

# The LOGBOOK of CSP<sup>2</sup>

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## Transboundary Mining



### Transboundary mines

Water is the most sensitive recipient of mine contamination. A mine in one country that could pollute a river running into another country is a transboundary mine.

Mines were part of the concern that led to the 1909 Boundary Waters Treaty between the US and Canada. Although concern then was focused primarily on the Great Lakes and St Lawrence River, the treaty applies to all common borders between the US and Canada.

Today the focus of concern for transboundary waters has shifted west, to Montana, Idaho, Washington, and Alaska. Coal mining in British Columbia has led to selenium contamination in Flathead and Kootenai Rivers in Montana. The zinc smelter at Trail, BC, has contaminated the Columbia River in the US for over a century. And now large open pit copper mines are being built in coastal BC on rivers that flow into Alaska. Native, recreational, and commercial salmon fishers are concerned about impacts on spawning and rearing grounds in BC and Alaska, and on the potential for a catastrophic tailings dam failure that could



*Mitchell deposit at the KSM minesite .*

concerns through the International Joint Commission, an organization set up by the Boundary Waters Treaty. Rivers Without Borders, with offices in both Alaska and BC, works on both sides of the border to address existing transboundary mine pollution issues, like 50+ years of acid mine drainage from the Tulsequah Chief mine.

In Ketchikan, the Southeast Alaska Indigenous Transboundary Commission is leading indigenous efforts to protect potential subsistence and other cultural impacts of trans-

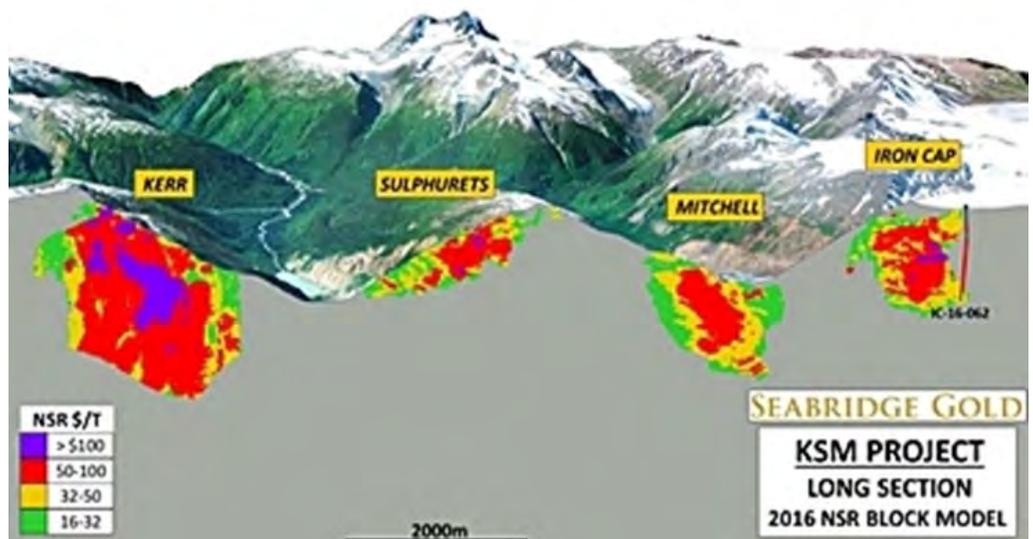
degrade an entire river drainage. Upstream of several important salmon spawning and rearing rivers in the Alaska panhandle, half a dozen large open pit copper mines (see figure on first page) are proposed for a region that has not seen this type of mining.

In Montana the issue has been largely focused on securing adequate monitoring to define the nature and extent of an existing selenium contamination problem.

In Southeast Alaska, where these large mines are just beginning to come online, and where transboundary waters have largely avoided impacts of mining, the issue is focused on preventing potential impacts to the transboundary rivers.

In Juneau, the state capitol, and near the mouth of the Taku River, one of the transboundary rivers that has already seen impacts from mining, the Salmon Beyond Borders campaign headquarters has led requests to the Trump administration to meet with their Canadian counterparts to address these

boundary mining. Commercial fishing interests throughout Southeast Alaska, in Juneau, Petersburg, Sitka, Ketchikan, Wrangell, and more, have lobbied state elected officials to protect fishing interests and to join this effort. Southeast Alaska cities and Alaska state legislators have also joined in supporting this effort. And today, in what is an uncommon non-partisan effort, the governor of Alaska, all of Alaska's federal legislators, and the Trump administration have joined to press the Canadian federal government and provincial British Columbia to protect Alaska interests through the International Joint Commission.



*The four main KSM ore deposits would require both open pit and underground mining..*

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*The Center for Science in Public Participation  
is a 501(c)(3) non-profit corporation  
Volume 22, Number 1, Fall 2018*

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*The tailings dam at the Red Chris mine will be a little less than 350 feet tall, or about the height of a 35-story building. It follows the same design as the Mount Polley tailings dam, which broke in 2014, sending 24 million cubic meters of toxic mine tailings into Quesnel Lake. However, Red Chris is designed to hold 305 million cubic meters of mine waste, four times more than at Mount Polley. Both mines are owned by Imperial Metals, which is now in financial jeopardy.  
(Courtesy Photo | Garth Lenz via Salmon State)*

### **The Ask**

What the US wants is basically three things: proper monitoring; the employment of responsible mining practices; and, financial compensation in case of damage. Senator Lisa Murkowski has successfully gained short-term federal funding for the US Geologic Survey and several Southeast Alaska tribes to begin baseline water monitoring on transboundary rivers. Longer-term funding will be required to ensure that water quality and quantity impacts in the US.

Gaining a requirement for the application of responsible mining standards to transboundary mines will be a difficult ask, because it places the costs of these practices on BC mines. But the beneficiaries of responsible mining are citizens of both the US and British Columbia, and responsible mining also benefits the mining industry by avoiding long-term costs.

Virtually every mining jurisdiction views its mining regulations as among the toughest in the world. This includes Alaska, British Columbia, and Montana. But the reality is that each of these jurisdictions could make significant improvements to their regulations. The Initiative for Responsible Mining Assurance (IRMA) has recently released its initial Standard for Responsible Mining, which could be used as the model for responsible mining in the transboundary regions.

Financial compensation is a two-part issue, and is also a burden on the upstream country. Most mines today are required to have a financial surety for reclamation and closure. British Columbia is one of the few regulatory jurisdictions that does not require full financial coverage for this obligation. But even if there is full coverage for mine closure, if a catastrophic accident were to occur, like the failure of the Mt Polley tailings dam in British Columbia in 2014, there is no financial guarantee required for these large magnitude accidents – not in BC, Alaska, Montana, or anywhere. If an accident occurs, the mining company is the first line of financial defense. If the mining company cannot pay, which is often the case, then the government is on the hook for either paying for cleanup and compensation, or for taking responsibility for the impacts to its citizens. For transboundary mines, this poses a special problem should an accident occur. Alaska, or Montana, cannot sue British Columbia for financial reimbursement.

Catastrophic financial compensation is required of oil tankers, and of oil pipelines, but not for mines. An additional benefit of catastrophic financial assurance is that it gives policy holders (i.e. mines) an incentive to avoid accidents, that drive up the cost of financial assurance for all industry participants.

Making international agreements is cumbersome and slow. State (Alaska, Montana) to province (British Columbia) agreements have been attempted, but have not solved the problems. Most recently, the Great Lakes Water Resources Compact and Agreement, which was fashioned at an international level, is an example of a vehicle that could protect transboundary rivers. CSP2 is supporting the efforts of non-governmental organizations in Alaska and British Columbia who hope to open the International Joint Commission process and afford downstream interests in Alaska, and elsewhere, a measure of confidence and protection for the large mines now under development in British Columbia and the Yukon.



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