



## UTTMWG requests more environmental protections

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FOR THE JUNEAU EMPIRE

The United Tribal Transboundary Mining Work Group (UTTMWG) issued a letter to Alaska Governor Walker requesting that the Governor stop the process of developing a Statement of Cooperation with British Columbia on the SE Alaska Transboundary Rivers until his office formally requests the involvement of the U.S. Department of State under the Boundary Waters Treaty of 1909 to help protect the rivers vital to our economy, traditional cultures and way of life.

The UTTMWG represents 14 Southeast Native Tribes that have lived and prospered for centuries in relationship with our rivers and the fish and wildlife they support. Because our culture is forever associated with our land, Tribal governments are more than “stakeholders” in the relationship between Alaska and British Columbia. We are the indigenous people of the land.

The Boundary Waters Treaty between the U.S. and Canada is designed to create a mechanism to avoid and resolve a wide range of water-related challenges at the watershed level that are anticipated as a result of the rapid development of mining projects in British Columbia. Through the formation of an International Joint Commission (IJC) under the treaty, effective coordination of various institutions, communities, tribes, and other governments can occur.

The statement of cooperation and related memorandum of understanding between Alaska and British Columbia is an inflexible document that is not legally binding, contains no funding for performance, is unenforceable, and ignores the presence of sovereign tribal and indigenous governments on both sides of the international border.

The Boundary Waters Treaty has been used effectively for over 100 years and needs to be used here. We must use every opportunity to protect our environment for future generations. The U.S. government needs to fulfill its responsibility to tribes. As you read this, the Tulsequah Chief Mine currently remains out of compliance and continues to pollute the Taku River watershed. Another mine project — the Kerr-Sulphurets-Mitchell or KSM — plans to use similar technology as the disastrous Mount Polley mine but on a much, much larger scale.

The cultural survival of our indigenous citizens depends on our ability to maintain our cultural values, practice our ancient traditions, and control and govern our own communities. Our traditional values are inexorably linked to the land and water within now international

transboundary watersheds. Our culture and communities depend on the maintenance of the clean water and water life these rivers provide to assure a strong economy and cultural framework for future generations.

This is not a local bilateral issue solvable through an unenforceable, not legally binding agreement. This is a multinational issue between state, province, U.S. and Canadian federal authorities, tribal governments, and First Nation/indigenous governments. The Alaska congressional delegation, tribal governments, municipalities, and Native organizations including the National Congress of American Indians, the Alaska Native Brotherhood, and the Alaska Federation of Natives have all recognized the need for truly meaningful international engagement. The Southeast tribes must have the opportunity to guarantee the continuation and protection of our life and culture in order to truly exercise our sovereign rights. The IJC has over 100 years of experience avoiding and settling disputes between transboundary governments.

Further, the establishment of an International Watershed Commission under the Boundary Waters Treaty will provide opportunity for all parties to participate equally. It will make much-needed federal funding available and bring in more expertise. Even after a formal reference, though, the formation of an IJC action may take several years. Therefore, it is imperative that the state of Alaska act now. Further delay is unwarranted. Alaska will have many opportunities for input as the IJC process moves forward.

The UTTMWG does not oppose the type of agreement described under the current Memorandum of Understanding with British Columbia. However, an MOU or a Statement of Cooperation represents only one tool that should be used to protect our rivers and communities. We implore the state of Alaska to formally request that the U.S. Department of State request a reference to the International Joint Commission to help resolve this issue prior to finalizing any other agreements.

- Frederick Olsen, Jr. is the chairman of the United Tribal Transboundary Mining Work Group.