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Dear Senators Murkowski and Begich and Representative Young:

We, the undersigned commercial and sport fishing groups, businesses, communities, tribes, and conservation groups are writing to you out of concern that mining development in northwest British Columbia (BC) poses significant risks to downstream Alaskan interests, including water quality, commercial, sport, and customary and traditional fisheries and tourism. We are requesting your assistance and leadership to identify appropriate mechanisms to provide specific guarantees the natural resources we depend on will not be harmed by upstream development.

BC is constructing the Northwest Transmission Line to facilitate major mining projects in northwest BC. About a dozen industrial projects are planned in the headwaters of major transboundary salmon rivers on the BC side of the Alaska/Canada border. While we are not inherently opposed to such development, Alaska's fisheries and water quality must not be compromised in the process. Alaskan salmon require clean water and pristine habitat. Pollution from upstream industrial activity will not only directly harm salmon, it could adversely affect Alaskan marketing efforts. Negative impacts to salmon could threaten Pacific Salmon Treaty harvest sharing agreements for the Taku and Stikine Rivers.

The transboundary Taku, Unuk and Stikine Rivers support significant commercial, sport and customary and traditional fisheries. The Taku is Southeast Alaska's single largest overall salmon producer, and Southeast's largest producer of coho and king salmon. The Stikine is Southeast's second largest salmon producer. The Unuk is one of the top five king salmon producers in the region and its eulachon run provides an important customary and traditional fishery. Southeast Alaska fishermen also catch salmon from non-transboundary Canadian rivers, such as sockeye bound for the Nass River, which would also be affected by industrial development.

Our two primary concerns are water quality impacts in Alaska originating from very large mining projects in northwest BC and damage to spawning habitat on the BC side. While important spawning habitat occurs in the Alaska portion of these rivers, the majority of the salmon spawn upriver in BC. The following mining projects present the greatest potential for negative impacts to Alaska's water and fisheries resources:

- The proposed Kerr-Sulphurets-Mitchell (KSM) gold-copper mine located in the headwaters of the Unuk River calls for three large open pits, an underground mine, and enormous tailings dumps for billions of tons of acid-generating rock. Over 250 individuals and groups recently commented on the KSM project environmental analysis.

- Proposed for re-opening, the Tulsequah Chief mine, located on the Tulsequah River upstream of its confluence with the Taku River, has been polluting the Tulsequah River with acid mine drainage since 1957. Despite this ongoing violation of the Canadian Fisheries Act, agencies have taken little action to stop the pollution.
- The proposed Galore Creek mine is located on Galore Creek, which flows into the Scud River, a salmon-producing tributary of the Stikine River. Tailings would be submerged in Round Lake, which drains into the Iskut River, the major tributary to the Stikine.
- The proposed Schaft Creek project is located between Schaft Creek and Mess Creek, a tributary of the Stikine River. Mining the deposit would generate 100 million tons of waste rock in an area with extremely high seasonal water flow.
- The Red Chris mine is located near the headwater lakes of the Iskut River, a major tributary of the Stikine River. Several hundred million tons of tailings and waste rock would be submerged in Black Lake, which drains into the Iskut River.

Each of these mines would pose the threat of acid mine drainage for centuries, if not in perpetuity. KSM and Galore Creek require huge tailings dams that will have to be maintained probably forever. Water treatment for acid mine drainage and other contaminants such as selenium will likely be needed in perpetuity, yet the mine proposals do not include mechanisms to assure adequate funding for long-term treatment. The region is extremely wet and steep, with high seismic activity, and the danger of leaks from tailings impoundments or a tailings dam failure is very real. Cleanup after such a failure would be difficult if not impossible.

There has been little transparent dialogue between Canada and the U.S. regarding the proposed projects and specific ways to ensure our interests are protected. Although Canada establishes joint working groups with Alaskan and U.S. agencies to review mine proposals, there are no specific requirements to address U.S. or Alaska's concerns. U.S. and Alaskan agencies do not have the resources to participate in these working groups in a meaningful way. Department of Interior recently wrote to the Canadian government that it would not be able to participate in the working group for the KSM mine. Department of Natural Resources staff told the Taku River Task Force, established by the Juneau legislative delegation, on January 5, 2012 that DNR "does not have dedicated funding for Canadian mine project coordination." DNR participation in the KSM permitting process is dependent on financial contributions from the mining company Seabridge Gold.

The BC government claims the environmental assessment process will safeguard the fish, wildlife and ecological integrity of the transboundary watersheds. Yet, in July 2011, the BC Auditor General reported, "the Environmental Assessment Office cannot assure British Columbians that planned mitigation efforts are having the intended effects because adequate monitoring is not occurring and follow-up evaluations are not being conducted." BC and Canadian officials told the State of Alaska that the permitting processes would protect water quality in the Tulsequah and Taku Rivers. But the acid mine drainage from that mine continues in violation of Canadian federal law and permits.

BC environmental reviews largely focus on each project in isolation. There has been no comprehensive analysis of the overall and cumulative social, ecological and economic effects of multiple projects on downstream Alaska interests or on the transboundary region as a whole. BC and Canadian permitting processes are not as rigorous as those conducted in the U.S. and important Canadian fish and water quality laws have been weakened over the past few years. Otto Langer, a former Department of Fisheries and Oceans biologist, wrote in March 2012, "This is a serious situation and will put Canada back to where we were in the pre-1976 period where Canada had no laws to protect fish habitat and no way to monitor the great industrial expansion that occurred in Canada, with the consequential loss of major fish habitat all across Canada."

Canadian and U.S. scientists are acutely aware of the potential negative impacts of large-scale industrial development in BC and have weighed in on the issue in two specific instances:

- In November 2011, 36 US and Canadian scientists wrote to BC Premier Christy Clark, "Cumulative impacts likely will cascade throughout the watersheds in the form of altered flow and temperature patterns, disturbance to wildlife interacting with roads, and reduced water quality associated with sedimentation and acid mine drainage...British Columbia must initiate a comprehensive assessment of potential cumulative impacts."
- In March 2012, 625 scientists wrote to Canadian Prime Minister Stephen Harper that industrial activities already pose significant risks to fish habitat and many aquatic species, and that the government should "therefore be strengthening, not weakening the habitat protection provisions of the Fisheries Act."

In closing, we would like to work with you to identify and utilize mechanisms to ensure that downstream Alaska water quality and fisheries will not be adversely affected by industrial development in BC. The Boundary Waters Treaty has been utilized in the Flathead River valley of Montana and in the Great Lakes region. Article IV of the Boundary Waters Treaty states, "waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other." The Treaty provides for an International Joint Commission (IJC) to address transboundary water issues. For many years, conservation groups and commercial fishermen have called for IJC involvement on the Taku. In addition to invoking this Treaty, other options include, but are not limited to, the following:

- Create a more effective cross-border process than the current permitting working groups;
- More rigorous review of transboundary mining projects, including cumulative effects;
- More involvement in Canadian permitting processes from US and Alaska agencies; and
- Formal State Department consultation with the Canadian government.

Thank you very much for your attention to this vital issue. Please feel free to contact Brian Lynch of Petersburg Vessel Owners Association (pvoa@gci.net, 907/772-9323) or Chris Zimmer of Rivers Without Borders (zimmer@riverswithoutborders.org, 907/586-2166) if you need additional information.

Sincerely,

Attachments:

- selection of KSM comments: PVOA, CCTHITA, TU and/or RWB,
- selection of resolutions, letters of concern: KIC, CCTHITA, Kupreanof, Petersburg, Nathan Cullen group letter
- recent media clips: Empire article on Silverbow event; Empire oped by Clay Bezenek; Empire editorial mentioning KSM and Tulsequah Chief
- BC development map
- Nov 2011 and March 2012 scientists' letters

Cc:

Assistant Secretary Dr. Kerri-Ann Jones, U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs
Deputy Assistant Secretary for Oceans and Fisheries David A Balton, U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs
U.S. Department of State, Canadian Affairs
US Ambassador to Canada
EPA Office of International Affairs
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USFS
SE AK Legislators
AK Governor's office, Stefanie Moreland
ADFG
AK DNR
AK DEC
MP Nathan Cullen