

Controversial KSM mine gets key permits

Begich plans hearing to jump-start international cooperation

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Illustration by Randi Spray | Juneau Empire

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Kerr Sulphurets Mitchell, a British Columbia mine in the transboundary Unuk River watershed that concerns many Southeast Alaska fishermen, Native organizations, tourism and environmental groups, has received early construction permits from the British Columbian government.

“I think people are feeling not just a sense of urgency, and being threatened, but anger, too,” said Heather Hardcastle, commercial fishing outreach coordinator for Trout Unlimited. “To hear that they have these preliminary permits, road construction permits — it seems like such a slap in the face, because the project doesn’t yet have federal approval from the government in Canada.”

KSM has received provincial approval; Seabridge Gold, the company behind the project, expects the federal decision in November.

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KSM

Rob Sanderson, Jr., Co-Chair of the United Tribal Transboundary Mining Work Group and 2nd Vice President of Central Council of the Tlingit and Haida Indian Tribes of Alaska, said the provincial approval and permitting “comes as no surprise.”

“We knew that was coming,” he said. “We were behind the eight-ball on KSM by a lot of years ... They haven’t been straight up with us from the beginning. They gave us a short period of time.”

Brent Murphy, Environment and Sustainability Manager for Seabridge Gold, said the company has made efforts to address Southeast Alaskan concerns. They’ve also made some trips to Southeast Alaska to meet with different communities, and changed certain aspects of the operation after discussions with the state.

Just the same, after letters and requests from concerned Southeast Alaskans, state officials in August said they would also like to see those concerns addressed.

Murphy said the next step for KSM is receiving Canadian federal approval and then finding a joint venture partner.

“We will not operate this project, so yes, our joint venture partner will obtain operational control of the project,” he said.

The company can now construct and use roadways along two creeks, has rights of way for tunnels connecting the mine and the tailings facility, which are in different watersheds, has permits for camps it will use for construction, and permits for early-stage construction at the mine site and tailings management facility, it says.

At least one thing needs to be cleared up first: Teuton Resources Corp., a company with mineral claims where KSM plans its tunnel, disagrees, saying the Seabridge does not have access rights for the area.

“We received our permit for the tunnel and that’s all we’re focused on,” Murphy said. “We’ve received a license of occupation from the British Columbia government, which gives us tenure over the length of the tunnel.”

They’ll assess the construction start date after federal approval and after obtaining a joint venture partner, he said.

“We’re aware of the concerns of the Alaskans and ... it’s our opinion that the concerns have been adequately addressed,” Murphy said.

Those who’ve voiced concerns are not so sure.

So far, 11 tribes have asked for the International Joint Commission, which deals with the Boundary Waters Treaty, to get involved, including CCTHITA, Sanderson said.

They’re also trying to work with First Nations across the border and the matter will soon be brought before the Alaska Federation of Natives and the National Congress of the American Indian.

Many groups have sent letters to Alaska’s Congressional delegation asking for involvement on the issue. A group of Southeast Alaska representatives flew to Washington, D.C. in the spring to do so. Some cities and boroughs are joining in as well; Dave Jack, Wrangell’s mayor, sent a letter Sept. 22 to Alaska’s Congressional delegation asking for IJC involvement.

“Otherwise, we have no say over the management of an activity in another country that could have a harmful impact on our community if it is not done carefully with proper oversight,” Jack wrote, mentioning that several mines are planned near the Stikine River, which flows near Wrangell.

Sanderson said more municipalities and organizations need to “join us to fight.”

“In a nutshell, the British Columbian government doesn’t give a damn about us over here. British Columbia is up for sale to the highest bidder. This is an issue that needs to be dealt within DC,” Sanderson said. “We live in the most pristine waters in the world, and we share that water with Canada ... for Canada to have no regard for us here in Southeast Alaska is a shame.”

FEDERAL, INTERNATIONAL INVOLVEMENT

Sen. Mark Begich is a bit more optimistic about cooperation with Canada and British Columbia.

Senators Lisa Murkowski and Begich, as well as Rep. Don Young, have requested the State Department’s involvement on transboundary mines. After a massive tailings dam failure that effectively poisoned downstream waters this summer at the Mount Polley Mine, which is operated by Imperial Metals, Begich began pushing the issue harder.

“Our staff is very busy on this issue, connecting on a regular basis with folks in Canadian and British Columbian provincial government, trying to get them to understand that this is an important issue for us,” Begich said.

That understanding seems to be coming, he said. Just the same, as chair of the Senate Commerce subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard, Begich is planning on holding a hearing on the matter of transboundary mines, which he’ll ask officials from both Canada and the U.S. to attend.

Frank Bevacqua, spokesman for the International Joint Commission, said the IJC is “very aware of the issue and the interest,” but can’t get involved until the U.S. and Canada refer the matter to them officially under Article 9 of the Boundary Waters Treaty.

This means, he said, that the Canadian government — usually the Canadian Department of Foreign Affairs — and the U.S. State Department would send similar letters to the IJC with “terms of reference — basically the types of questions that they would like to address, the scope of the inquiry, the time frame, that sort of thing,” Bevacqua said.

Right now, he hasn’t heard anything new from the State Department, Begich said.

“I anticipate that there will be, as we continue to push on this issue, and they realize we’re going to have a hearing,” he said. “They’ll realize they’ll have to have a more aggressive response.”

While the IJC may be the first step, Begich thinks a committee established around mining in shared watersheds may be the ultimate solution, especially as British Columbia continues to develop its mining potential.

“It would be nice if they (the Canadian federal government) would get engaged, and I think it’s important that they do, but at the same time, we can’t wait for that to happen,” Begich said. “That’s why I want to push forward on the idea of a committee and maybe get them involved a little quicker.”

Though historically both governments have referred issues, the treaty does provide for one government to refer the matter, he said.

“But historically, it’s always been both countries sending similar letters at the same time and I guess that makes a lot of sense, because our investigations require access to data in both countries,” Bevacqua said. “Having the cooperation on both sides would be a critical ingredient. That has been the practice in the past — and how likely it is that that would happen I really can’t speculate. It comes down to whether the two countries see it in their mutual interest to resolve an issue that’s of concern.”

“The International Joint Commission, and acting on the Boundary Waters Treaty, is the best option we have,” Hardcastle said. “Even if it’s a heavy lift, we think that these are extraordinary circumstances and there’s a really great potential that the international Boundary Waters Treaty will be violated, or perhaps already has in some way, just by the fact that these projects have come as far as they have ... We’re still focused on the wider issue because we feel like it’s a freight train coming our way.”

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