

## **Salmon Beyond Borders**

Juneau, Alaska / Kitwanga, B.C. / Vancouver, B.C.

Salmon Beyond Borders is a campaign driven by sport and commercial fishermen, community leaders, tourism and recreation business owners, and concerned citizens, in collaboration with Tribes and First Nations, united across the Alaska/British Columbia border to defend and sustain our transboundary rivers, jobs, and way of life.

We appreciate the opportunity to provide comments on the “Discussion Paper” regarding your revitalization efforts of the environmental assessment process in the province. Of course, these comments will be relatively consistent with many participating in this process. As such, we hope the B.C. EAO recognizes the sincere coordination and desire among Tribes, First Nations, community leaders, and stakeholders in B.C. and in the U.S. for strengthening B.C.’s environmental assessment processes. As identified by multiple B.C. officials and subsequent reports, the current B.C. process has proven to be inadequate to protect the environment and communities, or to establish the accountability and liability of project proponents.

Current B.C. permitting allows for mines to be developed in the B.C. headwaters of transboundary rivers absent the following: (1) consent of indigenous communities in B.C. and the U.S., (2) an analysis of historical impacts from such mines, (3) the independent collection of 3-5 years of baseline/reference condition water quality and fish and wildlife population data, (4) an independent, comprehensive evaluation of downstream impacts, (5) a demonstration of technology to mitigate impacts that satisfies both the U.S. and Canada that shared resources won’t be harmed, (6) the establishment of an independent, fully funded, and perpetual independent monitoring system, or (7) the establishment of a robust financial assurances regime that covers all mining impacts (catastrophic and cumulative) as well as the establishment of an arbitration process for settling claims. B.C.’s own Auditor General has sharply criticized the B.C. mine evaluation, approval, monitoring, mitigation, and bonding processes, warning that B.C. is at risk of violating the Boundary Waters Treaty in relation to ongoing B.C. mine-related pollution.

Salmon Beyond Borders’ chief comments are as follows:

1. Ensure that any large-scale development project within a B.C.-U.S. transboundary watershed triggers the highest level of environmental impact assessment;
2. Ensure independent evidence and oversight of assessments, including peer review of scientific information, and mandatory independent and Indigenous-led review panels;
3. Provide for more meaningful public participation, participant funding, and time to participate in the environmental assessment process for all relevant jurisdictions, including international jurisdictions;
4. Address cumulative impacts through more project assessments, mandatory through more project assessments, mandatory regional assessments, and land-use planning;

5. Ensure projects that don't meet important legal criteria – including a sustainability test, a climate test, and Indigenous consent, including across the B.C.-U.S. border – are rejected;
6. Legislation should provide a mechanism for the public, Indigenous peoples, and international jurisdictions to trigger assessments of any project affecting socially, culturally or ecologically sensitive areas;
7. Ensure the possibility to appeal the assessment report and recommendations or the Ministers' decision to ensure transparency and accountability;
8. Require an assessment of all extractive mining projects (no more thresholds under which some mines escape an assessment or Indigenous consent);
9. Include the possibility to subject mineral exploration projects (stages before a mine) to an assessment if requested by the public, Indigenous peoples, and international jurisdictions;
10. Require the independent analysis of necessary financial securities (bonding) for site reclamation, clean-up of potential accidental damages (e.g., mining spills), and perpetual care as a core obligation of an impact assessment;
11. Ensure greater public protection by requiring assessment reports to align with feasibility studies as required under the Canadian Securities Administrator's standards NI43-101.

With sincere thanks,

**Jill Weitz, Director**  
Salmon Beyond Borders  
Juneau, Alaska