



Sent via email

Director Laura Lochman
United States Department of State
Office of Canadian Affairs

October 29th, 2020

Cc via email: Daniel Kachur, Susanne Kuester, Douglas Walker, Joshua Cummings, Adam Hantman, Geoff Reid, Jane Corwin, Lance Yohe, Rob Sisson, Chad McIntosh, Jane Nishida, Scott Mason, Sylvia Correa, Senators Murkowski, Sullivan, Murray, Cantwell, Risch, Crapo, Tester and Daines

Dear Director Lochman et. al,

We write in advance of the November 4th and 5th, 2020, meetings between the United States Department of State, Global Affairs Canada, and the International Joint Commission to respectfully remind you of our unresolved requests regarding protection of American interests, threatened by Canadian mines upstream near our shared transboundary rivers. Specifically, we wish to highlight important developments throughout U.S. - British Columbia transboundary watersheds, particularly activity in the transboundary Elk-Kootenai watershed that is very relevant to the challenges we face as downstream communities in Alaska, Washington, Idaho, and Montana.

- MT / B.C. are adopting divergent water quality standards at the international boundary in the Elk/Kootenai watershed; ID is listing the Kootenai River as impaired due to pollution from Teck's Coal mines;
- Enforcement of those standards will require international coordination and commitment, and regulatory clarity regarding exceedance of water quality standards across the international boundary;
- Teck's Castle Project proposes to create the biggest coal mine in Canada in the Kootenai watershed. The Castle Project highlights the urgency for a federal framework where pollution extends across international, Tribal, and multi-state waters. In August, ECCC Minister Jonathan Wilkinson designated the Castle Project for a federal Impact Assessment, in part due to extra-territorial impacts outside of Canada, and at the request of the transboundary Ktunaxa Nation. Tribes, First Nations, and NGOs in Canada and the U.S. are now requesting the Castle Project specifically undergo a federal review panel;
- Data collected in the U.S. portion of the Kootenai watershed, funded by Congress, shows on-going impacts to fish and water quality from Canadian mine pollution and raises important questions about liability and accountability for damages to U.S. waters.
- Tribes in Southeast Alaska have submitted a [Human Rights petition](#) to obtain relief from the violations resulting from the actions and omissions of Canada in approving mine activity in AK / B.C. watersheds, and in failing to effectively regulate and prevent the threats from the B.C. mines on downstream jurisdictions;

- B.C. has committed only \$1.5 million toward the clean-up of the abandoned and polluting Tulsequah Chief mine in the transboundary Taku River watershed, where the total estimated remediation costs exceed \$100 million dollars; B.C. has the authority to hold Teck Resources accountable (Teck-Cominco) as the historical owner of the project, but has not done so;
- Seabridge Gold, the developer of what it promises will be one of [the largest open pit mine projects on the continent](#), the Kerr-Sulphurets-Mitchell (KSM) mine in the transboundary Unuk watershed, wants more time from Canadian regulators while it seeks partners to develop its B.C. metals mine roughly 20 miles from the Alaska border, though its EA certificate is already five years old (in 2014, thousands of Americans and Canadians requested a panel review of KSM due to its transboundary implications but Canada denied these requests);
- The Swinomish Tribe of Washington adopted a resolution opposing B.C.'s proposed mining of the so-called Donut Hole in the Canadian headwaters of the Skagit River, and urging lawmakers to protect salmon in the Skagit River basin through strong opposition to the Imperial Metals gold exploration permit.
- Indigenous leaders and non-indigenous stakeholders from B.C., AK, WA, ID, and MT transboundary watersheds, as well as IJC commissioners, have discussed common concerns and potential solutions in several recent powerful webinars (links included in the attached media round-up).

For more than two decades, congressional, state, county/borough, city and tribal leadership in the United States have requested relief from existing and potential transboundary mining contamination originating in British Columbia, Canada. Affected U.S. tribes and stakeholders have specifically requested the U.S. government secure with Canada a binding and enforceable governance framework, consistent with the Boundary Waters Treaty of 1909, for U.S.-B.C. transboundary watersheds. While there has been a growing dialogue between the federal governments, the U.S. Department of State has not fulfilled its jurisdictional obligation to defend U.S. interests from mining pollution originating in Canada.

Please see the attached media round-up, sorted by region, that demonstrates the ongoing multi-state concern requiring resolution at the international level.

We would appreciate discussing these issues with you prior to your bilateral discussions with Canada. And we request a follow-up meeting once the bilateral meetings conclude.

Sincerely,

Jill Weitz
Salmon Beyond Borders
Juneau, Alaska

Dave Hadden
Headwaters Montana
Big Fork, Montana

Mitch Friedman
Conservation Northwest
Seattle, WA

Rob Sanderson, Jr.
Chair, Southeast Alaska Indigenous Transboundary Commission
Ketchikan, Alaska

Michael Jamison
National Parks Conservation Association
Whitefish, Montana

Brad Smith
Idaho Conservation League
Sand Point, Idaho

U.S.-B.C. Transboundary Mining in the News (May 2020 – Current)

Overarching Transboundary Mine Concerns and News

The U.S. Environmental Protection Agency this year sent a letter to B.C. regulators demanding information about why Teck Resources is allowed to exceed contaminant limits in the transboundary Elk-Kootenai watershed — highlighting increased concern from the U.S. over B.C.’s reckless mining regulations and oversight.

May 11, *Canadian Press* — [United States increasingly concerned over pollution from B.C. mines](#)

Concern is also rising, generally, about the risk of mine waste (tailings) dam failures.

August 20, *Science Magazine* — [Catastrophic failures raise concerns about dams containing muddy mine wastes](#)

Several global and local efforts to address the risks tailings dams pose to sensitive areas like salmon-bearing rivers were finalized this year. The Global Industry Standard on Tailings Management is one of those. Many say it falls far short, however, of what is required to prevent pollution, property damage, and loss of life.

June 24, *Reuters* — [Exclusive: Global tailings dam standards fall short of changes sought by civil society groups](#)

August 6, *CoastAlaska* — [Global mine tailings standards rest on voluntary compliance](#)

More stringent mine waste standards are outlined in the proposed “Safety First” guidelines, supported and released this summer by an international coalition of more than 140 organizations, including Salmon Beyond Borders and Southeast Alaska Tribes.

June 29, *Reuters* — [Environmental groups propose tailings dam safety standards](#)

Deer Horn Capital this year became one of the first Canadian mining exploration companies to work with the Initiative for Responsible Mining Assurance (IRMA), for its proposed tellurium project in B.C. “There are too many crappy mines out there,” the chairman of the company told the Narwhal. “For things to change, we need a different approach.”

October 6, *The Narwhal* — [In a world that needs metals, how can we mine more responsibly?](#)

Ongoing pollution from the Ajax mine shows the clear shortfalls of B.C.’s regulations and lack of polluter-pays standards.

October 9, *The Narwhal* — [Aging Ajax mine leaching arsenic, selenium into creek near Kamloops, B.C.](#)

A letter from an international group of 22 scientists and policy experts, published in late April in *Science* and explored in our last media roundup, led to calls from sportsmen and former International Joint Commission commissioners for more protective mining policies in transboundary watersheds.

April 28, *Flathead Beacon* — [UM Researchers Urge Governments to Address Transboundary Mining Pollution](#)

May 11, *East Kootenay News Online Weekly* — [Opinion: Mining policies in transboundary watersheds must improve](#)

May 26, *East Kootenay News Online Weekly* — [Opinion: Fix Canadian mining now](#)

Finally, studies are showing that the push for “clean energy” metals threatens some of the world’s last remaining intact areas and the biodiversity they contain.

September 1, *Nature Communications* — [Renewable energy production will exacerbate mining threats to biodiversity](#)

A new poll shows B.C. voters want elected lawmakers who will: mandate that consent be obtained from Indigenous Peoples for mineral exploration; protect communities and watersheds from toxic mine waste dams; and ensure that polluters have to pay for the damage they cause.

October 22, *The Narwhal* — [B.C. voters support mining reforms that protect the environment, make polluter pay: poll](#)

Specific Projects in Shared Alaska / B.C. River Systems

When it comes to specific projects, this year has led to big developments with the Tulsequah Chief mine, which has been contaminating the Taku River watershed with acid mine drainage since it was abandoned by Teck Resources (formerly Teck-Cominco) more than 60 years ago. **In coordination with the Taku River Tlingit First Nation, the province was to begin work to ready the site for cleanup this summer. Though B.C. will fund the first \$1.6 million, the province is not yet sure who will pay for the full cleanup. The estimated total price tag is at least \$100 million, including the \$1 million per year needed to pay for water treatment in perpetuity.**

August 13, *The Narwhal* — [Cleaning up B.C.'s Tulsequah Chief Mine will cost \\$48.7 million](#)

September, 7, *Juneau Empire* — [Opinion: Mine cleanup plan is encouraging, but there's still work to be done](#)

The Tulsequah Chief mine also highlights that **the financial assurances B.C. requires of its mines are inadequate to cover reclamation of a mine site, with a \$1.2 billion shortfall across the province. Canadian taxpayers will most likely foot most of the \$100 million cleanup bill, unless the B.C. Chief Inspector of Mines Herman Henning holds Teck Resources, the historical mine owner, liable — which is entirely within the inspector's discretion and authority to do.**

August 21, *The Province* — [B.C. holds only \\$1 million security for up to \\$100 million cleanup of Tulsequah Chief Mine](#)

Part of the reason it's unclear who will clean up the Tulsequah Chief mine: **the mine's current owner, Chieftain Metals, is being sued by a creditor for \$20 million.**

August 7, *CoastAlaska News* — [Tulsequah Chief creditors delay cleanup of contaminated mine site](#)

In the Unuk River watershed, Seabridge Gold, proponent of the **Kerr-Sulphurets-Mitchell (KSM) mine project** — which would be one of the largest mines on the planet if built as proposed — **has requested a two-year extension of its environmental assessment (EA) certificate, reviving calls for a new impact assessment that incorporates updated mining practices and new information, specifically since Imperial Metals' 2014 Mount Polley mine tailings disaster.**

August 19, *The Narwhal* — [Seabridge Gold asks B.C. for more time to begin KSM mine construction, citing COVID-19](#)

August 27, *CoastAlaska* — [Large open-pit mine developer near AK border asks Canadian regulators for more time](#)

The Southeast Alaska Indigenous Transboundary Commission (SEITC) is one of the groups requesting a new EA for KSM. "KSM would be huge and so close to us. Our people need a say in the process," said Sylvia Banie, Vice President of the Organized Village of Saxman and Southeast Alaska Indigenous Transboundary Commission's Secretary.

August 21, *Indian Country Today*, Press Release — [Like Alaska's Pebble Mine, this project is located in the wrong place](#)

Northwest B.C. is home to the so-called Golden Triangle, a vast stretch of mineral-rich land. Mining is deeply embedded in the culture and economics of the region, yet outdated mining laws put the region at risk.

October 20, *The Narwhal* — [The 4 environmental issues in northwest B.C. every voter should know about](#)

Threats to Washington / B.C. Transboundary Rivers

Pressure is mounting in Washington state to defend the transboundary Skagit River from mining in the “donut hole,” the unprotected, sensitive area between two parks in B.C. near the B.C. / Washington border. Indigenous leaders also recently highlighted how B.C. mining projects threaten additional salmon rivers shared by Washington and B.C.

July 19, *The Province* — [Opinion: Mike Harcourt and Ken Farquharson: It's time to finish saving the Skagit](#)

August 30, *The Seattle Times* — [Opinion: Protect Washington’s rivers from British Columbia mining waste](#). This op-ed was written by Scott Schuyler of Sedro-Woolley, who is a lifelong fisherman, tribal member and the natural resources director of the Upper Skagit Indian Tribe, and Rob Edward of Keremeos, B.C, who is a traditional knowledge keeper and former chief of the Lower Similkameen Indian Band.

The Skagit was the focus of this comprehensive piece on the dangers recklessly regulated B.C. mines pose to rivers that flow into the U.S.

May 26, *Sierra* — [A river runs through international borders](#)

Scott Schuyler, natural resources director for the Upper Skagit Indian Tribe, urges Seattle City Light to focus attention on the Skagit River before the Columbia or Snake River Dams.

October 5, *The Seattle Times* — [Opinion: Skagit River: Dam damage](#)

B.C.’s Mount Polley Mine and the Fraser River

This August 4 marked the sixth anniversary of the Mount Polley tailings dam disaster, for which Imperial Metals has still not been held liable by B.C. Bev Sellars, grandmother and former chief of the Xat’sull Nation, wrote, “The disaster was an opportunity for British Columbia and Canada to change their Gold Rush-era mining laws. But they didn’t. Instead, they continue to allow industry to use the Fraser River watershed as a garbage dump.”

August 13, *CBC* — [Contamination from Mount Polley spill continues to affect waterways, study finds](#)

August 11, *Juneau Empire* — [Opinion: We are poisoning our future. There’s a better way.](#)

While charges have not been levied against Imperial Metals, engineers tasked with monitoring the failed tailings dam face discipline and fines.

June 4, *Prince George Matters* — [Engineers face discipline over northern B.C. mine disaster](#)

The Mount Polley failure and failures of global tailings dams that have caused loss of life, property, and health worldwide have resulted in calls to ban mine waste dumps upstream of communities from many organizations, including B.C.’s First Nations Energy and Mining Council and Salmon Beyond Borders.

August 10, *Business Intelligence for B.C.* — [Lessons learned from the Mount Polley disaster](#)

Wild Salmon and Climate Change Along the Salmon Coast

Meanwhile, Fraser River sockeye salmon runs have collapsed. This year was expected to be “the worst year since tracking began in 1893.”

August 11, *CBC* — ['Quite dire': Fraser River sockeye salmon run expected to be worst ever recorded](#)

Abysmal salmon returns led to closures of Chinook fishing on the Taku and Stikine Rivers.

June 23, *Terrace Standard* — [Sport fishing season for chinook salmon closed on B.C.'s Stikine and Taku Rivers](#)

Climate change and an abundance of hatchery fish competing for food are leading Alaska's salmon, especially Chinook, to return to their natal streams younger and smaller.

August 25, *Seattle Times* — [Alaska salmon returning smaller amid climate change, competition with hatchery fish, study finds](#)

Climate change is also impacting Alaska's salmon-rich freshwater systems.

July 28, *The Cordova Times* — [What climate change means for Alaska's rivers — and king salmon](#)

B.C. NDP Leader John Horgan is promising further action to protect and revitalize the province's wild salmon stocks.

October 19, *Vancouver Sun* — [Horgan promises to double funding for B.C. Salmon Restoration and Innovation Fund.](#)

The B.C. / Montana / Idaho Border

Along the B.C. / Montana / Idaho border, pollution from Teck Resources' coal mines have caused selenium levels to skyrocket. Selenium is lethal in large amounts and recently wiped out cutthroat trout in a transboundary tributary of the Elk River that flows past Teck's mines. **Because of its transboundary implications and impacts to fish and First Nations, the Canadian federal government announced it will conduct a federal impact assessment of the Castle project, Teck's planned expansion of its network of coal mines.** B.C. Minister of Environment and Climate Change Strategy George Heyman pointed out that "trans-border issues" are "matters of federal jurisdiction." First Nations, Tribes, organizations including Salmon Beyond Borders, and the U.S. Environmental Protection Agency had called for this action and applaud Minister Wilkinson's decision.

June 1, *The Narwhal* - [Teck's proposal to expand B.C.'s largest coal mine raises alarm about pollution on both sides of the border](#)

August 6th, *Bonner's Ferry Herald* — [U.S. Groups Join in Call for Federal Analysis on Upstream Canadian Mine](#)

August 19, *The Canadian Press* — [Feds to join assessment of Teck coal mine expansion in B.C.](#)

August 19, *The Narwhal* — [Ottawa to review Teck's Castle Mountain coal mine in B.C. amid concerns over fish habitat](#)

While Teck Resources Ltd. attempts to argue that fish kills might not be related to mining activity, the public knows the difference between science and spin.

October 13, *East Kootenay News Online Weekly* — [Trout deaths prompt precautionary measures](#)

Montana and B.C. recently finished a five-year collaborative process to establish a "one lake one number" standard-setting process for selenium levels in Lake Koocanusa. While Montana proceeds on schedule to update its selenium standard for the Kootenai based on site specific data, B.C. is dragging its feet, claiming the MT-BC process didn't reach consensus and wasn't scientifically valid. Both Teck claims are not based on the facts.

September 25, *Montana Public Radio* — [Montana Proposes New Rules to Stem Canadian Mine Pollution](#)

October 3, *East Kootenay News Online Weekly* — [B.C. stalls on selenium pollution limit for Koocanusa](#)

October 8, *The Narwhal* — [B.C. stalling on new rules for selenium pollution from coal mines, environmental groups say](#)

Digital Engagement During COVID-19

This May, **Salmon Beyond Borders** hosted a webinar discussion called “**Western Transboundary Watersheds and the Boundary Waters Treaty**” with Indigenous leaders on both sides of the border, scientific and policy experts, and members of the International Joint Commission, which works to find international solutions under the U.S./Canada Boundary Waters Treaty of 1909.

May 17, *The Cordova Times* — [Indigenous leaders connecting on transboundary issues](#)

That webinar is available [here](#).

In July, leading up to the sixth anniversary of the Mount Polley tailings dam disaster, **Salmon Beyond Borders** co-hosted a webinar with Canadian partners called “**No More Mount Polleys,**” which featured Indigenous leaders and technical experts. That webinar is available [here](#).

In one of the most incredible projects with which Salmon Beyond Borders has had the honor to be involved, **Southeast Alaska Indigenous Transboundary Commission and Ping Chong + Company** recently presented *When the Salmon Spoke: Indigenous Stories of the Stikine River*, in collaboration with **Salmon Beyond Borders** and **SkeenaWild Conservation Trust**. The online premiere of this digital production was directly followed by a virtual “Salmon *Wauwau*” — an online roundtable discussion with project collaborators and Tlingit, Tahltan, and Haida storytellers. If you haven’t yet, we invite you to listen to these important Indigenous stories from both sides of the transboundary Stikine River [here](#).

In September, Salmon Beyond Borders and Conservation Northwest co-hosted *Beyond the Skagit: WA-B.C. Transboundary Rivers Webinar*, which featured Indigenous leaders, government officials, and technical experts. That webinar is available [here](#).