

Transboundary Mining and the risks associated to our citizens and our way of life is Central Council's priority. We continue advocating for our direct participation, for the need for a sustained environmental study of the transboundary ecosystem, for best practices in mine permitting and operations that is enforced for compliance and with strict liability and a fund for state responsibility. Central Council supports the enactment of HJR 9 as an important step towards full collaboration of all affected governments necessary to hold the province of British Columbia and Dominion of Canada accountable for their mining industry with transboundary effect.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard J. Peterson". The signature is fluid and cursive, with a horizontal line crossing through the middle of the letters.

Richard J. Peterson  
President

Central Council's advocacy for an effective agreement with the Province of British Columbia recalls the model proven successful in the Memorandums of Understanding between British Columbia and the State of Washington dated April 12, 1996, pursuant to the Environmental Cooperation Agreement of May 7, 1992, that established consultation and information sharing on environmental matters of mutual concern, and which specifically included tribal and First Nations rights and participation. Prior consultation and information sharing, in the context of free, prior and informed consent, as well as specific measures of coordination, cooperation, and consultation for tribes and First Nations must be included for any agreement to be effective. Central Council is the sole government collecting baseline water quality data on the major transboundary rivers in our region. Central Council has called upon the United States Environmental Protection Agency to fund a sustained environmental study of the transboundary ecosystem, including its watersheds, basins, acquirers and fisheries in order to establish an environmental baseline and key indicators for the ecosystem.

Central Council supports HJ9's call for international action on a federal level. Central Council has also called upon the US Department of State to provide for the participation of southeast Alaska tribes in relations with the Dominion of Canada and Provinces of British Columbia and Yukon on transboundary issues. The State of Alaska does not and cannot speak for tribal governments and cannot represent tribal interests in any agreements. There is no substitute for our direct participation.

The Province of British Columbia's Auditor General Report of May 2016 reported that provincial environmental standards and enforcement of mining development is significantly deficient and places their environment at risk of pollution and environmental catastrophe, such as the Mt Polley disaster of 2014. This risks Southeast Alaska's tourism and fishing industries, the largest percentage of the regional economy, which provides for the livelihoods for families and communities. The economic industries our communities depend upon must be protected.

The environmental degradation caused by the persistent discharge of pollutants at the Talsequah Chief mine, and the devastating 2014 Mt Polley tailings pond collapse, foreshadows a fraction of the catastrophe that would result from an accident at the much larger mines threatening southeast Alaska. Central Council is concerned that Draft Principles Allocating Loss Arising from Hazardous Activities not a part of the Statement of Cooperation. The State of Alaska must ensure that, in the event of a mining disaster, compensation is funded and is paid to the victims of transboundary damage that may well persist over many generations if not be irreparable. Central Council is petitioning the US and Canada governments to ensure the operator's strict liability and state responsibility by establishment of funds for this purpose. To date, British Columbia still has not established any such policy despite the evidence that watersheds and fisheries have already sustained significant damage.

Tlingit and Haida tribe's traditional ways of life of Alaskan Natives are at risk of extinction. Traditional language, culture, art, song, and dance have continued in our traditional territories occupied by our ancestors since time beyond memory. The generational trauma our communities now face with the threat of destruction of our way of life is real, and is manifest in socioeconomic affects in addition to pervasive illnesses that may be rooted in environmental pollutants.



CENTRAL COUNCIL  
*Tlingit and Haida Indian Tribes of Alaska*  
Edward K. Thomas Building  
9097 Glacier Highway • Juneau, Alaska 99801

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March 14, 2017

State Legislature  
House Fisheries Committee  
Room 120  
4th Ave and Main Street  
Juneau, AK 99801

**Re: In Support of House Joint Resolution 9**

Dear House Fishery Committee Members,

Central Council Tlingit and Haida Indian Tribes of Alaska is a federally recognized tribal government serving its tribal citizens who are primarily rural residents in Southeast Alaska, which is within the aboriginal territory of our Tlingit and Haida tribes. Tlingits and Haidas have been stewards of our land and waters since time immemorial. Our tribal citizens possess a right to our native foods, water, and cultural resources, and many continue to earn a living as commercial fishermen and other livelihoods that depend upon a healthy ecosystem. Protecting Southeast economies, cultures, and traditional ways of life in our traditional homeland from the potential of significant, adverse impacts of transboundary mining in British Columbia is essential and urgent to Central Council. We are grateful the committee is hearing House Joint Resolution 9. Central Council believes that the State of Alaska's Statement of Cooperation with the Province of British Columbia was an important first step, but does not adequately address our significant concerns, and does not protect the Central Council's or Alaskan's interests. We urge the committee to continue to monitor and discuss this controversy with all governments and stakeholders.

Central Council, therefore, supports House Joint Resolution 9 as an effective action to address transboundary concerns because 1) the Statement of Cooperation between the State of Alaska and Province of British Columbia does not provide a seat at the table for tribes or First Nations and, therefore, we are unable to formally represent our tribal interests, 2) the non-binding agreement provides no mechanism to ensure application of strict liability on mine owners and operators or state responsibility on the province of British Columbia for the effects of persistent pollution or impacts of catastrophic accident, which means the resident of southeast Alaskan shoulders the risk and burden of all the environmental risks, and results in externalizing the avoided cost of adequate environmental safeguards to us, and by this provides for windfall profits to these mine owners, and 3) violates the Boundary Waters Treaty of 1909 by permitting Canada to pollute the waters of the United States in southeast Alaska. Both Central Council and the State of Alaska has a duty to protect our citizens from existing and potential future risks inherent to transboundary mining development without adequate environmental safeguards.