

Wild salmon group: Alaska-British Columbia MoU nothing but ‘a handshake’

December 4, 2015, 4:57 pm

[Ola Wietecha](#)

The recently-signed Memorandum of Understanding (MoU) -- meant to boost cooperation between the US state of Alaska and bordering Canadian province of British Columbia (BC) concerning shared matters of the environment -- may do more harm than good in protecting Alaska's rivers according to Salmon Beyond Borders (SBB).

The MoU, signed on Nov. 25 by BC premier Christy Clark and Alaska governor Bill Walker, states that the two sides will cooperate on transboundary issues, including the protection of transboundary waters, but the document is not binding and technically cannot legally enforce any regulations.

SBB -- an Alaskan organization working to protect transboundary watersheds from potential damage by rapidly growing mining activity in the bordering BC province -- published a release quickly after the MoU was signed saying the non-binding agreement is nothing but a "formal handshake" which may prevent federal involvement, something the group claims is vital for meaningful regulation.

According to the group, mining activity in BC is not properly regulated which poses a threat to several key salmon rivers that originate in BC and flow into Alaska, namely the Taku, Stikine and Unuk rivers.

Making it a local issue

For over a year, SBB has been circulating a petition to try to urge US Secretary of State John Kerry to make a formal referral to the International Joint Committee (IJC), which was formed in 1909 under the Boundary Waters Treaty and reviews transboundary water disputes between the US and Canada in order to make this a federal issue.

The ICJ has never reviewed the Alaska and BC border region, and can not conduct formal reviews without federal prompting by either the US or Canada.

What the MoU has done, according to SBB director Heather Hardcastle, is turn what SBB and others feel should be a country-to-country issue into a state-to-province issue, which could potentially make it more difficult to involve the IJC.

“We believe that it’s going to give the state department a reason to say this is a local issue, BC and the state of AK you can work this out, we don’t want to interfere,” Hardcastle told *Undercurrent News*. “This situation, it could be really damaging.”

MoU a surprise

The MoU took many by surprise as it came during a public review period being undertaken by the recently-formed Transboundary Rivers Citizens Advisory Work Group to provide feedback on a draft of a pending statement of cooperation concerning transboundary mining issues.

The comment period will last until Dec. 11, but some in the organization have expressed doubts that their feedback will be taken seriously with the MoU already in place.

“What is the point in having a comment period if the administration takes action before we’ve had the opportunity to comment? Outrageous,” Frederick Olsen of the Organized Village of Kasaan said in the release SBB published in response to the MoU.

The group said that Alaska officials said the statement of cooperation and the MoU are separate, and some remain hopeful that the comments they provide after Dec. 11 can lead to federal involvement.

“Regardless of any agreement they strike with the province of BC, it remains our hope that the state will also work to secure legally binding agreements between the US and Canada for the protection of our rivers. Neither the state nor the residents of this region can bear the risk and expense of a catastrophic mining accident,” Dale Kelley, executive director of the Alaska Trollers Association, said in the SBB release.

According to Hardcastle "there will be a whole lot of anger" if Alaska doesn't take this to the federal level.

"We're still going to provide the comments we were going to give all along...we are trying to reserve judgment until we see how the state of Alaska responds to our comments," she said.

"We want to urge the state of Alaska to first get Secretary Kerry involved...right now the [Statement of Cooperation] is fatally flawed, it really is nothing more than a handshake...it's not allowing us as a US state to be entitled to the full protections that we have under the boundary waters treaty," she said.

'We're not anti-mine'

Hardcastle said that the group's goal is not to shut down any mining projects in Canada, but that it does want a voice in mining activity decisions.

"We're not anti-mining or anti-new projects...but we do strongly feel that we should have a say in how these watersheds are managed, because we share the waters," she said.

One major concern for the group is disaster management in the case that something were to happen at one of these mines, as currently mining companies are not required to put up money for cleanup or compensation in the case of an accident.

Hardcastle highlighted the recent example of the "Mount Polley Mine disaster", referring to a breach of the Imperial Metals-owned Mount Polley copper and gold mine in August 2014 which resulted in the release of 6.6 billion gallons of toxic waste including arsenic, lead and nickel into the salmon-producing Fraser River.

"Mount Polley just highlights how broken the BC regulatory system currently is when it comes to monitoring [mines]," Hardcastle said. There is "nothing in place to clean up a disaster like what happened at Mount Polley."

So far there has been no compensation for damage done to the Alaskan waters by the Mount Polley Mine, and the company was allowed to partially reopen the mine in summer of 2015.

While the group is "grateful that Alaska is giving this so much attention", Hardcastle said that without involving the federal government "it ultimately means nothing changes, we just have the status quo".

Hardcastle and SBB worry that the establishment of a state-to-province MoU will decrease pressure on federal bodies to form stronger, more binding regulations, which SBB has been campaigning for.

"BC is already counting this MoU signing as a sign that we don't need to involve the federal government...and we strongly disagree that this is right," Hardcastle said.