



2023 Midyear Convention Worley, Idaho

Resolution #2023 – 31

“Transboundary Mining Impacting Tribes and Nations in the US and Canada”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, the Government of Canada is experiencing an unprecedented expansion of commercial mining operations and facilities which adversely affect the ceded and unceded lands, homelands, and territories of First Nations and federally-recognized Tribes; and

WHEREAS, the headwaters of multiple rivers originate in Canada and flow through First Nation and tribal territories, with several rivers in the Province of British Columbia (BC) flowing downstream into the States of Alaska, Washington, Idaho and Montana; and

WHEREAS, these Tribes and Nations rely upon the pristine waters of those territories and lands for survival, sustenance, transportation, health, spiritual wellness, culture, community and economy; and

WHEREAS, some of the largest mines in the world are currently operated in BC, and BC proposes additional new or expanded mine operations located in the transboundary watersheds that sustain communities in Alaska, Washington State, Idaho, and Montana; and

WHEREAS, there are at least 172 tailings facilities at mines across the province of BC storing billions of cubic meters of toxic tailings behind some of the highest dams in the world, and as many as 42 of these mines are in transboundary watersheds, many with substantial risk of failure including the potential for loss of human life; and

WHEREAS, over 30 U.S. Tribes, BC First Nations, tribal associations and communities in the States of Alaska, Washington, Idaho, and Montana, have been and are actively voicing their concerns that BC mining upstream of their traditional lands could place at risk not just downstream economic interests, but also their traditional ways of life and their very culture; and

WHEREAS, the Government of Canada and the Province of BC have not properly sought consultation with downstream U.S. Tribes located in Alaska, Washington, Idaho, and Montana regarding ongoing and future harm from upstream mining in the province; and

WHEREAS, events such as the catastrophic failure of the tailings storage facility at Imperial Metals' Mt. Polley mine in BC, and at two sites in Brazil have raised worldwide awareness of the hazards associated with these facilities impounding saturated tailings, and the persistent concerns raised by BC First Nations, U.S. Tribes, and experts regarding the growing legacy of tailings mine waste being stored at mines across the province; and

WHEREAS, over a century of open-pit coal mining in British Columbia's Elk Valley has resulted in selenium concentrations in the Elk-Kootenai watershed that already vastly exceed levels permitted under Montana, Idaho, and U.S. law, and has already damaged the integrity of these transboundary and traditional waters, and threatens to cause irreparable harm to fish populations; and

WHEREAS, within the ATNI region multiple aquatic species, including, but not limited to, four species of Columbia River Basin salmon and steelhead, bull trout, and Kootenai River white sturgeon, are currently listed as endangered under the Endangered Species Act (ESA) of 1973, with the potential for additional ESA listings in the future with the ongoing further destruction or adverse modification, including pollution or contamination, of aquatic habitats; and

WHEREAS, Canada and British Columbia have a legal and ethical obligation to protect transboundary waters and the communities they sustain, as established by Canada's ratification

of the Boundary Waters Treaty of 1909, through the adoption and implementation of the Canadian national government and the provincial government of BC of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP); and

WHEREAS, the Government of Canada and the Province of British Columbia have been resistant to meeting their obligations under the Boundary Waters Treaty of 1909 to prevent disputes regarding the use of transboundary waters and prohibit pollution on one side of the boundary that would cause injury to life or property on the other side; now

THEREFORE, BE IT RESOLVED, that we, the members of ATNI, call upon the Government of British Columbia, as one of the many Canadian jurisdictions where mines in the transboundary watersheds are regulated, to act immediately to protect the transboundary watersheds and all who depend on them from the impacts of mining by:

1. Implementing UNDRIP, including the principle of Free, Prior, and Informed Consent, in all Indigenous communities and for all Indigenous Peoples, including, but not limited to, those in the States of Alaska, Washington, Idaho, and Montana; and
2. Expediting efforts under the BC Declaration Act to incorporate reforming mining related laws and regulations into conformity with UNDRIP; and
3. Mandating Indigenous and community consent before building, expanding or closing mine waste facilities; prohibiting mine waste dams immediately upstream from communities and sensitive ecosystems as they are at greater risk of failures, especially in high seismic and precipitation areas; prohibiting 'upstream dams' which have a high risk of failure; and establishing an industry financed pooled fund for unforeseen disasters to mitigate future downstream disasters on both sides of the international border; and

BE IT FURTHER RESOLVED, that we, the members of ATNI, call on the Government of Canada and the Province of British Columbia to consider the transboundary impacts of current and future mining operations in a comprehensive manner, working jointly with U.S. Tribes and First Nations and the Government of the United States to evaluate mining impacts on livelihoods and cultural practices, including commercial fisheries, sport fisheries and overall food security; and

BE IT FURTHER RESOLVED, that we, the members of ATNI, call upon the Government of Canada to honor its obligations under the Boundary Waters Treaty of 1909, including through the issuance of a Reference to the International Joint Commission to address the ongoing selenium contamination crisis in the Elk-Kootenai watershed and create an international, Indigenous-led Watershed Board to oversee transboundary mining impacts in those waters, as has been sought by Tribes, First Nations, and the Government of the United States and currently rejected by the Government of Canada, as well as any additional References as may be necessary in other regions along the U.S.-Canada border; and

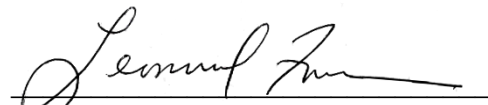
BE IT FURTHER RESOLVED, that the Governments of the United States honor the trust responsibility to Tribes by working with Canada at the highest levels, to utilize any and all powers under the US-Canada Boundary Waters Treaty of 1909 to ensure that tribal cultural

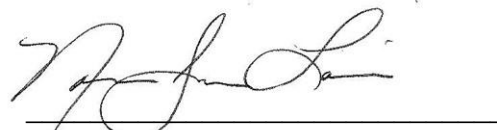
existence and community health are not harmed by upstream development in BC, through both international forums for dialogue, scientific study, and the identification of specific actions to secure long-term protections of these shared transboundary watersheds and through obtaining adequate financial assurances, including a fund established by the BC government to compensate downstream interests, should harm arise; and

BE IT FINALLY RESOLVED, that this resolution should be forwarded to the National Congress of American Indians for consideration and vote.

CERTIFICATION

The foregoing resolution was adopted at the 2023 Midyear Convention of the Affiliated Tribes of Northwest Indians, held at the Coeur d'Alene Casino Resort - Hotel in Worley, Idaho, on May 8-11, 2023, with a quorum present.


Leonard Forsman, President


Norma Jean Louie, Secretary