

BINCHE WHUT'EN
BAND COUNCIL RESOLUTION

Date: June 9, 2020

BCR No.: 47-09.06.2020

Darwin Hanna to Lead Pinche Mine Legacy Fund Negotiation and Settlement

WHEREAS:

Whereas Binche Whut'en Council; pursuant to the Authority of Chief and Council are responsible for the governance and administration of band affairs, including education, band schools, housing, water and sewer, roads, and other community businesses and services.

And

Whereas:

Council has had the opportunity to review the letter, dated May 15, 2020, from Chief Beverly John, Tl'azt'en Nation.

THEREFORE BE IT HEREBY RESOLVED:

Binche Whut'en is not accepting the offer of the Tl'azt'en Nation, as Binche Whut'en is taking the position that the Tl'azt'en Nation has breached of the *Terms of Division*, dated February 6, 2017. The earlier proposal of Binche Whut'en for the sharing of the Legacy Funds was based upon the compassion of Binche Whut'en for sharing, which is now rescinded.

As Binche Whut'en is the only directly affected community, Binche Whut'en should receive 100% of the Legacy Funds, which can be confirmed through a Bahlats.

That the Darwin Hanna, of Callison & Hanna, will take the lead on this negotiation and settlement.

Darwin Hanna to Lead Pinche Mine Legacy Fund Negotiation and Settlement

BCR No.: 47-09.06.2020

Chief

Councillor

Councillor

Councillor

Councillor

BINCHE WHUT'EN
BAND COUNCIL RESOLUTION

Date: June 9, 2020

BCR No.: 48-09.06.2020

Lease Land Funds to be Held in Suspense

WHEREAS:

Whereas Binche Whut'en Council; pursuant to the Authority of Chief and Council are responsible for the governance and administration of band affairs, including education, band schools, housing, water and sewer, roads, and other community businesses and services.

And

Whereas:

THEREFORE BE IT HEREBY RESOLVED:

Binche Whut'en is requesting that ISC Land and Lease Management hold the funds for Binche Whut'en Lease Lots in suspense pending the issuance of a Band Corporation. We further advise that the remitting party may be a considered suitable potential subtenant.

ISC Land and Lease Management – Hold Funds in Suspense

BCR No.: 48-09.06.2020

Chief

Councillor

Councillor

Councillor

Councillor

[INSERT LETTERHEAD]

June 9, 2020

Nak'azdli Whut'en
P.O. Box 1329
Fort St. James, B.C.
V0J 1P0

Attention: Chief Alexander McKinnon and Council

Tl'azt'en Nation
P.O. Box 679
Fort St. James, B.C.
VOJ 1P0

Attention: Chief Bev John and Council

Yun Ookw'u Ts'uhuna Society
P.O. Box 1899
Fort St. James, B.C.
V0J 1P0

Attention: Board of Directors

Dear Council and Board of Directors:

Re: Proposed Disbursement of \$5.2+ Million from Pinchi Mine Legacy Fund

Council has had the opportunity to review the letter, dated May 15, 2020, from Chief Beverly John, Tl'azt'en Nation.

Binche Whut'en is not accepting the offer of the Tl'azt'en Nation, as Binche Whut'en is taking the position that the Tl'azt'en Nation has breached of the *Terms of Division*, dated February 6, 2017. The earlier proposal of Binche Whut'en for the sharing of the Legacy Funds was based upon the compassion of Binche Whut'en for sharing, which is now rescinded.

As Binche Whut'en is the only directly affected community, Binche Whut'en should receive 100% of the Legacy Funds, which can be confirmed through a Bahlats.

Any proposals for distribution of the Legacy Funds must be informed by the following adverse affects of the Pinchi Mine including:

- a. relocation of Binche Whut'en Members;
- b. loss of way of life;

- c. environmental contamination;
- d. contamination of Pinchi Lake;
- e. adverse health affects; and
- f. rendering reserve lands not fit for use or occupation.

If these issues are not addressed adequately, the impacts on the health and well-being of the Binche Whut'en will be long-lasting. The long-lasting impacts of the Pinchi Mine must be addressed through environmental and health assessments, and a cultural-impact study.

We confirm that Binche Whut'en has a beneficial interest in the Legacy Funds, that Binche Whut'en is beneficial member of the Yun Ookw'u Ts'uhuna Society, and that the Society is acting as a trustee in respect to the Legacy Funds. Section 8.5 of the Legacy Agreement confirms that the Agreement "enures to the benefit of" Binche Whut'en. The Terms of Division committed the TI'azt'en Nation taking steps to have Binche Whut'en added as a Member of the Society with the ability to appoint an equal number of Directors. The TI'azt'en Nation is in breach of this commitment.

This letter is formal notice to trigger section 13.1 of the Dispute Resolution process under the *Terms of Division*, namely to have "good faith negotiations and consensus utilizing the traditional Carrier potlatch (Bahlats) customary laws" to resolve this dispute.

We look forward to resolving this dispute through the dispute resolution process of the *Terms of Division*.

Yours truly,

Chief Gerald T. Anatole and Council