

March 26, 2014

The Honorable Lisa Murkowski
709 Hart Senate Bldg.
United States Senate
Washington, D.C. 20510

The Honorable Mark Begich
111 Russell Senate Office Bldg.
United States Senate
Washington, DC 20510

The Honorable Don Young
314 Rayburn House Office Bldg.
United States House of Representatives
Washington, DC 20515

Dear Senators Murkowski and Begich and Representative Young,

We, the undersigned commercial and sport fishing groups, businesses, communities, tribes, conservation groups and concerned individuals, are concerned that mining development in northwest British Columbia (B.C.) poses significant risks to downstream Alaskan interests, including water quality, customary and traditional fishing and hunting, commercial and sport fisheries and tourism. We are requesting your assistance and leadership to identify appropriate mechanisms to provide specific guarantees the natural resources we depend on will not be harmed by upstream development.

B.C. is constructing the Northwest Transmission Line to facilitate major mining projects in northwest B.C. About a dozen industrial projects are planned in the headwaters of major transboundary salmon rivers on the B.C. side of the Alaska/Canada border. While we are not inherently opposed to such development, Alaska's fisheries and water quality must not be compromised in the process. Alaskan salmon require clean water and pristine habitat. Pollution from upstream industrial activity will not only directly harm salmon; it could also adversely affect Alaskan seafood and tourism marketing efforts. Negative impacts to salmon could also threaten Pacific Salmon Treaty harvest-sharing agreements for the Taku and Stikine Rivers.

The transboundary Taku, Unuk and Stikine Rivers support significant commercial, sport and customary and traditional fisheries. The Taku is Southeast Alaska's single largest overall salmon producer, and Southeast's largest producer of coho and king salmon. The Stikine is Southeast's second largest salmon producer. The Unuk is one of the top four king salmon producers in the region and its eulachon run provides an important customary and traditional fishery. Southeast Alaska fishermen also catch salmon from non-transboundary Canadian rivers, such as sockeye bound for the Nass River, which would also be affected by industrial development.

Our primary concerns are water quality and habitat impacts originating from very large mining projects in northwest B.C. and damage to spawning habitat on the B.C. side. The following

mining projects present the greatest potential for negative impacts to Alaska's water and fisheries resources:

- The proposed Kerr-Sulphurets-Mitchell (KSM) gold-copper mine located in the headwaters of the Unuk River calls for three large open pits, an underground mine, and enormous tailings dumps for billions of tons of acid-generating rock. Over 250 individuals and groups recently commented on the KSM project environmental analysis.
- Proposed for re-opening, the Tulsequah Chief mine, located on the Tulsequah River upstream of its confluence with the Taku River, has been polluting the Tulsequah River with acid mine drainage since 1957. Despite this ongoing violation of the Canadian Fisheries Act, agencies have taken little action to stop the pollution.
- The proposed Galore Creek mine is located on Galore Creek, which flows into the Scud River, a salmon-producing tributary of the Stikine River. Tailings would be submerged in Round Lake, which drains into the Iskut River, the major tributary to the Stikine.
- The proposed Schaft Creek project is located between Schaft Creek and Mess Creek, a tributary of the Stikine River. Mining the deposit would generate 100 million tons of waste rock in an area with extremely high seasonal water flow.
- The Red Chris mine is located near the headwater lakes of the Iskut River, a major tributary of the Stikine River. Several hundred million tons of tailings and waste rock would be submerged in Black Lake, which drains into the Iskut River.

Each of these mines would pose the threat of acid mine drainage for centuries, if not in perpetuity. KSM and Galore Creek require huge tailings dams that will have to be maintained for hundreds of years. Water treatment for acid mine drainage and other contaminants such as selenium will likely be needed in perpetuity, yet the mine proposals do not include mechanisms to assure adequate funding for long-term treatment. The region is extremely wet and steep, with high seismic activity, and the danger of leaks from tailings impoundments or a tailings dam failure is very real. Cleanup after such a failure would be difficult if not impossible.

There has been little transparent, meaningful dialogue between Canada and the U.S. regarding the proposed projects and specific ways to ensure our interests are protected. Although Canada establishes joint working groups with Alaskan and U.S. agencies to review mine proposals, there are no specific requirements to address U.S. or Alaskan concerns. U.S. and Alaskan agencies do not have the resources to participate in these working groups in a meaningful way. Department of Interior recently wrote to the Canadian government that it would not be able to participate in the working group for the KSM mine. Department of Natural Resources staff told the Taku River Task Force, established by the Juneau legislative delegation, on January 5, 2012, that DNR "does not have dedicated funding for Canadian mine project coordination." DNR participation in the KSM permitting process is dependent on financial contributions from the mining company Seabridge Gold.

The B.C. government claims the environmental assessment process will safeguard the fish, wildlife and ecological integrity of the transboundary watersheds. Yet, in July 2011, the B.C.

Auditor General reported, “the Environmental Assessment Office cannot assure British Columbians that planned mitigation efforts are having the intended effects because adequate monitoring is not occurring and follow-up evaluations are not being conducted.” B.C. and Canadian officials told the State of Alaska that the permitting processes would protect water quality in the Tulsequah and Taku Rivers. But the acid mine drainage from that mine continues in violation of Canadian federal law and permits.

B.C. environmental reviews largely focus on each project in isolation. There has been no comprehensive analysis of the overall and cumulative social, ecological and economic effects of multiple projects on downstream Alaska interests or on the transboundary region as a whole. B.C. and Canadian permitting processes are not as rigorous as those conducted in the U.S. and important Canadian fish and water quality laws have been weakened over the past few years. Otto Langer, a former Department of Fisheries and Oceans biologist, wrote in March 2012, “This is a serious situation and will put Canada back to where we were in the pre-1976 period where Canada had no laws to protect fish habitat and no way to monitor the great industrial expansion that occurred in Canada, with the consequential loss of major fish habitat all across Canada.”

Canadian and U.S. scientists are acutely aware of the potential negative impacts of large-scale industrial development in B.C. and have weighed in on the issue in two specific instances:

- In November 2011, 36 US and Canadian scientists wrote to B.C. Premier Christy Clark, “Cumulative impacts likely will cascade throughout the watersheds in the form of altered flow and temperature patterns, disturbance to wildlife interacting with roads, and reduced water quality associated with sedimentation and acid mine drainage...British Columbia must initiate a comprehensive assessment of potential cumulative impacts.”
- In March 2012, 625 scientists wrote to Canadian Prime Minister Stephen Harper that industrial activities already pose significant risks to fish habitat and many aquatic species, and that the government should “therefore be strengthening, not weakening the habitat protection provisions of the Fisheries Act.”

In closing, we would like to work with you to identify and utilize mechanisms to ensure that downstream Alaska water quality and fisheries will not be adversely affected by industrial development in B.C. The Boundary Waters Treaty has been utilized in the Flathead River valley of Montana and in the Great Lakes region. Article IV of the Boundary Waters Treaty states, “waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.”

The Treaty provides for an International Joint Commission (IJC) to address transboundary water issues. For many years, conservation groups and commercial fishermen have called for IJC involvement on the Taku. In addition to invoking this Treaty, other options include, but are not limited to, the following:

- Create a more effective cross-border process than the current permitting working groups;
- More rigorous review of transboundary mining projects, including cumulative effects;
- More involvement in Canadian permitting processes from US and Alaska agencies; and
- Formal State Department consultation with the Canadian government.

Thank you very much for your attention to this vital issue. If you need additional information, please feel free to contact Brian Lynch or Chris Zimmer at the numbers below.

Sincerely,

Alaska Coastal Quest (Ketchikan)
Captain Dale Pihlman, Owner

Alaska Fly Fishing Goods (Juneau)
Brad Elfers, Owner

Alaska Glacier Seafoods (Juneau)
Mike Erickson, Owner

Alaska Longline Fishermen's Association
(Sitka) Linda Behnken, Executive Director

Alaska Sport Haven (Petersburg)
Robert and Deb Bailey, Owners

Alaska Trollers Association (Juneau)
Dale Kelley, Executive Director

Central Council Tlingit and Haida Indian
Tribes of Alaska (Juneau) Edward K.
Thomas, President

Chinook Shores Lodge (Ketchikan)
Jeff Wedekind, President

Douglas Indian Association (Douglas)
Eric Morrison, Acting Administrator

Douglas Island Pink & Chum (Juneau)
Eric Prestegard, Executive Director

Greater Southeast Alaska Conservation
Community (Sitka) Paul Olson, President

Heather Anne Seafoods (Juneau)
Leonard Peterson, President

Hooked on Juneau, (Juneau)
Abe Tanha, Owner/Operator

Juneau Charter Boat Operators Association

Juneau/Douglas ADF&G Advisory Committee

Northern Southeast Regional Aquaculture
Association (Sitka)
Steve Reifentstahl, General Manager

Organized Village of Kasaan, Richard Peterson,
President

Petersburg ADF&G Advisory Committee

Petersburg Borough
Mark Jensen, Mayor

Petersburg Indian Association (Petersburg)
Christina Sakamoto, Tribal Council President

Petersburg Vessel Owners Association
(Petersburg) Brian Lynch, Executive Director

Pybus Point Lodge (Admiralty Island)
Scott Jorgenson, Owner

Raincountry Flyfishers (Juneau)
Tony Soltys, President

Rivers Without Borders (Juneau)
Chris Zimmer, Alaska Campaign Director

Rocky Point Resort (Petersburg)
Mike Payne, Co-Owner

Sandro Lane M.Sc., (Juneau)
Seafood Entrepreneur

Seafood Producers Cooperative (Sitka)
Tom McLaughlin President/CEO

Seamist Charters (Ketchikan)
Malcolm Doiron, Owner

Sitka Conservation Society (Sitka)
Andrew Thoms, Executive Director

Southeast Sea Kayaks (Ketchikan)
Greg Thomas, Owner

Sitka Salmon Shares (Sitka)
Nic Mink, Chief Salmon Steward

Taku Fisheries/Smokeries (Juneau)
Eric Norman, General Manager

Southeast Alaska Conservation Council
(Juneau) Malena Marvin, Executive Director

Taku River Reds (Juneau)
Heather Hardcastle, Vice President

Southeast Alaska Fishermen's Alliance
(Juneau) Kathy Hansen, Executive Director

Tongass Conservation Society (Ketchikan)
Carol Cairnes, President

Southeast Alaska Guides Organization (Sitka)
Heath E. Hilyard, Executive Director

Trout Unlimited Alaska Program (Juneau)
Tim Bristol, Executive Director

Southeast Exposure Outdoor Adventures
(Ketchikan) Betsy and Jared Gross, Owners

Un-Cruise Adventures (Seattle)
Dan Blanchard, President

Contacts for Additional Information:

Brian Lynch, Petersburg Vessel Owners Association (pvoa@gci.net, 907/772-9323)

Chris Zimmer, Rivers Without Borders (zimmer@riverswithoutborders.org, 907/586-2166)

Attachments:

--Public comment on KSM mine from PVOA (Oct. 2013)

--Resolutions from CCTHITA (April 2013) and ANB/ANS Grand Camp (Oct. 2013)

--Letter to DOI/USDA from Federal Subsistence Board (May 2013)

--Letter to MP Nathan Cullen (Sept. 2013)

--Scientists' letters to Premier Christy Clark (Nov. 2011) and Prime Minister Stephen Harper (March 2012)

--Recent media clips: *Juneau Empire* article (Oct. 2013); *Juneau Empire* op-eds by Clay Bezenek (Oct. 2013), Brad Elfers/David Clark (March 2014) and Rob Sanderson, Jr. (March 2014); *Juneau Empire* editorial (Oct. 2013), *High Country News* article (Dec. 2012), *The Globe and Mail* article (Feb. 2014), *Pacific Fishing* article (Feb. 2014)

--Map of current and proposed development in B.C.

Cc:

Southeast Alaska State Legislators

Stefanie Moreland, Alaska Governor's Office

Cora Campbell, Commissioner, Alaska Department of Fish & Game

Joe Balash, Commissioner, Alaska Department of Natural Resources

Larry Hartig, Commissioner, Alaska Department of Environmental Conservation