

# AGENDA: B.C./AK Bilateral Working Group

Wednesday, February 3, 2021 - 1:00 PM – 3:00 PM PST; 12:00 PM – 2:00 PM AKST  
Video Conference via Microsoft Teams

## *Invitees:*

### **British Columbia:**

- Fazil Mihlar, Deputy Minister of Energy, Mines, Low Carbon Innovation (EMLI)
- Laurel Nash, Assistant Deputy Minister, Environmental Protection Division (EPD), ENV
- Peter Robb, Assistant Deputy Minister, Energy, Mines, Competitiveness and Authorizations, EMLI
- Nathaniel Amann-Blake, Assistant Deputy Minister, Mines Health, Safety and Enforcement, EMLI
- Anthony Danks, Executive Director of Strategic Policy Division (SPD), ENV
- Jennifer Anthony, Director, Special Projects, EMLI
- Lisa Paquin, Director, Intergovernmental Relations, SPD, ENV
- Greg Tamblyn, Water Quality Section Head, Regional Operations, EPD, ENV
- Gabby Barwin, Senior Advisor, Policy and Competitiveness, EMLI
- Audrey Roburn, Senior Policy Advisor, SPD, ENV

### **Alaska:**

- Jason Brune, Commissioner, Department of Environmental Conservation
- Corri Feige, Commissioner, Department of Natural Resources
- Emma Pokon, Deputy Commissioner, Department of Environmental Conservation
- Brent Goodrum, Deputy Commissioner, Department of Natural Resources
- Ben Mulligan, Deputy Commissioner, Department of Fish and Game
- Kyle Moselle, Executive Director, Office of Project Management and Permitting, Department of Natural Resources
- Terri Lomax, Section Manager, Alaska Monitoring and Assessment Program, Department of Environmental Conservation
- Laura Achee, Information Officer, Legislative Liaison, Department of Environmental Conservation

## **Decisions and follow up actions**

The following documents were approved:

- September 2020 meeting summary
- Updated Communication Plan
- Draft Transboundary Newsletter text
- TWG-M program review report
- TWG-M final data report

The following action items were identified:

- Commissioner Brune to pass on the name of the new EPA Region 10 administrator when the appointment is announced
- Laurel Nash will follow up with Commissioners Brune and Feige to further discuss marine debris, spill prevention and response, and bonding mandate commitments.
- Peter Robb will follow up with Commissioners Brune and Feige to discuss EMLI's approach to bonding for mining projects in B.C.
- B.C. and AK will work together to develop a joint BWG press release describing the completion of the commitments in the Statement of Cooperation, highlighting the completion

of the TWG-M's work and publication of its final reports, and expressing a commitment to continued transboundary collaboration.

- Kyle Moselle will work internally and with B.C. staff to develop an approach to a public Transboundary meeting to include TWG-M report summary and Tulsequah Chief remediation plan summary.
- B.C. and Alaska will undertake internal conversations to scope potential new areas for collaboration.
- The next BWG meeting will be scheduled for late summer or early fall of 2021.

### **Summary of discussion**

#### **1. Welcome and introduction of BWG members and guests**

#### **2. Review and approval of agenda, September 2020 meeting summary**

*Decision:* September 2020 meeting summary approved.

#### **3. Working group update**

*Decision:* Communication Plan approved.

*Decision:* Draft Transboundary Newsletter text approved. The final draft of the Newsletter will be reviewed by both jurisdictions prior to publication.

#### **4. Alaska Update**

- The United States Geological Survey (USGS) has received funding to maintain stream gauges on the Alsek, Taku, Stikine, Unuk, and Salmon rivers for both water quality and quantity samples. They have also hired a transboundary coordinator based in Juneau. The USGS has also established a lab in Juneau for processing samples.
- A new Region 10 EPA administrator will be appointed shortly. This role rotates among the Region 10 states and the new administrator will likely be from Idaho.

*Action:* Commissioner Brune to pass on the name of the new EPA Region 10 administrator when the appointment is announced.

#### **5. B.C. Update**

*New government mandate*

- Following the B.C. election, Ministers Ralston (EMLI, formerly EMPR) and Heyman (ENV) have retained their positions.
- A number of the new mandate commitments relate to transboundary issues, including:
  - Implementing the recommendations of the Mining Jobs Task Force;
  - Creating a Mining Innovation Hub;
  - Undertaking work to ensure owners of large industrial projects are fully bonded moving forward;

- Creating a Watershed Security Strategy and associated Watershed Security Fund;
  - Working with neighbouring jurisdictions to cooperatively develop and invest in new strategies aimed at better protecting our shared wildlife and habitat corridors; and
  - Develop a new provincial coastal marine strategy – in partnership with First Nations and federal and local governments – to better protect coastal habitat while growing coastal economies.
- B.C. described its focus on Environmental Social Governance investment and greenhouse gas reduction targets, and the importance of a mineral supply for green technologies.
  - The Clean Coast Clean Waters Initiative Fund provided funds to First Nations, tourism operators, and non-profit organizations for shoreline clean-up and derelict vessel removal. In addition, regulatory updates for spill response are in development.
  - ENV and EMLI continue to work closely with Montana and the US EPA on water quality in southeastern B.C.

**Action:** Laurel Nash will follow up with Commissioners Brune and Feige to further discuss marine debris, spill prevention and response, and bonding mandate commitments.

**Action:** Peter Robb will follow up with Commissioners Brune and Feige to discuss EMLI's approach to bonding for mining projects in B.C.

#### *Tulsequah Chief Mine update*

- On October 8, 2020, Ontario Superior Court Chief Justice Morawetz released his decision to discharge the receiver, authorizing Chieftain's primary secured creditor a limited time to bring a motion to re-appoint a receiver: any such application to re-appoint a receiver in the proceedings must be made no later than August 11, 2022.
- B.C. released the Tulsequah Chief mine site conceptual closure and reclamation plan in April 2020.
- Initial remediation work at the site was carried out in summer of 2020 in collaboration with TRTFN. The physical works completed included road repairs, clearing the site of debris and danger trees, establishing a functional camp, transporting fuel/supplies to site for next year's field season, and partial bridge repairs. Larger bridges and the airstrip require detailed engineering prior to repair, as the damage to these structures is extensive. The LiDAR survey was not undertaken in the 2020 season due to weather restrictions. Once completed, the survey will provide topographic information to support further design. That survey along with the multi-year aquatics monitoring program, and a desktop assessment of the possibility of short-term use of the interim water treatment plant are expected to continue for the 2021 season.

### *Transboundary project update*

- Red Chris: Operating mine in B.C. Newcrest Mining Limited (Newcrest), the majority owner and operator, plans to extend the mine underground for a long-term mine and B.C. views Newcrest as a long-term partner in B.C. Tahltan Nation is also a partner in the project.
- Kerr-Sulphurets-Mitchell (KSM): KSM has recently requested a two-year extension of their Environmental Assessment Certificate (EAC) under s.46 of the *Environmental Assessment Act*, due to challenges posed by the COVID-19 pandemic. The extension would give KSM time to substantially start the project. A five-year EAC extension was previously granted to July 2024. The decision is pending.
- Brucejack: Operating mine in B.C. A permit amendment was granted in December 2020 to extend the permitted mine area to allow for additional exploration. Pretivm, the owner of the mine is looking into expanding operations in the mid and longer term.
- Galore Creek: The project remains under care and maintenance, and there have been no updates since the BWG met in September 2020.
- Eskay Creek: Planning is currently underway for additional exploration to commence in 2021 to support a future restart.

### **6. B.C.-Alaska Transboundary Rivers Monitoring Program Final Reports**

- The Technical Working Group on Monitoring (TWG-M), which was tasked with collecting, summarizing, and distributing baseline, regional, and project-specific water quality and related data on transboundary waters, has completed its assigned tasks.
- The co-chairs of the TWG-M, Terri Lomax and Greg Tamblyn, provided a brief overview of the final reports, which were jointly authored by B.C. and Alaska technical staff to summarize the TWG-M's work to date, including sampling results.
- The TWG-M recommends that given the existence of other sampling programs planned by state, federal, or provincial agencies throughout the transboundary region, continuing the Joint Sampling Program would be redundant at this time. Ongoing Alaska-B.C. collaboration will continue under the MOU in order to ensure the long-term protection of transboundary waters.

**Decision:** TWG-M program review report and final data report are approved for public release. The TWG-M's work under this deliverable is complete. TWG-M members will continue to share information and collaborate as needed to support the MOU and SOC.

### **7. Taking stock: MoU and SOC commitments and next steps for the BWG**

- The BC-AK BWG continues to function under the terms of the Statement of Cooperation and has completed all deliverable. In addition to completing the TWG-M workplan, implementing the reciprocal procedures, and providing the transparent communication outlined in the Communication Plan, the BWG has:
  - Established BC-AK monthly transboundary mining check-in calls, and maintained an excel spreadsheet of all proposed and active mining activities relevant to BC and AK;

- AK has access to inspection reports and other publicly available mine information through the B.C. Mine Information website, and;
- Ensured B.C. is proactively engaging First Nations, and Alaska is proactively engaging Tribes, in the work that is outlined above and any future opportunities that may come out of the BWG.

**Action:** B.C. and AK will work together to develop a joint BWG press release describing the completion of the commitments in the Statement of Cooperation, highlighting the completion of the TWG-M's work and publication of its final reports, and expressing a commitment to continued transboundary collaboration.

**Action:** Kyle Moselle will work internally and with B.C. staff to develop an approach to a public Transboundary meeting to include TWG-M report summary and Tulsequah Chief remediation plan summary.

- B.C. and Alaska both expressed interest in expanding the scope of the BWG's work to include additional topics related to fish and wildlife, including potentially inviting B.C.'s Ministry of Forests, Lands, Natural Resource Operations and Rural Development to future BWG meetings.

**Action:** B.C. and Alaska will undertake internal conversations to scope potential new areas for collaboration.

## **8. Plans for next BWG meeting**

**Action:** The next BWG meeting will be scheduled for late summer or early fall of 2021.