December 8, 2020

Governor Jay Inslee
POB 4002
Olympia WA 98504

Re: British Columbia must better regulate mines that threaten Washington's rivers

Dear Governor Inslee:

We write to express our growing concerns - and to sincerely request your help with - a mounting threat to the State of Washington by the lack of proper oversight of Canadian mining projects near multiple transboundary rivers that originate in British Columbia (BC) and flow into Washington State. Current and planned projects have in the past, and could in the future, significantly impact economic, cultural, and environmental interests in Washington contrary to the agreements in the 2018 BC-WA Memorandum of Understanding.

We have appreciated your leadership and engagement with BC Premier Horgan regarding the now suspended logging activity and the pending application by a Canadian mining company, Imperial Metals, to conduct mineral exploration in the headwaters of the Skagit River, within the so-called "donut hole" on the BC side of the border. As you know, this application has prompted major concern and opposition from a wide range of interests, including environmental and conservation interests, the Mayor of Seattle, WA legislators, members of the WA congressional delegation and a number of Washington tribes, as well as First Nations. **Mineral development in the Upper Skagit is contrary to 35 years of binational cooperation for that watershed.**[1] This concern is not theoretical. The company behind the application is the same one responsible for the devastating 2014 Mount Polley disaster that dumped 6.6 billion gallons of toxic waste into the Fraser River watershed as sockeye were returning[2]. We request your continued help in strongly encouraging the BC government to permanently protect the area of the donut hole from further timber and mining development.

But the concerns on the Skagit River (and ultimately, the Salish Sea) is only the highest profile and far from the most urgent or dire threat. According to the Government of BC, there are 33 mineral exploration projects underway within about 60 miles of the Washington border. Most acute is the Similkameen Valley, where advanced proposals to expand mining and waste storage at the massive Copper Mountain Mine, near Princeton, BC, would exacerbate pollution problems and heighten the risk of a catastrophic event. **As the Similkameen flows into the Okanogan at Oroville, these are urgent threats to Washington people, environment and resources.**

In various configurations of operation since 1922, the Copper Mountain Mine includes a tailings impoundment that is similar to, and three times the size of, the failed Mount Polley tailings dam.[3] Compliance issues have become more frequent since operations restarted there in 2011, with 21 of the 23 reports detailing tailings spills that have continued despite orders from the BC government. Further, groundwater analyses of monitoring wells in areas abutting mining activities in the BC portion of the Similkameen show that groundwater quality does not meet BC drinking water guidelines for aluminum, arsenic, barium, chromium, copper, iron, lead and manganese.[4]

Expanded operations at Copper Mountain Mine would increase pollution of the river for decades and require substantially increasing the tailings impoundment, elevating risk of a Mt. Polley-type catastrophe. Downstream Washington residents are right to be alarmed about both specters. Moreover, this threats coincides with the promise of salmon returning to the Upper Similkameen with the likely removal of Enloe Dam, near Oroville. BC is not considering pollution risk to these fish.

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[1] Mining development in the upper Skagit would also undermine the intent of the Boundary Waters Treaty of 1909, the Skagit Agreement between the City of Seattle and the province, and the spirit if not the letter of the legally binding U.S.-Canada Skagit River Treaty.

[2] On August 5, 2014, the tailings pond dam of the Mount Polley Mine was breached, releasing an estimated 25 million cubic meters of wastewater and tailings Including 326 tons of nickel, over 400 tons of arsenic, 177 tons of lead and 18,400 tons of copper and its compounds placed in the tailings pond. No charges have ever been filed against the company or any individual, and BC taxpayers are to date on the hook for $40 million in cleanup costs, an amount that will likely increase.

[3] *See* https://crosscut.com/environment/2020/02/tribes-worry-canadian-mine-could-poison-washington-salmon.

[4] These analyses also show that the groundwater does not meet BC standards for the protection of aquatic life from excess amounts of copper, iron, manganese, silver and zinc.

There are additional mines and exploration efforts on the BC side of the Upper Okanagan, the Kettle, and the Mainstem Columbia rivers. The toxic sediments of Lake Roosevelt are an enduring reminder of BC's weak regulation of the mining industry and of Canada's violation of the Boundary Waters Treaty of 1909, which is replicated in Alaska, Idaho, and Montana. **It is one thing for the province to play fast and loose with oversight that impacts its own people and resources, but Washingtonians downstream bear only the risk and no benefit.**

BC mines should at least be required to post full bonds (so-called financial assurances), sufficient to cover the full cost of remediation and compensation for downstream impacts. Such bonding is required for mines regulated by Washington, and BC's own Auditor General has made the province well aware of the inadequacies of existing policy in this regard[5].

We urge you to use the strength of your relationship and the bonds of Washington and BC to encourage Premier Horgan to address these threats to our sovereign interests. We find encouragement in this part of the mandate letter that he sent last month to his Minister of Energy, Mines and Low Carbon Initiatives: "*….take steps to ensure owners of large industrial projects are bonded moving forward so that they – not B.C. taxpayers – pay the full costs of environmental cleanup if their projects are abandoned*." It seems justified for you to inform the Premier that you would welcome at least the fulfillment of this pledge and resolution of the Skagit threat.

Finally, we respectfully request a meeting with your office to brief you and your team about these developments.

Sincerely,

Mitch Friedman, Executive director
Conservation Northwest

Jill Weitz, Director
Salmon Beyond Borders

Michelle Connor, President and CEO
Forterra

Tom Uniack, Executive Director
Washington Wild

Molly Doran, Executive Director
Skagit Land Trust

Jeff Osmundson, President
Skagit Audubon Society

Debra Smith, General Manager/CEO
Seattle City Light

Rick Gillespie, Vice President/Treasurer
Columbiana

Rob Smith, Northwest Regional Director
National Parks Conservation Association

Wendy McDermott, Director of Rivers of Puget Sound and Columbia Basin
American Rivers

Jasmine Minbashian, Executive Director
Methow Valley Citizens Council

Brad Throssell, Chair
Washington State Council of Trout Unlimited

Cc: JT Austin, Senator Salomon, Reps Lakenoff and Fitzgibbon

[5] The Expert Panel concluded that "If the inventory of active tailings dams in the province remains unchanged, and performance in the future reflects that in the past, then on average there will be two failures every 10 years and six every 30. In the face of these prospects, the Panel firmly rejects any notion that business as usual can continue."