



## Trans- boundary mine deal moves forward

Tribes, stakeholders still want IJC, teeth

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Lieutenant Gov. Byron Mallott on Monday shared with a citizens' advisory group a draft copy of a statement of cooperation with British Columbia about an issue many Southeast Alaskan fishermen, environmental groups and tour operators are concerned with: British Canadian mining on transboundary rivers.

Within two weeks, attendees will share their suggestions and concerns; after the document is amended, the state will send it to Canada for comments from officials on the other side of the border.

The statement of cooperation aims to establish collaboration on protection especially of the Taku, Stikine, Unuk and Alsek watersheds "from the risk of substantial adverse impacts from the development of mines and other significant commercial development activity, including increased marine traffic."

If both British Columbia and Alaska agree to the terms of the SOC, the two will work together on water quality testing in those watersheds, something Department of Environmental Conservation Commissioner Larry Hartig said is already moving ahead.

One thing that will be a challenge, officials noted, is figuring out how to move forward with water quality tests, tests on the health of aquatic life, and other measures in light of Alaska's shrinking monetary resources.

"We've got to be judicious and thoughtful (about how we apply our resources,)" Hartig said.

The DEC's Division of Water, said Director Michelle Hale, has been reaching out to partners with which to collaborate on that testing, and the department will be using federal funding for some of those tests.

Another big focus in the document is an increase in communication and transparency.

"Enough information probably hasn't been shared, at least shared in a way that people could easily access it in Alaska," Hartig said. "And maybe we haven't gone as in-depth on some issues as the Alaska public would want us to do."

"It's making the data available, but also consumable by the public," Hale said.

The state, federal entities, and provincial entities on the Canadian side, as well as First Nations and tribes, collect data; the challenge will be to ensure each bit of data can “talk to” the other bits of data, Hale said — in other words, that they use the same protocols and techniques.

Other concerns, Hartig said, are liability for catastrophic events, and earthen dams like the tailings dam that failed at Mount Polley Mine in August 2014.

The SOC, Hartig said, will apply to all stages of a mine, including post-closure.

Department of Natural Resources Deputy Commissioner Ed Fogle said British Columbia plans more public meetings in Alaska, something they’d also like to see formalized.

### **International Joint Commission**

Several of the meeting’s attendees said regardless of the agreement, they still want the involvement of the International Joint Commission, which regulates disputes under the Boundary Waters Treaty of 1909.

“This is the time for that,” said CCTHITA First Vice President Will Micklin. “We’ll work with you to gain the attention and resources of the IJC.”

“I can’t underscore enough how I think it’s time for state of Alaska to play a role in building a relationship with British Columbia and approaching our federal government again,” said Salmon Beyond Borders spokesperson and fisherman Heather Hardcastle. “The State Department has told all of us this is a local issue ... but how can it be that? This is an international border ... If we don’t ask ... we certainly won’t get them involved.”

Mallott said the state’s actions and statement of cooperation “aren’t meant to preempt any of that.”

Rivers Without Borders Alaska Campaign Director Chris Zimmer said he’d like to see an agreement with more “teeth,” or legal recourse for Alaska should Canada fail to live up to its side of the bargain.

“This statement of cooperation may be a start, but it just doesn’t get at some of the very specific commitments we want to see, and it doesn’t set up the systems for compensation, for clean up, for analysis of cumulative effects,” he said after the meeting. “But I think what the (lieutenant) governor said was encouraging ... that this may be just a first step ... and in the next iteration of this we get more specific.”

Mallott said the state isn’t able to enter a legally binding agreement with a foreign entity without it being something like a treaty, that’s federally ratified.

“This is a document, or a relationship, more than anything else, that we hope will continue into the future,” Mallott said.

Mallott, and officials from the Alaska Department of Fish and Game, the Department of Natural Resources, the Department of Environmental Conservation and the Department of Commerce, Community and Economic Development attended the meeting Monday, as did fishing and interest group representatives, an Alaska Miners Association representative, state legislators, and tribal representatives from the Sitka Tribe, the Douglas Indian Association, and Central Council of Tlingit and Haida Indian Tribes of Alaska.

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