

# Alaska State Legislature

## Chair

Fisheries Committee

## Member

State Affairs Committee  
Health and Social Services Committee  
Transportation Committee  
Economic Development Committee



**REPRESENTATIVE LOUISE STUTES**

**District 32**

**Kodiak-Cordova-Yakutat**

**E-Mail:** Rep.Louise.Stutes@akleg.gov

## Session:

Alaska State Capitol, #416  
Juneau, AK 99801

Phone: (907) 465-2487  
Fax: (907) 465-4956  
Free: (800) 865-2487

## Interim:

305 Center Avenue, Suite 1  
Kodiak, AK 99615  
Phone: (907) 486-8872  
Fax: (907) 486-526

10/28/2016

The Honorable John Kerry  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520  
(and via email)

*Cc (via email):*

Alaska Governor Bill Walker  
Alaska Lieutenant Governor Byron Mallott  
Alaska Congressional Delegation

Re: House Fisheries Committee Meeting on Transboundary Mines

Dear Secretary Kerry,

I am writing to add my voice to the rapidly expanding group of Alaskans concerned about potential downstream impacts of operating and future large-scale metal mines located near the headwaters of the "transboundary" Taku, Stikine and Unuk Rivers that flow from British Columbia (B.C.) into Southeast Alaska. I agree with U.S. Senators Lisa Murkowski and Dan Sullivan and Congressman Don Young, who stated in their May 12, 2016 letter to you, that you should "utilize every measure at your disposal to address this issue at the international level."

On October 12<sup>th</sup>, the Alaska State Legislature's House Fisheries Committee hosted a transboundary hearing in order to learn from invited experts, including Alaskan and Canadian indigenous leaders and world-renowned scientists, as well as to allow individual Alaskans to share their concerns and ideas on this topic. This hearing was held just after the State of Alaska and the Province of B.C. signed the non-binding Statement of Cooperation on Protection of Transboundary Waters on October 6<sup>th</sup>.

Almost all of the hundreds of individual Alaskans and invited presenters stated that the Alaska-B.C. non-binding agreement is a step but falls short in addressing Alaskan concerns and protecting Alaskan interests. The clear consensus of testifiers was that nothing short of an international agreement(s) between the United States and Canada can provide the enforceable measures and funding needed to protect Alaskans (and British Columbians) from the potential negative impacts of large-scale transboundary mining and associated development on fish, water quality, businesses, employment and culture.

The presentations from the invited speakers were illuminating, and often disconcerting. The experts I invited to present at the hearing included: Lieutenant Governor Byron Mallott, Central Council Tlingit and Haida Indian Tribes of Alaska President Richard Peterson, United Tribal Transboundary Mining Work Group Chair Fred Olsen Jr., McDowell Group Project Manager Kirsten Shelton, Geophysicist and Center for Science in Public Participation President Dr. David Chambers, United Fishermen of Alaska Board Member Chip Treinen, University of Washington Professor of Fisheries Aquatic Sciences Dr. Daniel Schindler, First Nations Women Advocating Responsible Mining (FNWARM) Chair Bev Sellars, and FNWARM Coordinator Jacinda Mack. Below are key themes highlighted in the invited presentations (as well as in Alaskans'

testimonies). They represent the key areas Alaskans wish to see Alaska elected leaders work with the U.S. federal government to address immediately:

**(1) This is an international situation so the U.S. federal government needs to exercise its rights under the Boundary Waters Treaty and call for an evaluation of the values at risk, and the potential cumulative effects of multiple B.C. mines in various stages of development, in the Taku, Stikine and Unuk River watersheds.**

*\*Dr. Daniel Schindler: The habitat diversity and intactness of the Taku, Stikine and Unuk watersheds drives the tremendous salmon productivity of these systems—a productivity that is extremely rare. The International Joint Commission is the best body to conduct a review of the values at risk, including this salmon productivity. A “death-by-a-thousand-cuts” scenario is just as worrisome as a tailings dam breach so a cumulative effects assessment is absolutely essential.*

*\*Bev Sellars: “My recommendation based on my lifelong experience with the...[B.C.] government...is to try to get a solid country-to-country agreement on paper. Don’t put all your trust in the province of British Columbia. The state should push to involve the International Joint Commission.”*

**(2) The U.S. and Canadian federal governments need to fund the baseline water quality testing and perpetual monitoring needed on the Taku, Stikine and Unuk Rivers.**

*\*President Richard Peterson: Central Council Tlingit and Haida Indian Tribes of Alaska began baseline water quality testing of transboundary rivers in 2015 with a small grant from BIA. But several million dollars are needed for this baseline testing. And then, monitoring needs to take place in perpetuity because most B.C. proposed mines in transboundary watersheds have tailings storage and water treatment facilities that need to operate forever. We need help.*

**(3) Alaska and the United States need to demand of B.C. and Canada that safety comes before economics in the design, evaluation, permitting, construction, operation, maintenance and closure of mines in transboundary watersheds. This includes the use of only Best Available Technologies and Best Available Practices (BATs/BAPs) at mines in transboundary watersheds. Financial sureties also need to be secured to ensure that, if and when B.C. mine pollution occurs, it is fully cleaned up and Alaskans (and Canadians) are compensated.**

*\*Dr. David Chambers: “Today...economics drives the design” of tailings dams. Safety doesn’t. “We’re seeing an increasing number of tailings dam failures because they’re being built and operated by companies under financial stress [like Imperial Metals, owner of the Mount Polley mine, as well as the Red Chris mine operating in the transboundary Stikine watershed].” The State of Alaska had no involvement in the assessment or permitting of the Red Chris mine, and the B.C. government has not required BATs/BATs at Red Chris—nor are any financial guarantees in place--despite recent calls from B.C.’s own Mount Polley Expert Panel, auditor general and financial experts to prioritize safety over economics. The U.S. and Canadian federal governments need to hold the B.C. government accountable and protect U.S. interests downstream.*

Alaska lawmakers are committed to doing everything we can to ensure we work with the State of Alaska, the Alaska congressional delegation and the U.S. federal government to ultimately secure binding protections and financial guarantees for Alaskans in the Alaska-B.C. transboundary region. Secretary Kerry, we look forward to hearing from you what steps the U.S. Department of State will take in the coming months to make progress toward securing these binding protections and financial guarantees for Alaskans.

Sincerely yours,

