The Honorable John Kerry  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Kerry,  

July 11, 2016

Seafood Harvesters of America (the Harvesters) advocates for accountable commercial fisheries. Our 17 member-organizations catch and deliver sustainable seafood from the waters of the Bering Sea to the Gulf of Mexico, and north to New England.

We write to express our concerns about current and proposed development of open-pit hardrock mines in British Columbia headwaters of three transboundary salmon rivers (the Taku, Stikine and Unuk) that flow out of Canada and into Southeast Alaska. These rivers support multi-million dollar commercial fisheries of significant importance to the economic wellbeing of U.S. fishermen and their families, many of whom are represented by our supporting member organizations. These salmon fisheries are vital to Southeast Alaska communities and to the state as a whole.

Harvesters’ members also participate in non-salmon fisheries in the North Pacific that could be affected by mine-related pollution or a tailings dam breach on these transboundary river systems. Water pollution could harm halibut and crab populations in estuaries, while contamination could affect U.S. exports by tainting the image of Alaska seafood. Additionally, mining mishaps resulting in a listing of transboundary salmon stocks under the Endangered Species Act could trigger more restrictive take provisions, both in federal and state managed fisheries all along the Gulf of Alaska, which in turn could result in reduced catch and economic value of the affected fisheries.

Five mines within 40 miles of the Alaska border are either under consideration for approval or have been opened since 2013, with many more exploration projects underway. These include the opening of the Red Chris Mine, owned by Imperial Metals (owner of the failed Mt. Polley Mine tailings dam) in the upper Stikine watershed; the consideration of the Schaft Creek and Galore Creek mines, also in the Stikine; and the consideration of the Kerr-Sulphurets-Mitchell (KSM) and Brucejack mines in the headwaters of the Unuk.
The Harvesters are not an anti-mining organization. As fishermen we understand the need for access to natural resources and strongly support responsible mineral extraction. However, we also seek assurance that mining in Canada upstream of U.S. fisheries does not impact downstream water quality, fish habitat and family fishing businesses.

We are not confident that that is the case given the level of concern raised by Alaska commercial fishermen, municipal leaders, native communities, tourism interests and the Washington State and Alaska Congressional delegations regarding industrial scale mine activity in British Columbia’s transboundary region. Our concerns are also informed by Alaska’s years of experience with BC mining companies, agencies, and the province’s mine permitting and regulatory processes. The abandoned Tulsequah Chief mine, on a tributary of the Taku River southeast of Juneau, continues to leak acid mine waste into the Taku River as it has for over fifty years despite objections and calls for remediation by several Alaska governors as well as inspections and cleanup orders by BC regulators. The 2014 failure of the Mt. Polley Mine tailings dam in central BC heightens our concerns about Canadian mine safety. The risk of additional negative impacts will only increase as Canada and British Columbia continue to plan and approve new and even larger mines without proper safeguards for fish and water quality in place.

The Auditor General of British Columbia’s recently released report on a two-year assessment of the province’s regulatory oversight of its mining industry stated that “almost every one of our expectations for a robust compliance and enforcement program within the Ministry of Energy and Mines and the Ministry of Environment were not met.” Major gaps in resources, planning and tools were found and, as a result, “the monitoring and inspections of mines were inadequate to ensure mine operators complied with requirements” and “to protect the province from significant environmental risks.”

While we are aware of talks between the State of Alaska and the provincial government of British Columbia on transboundary mining, we believe there is a significant role for respective national governments to play in this matter.

Given that these rivers cross an international boundary they are subject to provisions of the Boundary Waters Treaty (BWT). The BWT expressly requires both countries to prevent damage to the other country’s resources. Either nation can ask for an International Joint Commission (IJC) to solve watershed disputes. In this case we believe an IJC should be considered to 1) investigate potential mining impacts on a mine by mine case or, more importantly, the cumulative effects of the mining activity in total; 2) make recommendations to resolve potential problems, and 3) ensure financial assurances exist to pay for accidents and cleanup and compensate affected communities.
Notwithstanding any agreements between the State of Alaska and the British Columbia provincial government, regulatory action undertaken between the U.S. and Canadian federal governments may be the only legally binding course that can be taken to address concerns that Canadian mining activity will not harm water quality in these transboundary rivers. An IJC would bring more resources to the issue than any state/province agreement(s) and its decisions would carry more weight. This may also be the best way to ensure that if problems do arise, either nation can seek damages against the other for provable economic impacts.

The Seafood Harvesters of America respectfully requests that you and other officials of the Department of State raise these matters in appropriate bilateral meetings with your Canadian counterparts and utilize all measures at your disposal to address them at the international level.

Thank you for consideration of our request.

Sincerely,

Christopher Brown, President
Seafood Harvesters of America