



NAK'AZDLI BAND COUNCIL

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For Immediate Release

Proposed Shus Nadloh (Mt. Milligan) Mine Cannot Proceed without Nak'azdli

Monday March 2, 2009 Nak'azdli Territory (Central BC)

Nak'azdli First Nation has recently submitted two reports by anthropologist John Dewhirst, M.A., RPCA, to the BC government and Canada in support of our aboriginal title to the proposed Shus Nadloh (Mt. Milligan) mine site (the “project area”). This work also counters the claim of the McLeod Lake Indian Band to our land. (At this time our reports will not be presented publically due to culturally sensitive materials.)

Nak'azdli aboriginal rights and title to the project area are undeniable. Ethnographic sources support that prior to British assertion of sovereignty there was a trail from Nak'azdli to a permanent settlement at Nation Lakes that was used to regularly access the project area for hunting, gathering and other resource use. Today, Nak'azdli hunting cabins, traplines and campsites in the project area demonstrates continued exclusive use and occupation of the area. Any presence of the McLeod Lake Sekani people in the project area prior to assertion of British sovereignty was short lived and was as a result of their nomadic hunting and gathering practices only. Any use of the area was insufficient to ground aboriginal title. In any event, McLeod Lake has ceded any aboriginal rights and title it may have held in the project area in exchange for treaty rights under Treaty 8. By contrast, Nak'azdli's aboriginal interests in the project area remain intact.

Nak'azdli is of the view that the British Columbia Environmental Assessment process does not come close to addressing Nak'azdli's aboriginal rights and title concerns and it has chosen not to participate in it. The recent BC Court of Appeal decision in *Kwikwetlem First Nation v British Columbia (Utilities Commission)* 2009 BCCA 68 recognized and confirmed the flaws in the EA process that Nak'azdli has been trying to address with the BC government.

“We have been waiting since January 2007 for meaningful and respectful talks to occur between BC, Canada and Nak'azdli but all along we have been told that the BC Environmental Assessment process is our opportunity to be heard before approval of Mt. Milligan is given” states Chief Fred Sam. “The Province has not dealt with our title and the EA process has not dealt with our concerns with respect to

negative impacts on our way of life. Nak'azdli will remain opposed to the mine unless and until title is properly dealt with and until there is a proper impact assessment process that includes Nak'azdli. It is anticipated that the recent submission to the BC Environmental Assessment Office will bring Minister Penner and the BC government to the negotiating table with the appropriate mandate to consult and accommodate impacts of the proposed Shus Nadloh (Mt. Milligan) mine on our people. If not, we will be considering all of our legal options.”

We have high hopes for application of the newly proposed *Recognition and Reconciliation Act*. It's not enough for a mining company to go to government for a permit," said Mr. [Edward] John, one of the six key people involved in developing the proposed law that is to recognize aboriginal rights and title in the Province. "It's not going to happen anymore. ... The reality of conducting business will change."

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