and chasing new proposals that should not be put forward, or are they finally prepared to work with First Nations to establish a regime that respects all parties, and the environment and allow us to focus on viable, environmentally sound projects that respect our rights and cultures," said Chief Baptiste.

Chief Alphonse said: "First Nations also want good jobs for our people and a future for our children and we want them to prosper, but we do not want to destroy our environment, values and future generations to achieve this.

"If we are to identify and work on projects that will stand the test of existing Aboriginal rights, future determinations of Aboriginal title in BC, and environmental responsibility, then we all need to work together on land use planning, decision sharing, reforming the online staking system, and creating a credible and valid environmental assessment process."

First Nation Chiefs and elders will be at the Court of Appeal in Vancouver on Monday, November 15 for the beginning of the appeals, which are expected to last for three weeks.

An analysis of the findings of Justice Vickers that formed the basis of the appeal court hearings next week can be read at: <http://www.elc.uvic.ca/associates/documents/Tsilhqot'in-Nation-Feb7.08.pdf>

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