

THE FLATHEAD RIVER

A PRECEDENT FOR IJC INVOLVEMENT IN TRANSBOUNDARY WATERSHEDS



The Flathead River, MT
Photo: Steve Brown, NPS

In the early 1980s, U.S. and Canadian citizens expressed concerns about a proposed mountaintop-removal coal mine in B.C. in the headwaters of the Flathead River

that flows into Montana and forms the western border of Glacier National Park. The U.S. and Canada jointly referred the issue to the IJC for study in 1985. The IJC ultimately concluded the mine project would inevitably damage trout habitat and would violate Article IV of the Boundary Waters Treaty, the non-degradation provision. In its final report on the issue in 1988, the Commission recommended the mine not be approved until impacts to fisheries were eliminated: "...there are far-reaching implications of this Article IV principle as applied to an important migratory fishery that moves in both directions to spend part of its lifecycle in each country. In such cases, there is mutual obligation to protect that fishery...."

NEXT STEPS

LETTERS & RESOLUTIONS Concerned citizens are urged to send letters or resolutions to Secretary of State John Kerry requesting that the U.S. Department of State refer the issue of mining in transboundary watersheds to the IJC for further study to assure protection of valuable resources shared by the U.S. and Canada.

LEARN MORE More information and a petition can be found at SALMONBEYONDBORDERS.ORG



Heather Hardcastle

SOUTHEAST ALASKA SALMON, CLEAN WATER AND JOBS AT RISK

MINING IN BRITISH COLUMBIA AND THE NEED FOR U.S. DIPLOMATIC ACTION



ALONG SOUTHEAST ALASKA'S BORDER, B.C. IS AGGRESSIVELY PURSUING UNPRECEDENTED INDUSTRIAL DEVELOPMENT, INCLUDING LARGE-SCALE MINING.

B.C. Premier Christy Clark has vowed to develop eight new mines and reopen or expand nine others in the province by 2015. Numerous existing and proposed mines are located in the transboundary Taku, Unuk and Stikine watersheds and involve some of the largest open pits and tailings dams the world has ever seen. Because these rivers begin in Northwest British Columbia and flow through Southeast Alaska, Alaskans are concerned about the impacts of large-scale mining on water quality and fisheries in this region.



These three wild, largely pristine transboundary watersheds cover some 32 million acres, or an area about the size of Alabama. They support abundant wildlife, world-class fisheries, tourism and many customary and traditional activities. These rivers have long been the cultural lifeblood of the region and are economic engines for Southeast Alaska's robust fishing and tourism industries. Salmon alone are a billion-dollar annual industry in Southeast Alaska, employing roughly one in ten residents. Tourism also contributes an estimated \$1 billion every year to the regional economy and supports about 10,000 jobs.

Five B.C. mines of primary concern in the transboundary region have the potential to generate over 5 billion tons of waste over the life of the mines. These mines would also produce acid mine drainage and potentially leach heavy metals and other pollutants into surface and groundwater, jeopardizing salmon and wildlife habitat. Moreover, tailings dams and contaminated water will have to be monitored, treated and contained in perpetuity. Finally, the B.C. government has recently weakened several environmental laws and hasn't conducted an analysis of the effects of multiple projects on the region.



Barbara Blake

MOUNT POLLEY MINE

IN LIGHT OF THESE RISKS AND THE CATASTROPHIC AUGUST 2014 TAILINGS DAM FAILURE AT THE MOUNT POLLEY MINE IN CENTRAL B.C., THOUSANDS OF ALASKANS ARE CALLING ON THE U.S. DEPARTMENT OF STATE TO PROTECT ALASKA'S INTERESTS UNDER THE BOUNDARY WATERS TREATY OF 1909.



Mount Polley Dam Failure
August 2014

Chris Blake

THE BEST POLICY SOLUTION

BOUNDARY WATERS TREATY OF 1909

Canada's mine permitting regimes and environmental regulations are not sufficient to protect Alaska's salmon and clean water from upstream B.C. mines. Ongoing acid mine drainage from the Tulsequah Chief mine demonstrates B.C.'s lax enforcement and the Mount Polley mine disaster highlights how Canadian oversight failed to prevent a devastating mine accident in one of the region's greatest salmon watersheds. Moreover, the Pacific Salmon Treaty, designed largely to prevent overfishing of Pacific salmon by either country and to set fair harvest rates and quotas, lacks usable provisions to protect salmon habitat and safeguard Alaska's cultural and economic interests in the transboundary region.

However, the U.S. Department of State has the authority under the Boundary Waters Treaty of 1909 to pursue protections for Southeast

Alaska's fish and clean water. The Treaty states in Article IV: "...the waters herein defined as 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." Under the treaty, the State Department can refer a boundary waters matter to the International Joint Commission (IJC) for thorough review. In the case of the Southeast Alaska/Northwest B.C. transboundary region, the IJC would study and consider how this region's waters and communities may be affected by industrial mineral development in Northwest B.C. The IJC has the authority to propose ways to prevent major impacts from what is becoming one of the largest mining districts on the planet.

WHAT IS THE INTERNATIONAL JOINT COMMISSION?

The International Joint Commission is an international organization established by the Boundary Waters Treaty to prevent and resolve disputes over transboundary waters. The central focus of the IJC is to regulate shared water uses, investigate transboundary issues, and recommend solutions. The IJC's recommendations and decisions cover water uses, including drinking water, commercial shipping, hydroelectric power, agriculture, mining, fishing, boating and shoreline property. The IJC is comprised of three commissioners from Canada and three commissioners from the U.S., acting as a body that is independent of the two countries and is supported by administrative staffs located mostly in Ottawa and in Washington, D.C. To date, the IJC's work has been primarily in the Great Lakes region of the U.S.

HOW DOES THE IJC WORK?

The U.S. and Canadian governments typically "activate" the IJC by sending joint letters of reference to the IJC asking the Commission to examine and report on a transboundary water issue. The IJC then sets up study boards and technical committees—often comprised of local experts from both countries—to investigate the issue at hand. The IJC's ultimate recommendations are not binding but serve to shine a spotlight on the issue under study, and provide a forum for public participation and comment. The findings of the IJC offer the best option for real policy changes and protections in shared watersheds.