

TRANSBOUNDARY WATERSHED CONSERVATION BRIEFING

Alaska Fisheries – Industrial Development in British Columbia – The Boundary Waters Treaty

October 2011

Introduction

The transboundary Taku, Unuk and Stikine Rivers support significant commercial, sport and subsistence fisheries in Southeast Alaska. Habitat and water quality face potential threats from proposed mining, road building, hydro power and other industrial development in British Columbia (BC). Alaska agencies have participated in BC and Canadian permitting processes; however, the track record, especially on the Taku, shows that few of these comments made an impact on the permitting process. Most importantly, these review processes have largely focused on individual projects in isolation; the major issue of cumulative effects of numerous projects across the transboundary region from the Taku in the north to the Stikine and Unuk in the south has largely been unaddressed. The Boundary Waters Treaty provides a mechanism to address such issues and has been utilized in the Flathead River Valley of Montana and in the Great Lakes region.



Pacific sockeye salmon. Photo courtesy NOAA.

The Rivers

The Taku is Southeast Alaska's largest overall salmon producer, with Southeast's largest runs of coho and king salmon. Among the transboundary rivers, the Stikine is number two. The Unuk is one of the top five king producers in the region. Southeast commercial fisheries also catch salmon from non-transboundary Canadian rivers, such as sockeye bound for the Nass and Skeena Rivers, and these fish could also be affected by industrial development.

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The Threats

The scale and scope of proposed BC development includes, but is not limited to:

- Taku: Tulsequah Chief, Big Bull and New Polaris underground mines; 100 mile access road; industrial barging and its associated dredging.
- Unuk: Kerr-Sulphurets-Mitchell open pit mine.
- Stikine: Galore Creek open pit mine, Schaft Creek open pit mine, Red Chris mine, Klappan coal open pit mine; coal bed methane projects; roads; electrical transmission line; hydroelectric power projects.
- Iskut: Hydroelectric power development.

Many of the mining proposals pose the threat of acid mine drainage. Mines like Kerr and Galore are proposing huge tailings dams. Roads and other infrastructure could lead to additional development beyond what is already proposed.

The Boundary Waters Treaty

Signed in 1909, it provides the principles and mechanisms to help resolve disputes and to prevent future ones, primarily those concerning water quantity and water quality, along the boundary between Canada and the United States.

The treaty provides principles for Canada and the United States to follow in using the waters they share. For example, both countries must agree to any project that would change the natural levels or flows of boundary waters. Far ahead of its time, the treaty states that waters shall not be polluted on either side of the boundary to the injury of health or property on the other side. The principles in the treaty are as relevant today as they were in 1909.

The treaty established the International Joint Commission (IJC), with three members from each country. The ongoing work of the IJC helps to fulfill the treaty's purpose of preventing disputes as well as resolving them.

A Solution

Alaska agencies have participated on BC Environmental Assessment Project Review Committees and provided comments when appropriate. However, neither BC nor Canada is under any obligation to consider those comments. The Boundary Waters Treaty provides a stronger mechanism to ensure that development in BC does not harm Alaskan fisheries. The Boundary Waters Treaty prohibits the pollution of rivers flowing between Canada and the US. It provides for the IJC to address transboundary water issues. The Treaty and IJC offer a mechanism that is stronger than the Project Review Committees and permitting processes, and they raise involvement to the State Department level. Conservation groups and commercial fishermen have supported a similar process for the Taku.

Given the extent of potential transboundary development and concerns about BC's ability to adequately consider cumulative impacts in the province, to say nothing of impacts downstream in Alaska, particularly relative to salmon, IJC engagement may be imperative.