

AGENDA: B.C./AK Bilateral Working Group

Thursday, September 24, 2020 - 2:30 PM – 4:00 PM PST; 1:30 PM – 3:00 PM AKST
Video Conference via Microsoft Teams

Invitees:

British Columbia (B.C.):

- Kevin Jardine, Deputy Minister of Environment and Climate Change Strategy (ENV)
- Fazil Mihlar, Deputy Minister of Energy, Mines and Petroleum Resources (EMPR)
- Laurel Nash, Assistant Deputy Minister, Environmental Protection Division (EPD), ENV
- Peter Robb, Assistant Deputy Minister, Energy, Mines, Competitiveness and Authorizations, EMPR
- Nathaniel Amann-Blake, Assistant Deputy Minister, Mines Health, Safety and Enforcement, EMPR
- Anthony Danks, Executive Director of Strategic Policy, ENV
- Jennifer Anthony, Director, Special Projects, EMPR
- Lisa Paquin, Director, Intergovernmental Relations, Strategic Policy Branch, ENV
- Greg Tamblyn, Water Quality Section Head, Regional Operations, EPD, ENV
- Gabby Barwin, Senior Advisor, Policy and Competitiveness, EMPR
- Audrey Roburn, Senior Policy Advisor, Strategic Policy Branch, ENV

Alaska (AK):

- Commissioner Jason Brune, Department of Environmental Conservation
- Commissioner Doug Vincent-Lang, Department of Fish and Game
- Deputy Commissioner Emma Pokon, Department of Environmental Conservation
- Deputy Commissioner, Brent Goodrum, Department of Natural Resources
- Deputy Commissioner, Ben Mulligan, Department of Fish and Game
- Kyle Moselle, Executive Director, Office of Project Management and Permitting, Department of Natural Resources
- Kate Kanouse, Regional Supervisor, Department of Fish and Game
- Terri Lomax, Program Manager, Water Quality Standards, Assessment and Restoration, Department of Environmental Conservation

SUMMARY:

1. Welcome and introduction of Bilateral Working Group (BWG) members and guests
2. Review and approval of agenda
 - Agenda approved by British Columbia (B.C.) and Alaska (AK).
3. Working Group Update

Proposed amendments to the Communication Plan

- The Communications Plan was one of the four deliverables that was envisioned under the Statement of Cooperation on the Protection of the Transboundary Waters (SOC) and hasn't been revisited since it was first developed in 2017.
- B.C. and AK staff undertook a review of the Communications Plan and made suggested revisions based on current practices between the two jurisdictions, as well as added a component on how preliminary materials and record requests are handled.
- The Communications Plan now includes reference to AK and B.C.'s respective request for information legislation.
- AK and B.C. presented the changes to the BWG members and proposed the revised Communication Plan be considered for adoption.

- **ACTION:** AK and B.C. will submit the revised Communications Plan to their respective leaders for approval.

Transboundary newsletter topics for 2020

- The Transboundary Newsletter is developed as a part of the Communications Plan. The first issue was published in 2017, with an issue published every year since.
- The topics in the 2019 issue included the following:
 - B.C.'s *Environmental Assessment Act* Update;
 - Building Relationships and Transboundary River Monitoring (B.C. Update);
 - Water Sampling in the BC-AK Transboundary Watersheds (AK Update);
 - Transboundary Mine Updates (Johnny Mountain, KSM, Tulsequah, Brucejack, Galore Creek and Red Chris); and
 - Transboundary Mining-related Events.
- The proposed topics for the 2020 issue include the following:
 - B.C.'s *Mines Act* Amendments;
 - Establishment of EMPR's Audit Unit;
 - Transboundary Mine Update (Galore Creek, Red Chris, Brucejack, KSM);
 - Technical Working Group on Monitoring Status Report; and
 - Tulsequah Update.

Updated Tulsequah website

- Staff recognized the need to update the B.C. Tulsequah website to reflect compliance and enforcement efforts in the past few years.
- Updates include new correspondence and orders, recent relevant reports, the Closure and Remediation Plan. Most recently posted is a letter from the Province to Chieftain informing the company of the ongoing efforts at the site, as well as the lien against the assets and the site.
- The Closure and Remediation Plan is intended to form the conceptual approach and strategy for next steps at the mine.
- Once a decision is issued by the Chief Justice, it will be posted to the site for interested stakeholders to view.

4. B.C. Update

Tulsequah Chief Mine update

- Treasury Board approved EMPR's funding request to carry out initial remediation work at Tulsequah. Efforts have already been made this past summer towards assessing what work is most critical to address in the short-term.
- Workers were on site at the time the BWG meeting took place and will work until the weather permits.
- Taku River Tlingit First Nation has been working closely with EMPR throughout the process.

- **ACTION:** B.C. will report out on progress made at the Tulsequah site in 2020.
- Before B.C. pursues a course of action for the remediation of the site, the Province is focused on the receivership process which has been ongoing since 2016.
- B.C. participated in a virtual court hearing held by the Ontario Superior Court in August 2020 to determine the conditions under which the receivership could be terminated, and a decision is anticipated soon.
- AK extended the offer to B.C. to coordinate an event where B.C. can present Tulsequah updates to AK stakeholders and interested parties. The event would provide an opportunity for AK citizens and stakeholders to ask questions about the Closure and Remediation Plan and any proposed site work.
- **ACTION:** AK to coordinate an event where B.C. can present Tulsequah update to AK stakeholder and interested parties.
- If an event like this does take place, it will have to be in the new year due to the snap election in B.C. in October.

Overview of the Mines Act amendments

- The *Mines Act* amendments sought to address findings from the 2016 Auditor General's Report on Compliance and Enforcement in the Mining Sector.
- \$20M investment was made towards staffing levels and the separation of the mining divisions, which established a new division focused on health, safety and enforcement. Those changes have also been reflected in the amended Act.
- In addition to the establishment of a Chief Permitting Officer, a Chief Auditor has also been created, along with provisions which set out their powers, responsibilities and limits.
- The responsibility to perform financial audits and performance audits still remains with the Auditor General of B.C., but EMPR now has an in-house Audit Unit and will be able to provide a practical lens working with mining experts to review how B.C. is doing.
- B.C. informed AK of the Audit Unit's first audit (tailings storage facilities) during the January 2020 BWG meeting, and staff from the Audit Unit have since met with Kyle Moselle to provide further information on the Unit and the first audit.
- **ACTION:** B.C. committed to walk AK through the final audit report on tailings storage facilities once it is publicly available.
- The amendments passed in August separate the accountabilities by making them clear in law, strengthen enforcement provisions, and better position B.C. with administrative penalties.
- Questions were raised regarding the status of B.C.'s mining reclamation security policy. B.C. advised that the authority for a decision on bonding rests with the Chief Permitting Officer, and that the supporting policy is in development.

- **ACTION:** As part of their internal evaluation of B.C. policies related to mine reclamation securities, B.C. will reach out to AK to understand components of AK's reclamation security policy.

Transboundary Project Update

- **Red Chris:** Red Chris has been purchased by a new mining company, Newcrest (Newcrest) Mining. There are currently plans for them to go underground for a long-term mine and B.C. views Newcrest as a long-term partner in B.C.
- As we get into reviews, we will invoke the BC-AK agreements, and it might be an opportunity for a trip to look at large scale block caving, which Newcrest is proposing.
- Kyle Moselle visited the site a few years ago and noted the Mine Review Committee was held last week and he is fully plugged into the phase 2 amendment for the block cave proposal.
- **KSM:** KSM has recently asked the Environmental Assessment Office (EAO) for an extension of their Environmental Assessment Certificate (EAC) by at least two more years due to challenges posed by the COVID-19 pandemic. The EAC was previously extended in March 2019, to July 2024. The decision is pending.
- **Brucejack:** Work is still carrying on at Brucejack and the company is still very engaged and putting effort into drilling. AK staff are well aware of the status of the project.
- **Galore Creek:** Efforts at the site have been dialed back and not much exploration work was undertaken during the summer. The project is newly co-owned by Newmont in addition to Teck.

5. B.C.-AK Transboundary Rivers Monitoring Program (TWG-M) Update

- Two reports will be presented to the BWG -1. Technical Monitoring Review – summarizing data/ monitoring results, 2. Program Review- outlining work on the monitoring program activities described in the Statement of Cooperation, e.g. data validation, engagement with Tribes and First Nations, recommendations.
- Drafts of the reports have been shared for review and comment with First Nations in B.C. and will be shared with Tribes in Alaska shortly.
- The TWG-M is aiming to have the final products ready for BWG review in January 2021, which will include recommendations for the future.

6. Plans for next BWG meeting

- The role of the BWG secretariat was transitioned from EMPR to ENV for the 2021 calendar year.
- To continue with the semi-annual format, the next meeting will be scheduled for either January or February 2021.
- **ACTION:** B.C. will draft the September BWG meeting summary and share it with AK for review and approval.

Action Items:

- AK and B.C. will submit the revised Communications Plan to their respective leaders for approval;
- B.C. will report out on progress made at the Tulsequah site in 2020;
- AK to identify opportunities for events or conferences where B.C. could be invited to provide a presentation on Tulsequah to AK stakeholders and other interested parties;
- B.C. will walk AK through the final audit report on tailings storage facilities once it is publicly available;
- As part of their internal evaluation of B.C. policies related to mine reclamation securities, B.C. will reach out to AK to understand components of AK's reclamation security policy; and
- B.C. will draft the September BWG meeting summary and share it with AK for review and approval.