

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

Thursday, January 25, 2024 - 2:00 PM-4:00 PM PST, 1:00 PM-3:00 PM AKST

Meeting location: Suite 740, 999 Canada Place, Vancouver, BC or virtual teleconference via Teams

## Attendees:

### British Columbia:

- Elenore Arend, Associate Deputy Minister & Chief Executive Assessment Officer, Environmental Assessment Office (EAO)
- Chris Trumpy, Assistant Deputy Minister, EAO
- Tania Demchuk, Assistant Deputy Minister, Responsible Mining and Competitiveness Division (RMCD), EMLI
- George Warnock, Assistant Deputy Minister, Mines Health, Safety and Enforcement Division, EMLI
- Laurel Nash, Assistant Deputy Minister, Environmental Protection Division
- Andrew Rollo, Executive Director, Tulsequah Reclamation, Mines Health, Safety and Enforcement Division, EMLI
- Amy Avila, Lead, Strategic Services Division (SSD), ENV
- Tracy James, Executive Project Director, EAO
- David Grace, Project Assessment Director, EAO
- Lisa Paquin, Executive Director, Strategic Policy Branch, SSD, ENV
- Gabrielle Barwin, Director, Priorities Advancement and Indigenous Relations, RMCD, EMLI
- Rebecca Westley, A/ Director, Intergovernmental Relations, SSD, ENV
- Chelsea Garside, Project Assessment Officer, EAO
- Haley Williams, Senior Policy Advisor, Intergovernmental Relations, SSD, ENV

### Alaska:

- Emma Pokon, Commissioner - designee, Department of Environmental Conservation (DEC)
- Doug Vincent-Lang, Commissioner, Department of Fish and Game (DFG)
- John Boyle, Commissioner, Department of Natural Resources (DNR)
- Kate Harper, Associate Director, Office of Project Management and Permitting, DNR
- Terri Lomax, Water Quality Program Manager, DEC
- Gary Mendivil, Environmental Coordinator, DEC
- Sylvia Kreel, Large Project Coordinator, DNR
- Kate Kanouse, Regional Supervisor-Juneau, DFG

### Teck (for Tulsequah Update only):

- Scott Maloney, Vice President, Environment
- Amber Johnstone-Billings, Vice President, Communities, Government Affairs and HSEC Systems
- Jennifer McConnachie, Manager, Closure and Biodiversity Strategy

## Summary of Discussion

### 1. Welcome and Opening Remarks

- Congratulations to Commissioner-designee Emma Pokon.

### 2. Tulsequah Update

- The cleanup at Tulsequah Chief Mine is a top priority for EMLI.
- In September 2023, an Executive Director lead was installed to ensure continuity on the file and to move it forward in a timely way. This signals B.C.'s commitment to the file.
- B.C. wants to acknowledge that the delays are concerning for Alaska and interested parties. We also share the interest in seeing the site get cleaned up quickly.
- There has been a significant amount of planning and significant progress has been made in the last year.
- On Jan 4, 2024, Alaska Legislators sent a letter to DM Baskerville regarding Tulsequah updates from the last BWG meeting.
  - B.C. sent a response on Jan 24, 2024 and is committed to meaningful engagement with Alaska.
- Alaska strongly urges meaningful progress on the closure of Tulsequah as quickly as possible.

### Teck Updates

- Teck would like to reiterate the commitment to the responsible closure of the site and a robust closure plan developed with B.C. and Alaska, including funding.
- Teck brings comprehensive experience in closure planning and a range of technical experts.
- Important to recognize the complex history of this site, but there is confidence that site access can happen in 2024.
- 2023 milestones:
  - Engaging with the Taku River Tlingit First Nation (TRTFN) and subject matter experts
  - Completed site visit in August with TRTFN representative
- Planning for 2024:
  - Aviation risk assessment
  - Establish a camp to support multi day visits
  - Establish medical support and emergency egress
  - Underground investigation with drones
  - Need to understand the underwater data and do water sampling
  - Ventilation assessment
  - Complete repairs to roads, bridges, and air strip
  - Engagement with TRTFN, B.C. and Alaska
- It is hard to establish an implementable closure plan without the detailed technical information. That is why we need more information before conducting meaningful engagement.

### Discussion

- The Province is committed to transparent and frequent communication and engagement on the progress being made at Tulsequah. We regularly meet with the State of Alaska officials and staff, the US Environmental Protection Agency, US ENGOs and Alaskan Tribes.
- B.C. is updating the Tulsequah Reclamation webpage which will be a one-stop location for historical information as well as updates on the progress of reclamation planning and activities at site.

- Alaska encourages B.C. to engage with broader Tribal groups regarding Tulsequah as some have expressed interest in knowing more.
- **Action Item:** Alaska to share information with B.C. on which Tribal groups have expressed interest in receiving Tulsequah updates.
- B.C. has heard the desire for meaningful progress on reclamation and remains committed to this priority.
- Question regarding the status of B.C.'s bonding work.
  - Reclamation security policy/Public Interest Bonding Strategy - significant progress. Update provided in B.C. Updates Section.
  - Chief Inspector of Mines (CIM) annual reports going back to 2015 show how the liability vs bonding gap is being reduced.
- **Action Item:** B.C. to share CIM reports with Alaska.
- Both B.C and Alaska value the health of the environment and the safety of those in the surrounding areas.
- Have we had B.C.-Alaska technical staff get together to talk about how we manage bonding?
  - B.C. completed significant research while updating the reclamation policy. There may be another opportunity to connect on this issue.
- **Action Item:** Discussion to continue at the staff level meetings.

### 3. B.C. Updates

#### Transboundary Project Updates

- New Polaris Gold Mine: Canagold Resources Ltd. is in the early engagement phase of the Environmental Assessment (EA) process.
  - Comments from the public and technical advisors, including Alaska representatives, on Canagold's Initial Project Description have been received and changes are being made to reflect feedback. Tribes were notified regarding the EAO's public comment period and some chose to provide comments.
  - Canagold is preparing its Detailed Project Description which will need to show how it was responsive to the feedback received during early engagement.
  - Alaska DEC expressed concerns regarding the potential need for a spill contingency plan depending on the type/size of vessels. There were concerns about barge traffic on the Alaska side of border. The EAO responded that these concerns would be considered in the environmental assessment.
  - Canagold Resources Ltd. was in Juneau in December 2023 for engagement and received clear feedback about challenges from Alaska stakeholders.
- Kerr-Sulphurets-Mitchell: KSM Mining ULC has applied for a substantially started determination in the EA process.
  - Environmental Assessment Certificates (EAC) expire if projects haven't been substantially started by the expiry date of the certificate.
  - KSM's EAC has an expiry date of July 29, 2026.
  - EAO to make a determination on whether KSM has been substantially started.
- Eskay Creek: Skeena Resources Ltd. is currently developing its Application for an Environmental Assessment Certificate.

- Seven Alaska Tribes are part of the Eskay Alaska Tribal Transboundary Advisory Committee which advises the EAO on potential transboundary effects to Tribes. This Committee enables a formalized engagement process as part of the environmental assessment.
- Premier: In the permitting amendment process.
  - Alaska was notified about permit amendments needed to address new dates due to construction delays in 2023.
- Newmont acquisition: Newmont completed the purchase of Newcrest in November 2023.

### **B.C. Public Interest Bonding Strategy (PIBS)**

- PIBS received Royal Assent in November 2023 through the B.C. legislature.
- It provides enabling amendments to *B.C.'s Environmental Management Act*.
- It applies to non-mining industrial activities at high-risk sites and will require closure and decommissioning plans, and financial assurances where appropriate.
- This is in addition to the work that has been completed by EMLI on mine reclamation securities.
- B.C. can engage on PIBS, with broad engagement on an intentions paper expected in 2024.
- B.C. is aiming to develop new regulations for Fall 2025.
- **Action Item**: B.C. will provide an update at the next BWG meeting and will share the intentions paper with Alaska.

### **U.S-Canada Agreement in principle for the Elk-Kootenai watershed**

- The federal governments of Canada and the US have been engaging with the Ktunaxa Nation to develop a joint proposal to meet the Prime Minister and President's March 2023 commitment regarding an agreement in principle to reduce and mitigate water pollution in the Elk-Kootenai watershed.
- The next step will be a joint public statement from the Canadian and the US Ambassadors.
- In August 2023, Deputy Minister Jardine notified Acting Commissioner Pokon of B.C.'s proposal to Canada on a role for the IJC as a neutral facilitator related to the unique circumstances of the Elk/Kootenai watershed region.
- B.C. has been very clear that the IJC proposal is unique to the context in the southeast of B.C.
- B.C. can make a commitment to meet to discuss the regulatory framework and any updates to dispel concerns. Alaska would welcome that.

## **4. Alaska Updates**

### **Permitting and Projects**

- Greens Creek Mine: An assertion was made from ENGOs about fugitive dust from the mine being a potential source of increasing lead concentrations in the surrounding environment.
  - State agencies in Alaska reviewed and posted a response on the DEC webpage here: <https://dec.alaska.gov/water/hawk-inlet>
- Palmer Project: an updated plan of operations is due in early 2024.
- New Polaris: Alaska regulators shared comments/concerns during engagement with Canagold Resources Ltd. as mentioned earlier in the B.C. Updates section. AK expressed concern over the proposal to transport mine tailings via barge through Alaskan waterways.
  - Meeting with Canagold that was scheduled for January 17 to discuss the New Polaris Mine had to be rescheduled due to snow impacting flights out of Vancouver, BC. Looking to reschedule the meeting for next week or later.

## Other Updates

- DEC is completing a review of ambient water quality data for all of Alaska as part of the 2024 Integrated Water Quality and Monitoring Report. This report is completed every two years and submitted to EPA. This water quality data includes information from the following transboundary rivers: Alek, Salmon, Stikine, Taku, and Unuk.
- ADF&G Habitat Section is seeking funding to collect juvenile Dolly Varden in Southeast transboundary rivers for whole body element analyses and to use these data to update Technical Report No. 16-06 summarizing Dolly Varden element data statewide.
- Alaska Tribes' have made assertions of Aboriginal rights in B.C.
  - Letters were sent to B.C. EAO by SEITC, which represents multiple Tribes, and has submitted assertions for Aboriginal rights and consultation under Canadian law for the Eskay Creek and the New Polaris Gold Mine projects.
  - B.C. is undertaking a review of these assertions.
- Central Council of Tlingit and Haida Indian Tribes of Alaska is looking to host the next Indigenous Transboundary Mining Conference in Juneau in summer 2024.
- Alaska Legislators sent a letter to DM Baskerville on January 4, 2024, regarding Tulsequah updates.
  - B.C. sent a response on January 24, 2024.
  - Alaska Legislators sent a similar letter to the US Department of State.
- IJC reference request: Media coverage has occurred in Alaska.
  - The parties agreed that due to Alaska and B.C.'s ongoing constructive dialogue, an IJC reference is not needed at this time.
  - Alaska looks forward to progress on Tulsequah and new information regarding timelines to demonstrate progress.

## 5. Reciprocal Procedures Document

- Updates to the Reciprocal Procedures document which is attached to the 2016 Statement of Cooperation were completed by B.C. and Alaska staff to reflect current work practices and to align with B.C.'s 2018 *Environmental Assessment Act*.
- **Decision:** BWG approves the updated document.
- **Action Item:** Post the updated document to both transboundary webpages.

## 6. BWG Engagement and Transparency Discussion

- Alaska and B.C. have updated their transboundary webpages to make information more accessible. The Tulsequah Reclamation webpage is also being updated and will provide updates on planning and progress.
- Discussion Questions: How do we work together? Does Alaska have suggestions on how we can improve engagement and transparency?
  - The parties agreed that the current meeting structure and dialogue is valuable.
  - B.C. remains committed to sharing the work being done on environmental protection.
  - There may be opportunities in Fall 2024 or Winter 2025 to highlight progress.
  - **Action Item:** Discussions on engagement opportunities will continue at the monthly staff level meetings.

## 7. Next BWG Meeting and Closing Remarks

- There is a standing offer from B.C. to attend an in-person meeting in Alaska.

- **Action Item:** Planning for the next BWG meeting will continue at the staff level meetings.
- Alaska is interested in having a discussion with B.C. on forest management practices and policies to increase forest resilience. There may be opportunities to collaborate.
  - **Action Item:** B.C. to follow up with colleagues from the Ministry of Forests.