

# Healthy Watersheds:

## Mining reform needed in British Columbia to reduce threats to downstream states, communities, fish and wildlife.

The transboundary region of the United States and British Columbia (B.C.) has become a dangerous hotspot for pollution and chemical spills from the mining industry due to legacy, existing and proposed mines in areas upstream of the four bordering states.

According to the B.C. provincial government, **there are 33 mining exploration projects under way within a radius of about 60 miles of the province's southern border.** Most of these projects are just north of the Washington state border. U.S. states abutting Canada are vulnerable to the lax regulatory, financial liability and enforcement mechanisms for industrial mining in B.C.



Bull trout. Photo: USFWS

Existing and proposed mines in B.C. headwaters of three highly-productive Alaskan salmon rivers have alarmed state and U.S. federal officials. B.C. coal mining just north of the Montana and Idaho borders has already poisoned waters flowing into those two states. And most recently, a very controversial proposal for mining in the headwaters of the transboundary Skagit River, a critical system for the Endangered orca whales and Chinook salmon of Puget Sound, has made Washington the next jurisdiction to join the chorus of concerns over B.C.'s mining.

The mining company submitting the exploratory application for the Skagit Headwaters, Imperial Metals, is the same company responsible for the devastating Mount Polley mine disaster in 2014, the largest mining disaster in Canadian history which decimated salmon runs in Fraser River tributaries, with clean up and restoration work still ongoing.

The proposal threatening the Skagit River is but one of many projects on the edge of an exploration boom that is sweeping the southern mining and minerals regions of B.C., spurred by shifting commodity prices and rising demand for key minerals. But leaders in the U.S. have a window to demand accountability.

## Skagit Watershed



Map by Skagit Environmental Endowment Commission



Upper Skagit "donut hole." Photo: Wilderness Committee

According to an independent review of the province's regulation of its mining industry by the Auditor General of B.C., the province's mining regulators do not protect it from significant environmental risks. That same report observed that the mining ministry is not holding an adequate amount of security to cover the estimated environmental liabilities at major mines.

Another in-depth review following the Mount Polley mining disaster sounded a major alarm for Americans in states that are downstream. According to the review, there will be two failures of B.C. tailings dams at mining operations every 10 years. According to the United Nations Environment Programme, Canada has the world's second-worst record for mine tailings spills, after China, with seven

incidents reported in the last decade.<sup>i</sup> **It is not simply a question whether, but when, and how disastrous the consequences will be to downstream U.S. communities.**

## Transboundary conflict not a new issue for Washington state

In the absence of enforceable protections and financial assurances for U.S. interests, downstream damages will take many years of acrimonious debate before resolution of claims, if ever they can be resolved. This is seen in the history of transboundary disagreements between Washington state and British Columbia. As just one example, for decades, a smelting operation located in Trail, B.C. caused pollution-related damage to farmers and other interests in Washington state. In the end, B.C. was forced to effect compensation to Washington farmers, but not until the engagement of an international tribunal to mediate the dispute.



Trail, B.C. smelter. Photo: U.S. Dept. of Ecology

## A window of opportunity?

There are many constructive reforms that B.C. could undertake that would go a long way toward protecting downstream U.S. communities. A bipartisan response on this issue has begun, including a call from all eight U.S. Senators representing Washington state, Montana, Idaho and Alaska on the government to address downstream contamination issues.<sup>ii</sup>



Skagit Headwaters. Photo: Wilderness Committee

As a first step, the British Columbia government can make needed reforms to its regulation of the mining industry. The current B.C. government has agreed to review its practice of requiring mining companies to post a certain amount of financial security to ensure reclamation of mines. They will also be making changes to its antiquated Mines Act and will be inviting public comment on the proposals.

B.C. has already taken an important first step by supporting free, prior and informed consent for Indigenous communities for any projects in traditional First Nations territories. This could greatly increase the extent of B.C. First Nations' influence on the front end of a mining proposal, potentially giving U.S. tribes some

early input on mining issues that could affect resources and communities on the U.S. side.

**Solutions for a responsible mining regime do exist. It is a matter of whether British Columbia will take the steps needed to make the reforms that demonstrate environmental leadership.**

## Footnotes

<sup>i</sup> Lavoie, Judith, The Narwhal, Canada Has Second-Worst Mining Record in World: UN, October 27, 2017, <https://thenarwhal.ca/canada-has-second-worst-mining-record-world-un/>.

<sup>ii</sup> Cox, Sarah, The Narwhal, U.S. senators to Horgan: clean up B.C.'s mining mess, June 13, 2019, <https://thenarwhal.ca/u-s-senators-to-horgan-clean-up-b-c-s-mining-mess/>.