

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2021-21

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA URGING THE UNITED STATES GOVERNMENT TO ADVOCATE FOR A PERMANENT BAN ON TAILINGS DAMS AND FOR A TEMPORARY HALT TO THE PERMITTING, EXPLORATION, DEVELOPMENT, AND EXPANSION OF CANADIAN MINES ALONG ALASKA-BRITISH COLUMBIA TRANSBOUNDARY SALMON RIVERS UNTIL THE UNITED STATES-CANADA BOUNDARY WATERS TREATY OF 1909 AND THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ARE UPHeld AND AN INTERNATIONAL AGREEMENT ON WATERSHED PROTECTIONS IS IMPLEMENTED

WHEREAS, the Boundary Waters Treaty of 1909 was signed to prevent and resolve disputes over the use of shared waters between the United States (U.S.) and Canada, declaring in Article IV that, "it is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other;" and

WHEREAS, the Alaska-British Columbia (B.C.) Memorandum of Understanding and associated Statement of Cooperation on Protection of Transboundary Waters signed by the State of Alaska and the Province of B.C. in 2015 are important, but cannot provide binding, enforceable protections for the residents, rivers, and watersheds of the Alaska-B.C. transboundary region; and

WHEREAS, inadequately regulated Canadian hard rock mines in Northwest B.C., most of which are large-scale and open-pit, are occurring in known acid-generating ore bodies near the transboundary Taku, Stikine, and Unuk Rivers shared with Southeast Alaska, producing massive tailings dams that have to store toxic waste forever, expansive waste rock storage facilities, the need for perpetual water treatment, roads, and other infrastructure, as well as threatening (both in the short term and on geological timescales) the productivity and ecological health of these watersheds through cumulative impacts, contamination, habitat destruction, and/or possible catastrophic failures; and

WHEREAS, the Taku, Stikine, and Unuk Rivers are of tremendous and unique cultural, ecological, subsistence, economic, and recreational value as Indigenous people from several Nations have stewarded the Alaska-B.C. transboundary region since time immemorial and this region is now home to nearly 80,000 people in dozens of communities; and

WHEREAS, the Southeast Alaska Indigenous Transboundary Commission - a consortium of fifteen federally recognized Tribes in Southeast Alaska - in 2018 submitted a petition to the Inter- American Commission on Human Rights, asserting that Canada has violated their human rights by failing to prevent foreseeable harms from hard rock mines in B.C., and on March 31, 2021 sent a request to B.C. Premier Horgan for a pause in the permitting of B.C. mining projects in Alaska- B.C. transboundary watersheds until an agreement is made regarding Alaska Tribal participation in ongoing permit decisions pursuant to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); and

WHEREAS, the clean water and intact habitat of Alaska-B.C. transboundary watersheds are historically some of the most productive wild salmon rivers on the entire west coast of North America, with the Taku, Stikine, and Unuk Rivers alone contributing nearly \$50 million in economic activity, \$34 million in direct spending, over 400 jobs and almost \$20 million in labor income towards Southeast Alaska's annual multi-billion dollar fishing and visitor industries; and

54 **WHEREAS**, the leaching of heavy metals to groundwater and sediment from mining can contaminate
55 freshwater systems for decades, preventing recovery of fish populations many years after the
56 cessation of mining activity and posing a risk to human health, and B.C.'s Tulsequah Chief mine in the
57 Taku River watershed has been abandoned and leaching acid mine drainage since 1957; and

58
59 **WHEREAS**, B.C.'s environmental assessment process does not set legal requirements or standards
60 for assessing cumulative effects of existing and proposed development, and B.C.'s open-pit Red Chris
61 mine has been operating at the headwaters of the Stikine River since 2015, the entire riparian corridor
62 of the Iskut River, the largest tributary of the Stikine River, is staked with B.C. mineral claims, B.C.'s
63 Kerr-Sulphurets-Mitchell project (KSM), if built as proposed in the Unuk-Nass River watersheds,
64 would be the largest open-pit mine in Canada and one of the largest in the world, and more than half
65 of the B.C. portion of the Unuk watershed is staked with mineral claims; and

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67 **WHEREAS**, the Taku, Stikine, and Unuk Rivers are experiencing a decline in wild salmon
68 populations, resulting in the Alaska Department of Fish and Game listing Chinook salmon in the Unuk
69 River as a Stock of Concern in 2017 and will soon list Chinook salmon in the Taku and Stikine Rivers
70 as Stocks of Concern; and

71
72 **WHEREAS**, on June 30, 2021, Canada's Department of Fisheries and Oceans eliminated 60% of its
73 commercial salmon fleet in B.C. due to poor returns and declining populations - some near 90%
74 declines - resulting in the largest set of commercial salmon fishery closures in B.C. history, while
75 simultaneously B.C. continues to permit industrialization of the headwaters (spawning and rearing
76 grounds) of some of its largest salmon producing systems; and

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78 **WHEREAS**, the risk of natural forces such as extreme precipitation events and landslides, which are
79 becoming more common due to climate change, add further instability to the mining infrastructure and
80 could trigger catastrophic failure of the tailings waste dams and thereby release contaminants into the
81 Taku, Stikine, and Unuk waterbodies and are inadequately addressed in B.C. mine operations
82 designs; and

83
84 **WHEREAS**, following B.C.'s Mount Polley mine disaster in 2014 an expert panel appointed by the
85 B.C. government found that if mining companies continue their business-as-usual operations the
86 province could face an average of two dam failures every ten years and the same expert panel
87 reported there are 123 active tailings dams in B.C.; and

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89 **WHEREAS**, the Auditor General of B.C., in her report issued on May 3, 2016, found that the B.C.
90 Ministry of Energy and Mines and Ministry of the Environment's "compliance and enforcement
91 activities of the mining sector are inadequate to protect the province from significant environmental
92 risks", and according to a 2017 report by the United Nations Environment Programme, Canada has
93 the world's second-worst record for mine tailings spills after China, with seven incidents reported in
94 the previous decade; and

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96 **WHEREAS**, the June 2021 Audit of Code Requirements for Tailings Storage Facilities by B.C.'s Mine
97 Audits and Effectiveness Unit, has found provincial mining code changes developed after the Mount
98 Polley disaster lack the definition needed to ensure compliance, verification and enforcement--which
99 means communities and the environment across the province lack full protection against the
100 potentially catastrophic consequences of tailings dam failures that B.C.'s new mining code was meant
101 to provide; and

102
103 **WHEREAS**, B.C. touts itself to U.S. officials and potential investors as a world-class marketplace for
104 responsibly-sourced metals and a mining jurisdiction with highly positive ESG (Environment, Social,
105 Governance) outcomes and yet, B.C. is supporting widespread exploration and the permitting of open
106 pits and tailings dams at mine sites across B.C. just upriver from four U.S. border states (AK, WA, ID,

107 MT) and at the headwaters of some of North America's last remaining productive wild salmon rivers,
108 without the consultation and consent of local Tribes and communities downstream; and
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110 **WHEREAS**, Native Tribes in Alaska, First Nations in B.C., commercial fishermen, local communities,
111 conservation groups, thousands of concerned citizens, and local, state, provincial, and federal
112 lawmakers (including all eight Senators from the four border states) on both sides of the U.S.- Canada
113 border have raised concerns since 1998 about B.C. mining development potentially causing
114 significant harm to water quality, fish and wildlife, cultural practices, and local economies in Alaska-
115 B.C. transboundary watersheds and still do not have a meaningful say in the shared management of
116 our shared rivers; and
117

118 **WHEREAS**, Commercial fishermen, subsistence and recreational users, local communities, elected
119 leaders, and Tribes and First Nations on both sides of the Canadian/U.S. border have raised concerns
120 about the pace and scope of the proposed industrial development in British Columbia and the
121 potential for harm to water quality, fish and wildlife, and local economies; and
122

123 **WHEREAS**, A major part of Sitka's economic base is commercial and sport charter ocean fishing, in
124 2019 398 Sitka resident permit holders harvested 27.8 million pounds of fish with a total ex-vessel
125 value of \$41.3 million; and
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127 **WHEREAS**, Maintaining and protecting healthy wild salmon populations throughout these river
128 systems must be a priority. The concerns of local communities, individuals, and user groups
129 downstream from these projects must be integral to any transboundary watershed development and
130 decision making; and
131

132 **WHEREAS**, the City and Borough of Sitka seeks all opportunities for collaboration to address these
133 issues, promote methods to protect these vital rivers from harm, to facilitate and promote meaningful
134 dialogue and engagement at the local, state, federal, provincial, and Tribal levels to assure protection
135 of resources on both sides of the border; and
136

137 **WHEREAS**, the community of Sitka and the Assembly of the City and Borough of Sitka, seek a
138 thriving Salmon Coast (AK-B.C. transboundary region) fed by intact ecosystems, healthy salmon
139 populations and landscapes, robust traditional lifestyles, and sustainable economies.
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141 **NOW, THEREFORE, BE IT RESOLVED** that the Assembly of the City and Borough of Sitka calls
142 upon President Joe Biden and the United States government and Prime Minister Justin Trudeau and
143 the Canadian government to immediately:

- 144 1. Utilize their authority under the United States-Canada Boundary Waters Treaty of 1909 to
145 prevent and resolve disputes over the use of shared waters; and
- 146 2. Support an immediate temporary halt to permitting, exploration, development, and
147 expansion of Canadian mines along shared Alaska-B.C. salmon rivers until a binding
148 international agreement on watershed protections, developed by all jurisdictions in these
149 shared transboundary watersheds and consistent with the Boundary Waters Treaty of 1909
150 and the United Nations Declaration on the Rights of Indigenous Peoples, is implemented; and
- 151 3. Convene with local communities, stakeholders, and Indigenous leaders of the Taku, Stikine,
152 and Unuk watersheds to develop the aforementioned binding international agreement on
153 watershed protections. This agreement will identify and honor no-go zones and decisions by
154 local residents and Indigenous people on both sides of the international border, ensure mining
155 companies and shareholders are liable for cleaning up their waste and compensating
156 impacted communities for all damages, and enforce requirements for mining best practices,
157 including a permanent ban on the perpetual storage of contaminated water and wet tailings
158 behind earthen dams along these irreplaceable Alaska-B.C. transboundary salmon rivers.
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160 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska on
161 this 14th day of September 2021.

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Thor Christianson, Deputy Mayor

167 ATTEST:

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171 Sara Peterson, MMC

172 Municipal Clerk

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174 1st and final reading 9/14/2021

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176 Sponsors: Knox / Himschoot

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