

Congress of the United States
Washington, DC 20515

August 13, 2024

President Joseph R. Biden
The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20500

Dear Mr. President:

For over a decade, the Alaska congressional delegation has expressed grave concerns about the longstanding impacts and future threats of abandoned, developing, and operating mine projects located in British Columbia (B.C.) near the Canadian headwaters of Southeast Alaska's rivers. Under three different presidents, our delegation has pushed for the Department of State to secure binding protections and financial assurances for the transboundary Taku, Stikine, and Unuk rivers that flow from B.C. into Southeast Alaska and the Tongass National Forest. Without unified action from the executive branch, Canadian mining activity in this region will increasingly endanger U.S. communities and resources, such as salmon, without any mechanism for recourse or compensation.

Our concerns were heightened when we learned of the June 24 heap leach pad failure at Eagle Gold Mine near the Village of Mayo in the Yukon, which Na-Cho Nyäk Dun First Nation called "the region's most recent and potentially catastrophic mining failure."¹ Eagle Mine has only been operating for five years, and, by all indications, the heap leach pad failure was caused by poor design and negligence. We are only now beginning to understand the true scale of the environmental impacts, and each update is more discouraging than the last. In the Government of Yukon's latest water quality update on August 2, the Department of Environment reported that samples collected from Haggart Creek downstream of the failure showed cyanide levels "modestly above aquatic life guidelines."² That same day, Victoria Gold employees found dead fish in Haggart Creek.³

While we await further updates on the developing situation, and work with the State of Alaska on potential downstream effects in the Yukon River, we are even more determined to ensure adequate protections are in place for all of our transboundary watersheds.

We realize that the copper and critical minerals that come from Canadian mines are a key part of U.S. and allied national security and an important part of resource development. However, there is no need to sacrifice environmental protections in order to safeguard our security and power our communities.

¹ <https://www.cbc.ca/news/canada/north/yukon-first-nation-shut-down-mining-1.7253506>

² <https://yukon.ca/en/news/government-yukon-provides-update-water-and-fish-monitoring-offsite-victoria-golds-eagle-gold-mine>

³ <https://yukon.ca/en/news/government-yukon-provides-update-fish-downstream-victoria-golds-eagle-mine>

We request the administration publicly and immediately support two calls for action: 1) Canada cleans up its abandoned Tulsequah Chief mine, which has been polluting international waters for more than 66 years; and (2) Canada, the U.S. government, the transboundary U.S. states and Canadian provinces/territories, Indigenous groups, and communities establish an international framework to prevent and resolve disputes in these transboundary waters, most likely under the International Joint Commission (IJC) and the Boundary Waters Treaty of 1909.

We have worked hard to elevate the long-standing concerns of Alaskans, calling for the establishment of binding and enforceable international protections and financial assurances for any potential impacts in transboundary watersheds. Over the last ten years, our delegation has remained steadfast in our efforts to defend Alaskan interests by securing funding through the federal appropriations process for water quality monitoring on U.S.-B.C. transboundary rivers, urging funding restrictions for Canadian projects, penning letters with our Congressional colleagues to elected leaders in B.C., visiting Ottawa and B.C. to meet with Canadian officials on this issue, convening IJC fact-finding missions and in-person meetings in Southeast Alaska, and speaking out publicly.

With the enactment of the fiscal year 2024 Interior, Environment, and Related Agencies appropriations bill, additional funding has been approved to enable federal agencies, led by the Environmental Protection Agency, to facilitate greater coordination and information-sharing within the executive branch on transboundary governance challenges in U.S.-B.C. watersheds. Congress has demonstrated a desire to see action by the federal government to address and improve transboundary governance along the entire U.S.-B.C. border, including regions like Southeast Alaska, where Canadian mining activity is increasing.

We urge your administration to initiate a proactive and holistic strategy for resolving transboundary governance challenges along the U.S.-B.C. border to augment the significant work by Congress to facilitate and properly fund a federal response. This strategy must include a binding and enforceable international framework between Canada, the U.S., Indigenous groups and communities for preventing and resolving disputes in these transboundary waters under the International Joint Commission and the Boundary Waters Treaty of 1909. These efforts must also include the full remediation of the Tulsequah Chief mine.

We urge you to take immediate steps in pursuit of our goal of binding protections, financial assurances, and strong transboundary governance for the Alaska-B.C. Taku, Stikine, and Unuk Rivers.

Sincerely,



Lisa Murkowski
United States Senator



Dan Sullivan
United States Senator



Mary Sattler Peltola
Representative for All Alaska

CC: The Honorable Michael Regan, U.S. Environmental Protection Agency
The Honorable Antony Blinken, U.S. Department of State
The Honorable Gerald Acker, International Joint Commission
The Honorable Robert Gioia, International Joint Commission
The Honorable Lance Yohe, International Joint Commission