



# BACKGROUND - TEŽTAN BINY (FISH LAKE)/NEW PROSPERITY MINE

## Where

Težtan Biny (Fish Lake) and Nabaš are located in traditional Tsilhqot'in territory about 125 kilometres southwest of Williams Lake, B.C. Težtan Biny and Nabas are located within Dasiqox Nexwagwez'an, which includes wilderness and wildlife habitat, and borders a number of existing large parks.. Težtan Biny is one of BC's most productive wild trout lakes, and the surrounding area is an active Tsilhqot'in cultural school and sacred site, adjacent to the Aboriginal title lands and inside one of Canada's only court-declared areas of proven Aboriginal hunting and trapping rights.

## What

Taseko Mines Limited (Taseko) tried for almost 30 years to advance a massive open pit mine - first called Prosperity Mine and then the "New" Prosperity Mine proposal - over the concerns and objections of the Tsilhqot'in Nation. Twice, Taseko failed to obtain federal environmental approval, after extensive environmental assessment processes.

The Prosperity Mine proposal was rejected in 2010. The subsequent 'New' Prosperity Mine proposal was rejected in 2014. Both federal rejections were based in part on the devastating and immitigable impacts the mine on Tsilhqot'in rights, culture and cultural heritage. Since 2014, the Tsilhqot'in were repeatedly in court, defending (successfully) the Federal Government's rejection of the New Prosperity proposal.

Despite the federal rejections and the fact that New Prosperity could not be built under Canadian federal law, the Tsilhqot'in have also faced attempts by Taseko to conduct an extensive drilling program at Težtan Biny and the surrounding area of Nabaš in order to advance the rejected mine. On July 14, 2017, the BC Government granted Taseko the drilling permit. The Tsilhqot'in initiated a lawsuit and obtained an injunction in 2019 to halt Taseko's proposed site investigation program to allow a full hearing of the case.

In 2019, the Province of BC, Taseko and the Tsilhqot'in Nation began discussions on how to

resolve the long standing conflict at Težtan Biny. At this point, all current and future litigation was paused as talks began. After many years of negotiations, and numerous changes in leadership both at the Provincial level and within the T̄silhqot'in Nation, the *Težtan Biny Gagaghut'i* (Agreement) was announced in June of 2025.

## WHY T̄SILHQOT'IN OPPOSED DRILLING AND MINING ACTIVITY BY TASEKO

The T̄silhqot'in Nation opposed mining and drilling disturbance at Težtan Biny and Nabaš because of the cultural and spiritual importance of these lands and waters, and concerns about the potentially significant impacts for wildlife, T̄silhqot'in hunting, fishing, trapping, gathering and ceremony, transmission of knowledge to children and youth, cultural heritage and court declared Aboriginal rights.

## OTHER BACKGROUND

### ENVIRONMENTAL REVIEWS

- Unprecedented in Canadian history, the T̄silhqot'in were subjected to two environmental assessments for variations on the same project.
- Two different independent expert federal panels reviewed the Prosperity Mine proposal and the New Prosperity Mine proposal.
- The [Prosperity panel report](#) was released in 2010.
- The [New Prosperity panel report](#) was released in 2013.
- Both Panels found significant, adverse, and in many cases, immitigable impacts to the environment, and T̄silhqot'in culture, heritage and Aboriginal rights.
- Both times the Panels found that, "*Fish Lake (Težtan Biny) and Nabaš areas are places of unique and special significance for T̄silhqot'in cultural identity and heritage and they have occupied Nabaš and used Fish Lake for generations.*" [p. 4 of New Prosperity Panel Report]
- In both cases the federal government under Stephen Harper found the project had unacceptable impacts on the environment and the T̄silhqot'in and rejected the proposed mine.

### TIMELINE

- **1980s-1990s** – Junior exploration company finds major ore deposit in T̄silhqot'in territory
- **1989** – Xení Gwet'in issue the [Nemíah Aboriginal Preserve Declaration](#) affirming jurisdiction over their lands and putting Taseko on notice that a major mine proposal was not appropriate for this area.

- **1990** – Xení Gwet’in begin trapline court action in response to proposed clear-cut logging of its caretaker area of T̓šilhqot’in territory.
- **1995** – Taseko seeks federal and provincial approvals for its Prosperity Mine proposal. The federal Department of Fisheries and Oceans (DFO) warns Taseko and the Province that the destruction to Te̓žtan Biny is unacceptable because neither DFO nor the Minister of the Environment could approve the loss of this rare and fish-rich (85,000 rainbow trout) lake.
- **1998** – Taseko withdraws from environmental permitting applications.
- **Mid-2000s** – Taseko, under new ownership, new federal and provincial governments, and buoyed metal markets, re-initiates environmental permitting applications.
- **2007** - The Xení Gwet’in trapline case evolves into an Aboriginal title case, leading to the Late Justice Vickers’ landmark 2007 T̓šilhqot’in Naion v. B.C. ruling.
- **2009** – After months of negotiation for a joint federal-provincial panel review, the BC EAO unilaterally announces that it will not participate and instead conducts an in-house environmental review. The T̓šilhqot’in leaders learn of the BC EAO’s decision from press reports.
- **2010 (January)** – The BC EAO rushes its review, issuing an approval for the Prosperity Mine ahead of the federal Panel hearings. The T̓šilhqot’in Nation boycotted the unilateral EAO process and call the approval a “rubber stamp.”
- **2010 (July)** –The Prosperity Mine Federal Panel releases its [report](#) and finds numerous significant, adverse environmental and cultural effects. The Panel also notes the BC EAO missed key information as a result of not participating in the federal hearings.
- **2010 (November)** – The federal government rejects the Prosperity Mine Proposal due to the impacts to the environment, and T̓šilhqot’in culture and rights.
- **2011** – Three months after the federal rejection, Taseko announces it is reapplying for a revised mine proposal called the New Prosperity mine. The company says it will no longer drain Te̓žtan Biny, but the plan requires an un-proven and unprecedented whole lake re-circulation scheme.
- **2011-13** – The T̓šilhqot’in Nation objects to the second federal review, arguing that forcing communities to go through an unprecedented second federal environmental assessment, and subjecting community members to explain to an entirely new panel the cultural importance of Te̓žtan Biny, was unfair and unjustified. Despite these grave concerns, the T̓šilhqot’in Nation participated in good faith in the second panel review.
- **2012-13** – The majority federal Conservative government begins dismantling and weakening federal environmental protection laws. The T̓šilhqot’in fear this is designed to support approval of unacceptable projects such as the New Prosperity proposal.

- **2013 (Oct)** – The New Prosperity Panel issues a second, equally scathing report finding numerous significant environmental effects, many of them immitigable.
- **2013 (Nov)** – Taseko publicly claims that the Panel used the “wrong model” for the tailings storage facility, and files in Federal Court for judicial review of the panel process and report.
- **2014 (Feb)** – The majority Conservative government finds that once again, the impacts of the proposed mine cannot be justified, and [soundly rejects](#) the project a second time.
- **2014 (March)** – Taseko begins judicial review proceedings of the federal rejection of New Prosperity.
- **2014 (June)** – The Supreme Court of Canada, in the [T̓silhqot̓in Decision](#), for the first time ever in Canadian history, recognizes and affirms Aboriginal title on the ground, to approximately 1900 km<sup>2</sup>. The ruling ended a long history of denial and set the stage of recognition of Aboriginal title in its full form. Te̓žtan Biny lies in an area of proven Aboriginal rights, and near the Declared Title Area.
- **2014 (Oct)** – Nuu-chah-nulth Master Carver Tim Paul and his family gift the T̓silhqot̓in Nation a totem pole in recognition of the efforts made by the T̓silhqot̓in to advance recognition of Indigenous peoples, and the strong relationship between the Nuu-chah-nulth and the T̓silhqot̓in. The pole is raised at Te̓žtan Biny to recognize and protect the sacred site.
- **2014 (Oct)** – At the totem pole raising ceremony, the T̓silhqot̓in communities of Xení Gwet̓in and Yune̓šit̓in, with the support of the T̓silhqot̓in Nation, announce the creation of the [Dasiqox Tribal Park](#), which includes Te̓žtan Biny and the surrounding area.
- **2015** – The Final Report of the Truth and Reconciliation Commission of Canada is released. One of its calls to action include calling on “the corporate sector in Canada to adopt *the United Nations Declaration on the Rights of Indigenous Peoples*,” including a commitment to “meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects”. (p. 14 of the TRC’s [Calls to Action](#)).
- **2015** – The new federal Liberal government commits to implementing the [United Nations Declaration on the Rights of Indigenous Peoples](#), and (then) Prime Minister Trudeau’s mandate letters to cabinet include the statement that, “No relationship is more important to me and to Canada than the one with Indigenous Peoples.”
- **2016** – The T̓silhqot̓in Nation signs the [Nenqay Deni Accord](#) with the Province of British Columbia, a framework agreement to guide further negotiations and that establishes a shared vision, principles and structures to negotiate a comprehensive and lasting reconciliation between the Nation and the Province.

- **2017** – The B.C Liberals approve a major drilling permit to Taseko for the Težtan Biny area on the final day before transition to the new NDP government. The Tšilhqot'in Nation challenge this permit.
- **2018 (April)** – Tšilhqot'in communities of Yunešit'in and Xeni Gwet'in release the draft community vision and management goals for Dasiqox Tribal Park to the public for feedback and host public information sessions. Goals for the area include ecosystem protection, sustainable livelihoods and cultural revitalization.
- **2019** – Taseko drilling permit is upheld by the BC Court of Appeal. The BC Court of Appeal recognizes the profound cultural and spiritual importance of the area for the Tšilhqot'in people, and even states that it might have been reasonable to deny the drilling program at this time, but ultimately concludes that it was reasonable to approve the program.
- **March 2019** - The Tšilhqot'in Nation seeks an injunction against this permit on March 22, 2019 while it applies for leave from the Supreme Court of Canada to have the appeal heard.
- **April 1, 2019** – The injunction was granted by BC Court of Appeal, pending decision of Supreme Court of Canada.
- **June 13, 2019** – Supreme Court of Canada dismisses Tšilhqot'in application for leave to appeal.
- **June 20, 2019** - The day before Indigenous Peoples Day in Canada, Taseko provides notice that it will mobilize personnel and machinery for the Težtan Biny area within days, and plans to commence the drilling program as of July 3, 2019.
- **August 2019** – The Tšilhqot'in Nation signs the [Gwets'en Nilt'i Pathway Agreement](#) with the Government of Canada and the Province of British Columbia, a framework agreement to guide tripartite negotiations, continuing the work of previous framework agreements established with Canada and BC, and which outlines a staged approach to negotiate a comprehensive and lasting reconciliation between the Nation, the Government of Canada and the Province.
- **September 6, 2019** – The BC Supreme Court granted TNG an interlocutory injunction barring Taseko from undertaking its drilling program while TNG's lawsuit for infringement of rights is underway.
- **December 18, 2019** – The Federal Court of Appeal dismissed Taseko's appeals of the 2013 Panel Report and the 2014 Federal Government's rejection of New Prosperity, upholding the Panel Report and the Federal Government's rejection. Taseko subsequently applied for leave to appeal these decisions to the Supreme Court of Canada.
- **May 14, 2020** – Supreme Court of Canada dismissed Taseko's application for leave to appeal, with costs. This means that the rejection of New Prosperity Mine by the Government of Canada stands, once and for all.

- **2019-2025** – The Province of BC, Taseko, and the T̓silhqot̓in Nation engage in talks to resolve the longstanding conflict at Te̓t̓an Biny.
- **June 2025** – *Te̓t̓an Biny Gagaghut̓i* signed between Province of BC, Taseko, and the T̓silhqot̓in Nation, establishing binding legal commitments to undertake consent-based decision-making processes for any mining activity at Te̓t̓an Biny.
- In particular, the T̓silhqot̓in Nation and Taseko reached an agreement under which **no mineral exploration or mine development can occur on the New Prosperity mineral tenures without the free, prior informed consent of the T̓silhqot̓in Nation.**
- The Agreement also establishes a land use planning process for *Dasiqox Nexwagwez̓an* (“There for Us”), formerly known as the Dasiqox Tribal Park. The process will aim to establish clear land use direction that reflects the T̓silhqot̓in Nation’s vision and goals for *Dasiqox Nexwagwez̓an*, protects the ecological, cultural and economic sustainability of the area, and balances other interests of the Province, non-T̓silhqot̓in residents, neighbours, stakeholders and others in a positive way. A shared goal of *Dasiqox Nexwagwez̓an* is to express T̓silhqot̓in Aboriginal rights and empower T̓silhqot̓in laws, governance, and management systems.