

Defusing British Columbia's Ticking Timebombs: U.S. Downstream Tribes and Stakeholders Step Up Pressure

A TIMELINE



Background

More than 112 years ago, in January 1909, Canada and the United States signed the Boundary Waters Treaty to prevent and resolve disputes over the use of the waters shared by the two countries. The Treaty, under Article IV, also commits Canada and the U.S. to ensure that “... boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.”

Tensions have now reached a point where U.S. lawmakers, Indigenous communities and citizens in shared border states view mine-building in B.C. as posing a serious threat to the health and safety, economies, and the environment in the U.S.

The planned construction and expansion in B.C. of massive mines in these transboundary watersheds are increasingly seen by American communities and lawmakers as threats to salmon habitat and community safety.



Red Chris mine tailings pond in northwest B.C.



Transboundary Mine Threats

The **Tulsequah Chief mine** has been leaking contaminated water into the AK-B.C. transboundary Taku River watershed – the region’s largest salmon producing river – for 60+ years. A 2016 report estimated one million litres (260,000 gallons) of contaminated water flows into the Tulsequah River every day.

The proposed **KSM gold mine complex** straddles two river systems and is a major threat to salmon habitat and the environment. If built, the tailings dam at the KSM gold mine would tower 239 metres high over the Bell Irving/ Nass watershed. The mine would be the largest in Canada and one of the largest in the world. It would require treatment forever, during operation and after closure, to prevent contamination in Sulphurets Creek, which runs into the Unuk River, emptying into Southeast Alaska’s Misty Fjords National Monument.

The **Brucejack gold and silver mine** in the Unuk watershed is 53km upstream from the Alaska-B.C. border. Opened in 2017, it will produce 3.48 million tons of waste rock over its 13-year life. An environmental assessment notes the rock risks leaching arsenic, antimony, silver and cadmium. When the mine closes, some of the waste rock will be dumped into nearby Brucejack Lake.

The tailings dam at the **Red Chris mine** in the transboundary Stikine River watershed in northern B.C.

is the same design as Mount Polley’s and approximately 2.5x as tall. A 2016 report found the dam does not meet the recommendations of the expert panel into the Mount Polley disaster.

If built, two mines in the Stikine watershed, **Schaft Creek** and **Galore Creek**, will also use tailings dam designs similar to the one that failed at Mount Polley. Another mine, **Eskay Creek**, is proposed for reopening in the Unuk watershed.

Owners of B.C.’s **Copper Mountain mine**, north of the Washington state border, want to increase production by 70 per cent and raise the current tailings dam from 150 to 260 metres.¹ Since 2011, the B.C. government has published 40 separate reports of actual or potential non-compliance by the mine.

Imperial Metals’ proposed **Giant Copper mine** in the headwaters of the Skagit River is seen as an unacceptable risk to the top salmon-producing river in Washington state.

At five coal mines owned and operated by **Teck Resources** in the Elk River Valley in southeastern B.C., selenium – toxic to humans, fish and animals beyond very small doses – has been leaching from waste rock and severely polluting surrounding waterways for decades.

Introduction



Copper Mountain, the third-largest open pit copper mine in Canada, straddles the transboundary Similkameen River.

In just the past 20 years, U.S. lawmakers and Indigenous governments have watched with growing alarm the development of mega mines in British Columbia, many of which are situated near the American border. On dozens of occasions, Governors, members of Congress, and U.S. tribes have repeatedly asked the B.C. government and the Canadian federal government to stop or limit the impacts of B.C. mines near transboundary watersheds.

Concerns have now reached an unprecedented level as mine development in B.C. escalates to meet the global demand for minerals. [B.C. government reports indicate there are mining proposals that would double the number of coal/metals mines on the landscape.](#)² With more mine construction comes increased risk to watersheds shared with the U.S., especially from tailings storage facilities and the growing realization that B.C. is not doing enough to protect communities in B.C. and those downstream in the United States.

The following timeline illustrates examples of the growing U.S. frustration in the face of B.C.'s intransigence and how pressure for change has ramped up in the past few years.

Timeline

- JULY 2021** ● **[“Hero of the Planet” and Earth Day organiser warns against Copper Mountain expansion](#)**
- Denis Hayes, president of the Bullitt Foundation, says by allowing the Copper Mountain mine to expand, B.C. appears to be flirting with a monumental environmental disaster that could severely impact Washington State.³
- JUNE 2021** ● **[Alaska and Montana lawmakers call on Biden administration with concerns](#)**
- Alaska lawmakers, including Senator Lisa Murkowski, weigh in with the Biden administration raising concerns and asking for stronger action to confront the threat of B.C. mines to U.S. states. Montana Senator Jon Tester calls on the Biden administration to enforce the Boundary Waters Treaty over contamination from B.C. mining operations threatening Montana rivers and lakes.⁴
- JUNE 2021** ● **[B.C. report shows serious shortcomings in mine safety oversight](#)**
- An independent audit of B.C.’s mine tailings regulations found inadequate compliance and enforcement, leaving communities and the environment at risk.⁵
- MAY 2021** ● **[Alaska legislators call on B.C. government to address upstream dams](#)**
- A group of Alaska lawmakers express called directly on B.C. government expressing their deep concern about large-scale mine developments in B.C. which pose risk to shared transboundary salmon rivers including the Taku, Stikine, and Unuk rivers.⁶
- APRIL 2021** ● **[Congressional briefing profiles weak B.C. mining regulations](#)**
- The U.S. Congressional Wild Salmon Caucus, hosted by Representatives Huffman (D-CA) and Young (R-AK), raised concerns about threats of B.C. mines to shared international watersheds with the U.S. A briefing coordinated by Salmon Beyond Borders engages Caucus leaders who raise concerns about weak financial assurances for B.C. mine operations.⁷

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- APRIL 2021** ● **[List of organizations warning about B.C. mining continues to grow](#)**
- Groups, tribes, and elected leaders say large-scale B.C. mining developments in the headwaters of the world's most valuable salmon producing watersheds have become a globally significant issue.⁸
- APRIL 2021** ● **[Conservation group calls for better checks on B.C. mines](#)**
- Washington conservation organization, Conservation Northwest, says inadequate oversight of mining operations in southern B.C. and a lack of financial accountability for clean-up costs is a growing threat to communities and the environment in both B.C. and across the border in Washington state and needs urgent attention.⁹
- MARCH 2021** ● **[U.S. lawmakers demand action by B.C.](#)**
- In a letter to B.C. Premier John Horgan, 25 Washington State legislators sounded the alarm about large scale mining development on the Washington border including a possibility of a tailings disaster. They warned that inadequate oversight of mining operations in southwestern B.C. and a lack of financial accountability for clean-up costs when mines close present a growing threat to communities and the environment in Washington State that needs urgent attention.¹⁰
- MARCH 2021** ● **[Washington tribes highlight Copper Mountain Mine expansion risk](#)**
- Washington's Colville Confederated Tribes added their voice to the protest against the planned expansion of Copper Mountain just north of the Washington state border on the Similkameen River because of the threat of a catastrophic disaster if the tailing's dam collapsed. The mine's owners want to increase production by 70 per cent and raise the current tailings dam from 150 metres to 260 metres, higher than Seattle's Space Needle.^{11,12}
- AUGUST 2020** ● **[B.C. mine polluting transboundary river takes first step toward clean-up 60 years later](#)**
- After leaking acid mine drainage into the Taku, a major salmon producing river, since 1957, a clean-up plan is developed and some funding is allocated. However, timelines are uncertain, and financial commitments made thus far, approximately \$3 million, fall well short of the more \$50-\$100 million needed for the site's clean up.¹³

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- AUGUST 2020** ● **Demands for federal review of B.C. coal mine expansion**
- More than 750 individuals, U.S. lawmakers and tribes, B.C. First Nations, and U.S. and Canadian NGOs call on the Canadian government to conduct a federal environmental review of the proposed expansion of Teck Castle coal mine. After many years of pressure from U.S. and Canadian advocates, the federal government finally agrees, setting a precedent for dozens of other mines along transboundary rivers.¹⁴
- APRIL 2020** ● **World experts urge British Columbia to change mining laws**
- In an article published in the journal, Science, an international group of science and policy experts raise alarm bells about the damages and risks caused by Canadian mine pollution flowing downstream into the U.S., concluding transboundary mine contamination violates the Boundary Waters Treaty of 1909.¹⁵
- FEBRUARY 2020** ● **U.S. EPA demands data regarding B.C. coal mine pollution**
- The U.S. Environmental Protection Agency demands the B.C. government hand over data explaining why Teck Resources coal mines in southern B.C. are being allowed to exceed guidelines for selenium.¹⁶
- OCTOBER 2019** ● **U.S. and B.C. Indigenous leaders declare transboundary wild salmon emergency**
- U.S. Tribes and B.C. First Nations declare a “Wild Salmon Emergency” at an Indigenous Salmon Summit on Lummi Territory in Washington state. U.S. indigenous communities at the gathering pointed to threats of pollution from B.C. mines as a driving force behind this declaration.¹⁷
- SEPTEMBER 2019** ● **U.S. EPA finds B.C. mine toxins in waters flowing into the U.S.**
- The U.S. Environmental Protection Agency and U.S. Geological Survey find elevated levels of selenium in water and fish, and elevated nitrates in water, in the Montana/Idaho-B.C. Kootenai River and the Montana-B.C. Lake Kootenai from Teck’s metallurgical coal mines in B.C.’s Elk River Valley.¹⁸

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- JUNE 2019** ● **U.S. senators demand action from B.C. government to address poor mining oversight**
- Eight U.S. Senators from Alaska, Washington, Idaho and Montana call on B.C. Premier John Horgan for more action to monitor water quality and assure oversight of Canadian mining projects near multiple transboundary rivers that originate in B.C. and flow into their respective states.¹⁹
- MAY 2019** ● **WA Governor and Seattle Mayor oppose mine activity in Skagit headwaters**
- Washington State Governor Jay Inslee and Seattle Mayor Jenny Durkan add their voices to opposition to proposed B.C. mine development in the Skagit headwaters, a transboundary watershed.²⁰
- MAY 2019** ● **U.S. State Department urged to get involved in B.C. mine dispute**
- Nine members of Washington state's congressional delegation called for the U.S. Department of State to intervene in a simmering dispute with Canada over a company's proposal for exploratory mining in the headwaters of the Skagit River. The proposal was submitted by Imperial Metals, the company behind Canada's biggest ever mining disaster at Mount Polley in August 2014.²¹
- APRIL 2019** ● **B.C. and U.S. Indigenous leaders oppose new mining activity in Skagit headwaters**
- The Union of British Columbia Indian Chiefs, Upper Skagit Tribe, Sauk-Suiattle Indian Tribe, and Swinomish Indian Tribal Community object to proposed mining exploration in the so-called "donut hole" in the headwaters of the Washington-B.C. Skagit River.²²
- OCTOBER 2018** ● **Alaska calls on State Dept to act on B.C. mining reform**
- Alaska Governor Bill Walker and the Alaska Congressional Delegation ask Secretary Pompeo to intervene to protect U.S. interests from B.C. mining.²³
- NOVEMBER 2017** ● **Canada ranked second to China in global waste dam failures**
- The United Nations Environment Program ranks Canada in second place after China for the most mine waste dam failures in the world.²⁴

NOVEMBER 2017

● **MT Senator and Governor ask U.S. State Department to stop B.C. mine pollution**

Montana Governor Steve Bullock and Senator Jon Tester ask then Secretary of State Rex Tillerson to intervene to prevent contamination of Montana waterways by coal mines across the border in B.C.²⁵

MAY 2016

● **B.C. Auditor General slams lack of B.C. government's mining oversight**

Following the devastating Mount Polley mine dam disaster, B.C.'s auditor general, an independent overseer of government operations, states in a report that almost every one of the auditor's expectations for robust monitoring and enforcement within the Ministry of Energy and Mines and the Ministry of Environment were not met.²⁶

APRIL 2016

● **U.S. senators urge federal action on B.C. mining threats**

U.S. Senators Maria Cantwell and Patty Murray urge Secretary of State John Kerry to effect coordinated international action on transboundary mines.²⁷

DECEMBER 2015

● **B.C. mega mine approved without federal review**

The U.S. EPA in 2014 urged the Government of Canada to initiate a federal panel environmental review (the most comprehensive environmental analysis under Canadian federal law) of the KSM mine along with calls from members of Congress.²⁸ The proposed mine threatens a major transboundary river system shared with Alaska and would have a waste storage facility 28 times larger than Mt. Polley. Nonetheless, the B.C. government gives go-ahead to the KSM mine without a federal panel review.

JUNE 2015

● **B.C. green lights operations at massive new mine upstream U.S. border**

B.C. issues permit to Imperial Metals (the company behind Canada's biggest-ever mining disaster at Mount Polley in August 2014) to begin operations at the Red Chris mine in the headwaters of the Alaska-B.C. transboundary Stikine River watershed. The mine waste storage facility is seven times bigger than Mount Polley's.²⁹

JANUARY 2015

● **Government experts call for B.C. waste dam reform**

An independent expert review panel into the 2014 Mount Polley tailings dam disaster urges the B.C. government to eliminate perpetual storage of mine waste behind earthen dams. To date, many of the recommendations have not been fully adopted.^{30,31}

OCTOBER 2014

● **U.S. Indigenous leaders call for protection from B.C. mines**

The National Congress of American Indians, the oldest, largest and most representative American Indian and Alaska Native organization in the U.S., passes a resolution urging the U.S. and Canada to ensure Native American and Alaska Native culture and community health are not harmed by B.C. mine development.³²

AUGUST 2014

● **B.C. mine waste tailings dam collapse biggest mining disaster in Canada's history**

Concerns about risks of B.C. mines to U.S. waters skyrocketed when Imperial Metals' Mount Polley mine tailings dam failed, releasing 6.6 billion gallons of contaminated waste (including 400 tons of arsenic, 177 tons of lead, 326 tons of nickel, and 18,400 tons of copper) into the nearby by drinking water supply and sockeye spawning area. It was the largest mining disaster in Canadian history and the 6th largest tailings dam failure globally.^{33,34}

AUGUST 2014

● **U.S. opposition to new B.C. mine near Alaska border**

Stakeholders in Alaska including the state government, legislators, and Indigenous communities express strong opposition to and request a federal environmental review of the proposed KSM mine that threatens the transboundary Alaska-B.C. salmon-rich Unuk and Nass River watersheds.³⁵

MARCH 1998

● **Alaska governor asks for clean-up of toxic waste leaks from abandoned B.C. mine**

Alaska's governor urges then Secretary of State Madeleine Albright to intervene and address acid mine drainage from B.C.'s Tulsequah Chief mine in the transboundary Taku River watershed. The mine was abandoned by the Canadian mining company Teck Cominco in the 1950s. Questions about a clean-up persist after more than 60 years.³⁶

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