

High Country News

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Canada's mining boom spills into U.S. waters

How do you protect a river that begins in another country?

[Krista Langlois](#) Feb. 10, 2015 Web Exclusive

Carrie James' story ought to sound familiar: She grew up in a small town on the Alaskan coast, fishing for salmon the way her Haida and Tlingit ancestors had for generations. She taught her children, two boys and a girl, how to catch, smoke and put up the fish. And then, as with so many other salmon-based tribes, plans for upstream development began to threaten her way of life.

But unlike some Pacific Northwest tribes, which have [lately negotiated](#) with hydroelectric companies to repair some of the damage caused by dams — or tribes in Alaska's Bristol Bay, which at least have the Environmental Protection Agency on their side in the fight over [Pebble Mine](#) — James has felt powerless in her effort to stop a handful of mines from being dug in the headwaters of rivers that feed her tribe and economy. That's because the headwaters aren't in Alaska. They're in Canada.

Over the last decade, the Canadian government has expedited a [mining boom](#) in western British Columbia by rolling back one environmental regulation after another. The Navigable Waters Protection Act, for example, once protected more than a million Canadian rivers and 32,000

lakes. As of 2012, that number was down to just 66, leaving some of British Columbia's wildest, richest and largest rivers exempt from environmental safeguards.

Some Canadian tribes support the mines, but to James — who's co-chair of United Tribal Transboundary Mining Work Group and treasurer of Ketchikan Indian Community — they have the potential to pollute the water that she and millions of salmon depend on. Last summer, after a [tailings pond](#) in eastern B.C. collapsed and spewed some 25 million cubic meters of toxic sludge into the Fraser River, she ramped up her advocacy work. But it's been to no avail: Last week, an open-pit gold-and-copper mine called Red Chris quietly began operating in the headwaters of the Stikine River — an undammed waterway of a magnitude and wildness that no longer exists in the Lower 48. The Stikine squeezes through a daunting whitewater canyon before opening into 160 miles of canoeing paradise: wide gravel bars, snow-capped mountains, waterfalls, glaciers, hot springs and habitat for moose, wolf, grizzly and salmon.



Camping on the Stikine River, British Columbia. An open-pit copper and gold mine opened in the headwaters last week. Krista Langlois

So what kind of rights do Alaskans have to protect such rivers from upstream development? The question was first raised back in 1909, when farmers in Montana dug a canal to divert water from the St. Mary River, angering farmers across the border in Alberta. The International Joint Commission (IJC) was formed to settle the argument; since then, the commission has

resolved more than 100 water-related disputes between the U.S. and Canada. At the core of each success is the [Boundary Waters Treaty](#), which states that trans-border rivers “shall not be polluted on either side to the injury of health or property on the other.”

Opponents of Red Chris and other headwaters mines believe that downstream pollution isn’t an “if” — it’s a “when.” So why hasn’t the IJC intervened, like they did in a 1985 case on Montana’s Flathead River? There, U.S. citizens [concerned](#) over pollution from a proposed coal mine in B.C. called on the IJC for help. The committee eventually recommended that “the mine not be approved until potential impacts on the fishery were eliminated and both sides found the other risks to be acceptable,” which in turn has led to permanent protections on both sides of the border. The mine was never built.

The Flathead case set a precedent that could be used to mitigate concerns in Southeast Alaska, says Chris Zimmer, Alaska Campaign Director at the nonprofit Rivers Without Borders. But Canada, he says, is “so far balking” at cooperating. “The main reason why the IJC is not involved yet is that essentially both countries have to agree to IJC intervention,” he wrote in an email. “And so far Canada and B.C. are dead-set against that; the IJC can’t do much unilaterally.”

Another thing that neither the IJC nor Alaskan citizens can do is force Imperial Metals, the Canadian company that owns Red Chris Mine, to [clean up](#) its act. Imperial Metals is the same company behind last year’s burst tailings pond, and Zimmer says that better technology and safety protocols could have prevented that disaster. But such measures are expensive, and aren’t being implemented in Red Chris, either — leaving one of North America’s most beautiful and productive rivers vulnerable to environmental calamity.

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