

# CENTER for SCIENCE in PUBLIC PARTICIPATION

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*"Technical Support for Grassroots Public Interest Groups"*

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May 5, 2026

**To: Alaska House State Affairs Committee**

**Re: Intergovernmental Transboundary Mining Project Review**

For several years I have been supporting efforts by tribal governments and non-profit organizations in Southeast Alaska in an effort to support these organization's desire to have meaningful influence on the design and financial assurance of mining projects in British Columbia.

First Nations in British Columbia are given government-to-government status, and are invited to participate in the development of mining permits as cooperating agencies. However, in both Alaska and British Columbia, tribal governments located in Alaska are considered to be members of the general public for reviewing mining project permits. This is the case for mines located in both British Columbia and Alaska.

Non-profits are also treated like members of the general public for the purposes of commenting of mining permits, even though the level of technical expertise from non-profits commenters is often equal to, or sometimes greater than, that of the regulatory agencies receiving the comments. The general public status of non-profits is not likely to change, but tribal governments should be allowed to participate as cooperating agencies in the development process for mining permits in both British Columbia and Alaska, when the interests of their constituents are affected.

The reason it is important for tribal governments to have cooperating agency status is that when a mine permit proposal reaches the public comment stage, the project design has essentially been set, and the regulatory agency takes the position of defending the proposal it has developed with the cooperating agencies. The project proponent, while not directly involved in permit development, has significant input in that it determines the starting point for project alternatives, supported by multiple technical reports developed by company-paid consultants. While public comment is taken seriously by the regulatory agency, public comments are highly unlikely to lead to significant design changes in the proposed permit/project, they will only lead to minor adjustments in the proposed project and permit.

Major project design considerations are considered and debated in the meetings between cooperating agencies during the preparation of environmental review documents, and draft permits. If you are not there to participate in the discussions of project alternatives, and to propose and defend changes, there is very little chance of influencing, or changing, the decisions that come from these meetings. These discussions and decisions determine the major project design features, the elements to be considered in the final environmental analysis, and the proposed terms of the permits.

In 2015 the State of Alaska and the Province of British Columbia signed a Memorandum of Understanding and Statement of Cooperation on protection of transboundary waters, and initiated a Technical Working Group on Monitoring. A workplan for the MOU and Statement of Cooperation was created, in which, "... commitments were designed to increase transparency and communication with the public on environmental conditions, generate opportunities to engage Tribes, First Nations and other interested parties on transboundary region issues ..."

The Technical Working Group on Monitoring concluded its work in 2019. Although the Memorandum of Understanding is still in force, from a practical perspective the workplan has proved to be ineffective. The State of Alaska does not, or is unable to, commit the resources necessary to actively participate in the cooperating agency meetings held to discuss individual mine design and environmental review details.

For Alaska Tribal Governments, and Alaska non-profits, the failure of the workplan to “*increase transparency and communication*” presents several significant problems. First, it means that the State of Alaska is not present to participate in project review at the stage in the process where important decisions are being made.

A second issue is that there is a presumption that the State of Alaska will represent, and adequately present, the technical, environmental, economic, and social concerns of Alaska Tribal Governments and non-profits to British Columbia. Unfortunately, this often not the case. This is why Alaska Tribal Governments and non-profits would like earlier access to the regulatory design and review process to present their proposals for, and concerns of, the mining proposals that are being reviewed. This fundamental concern is true for mining proposals being considered by regulatory agencies in British Columbia, as well as in Alaska.

It is acknowledged that in order to address this need, a significant change to the regulatory review process in both Alaska and British Columbia would be required. For tribal governments it would require State and Provincial recognition of cooperating agency status. Since non-profits are not eligible for cooperating agency status, it would require the ability to review project alternatives, and submit review comments to regulatory agencies while project design deliberations are being considered, before draft permits and draft environmental reviews are released for public comment.

At the present time, the Memorandum of Understanding and Statement of Cooperation on transboundary mining projects between Alaska and British Columbia is problematic. The State of Alaska does not have, or has chosen not to, devote the level of personnel and logistical support resources necessary to meaningfully review transboundary mining projects in British Columbia. British Columbia has chosen not to recognize affected Alaska Tribal Governments as cooperating agencies, but they do recognize First Nation Governments in British Columbia.

In order to fully realize the transparency and communication goals enunciated in the Memorandum of Understanding and Statement of Cooperation on transboundary mining projects, affected Tribal Governments in Alaska need to be granted cooperating agency status by British Columbia – and this same recognition should be granted for governmental review by the State for Alaska mining projects.

In addition, qualified technical representatives of non-profits should be allowed to review and comment on mining proposals as alternatives for a proposed mining project are being developed.

Sincerely;



David M. Chambers, Ph.D., P. Geop

### **About the author**

David Chambers has 50 years of experience in mineral exploration and development – 15 years of technical and management experience in the mineral exploration industry, and for the past 35+ years he has served as an advisor on the environmental effects of mining projects both nationally and internationally. He has a Professional Engineering Degree in physics from the Colorado School of Mines, a Master of Science Degree in geophysics from the University of California at Berkeley, and is a registered professional geophysicist in California (# GP 972). Dr. Chambers received his Ph.D. in Environmental Planning from Berkeley. His recent research focuses on tailings dam failures, and the intersection of science and technology with public policy and natural resource management.