



## Lieutenant Governor Byron Mallott STATE OF ALASKA

Transboundary Workshop and Dialogue  
June 1, 2018 10:30a – 3:30p  
Vocational Training and Resource Center  
Juneau, Alaska

### 1) WELCOME and OPENING REMARKS

**Commissioner Larry Hartig**--Alaska Department of Environmental Conservation (DEC) opened the meeting.

**Lt. Governor Byron Mallott** offered opening remarks, speaking about climate change, transboundary, and other topics, noting that none of these issues exist in a vacuum and must be addressed by engaging multiple parties. The relatively new Canadian federal Administration has been making changes to their policies and laws. British Columbia (BC) also has a relatively new government and is also making changes. Some of these might impact Alaska. Alaska is working productively with BC under the Statement of Cooperation (SoC). Alaska officials have been meeting with Yukon Territory Government officials on a potential similar arrangement, and will meet this summer with their Premier.

DEC Commissioner Hartig thanked the meeting's co-sponsors, Central Council of the Tlingit and Haida Indian Tribes of Alaska (Central Council), and Sealaska Corporation. He introduced the day's speakers, and explained that the morning session will consist of presentations and status updates, and the afternoon will be devoted to answering questions and dialogue between the presenters and participants in the workshop.

Presentation by **Deputy Minister Mark Zacharias** BC Ministry of Environment and Climate Change Strategy (PowerPoint\*).

Presentation by **Patty McGrath** U.S. EPA Region 10 Mining Advisor (PowerPoint\*).

Central Council **President Richard Peterson** offered welcoming remarks. He said he just came from a meeting with Senator Murkowski, who is supportive of finding federal funding to assist in transboundary water quality monitoring efforts between Alaska and BC. Central Council supports the work of the communities. Tribes have a vested interest in seeing the resources in SE Alaska protected. The tribes are not a stakeholder, but rather part of the environment that needs to be protected. "We need to work in collaboration to be successful," he stated.

**Associate Director Kyle Moselle** from the Alaska Department of Natural Resources (DNR) presented on nine mine projects in the transboundary region that are currently being tracked by him (Handout\*). He also described the Reciprocal Procedures\* (RPs), which are a deliverable under the SoC, and described when and how BC and Alaska share information, concerns and comments on transboundary projects. BC already had notification points in their EA and permitting processes, and they have added Alaska to the list of parties routinely receiving those notifications. Mr. Moselle noted that Red Mountain is the only mine currently going through an environmental assessment (EA) review.

Presentation by DEC Water Division Director **Andrew Sayers-Fay** & DEC Alaska Monitoring and Assessment Program Section Manager **Terri Lomax** (PowerPoint\*).

Presentation by Alaska Department of Fish and Game (ADF&G) Division of Habitat Director **David Rogers** on the Communications Plan and Newsletter. Mr. Rogers prefaced his remarks by asking if the participants in the meeting feel they are getting the information they need. The Communication Plan focuses on three areas: 1) website, 2) newsletters, and 3) meetings, gatherings, and forums such as this one.

## 2) LUNCH BREAK SPONSORED BY SEALASKA

Commissioner Hartig reconvened the meeting at 1:00pm.

Sealaska **President Anthony Mallott** offered remarks. He said that Sealaska supports the tribes in the region. Since the tribes care about this issue, Sealaska cares about this issue as well. Any solutions need to be collaborative; this relates to a Tlingit traditional value of *Wooch.een*, which roughly translates to people working together.

## 3) DISCUSSION

Commissioner Hartig framed the topics for the afternoon discussion based on the questions and concerns raised in the morning. He said that the topics to be discussed this afternoon don't need to be limited to those on this list, but that the topics for the officials from BC should be addressed first since they need to leave earlier than the other presenters. The list included the following topics:

1. Status of the Tulsequah Chief Mine and actions being taken to address any on-going discharges
2. Proposed changes to the Federal or Provincial Environmental Assessment (EA) Processes
3. Joint Monitoring Program – thoughts on further opportunities for collaboration and extending the program
4. KSM Mine & Selenium
5. Palmer Project (located in Alaska near the border with BC)
6. BC's requirements relating to financial assurances for long-term water management and treatment at a mine, including after mining activity has ended
7. Implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other work with First Nations.

## 4) STATUS REPORT---Tulsequah Chief Mine

British Columbia Ministry of Energy, Mines and Petroleum Resources (EMPR) Senior Advisor **Karina Sangha** gave a status update on the Tulsequah Chief mine.

- Chieftain Metals Inc. went into bankruptcy in 2016. Chieftain's primary secured creditor (West Face Capital) appointed Grant Thornton LLP as Receiver to manage Chieftain's assets and to search for a buyer.
- BC has and will continue to participate in the receivership court proceedings underway in the Ontario Supreme Court, with the goal of bringing a timely resolution to the ownership, responsibility, and liability issues for the Tulsequah site.
- BC is committed to remediation but there are limits to the measures the Province may take while the receivership process is still underway in the Ontario Supreme Court.
- Since 2016, BC has taken several steps to advance remediation on this site. EMPR confiscated the reclamation bond for the site and used a portion of the money to: 1) fund an Aquatic Ecological Risk Assessment and 2) secure and remove hazardous materials from the site.
- The Province has also conducted several inspections of the site since 2017, and the Chief Inspector of Mines has escalated enforcement against Chieftain to remediate issues at the site.

- In October 2017, the Chief Inspector issued an Order requiring Chieftain to provide a remediation and implementation plan for the site. This plan was submitted and received by the Province earlier this year and is currently undergoing review by technical staff.
- The Province is committed to remediating the site and holding current and past owners accountable.
- If the receivership process results in a new buyer, the new company will be required to take on full liability, comply with all existing permit conditions, and ensure its activities are protective of the environment both now and into the future. Any new owner will also have to secure operating permits from the Province before any further mining can take place on the site, and Alaska would be invited to participate in any application review processes per the Reciprocal Procedures under the SoC.

## 5) Question & Answer-- Open to the Public

Question (Q): Three years ago, at the transboundary meeting, then Minister Bennett flew to Tulsequah with the Lt. Governor. We hear that there's concern, but nothing happening. Do we have any idea as to current impacts to the water from pollutants at the site?

K. Sangha: We have been looking at impacts. The Aquatic and Ecological Risk Assessment conducted in 2016 found that the environmental risk from the mine's discharge is very localized, and the impacted areas do not extend to the BC-Alaska border.

Q: It seems like the bankruptcy process takes precedent over other regulations, and there seems to be no end to the violation of BC Water Quality Guidelines (WQG). Why can't BC step in and say the mine is not viable and no one is interested in acquiring it? Is BC prepared to accept responsibility? If we're waiting for the receivership process, there seems to be no end.

M. Zacharias: The bankruptcy proceedings are happening in Ontario. The receivership process is under Canadian federal law. We hope to be out of the receivership process soon. There are two main paths for the mine: either a buyer is eventually found and takes on the responsibility for bringing the site into compliance with environmental requirements or the mineral interests revert back into BC's hands.

Q: You say couple months, is there something you know?

M. Zacharias: We believe the receiver will eventually give up trying to find buyers.

Q: It's up to the Chief Inspector of Mines to hold accountable former owners of mines. What is BC doing with the former owner?

K. Sangha: The Province is currently focused on holding the current owner, Chieftain, accountable for the site. That said, under BC's "polluter pay model," the Province will hold all current and previous owners of the Tulsequah site accountable.

C: Attempts to close mining adits haven't always been successful as shown by the accident at Gold King Mine in San Juan Mountains in Colorado. It would behoove BC to use Tulsequah as a learning opportunity to research how best to permanently seal the adit. That'd give more information for other locations like Galore Creek.

K. Sangha: We will take that comment into consideration.

P. McGrath: After Gold King, EPA developed lessons learned dealing with hydrologic pressure with adits. A peer reviewed report is available.

C: Tulsequah Chief Mine may be a good opportunity to test those EPA recommendations.

Q: Why is an equity firm from Toronto doing the reclamation plan for a mine?

K. Sangha: West Face Capital is the primary secured creditor for Chieftain Metals (the current Mine owner). In October 2017, the Chief Inspector of Mines ordered Chieftain to produce a remediation and implementation plan for the site. West Face contracted SLR Consulting to produce this plan, which was delivered to the Province in February 2018. Provincial staff are currently reviewing the plan and will look to share it with Alaska once this review is complete.

Q: We want more than the SoC. The SoC is valid and important, but most of us look toward complementary federal governments and indigenous governments. It seems like Tulsequah is a good example of where there are many gaps in the process. In regards to the EA process in shared borders, these are international watersheds. We should do something differently like develop a review process that involves all stakeholders, looks at the area holistically, not just project by project. We feel shut out. Does the BC government support a complementary process at the federal level?

M. Zacharias: Are you pointing toward the International Joint Commission (IJC)?

C: That process exists, but it wouldn't have to be that. We want to see agreements and financial assurances. IJC probably makes the most sense, but not necessarily. The Canadian Environmental Assessment Agency (CEAA) used to have a more rigorous process, including a robust Panel Review process for projects with transboundary impacts.

M. Zacharias: BC will share contact information for individuals in the CEAA who can better speak to the federal process and any changes currently being contemplated. Regarding the BC EA process, we are looking at changes and taking public comment. Once we have the public engagement portal up, feel free to comment.

Q: You don't have to be at this meeting, and yet you are here. We thank you. I represent Southern Southeast Alaska. The Unuk River flows into our area. Can you give me assurance that the Unuk River won't end up as Elk and Kootenai Rivers in the Lower 48 have? Selenium, etc. has impacts on our fish and birds. Ultimately, this is our fear with the development of the KSM mine, can you tell us the Unuk will be okay?

M. Zacharias: The KSM mine isn't a good comparison with the Koocanusa down in Montana. In Montana there's been a 100 years of coal mining, waste rock practices, and legacy issues contributing to the problems coming from upstream. Selenium levels are elevated in the Elk River. Money is needed to address nitrates and selenium. We're hoping our processes are robust now and will prevent this kind of situation from happening again.

Q: The concerns with mining lingers long after we're gone. After Mount Polley, there was an independent panel established that made recommendations for projects in the future. Water tailing facilities and dams were discouraged in future development. KSM is moving forward with dam facilities similar to Mount Polley. Has BC taken the recommendations from the Mount Polley panel into consideration?

K. Sangha: The seven recommendations put forward by the Independent Expert Engineering Review Panel (IEERP) have been implemented through the July 2016 updates to the Health, Safety and Reclamation Code for Mines in British Columbia (the Code), as well as the new site characterization guidelines from the Association of Professional Engineers and Geoscientists of British Columbia. While KSM has their Environmental Assessment Certificate, they still need to go through permitting before commencing substantial construction and operations, and will be subject to the new requirements. Per the IEERP's recommendations and the new Code requirements, all applicants contemplating tailings facilities must now submit an alternatives assessment that considers best available technologies in their *Mines Act* permit application.

K. Moselle: Seabridge set up an independent technical review board. Some folks who served on that review board also served on the Mount Polley review board. A Best Available Tailings Technology Report is available. The report points out that the panel clarified a recommendation to say that the filter press tails was one option, not the only option for tailings disposal.

Q: If dry storage is only one of the options, are current plans for KSM to develop one of these?

K. Moselle: KSM is planning for a 3-cell tailings storage facility, with the center cell lined. Acid tails would be placed in the central cell. At closure, the two outer cells would be dewatered. The center cell would remain subaqueous for chemical stability.

Q: You said all the seven recommendations of the Mount Polley panel were implemented. If that is the case, why did Red Chris get permitted?

K. Sangha: Red Chris' South Dam permitting process was underway before the changes to the Code were brought into force. I can provide more information on Red Chris regarding timing and how the IEERP's recommendations and the Code changes were considered in the review process.

Q: Where there were subsequent changes to the Code, are there any requirements for Red Chris to meet these new requirements?

K. Sangha: Red Chris is required to satisfy all relevant Code requirements, including (for example), establishing and maintaining an Independent Tailings Review Board. I will get back to you with more information on how the requirements pertaining to BAT and alternatives assessments were factored into the South Dam permitting process.

K. Moselle: Red Chris is operated by the same owner as Mount Polley. Following the Mount Polley dam failure in August 2014, the Tahltan First Nation protested commencement of the Red Chris tailings storage facility. One of the results was that the Tahltan First Nation hired a consultant to conduct a technical review of the tailings facility for Red Chris.<sup>1</sup> Twenty-two recommendations came out of that effort. BC didn't approve commencement of the tailing storage facility until the Tahltan First Nation was satisfied.

Q: Harm is anything that exceeds Alaska Water Quality Standards (WQS) criteria. What about Alaska's revisions to Human Health Criteria (HHC), or adjustments to the copper criteria? Establishing a process to have Outstanding National Resource Waters (ONRWs) would require protection at current WQS level. No ONRW decision-making process has been established to date, with some nominations over 10 years old. What steps is Alaska taking to ensure WQS are met?

L. Hartig: The solicitation for triennial review topics was just completed. Every 3 years, DEC asks the public for topics that should be considered for the next triennial review.

A. Sayers-Fay: The HHC workgroup is looking at Fish Consumption Rates (FCR). The workgroup is waiting for a report from EPA's contractor on the methodology of calculating a FCR based on ADF&G's subsistence data. The report is anticipated to be finished this fall. Regarding copper, EPA calculates the values using the biotic ligand model. At what level does copper cause problems? It depends on other water quality factors including pH, water hardness, etc. The State looked at whether we would adopt that method. The State would need to collect a lot of data, so we didn't. We can adopt site-specific criteria to address copper as needed. Regarding ONRW, the question is whether DEC has the authority to designate. The Legislature clearly has the authority. DEC has said we'd like to have a process that gets the engagement of the public

---

<sup>1</sup> Klohn Crippen Berger Ltd. (2104) Review of Tailings Impoundment Design, Red Chris Mine Site

more systematically with the input of other agencies. The process we have now is that the Legislature can designate ONRWs.

L. Hartig: Some people think DEC has authority to designate ONRWs, and they don't want to "politicize" the process for designating ONRWs by involving the Legislature. Others disagree. There is more consensus on giving tribes and residents the right to nominate a water for a Tier 3 (ONRW) designation and having a public process for vetting nominations. Underlying the Tier 3 debate is a belief by a number of Alaskans that the state needs to do more to protect salmon habitat. There are a number of ways this concern could be addressed. The Fisheries Subcabinet is looking at it. Meanwhile, the Division of Water is moving forward with antidegradation regulations, of which ONRWs are a part. The latest regulatory revisions define ONRWs and describe the protections they get once designated. Although DEC believes it will have satisfied the federal requirements for having a process in place for designating ONRWs once EPA approves the latest regulations, we don't view that process as the end product; it is still a work in progress. We hope to be able to continue to engage with tribes, stakeholders and the Legislature to come up with a process that works best for Alaska.

C: I would encourage DEC to share the Department of Law's opinion.

L. Hartig: We don't have a formal legal opinion. Regardless, policy issues ultimately drive the decision on who designates ONRWs.

Q: If the State designates a Tier 3 water that crosses an international boundary, how do we address it?

L. Hartig: Crossing a state boundary has happened. We haven't addressed crossing an international border.

A. Sayers-Fay: There are court cases on waters that cross state boundaries. There is an obligation for the upstream state to not change the water quality at the boundary.

Q: When will a revised fish consumption rate be offered? Are you taking tribal surveys, like Seldovia, into account?

A. Sayers-Fay: There are more pieces to the HHC than just the FCR. But for FCR, yes we have looked at the data from the survey done by Seldovia. We've also partnered with the DF&G Division of Subsistence to look at the data they have collected through their dietary survey work and asked DF&G to apply their (DF&G) methodology for deriving fish consumption rates from harvest data. EPA owes DEC a report on the validity of the DF&G subsistence harvest data for use in deriving fish consumption rates. At some point, the State will decide through a public rule-making process what FCR is appropriate.

Q: Any timeline or goal on when there will be a Tier 3 process?

A. Sayers-Fay: Two years ago, there was a bill in the Legislature. The bill went in very different directions in the Senate and House. Governor Walker said we needed more engagement with tribes and the public to try to build more consensus, and ultimately he asked the Legislature to pull the bill. The Division of Water convened four public meetings in different locations in Alaska to have more discussion on potential Tier 3 options. There's a report on the DEC website that summarizes what we heard. The challenge is we have two camps of thought and no consensus after the additional outreach. DEC is talking to other state agencies ideas about different approaches. Considering all the other fish-related issues, election, etc., it is unclear whether there will be legislation next year. If others have ideas on this topic, we'd be happy to hear them.

L. Hartig: The underlying concern is protecting fish and fish habitat. If we can't get everyone satisfied with Tier 3 process, are there other areas where we can still deliver?

Q: Is there a process in BC to elevate protections along lines of Tier 3 designation?

M. Zacharias: We have designated rivers. The onus is on BC to manage. We are looking at water use objectives that set additional standards on watersheds for certain values. It will probably roll out with the new administration.

C: King salmon is in decline. The Unuk, Stikine, and Taku Rivers provide 80% of king salmon to Southeast Alaska. This puts pressure on keeping freshwater viable. We need tools to protect our king salmon.

M. Zacharias: The Canadian federal government recently made a 30% cut in the chinook harvest mainly to ensure enough food for resident orcas.

Q: I have some familiarity with Montana (MT). How does BC look at US water quality standards (WQS) in MT?

M. Zacharias: There is no pan-Canadian process. WQS are looked at on a case by case basis. Canada has always had an outcomes-based permitting system using guidelines that inform permitting. BC and MT are jointly developing site-specific criteria for an entire lake.

Q: Will the Water Use Objectives give special attention to salmon bearing streams?

M. Zacharias: We'll get back to you on that question.

C: The Palmer Project near Haines would flow into the Chilkat River and could hurt the salmon there.

BREAK [BC representatives leave at this time to make it to the airport]

Q: Will DEC have to adopt the new EPA national standard for selenium?<sup>2</sup>

K. Moselle: For KSM, selenium was identified as a parameter of concern during EA process. The Environmental Assessment Certificate required a plan including a required bioaccumulation model for selenium. Seabridge engaged in aquatic sampling and bird egg sampling for site specific bioaccumulation models and proposed a science-based benchmark for selenium models.

Q: Does Alaska play a role with regard to the discharge of selenium? What's the process for involvement? Is there a way to involve fishermen, etc. on the Alaska side of the border?

K. Moselle: The baseline studies were for planning purposes. For KSM to discharge, they need a permit from BC. The permit includes public notice so Alaska would engage, yes.

C: In the Elk River, the standards are not being met.

P. McGrath: EPA will sometimes review discharge permits Canada writes if there are issues. I've reviewed old Tulsequah permits. One difficulty is knowing when the public comment period is.

Q: There is a large man camp up there already. Where's that camp discharge going? Does the exploration permit deal with that?

K. Moselle: I've been to the camp, but I don't know if it has a discharge. The camp is on the Unuk side.

[BC clarification: there are currently two camps on site: the main camp which was established approximately 15-20 years ago, and a smaller high elevation camp that was established this year to support high elevation

---

<sup>2</sup> The conversation moved on before this question was directly answered. DEC is currently reviewing the 2016 EPA-recommended value and considering adoption as part of the larger Toxics update rulemaking that would include HHC and ammonia.

drilling. There are approximately 65 people on site currently between the two camps, and the camps do not produce any discharge.]

Q: Going back to the reciprocal procedures (RPs), please explain and give concrete example of how that brings better results. You implied that these offer us a better process in terms of getting our needs met.

K. Moselle: The objective of the RPs was to ensure procedures for notification from BC to Alaska and an opportunity to engage in technical work groups. When an EA is required, Alaska is invited to the technical work group which reviews the Environmental Impact Statement (EIS). Alaska has 30 days to respond to BC on whether we'll sit at table with the technical work group. If Alaska says yes, we can review the EIS.

Q: Whether we sit at table, that's your decision?

K. Moselle: When I get a notice, I send it to DEC, DNR, and ADF&G and elevate to the Lt. Governor's transboundary work group, and they'll direct us. That's the EA side. The other RPs side is permitting. For example, when a permit is required, the Major Mine Permit Office (MMPO) notifies the mine review committee. If we say yes, my team plugs in. The reciprocal piece of the RPs hasn't been implemented yet, because projects in Alaska rarely have the potential to impact BC.

L. Hartig: The Memorandum of Understanding (MOU) between AK and BC includes more areas of potential collaboration than protection of transboundary waters from mine discharges. For example, diesel shipments that go to Alaska go along BC's west coast. There have been incidents that've gotten attention in BC, raising concerns about the risk of fuel being spilled and impacting their communities. The MOU includes marine transportation safety as an area of collaboration.

Q: It's nice that there's RPs. We wrote a letter to Gov. Walker asking the State to join the US federal delegation to encourage communication at State Department level with the Trump Administration. Where's the Walker Administration on need to engage the State Department on transboundary issue at the federal level?

L. Hartig: We plan to continue to work under the SOC with BC. We will welcome federal support and participation. We recognize we might encounter topics that can't be dealt with effectively at the state/provincial level. But, in these instances, what we do at the AK/BC level will probably help inform what's done at the federal level.

Q: Are tribes going to be involved? BC has a Guardian Watchman Program.

L. Hartig: The Lt. Governor has stated he is open to the idea of a multilateral arrangement that includes representations from Alaska tribes and First Nations in BC.

Q: Is there a plan for a pipeline to terminate in Hyder?

L. Hartig: My understanding is there is no tangible proposal currently on the table.

Q: Are we talking about a petroleum pipeline?

L. Hartig: Yes.

Q: Why doesn't BC require a full bond?

L. Hartig: We understand BC is doing a review of their financial assurances and looking at the adequacy of the amounts. We upped our amounts in 2006. Currently, BC applies a risk factor to adjust the amount of the financial assurance. We understand this is also being reviewed.



[BC clarification: In 2017, BC commissioned Ersnt and Young to complete a review and provide recommendations to inform an updated reclamation security policy. This report is publically available [here](#).]

P. McGrath: Does BC make financial assurance amounts public?

K. Moselle: No, they're considered confidential and proprietary. The mine operators can release that information if they want.

[BC clarification: Beginning in 2016, a summary of the reclamation liability estimated by major mines in their annual reclamation reports and the current reclamation security held by the Ministry of Energy, Mines and Petroleum Resources can now be found in the [Annual Report of the Chief Inspector of Mines](#).]

C: There is a report by Robyn Allen for the Alaska Legislature that the amount of financial assurances Teck is required by Alaska to have for the Red Dog Mine is more than the sum of the financial assurances for all of its 13 mines in BC, including heavily polluting mines. Our understanding is that it's law in BC or policy that the chief inspector of mines determines how large the reclamation bond is.

L. Hartig: We want to get good understanding of what changes BC is planning to their financial assurance requirements. They are working on a summary for us. This topic will be on the agenda for the next Bilateral Work Group meeting. We're sharing with BC what we do in Alaska. We also have good summaries on what other states require for financial assurance.

Q: Looking at the Oil Spill Response Fund setup by the 1990 Oil Pollution Act, the fund builds up so much money, they don't have to tax anymore. Is there a model of doing that for the mining industry? Big insurance policy?

L. Hartig: The fund you mention was created under U.S. federal law. Alaska also has a \$50 million response fund it created to be able to address spills that pose an imminent and substantial threat to human health or the environment. These funds are used to respond to threats. The financial assurances we have been discussing generally address making sure there is always funding available for needed maintenance, repair, treatment and other on-going operations.

L. Hartig: We probably don't have time this afternoon to get too deeply into a discussion on the joint monitoring effort and don't have all the people here we might want for that discussion. One option might be to have a separate workshop on monitoring this fall.

Q: Has there been a newsletter? Who's the target? We haven't received it.

D. Rogers: There's been only one. Another newsletter is coming soon. The last newsletter is posted on the Lt. Governor's website. We'll email the next one out to people on the signup sheet from today's workshop.

Q: I understand that budgets have been cut. Are you getting any money from Seabridge?

L. Hartig: For monitoring, we're getting some help with federal dollars. We don't have any funding agreements with transboundary mine operators. We had agreements with Seabridge in the past. We are working on a request to the federal delegation for joint monitoring. EPA's trying to steer money to us.

K. Moselle: There is no current funding agreements with transboundary mine operators. We have had funding agreements with Seabridge from 2008 to 2014 for about \$25,000/yr. They received their EA Certifications in 2014. We got a small amount (\$2,500) from Pretium to participate in the Brucejack review. Since the signing of the MOU and SoC, we haven't pursued funding from the BC project proponents.

C: Maybe it might not be a good idea to accept money from them.

K. Moselle: Agree. The current policy is not to pursue funding agreements from the project proponents.

Q: There are some work groups mentioned in the SoC. What are the terms of reference?

L. Hartig: The Transboundary Working Group on Monitoring (TWG-M) produced a program description and two-year work plan, which are available on the Lt. Governor's transboundary website.

Q: How does the public know when the State is engaging on a BC mine permit?

K. Moselle: The process is kind of like NEPA cooperating agency. The State doesn't control the process; we are one participant in it. I'm open to discussing how Alaska citizens can engage in the process. The process still needs to be worked out. Would folks in the room rather comment to the BC Ministry of Environment, or somehow work through Alaska or both? That gets to the communication plan. In Alaska's technical comments to BC, DNR/OPMP is not speaking for all Alaskans, just for the State agencies' perspective.

C: I have submitted science-based comments to BC and have not seen it on the web or have had a response. I would rather go through Alaska.

C: We echo that. It's great that efforts are underway. I want to get on a list to be notified when comment periods are open.

K. Moselle: Let's exchange information. I'm open to meeting during a review period and find where we may have common concerns. Interested parties should still comment to BC.

Q: For years now, we're considered stakeholders in the BC process. These projects will directly affect us. Patty and Kyle, what's the ideal role or process?

P. McGrath: It used to be that the agency (EPA) just submitted comments as any other commenter. Now there's a willingness to include federal and state agencies in working groups. We are seeing invitations to tribes now for EAs. For example, a MT State tribe received invitations from the EAO to participate in working groups for two proposed coal mine EAs in BC. Next week, EPA is meeting with CEAA to talk about proposed changes to its impact assessment act and how it impacts transboundary issues.

K. Moselle: In 2006 for the Galore Creek project, Alaska was at table for the first time with the BC Environmental Assessment Office (EAO). EAO staff came to Wrangell and Petersburg and had open houses. When I picked up transboundary in 2012, my counterparts hadn't heard about that. There is better continuity under the SoC. The State is pushing for more public meetings in Alaska.

Q: Did the State participate in the Red Chris EA?

K. Moselle: The EAO cited our participation, but we didn't actually participate in the technical working groups from what I can find in our project files. More recently, we participated in the amendment process for the Red Chris south tailings dam.

C: People want a way to participate in meetings like this. Remote/teleconference access should be provided.

Q: Considering elections, what will happen with Lt. Governor's website and all the information there?

D. Rogers: We are looking at establishing a workgroup of agency staff who can maintain the webpage, identify possible improvements, and ensure that the information remains.

C: There are concerns with mining in the Yukon Territory with four old closed mines, then the proposed Casino Mine. There are 42 tribes along the Yukon River. They live off salmon. We are concerned about habitat.

L. Hartig: We are working with the Yukon government on an arrangement like we have with BC. We recognize Yukon Territory is different than BC and so some of the terms of the MOU with the Yukon Territory will probably be different.

**The meeting adjourned at 3:30 pm.**