

WHITE RIVER FIRST NATION

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Media Release

WRFN court victory over YTG and Tarsis Mining - Creates more Uncertainty for YT Economy Making Bad Situation Worse

July 8th, 2013 - For Immediate Release- Whitehorse Yukon: White River First Nation (“WRFN”) is pleased with a decision released on July 5, 2013 by Justice Veale of the Supreme Court of Yukon, in which Justice Veale overturned a decision of the Director of Mineral Resources Branch to allow a five-year Class 3 Mining Land Use Approval for the White River-Quartz Exploration Project (“the White River Project”), applied for by Tarsis Resources Ltd to proceed to regulatory approval. In deciding this, the Director rejected the recommendation of the YESAA Designated Office that this project not go forward because of its expected negative effects on wildlife, and WRFN rights and culture, which cannot be mitigated.

Justice Veale’s decision found that the YTG had made fundamental mistakes in its approach to consultation in disregarding the recommendation of the Designated Office to reject the proposal. This decision is a second blow to the YTG’s approach to consultation following on the Court of Appeal’s recent decision that the YTG’s mineral regime – staking, exploratory - does not meet acceptable standards for consultation.

WRFN asks the fundamental question – If YTG at the political level and EMR are going to demonstrate so little faith in their own YESAA process that they would overturn their recommendation, why should First Nation Governments and Industry invest their time and money participating in YESAA? It makes a sham of the regulatory regime in YT.

WRFN Acting Chief Dwayne Broeren said, “We have been asking the Premier for a real process of engagement to resolve our issues. We have made reasonable proposals to the Premier to provide certainty for our Nation, the Government and industry, which YTG have continued to refuse. WRFN is unaware of any legal reason why they won’t engage with us – they just don’t seem to want to. They act like we are not here, that our Territory is empty. Justice Veale has recognized, that we have **strong** claim to rights within our Territory. We did not want to go to court but the Premier left us no choice. Yet again the YTG’s refusal to deal with our concerns and the concerns of other First Nations is hurting the Yukon economy. There will never be the kind of certainty that will encourage mining exploration or prevent layoffs like those at Yukon Zinc and Alexco; or see mines like Brewery Creek or Victoria Gold go into production, until First Nations issues are properly addressed.”

WRFN member and consultation coordinator Janet VanderMeer said, “We have been shocked to learn that the Kaminak Gold and Casino mines were given major licenses within our Territory without consulting us. It is this sort of behaviour that pushes us to the courts. While we are not opposed to responsible resource development, we have always told industry and government that our First Nation needs to play a role in decision making through consultation. We need to know our rights, culture, land and waters will be respected and protected.”

WRFN, Liard First Nation and Ross River Dena Council have not signed land claim agreements with Canada and Yukon extinguishing their title and rights. WRFN is opposed to an Umbrella Final Agreement-style land claim settlement, but is open to other types of agreements that would provide more certainty in Yukon. Despite the Gavin Fitch Report commissioned by Canada in

2008, nothing has been done by Yukon or Canada to resolve the issues surrounding WRFN's aboriginal title. WRFN has repeatedly attempted to engage the governments in a process of developing a Strategic Engagement Agreement to try to create more certainty around these issues, but has been ignored.

Recent court decisions are clearly showing that these issues cannot be ignored by YTG any longer. WRFN opposed devolution of programs, including mining, from Canada to Yukon Government and they have opposed current mining legislation because it cuts WRFN out of meaningful consultation. Acting Chief Broeren stated that, "The failure of YTG to properly consult on resource decisions has confirmed our fears about devolution."

Ms. VanderMeer went on to say that "We publicly implored the Premier on August 2, 2012 to not proceed with this Class 3 License on Tarsis but they stubbornly proceeded anyway, determined to put mining interests over the environment and our traditional values, rights, culture and concerns. Their confrontational approach is not helping matters: it is creating uncertainty for First Nations, industry, and Yukoners in general. Rather than choosing confrontation, the Government needs to pull their head out of the sand and deal with the major issues, for the sake of the economy and relations amongst Yukoners."

There are a number of opportunities for meaningful consultation between YTG and First Nations. However, the current processes YTG have underway to respond to the issues in the RRDC "free entry" appeal win, as well as other issues like exploration and fracking, are wholly inadequate.

Acting Chief Dwayne Broeren points out, "The YTG has to approach these issues with an open mind and a willingness to understand our concerns. They must make good faith efforts to integrate our issues and concerns in decision making. We see no evidence so far of willingness on the part of YTG to do so; every time we make suggestions they ignore them. This is not honorable and it is not going to create the certainty we all want. There are many projects in our Territory on which we want real engagement, such as Kaminak Gold and Western Copper's Casino Project. We have repeatedly asked for meaningful consultation on these and other projects and the YTG has downplayed or ignored our concerns. We cannot and will not sit by and accept this situation. We will take all legal measures necessary to protect our rights and ensure that the YTG acts lawfully."

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