

EPA REGION 10

Internal deliberative pre-decisional - FOR USE BY 2024 PRESIDENT-ELECT TRANSITION TEAM MEMBERS ONLY

TRANSBOUNDARY MINING – OCT 16, 2024

EPA REGION 10

- Impacts to transboundary watersheds from mining in British Columbia (BC) have been an ongoing point of discussion between U.S. federal agencies, states, tribes and other stakeholders and their counterparts on the Canadian side of the border for many years. Members of Congress and Canada's Parliament are also involved.
- The geographic scope of current discussions is focused on impacts of coal mining in Elk Valley, BC, on transboundary Lake Koocanusa (MT) and the Kootenai River (MT, ID), and impacts of hardrock mining in northwestern BC on southeast Alaska watersheds and southern BC in Washington state watersheds.
- Issues include water quality monitoring, impact assessment, effectiveness of mitigations to reduce impacts, and mechanisms for engagement of cross-border jurisdictions and stakeholders.

UPCOMING MILESTONES:

- EPA is involved in numerous activities associated with transboundary mining, which each have schedules and milestones. Following are the most significant current areas of EPA engagement.
- Alaska and Washington transboundary mining activities and upcoming milestones include:
 - Project-specific reviews: In Alaska watersheds, we are reviewing and providing input to BC on the final remediation plan for the inactive Tulsequah Chief Mine and ongoing environmental assessments for the proposed New Polaris Mine and the proposed Eskay Creek Mine. EPA has also committed to participate in the Mine Review Committee for the Copper Mountain New Ingerbelle Extension Project, which proposes to expand a large tailings storage facility and open pit mine located in the Similkameen River watershed that flows into Washington state. These reviews are ongoing and will likely extend well into 2025 or 2026.
- EPA R10 is working in partnership with EPA R8 on the following Elk Valley, BC/Kootenai issues:
 - Project-specific reviews: EPA is providing input during Canada's environmental assessment process for new and expanding mines in the Elk Valley including the Michel Coal Project, the Crown Mountain Project, and Fording River Expansion. There are upcoming comment periods on these projects expected in 2025.
 - Monitoring: EPA is working with US agencies, states, and Tribes to develop and implement a comprehensive and collaborative aquatic resource monitoring strategy for the US portion of the Kootenai watershed. We are also working with USGS to document baseline conditions and mining-related impacts in the Kootenai River.
 - On March 24, 2023, President Biden and Prime Minister Trudeau issued a Joint Statement stating that "The United States and Canada also intend to reach an agreement in principle by this summer to reduce and mitigate the impacts of water pollution in the Elk-Kootenai watershed, in partnership with Tribal Nations and Indigenous Peoples, and in order to protect the people and species that depend on this vital river system". In response to the Joint Statement, EPA worked closely with Department of State (DOS) and other federal agencies to develop a water quality reference by the International Joint Commission (IJC) under the Boundary Waters Treaty of 1909 for Lake Koocanusa and the Kootenai River. The U.S. and Canada sent the Joint Reference to the IJC on March 8, 2024. EPA is actively participating in the

Governance Body and the Study Board established by the reference, and OITA AA Mark Kasman (formerly Jane Nishida) serves as the Governance Body representative for EPA.

- EPA R10 will participate with EPA R8 and OITA on the transboundary mining topic included in bilateral discussions between the US Department of State and Global Affairs Canada in October 2024.

BACKGROUND:

- EPA has been engaged for more than 20 years in reviewing mining projects in BC that could impact US waters.
- Regarding BC/SE Alaska:
 - There are currently two active mines, two proposed mines, one inactive historic mine, and several mineral exploration projects in BC that could have impacts on the Unuk, Stikine, Taku, and Salmon River watersheds in SE Alaska.
 - Due to sparse monitoring at the border, water quality impacts are not well understood. Recent efforts by BC and the State of Alaska have supplied information suggesting that there are not widespread impacts. USGS and the Central Council of the Tlingit & Haida Indian Tribes are also conducting monitoring.
 - Concerns regarding potential impacts remain due to recently permitted and proposed mining operations. SE Alaska tribes and stakeholders are concerned that, if unaddressed, BC mining could impact Alaska in the future as it is impacting the Kootenai watershed in Montana and Idaho now.
 - The inactive Tulsequah Chief Mine has discharged contaminated water into the Taku River, northwest of Juneau, since the 1950s. Several efforts to reopen the mine resulted in bankruptcy of the project proponent. BC developed a conceptual remediation plan to address the historic discharges and Teck has recently initiated voluntary cleanup investigations at the mine to support development of a final closure plan.
- Regarding BC/Washington:
 - The Copper Mountain Mine is an active open pit mine with a large tailings storage facility in southern BC along the transboundary watershed of the Similkameen River, which flows into Washington state. The mine proposed expanding the open pits and the tailings facility that would create the largest dam in Canada (250m). BC determined that the expansion does not require an environmental assessment, despite EPA and Tribal requests, and is allowing the permitting process to move forward. BC plans to engage US agencies, Washington state, and Tribes in a Mine Review Committee to solicit comments on the permit application, expected in early 2025.
- Regarding Elk Valley BC/Kootenai:
 - Extensive coal mining has taken place historically and is continuing in BC's Elk River Valley, a tributary to Lake Koocanusa and the Kootenai River. The mines were owned by Teck Resources Ltd (Teck) until July 2024, when Teck sold the mines to Elk Valley Resources (EVR), a subsidiary of Glencore.
 - Mining activities have resulted in selenium and nitrates contamination in US waters. Data from the Elk River and Lake Koocanusa show increasing trends in pollutants, often exceeding Montana's selenium criteria in Lake Koocanusa and Idaho's criteria downstream in the Kootenai River.
 - Despite the increasing trends and documented exceedances, additional mining is proposed in the Elk River watershed. Additional mining would likely lead to increased pollution entering the U.S.
 - Teck has had water treatment issues that have resulted in fish kills and environmental violations in Canada. Teck is implementing several water treatment technologies, including a new Saturated Rock Fill (SRF) treatment technology. EPA participated in technical reviews of SRF treatment and deemed it a

promising technology, although it has not been previously used for long-term water treatment at the scale that is required in the Elk Valley.

- BC has memoranda of understanding with US states (AK, MT) that establish commitments to engage on projects that could impact transboundary watersheds. US tribes have expressed concerns about lack of formal US federal government and tribal roles in these agreements.
- The International Joint Commission (IJC), which is responsible for the Boundary Waters Treaty, has been seeking information regarding transboundary mining watersheds. US tribes have repeatedly petitioned the IJC to become involved.

KEY EXTERNAL STAKEHOLDERS:

☒ Congress ☒ Industry ☒ States ☒ Tribes ☒ Media ☒ Other Federal Agency
☒ NGO ☐ Local Governments ☐ Other (name of stakeholder) _____
Describe here as needed

MOVING FORWARD:

- Continue to participate in engagement and review on mine projects and Elk/Kootenai IJC matters.
- In 2024, Congress appropriated \$2M to EPA to “*continue and expand its work coordinating with **Federal, State, local, and Tribal agencies** to monitor and reduce transboundary mining pollution in the Kootenai watershed and other U.S.- British Columbia transboundary watersheds*”. EPA Regions 8 and 10 will award the funds through a competitive grant program, with awards expected in spring 2025.
- As we do so, continue to participate in the many discussions surrounding transboundary mining including:
 - Quarterly transboundary mining calls with Department of State and Global Affairs Canada that also include other US federal agencies and Canadian federal agencies.
 - Federal Interagency Working Group on Transboundary Mining, which is led by Department of State to coordinate US federal agency engagement
 - Coordination and information sharing calls with the states (Alaska, Washington, Idaho, Montana)
 - Information sharing calls with tribal governments and participation in transboundary mining conferences.

LEAD OFFICE/REGION: HQ – OITA

OTHER REGIONS: REGION 8

REGION 10: REGIONAL ADMINISTRATORS DIVISION, WATER DIVISION, ALASKA OPERATIONS OFFICE, IDAHO OPERATIONS OFFICE, OFFICE OF REGIONAL COUNCIL, PUBLIC AFFAIRS OFFICE