

# Congress of the United States

Washington, DC 20510

May 12, 2016

The Honorable John Kerry  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Kerry:

We write to express our continuing concerns about the development of several hardrock mines in British Columbia and their potential effects on water quality in the transboundary rivers that flow from Canada into Southeast Alaska. Our precious marine resources greatly contribute to the economy and culture of Southeast Alaska and must continue to be protected. Although we are encouraged by the level of engagement between the State of Alaska and Provincial Government in British Columbia, we also believe there is an appropriate role for our respective national governments to play. We therefore request that you and other officials from the Department of State raise this issue in appropriate bilateral meetings with your Canadian counterparts and utilize all measures at your disposal to address this issue at the international level.

Like most Alaskans, we strongly support responsible mining, including mines in Southeast Alaska, but Alaskans need to have every confidence that mining activity in Canada is carried out just as safely as it is in our state. Yet, today, that confidence does not exist. Proposed mining development in the Stikine, Taku River, and Unuk watersheds has raised concerns among commercial and recreational fishermen, tourism interests, and Alaska Native communities regarding water quality maintenance of the transboundary rivers that flow by their homes and onto their fishing grounds.

These concerns are not unfounded, because there is already a history of Canadian acid mine waste affecting Southeast Alaska. The Tulsequah Chief Mine, which is up the Taku River and southeast of Juneau, has been leaking acidic waste into the Taku River for decades. As Canada continues to consider and approve new mines in British Columbia and Yukon, the risk of additional impacts has increased.

In 2013, the proposal to open the Kerr-Sulphurets-Mitchell mine in the headwaters of the Unuk River, 19 miles north of the Alaska border near Stewart, B.C. became a widespread issue across Southeast Alaska. In 2015, the Red Chris Mine, owned by Imperial Metals, opened in the upper Iskut/Stikine watersheds. Canada is also considering approving the Schaft Creek mine, a proposed open pit copper, gold, molybdenum and silver project, 40 miles from the Alaska border in the Stikine River watershed. Galore Creek, also in the Stikine watershed, is another proposed open pit copper, gold and silver project about 25 miles north of the Alaska border. Still another project, the Brucejack, an underground gold mine, is proposed near Brucejack Lake, 25 miles upstream of Alaska, in the headwaters of the Unuk River, just above Sulphurets Creek.

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The Auditor General of British Columbia appears to share our concerns. She recently released the results of a two-year assessment of the province's regulatory oversight of its mining industry. According to the audit, "almost every one of our expectations for a robust compliance and enforcement program within the [Ministry of Energy and Mines] and the [Ministry of Environment] were not met." In addition, the audit "found major gaps in resources, planning and tools. As a result, monitoring and inspections of mines were inadequate to ensure mine operators complied with requirements" and "to protect the province from significant environmental risks."

We, along with Alaska Governor Walker and Lieutenant Governor Mallott, have repeatedly urged the State Department and other Obama Administration officials to help make our case in discussions with your Canadian counterparts. However, numerous opportunities have been missed to do so in recent months and years. We must, at the very least, ask for Canada's commitment to help protect the pristine waters of Southeast Alaska – to match our commitment to baseline water quality monitoring, and to consider other ways to ensure the full protection of our world-class fisheries.

One such option is to turn to the 1909 U.S.-Canada Boundary Waters Treaty, under which both countries are required to work to prevent damage to resources in the other country. Either nation can ask for an International Joint Commission (IJC) to be appointed to adjudicate disputes between the nations, where each country will appoint three experts to study a problem, review potential impacts, and make recommendations to resolve it. If problems do occur, either nation can seek damages against the other for provable economic impacts, provided there is sufficient evidence of damage.

Should there be an impact to the transboundary waters that flow from Canada to Alaska, our state's fisheries, tourism, and Native peoples could all be hurt.

Alaska has the world's most productive and sustainable commercial fisheries. Southeast Alaska, and the transboundary rivers, are home to world-renowned salmon runs, supporting the commercial fishing industry, tourism, and subsistence lifestyles throughout the region. In 2013, there was a record harvest of 95 million pink salmon in Southeast Alaska, valued around \$220 million. In 2015, the statewide salmon harvest topped 263 million fish and was valued at around \$414 million.

Tourism brings almost two million visitors a year to Alaska, with over one million traveling via cruise ships through the waters of Southeast. Many are attracted by the recreational fishing opportunities for salmon and halibut, spending more than \$1.1 billion in 2015.

In addition, Alaska Native communities throughout Southeast are dependent on these same fishery resources, marine mammals, and waterfowl to meet their subsistence needs and to promote resilience in their communities. Tlingit, Haida and Tsimshian traditions and culture are tied to the bounty from the waters of the archipelago. Their food security and very survival depend on keeping these waters healthy.

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Water quality is an extremely important issue for Alaskans. Accordingly, we ask that you and other officials from the Department of State raise these concerns with the governments of Canada and British Columbia. Doing so will help us gain a better understanding of the new development taking place across our border, ensure that appropriate environmental safeguards are in place for that development, and keep Alaskan waters pristine and productive.


We also propose that the State Department work with Alaskans and the Obama Administration to urgently take all of the following actions:

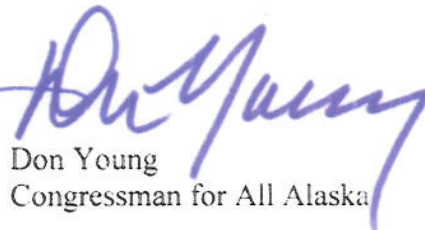
- 1) Encourage British Columbia officials to consider the cumulative impacts of mining and their potential impacts on transboundary waters during the review and approval process for mines.
- 2) Determine whether an IJC reference is a suitable venue to determine whether Canadian mines are following “best practices” in treatment of wastewaters and acid-producing mine tailings – especially in light of the scientific reviews of the causes of the Mt. Polley tailing disposal dam failure.
- 3) Establish a more formal consultation process with American state agencies, other federal agencies, tribes, and ANCSA corporations during Canadian mine permit reviews, similar to the American process of having participating entities during Environmental Impact Statement preparations.
- 4) Support Environment Canada’s water quality study effort relating to the impacts of mining on transboundary waters.
- 5) Support and work towards robust funding for water quality testing on the American side of the border to establish baseline water quality data, so that the U.S. can file for damages in the event of mining-related damage from Canadian mines.

Thank you for your consideration of this request. Please contact our offices if you need additional information.

Sincerely,

  
Lisa Murkowski  
United States Senator

  
Dan Sullivan  
United States Senator

  
Don Young  
Congressman for All Alaska