Message

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Sent: 3/19/2019 5:36:06 PM
To: Skorupa, Joseph [joseph_skorupa@fws.gov]
Subject: FW: Flathead Beacon article on Lake K

In case you didn't get this from other sources…

Tonya

https://flatheadbeacon.com/2019/03/18/tribes-request-stringent-standards-pollutants-lake-koocanusa/

A joint council of tribes is urging Montana, Idaho and British Columbia to adopt a more protective water quality standard to protect fish species in Lake Koocanusa due to the increasing threat of upstream mining contaminants rushing into the prized watershed from Canadian coal mines.

It's an unusual move that speaks to the urgency of tribal nations' concerns surrounding toxic pollutants spilling across the international border into shared aboriginal waters in the Elk and Kootenai rivers that form the sprawling transboundary reservoir, where concentrations of hazardous waste continue to increase.

In a letter to Gov. Steve Bullock, D-Montana, as well as Gov. Butch Otter, R-Idaho, and British Columbia's Environment Minister George Heyman, leaders of the Confederated Salish and Kootenai Tribes (CSKT) have formally requested that the state and provincial governments adopt a more stringent standard governing the mining contaminant selenium, joining with the Ktunaxa Nation Council and the Council of the Kootenai Tribe of Idaho in making the request.

"We are reaching out at this time to share new concerns about the health and protection of the fish species that live in Koocanusa Reservoir and downstream in the Kootenai watershed," the letter states. "Based on the amount of selenium in tissues of multiple species, the uncertainties around impacts to those species based on selenium in their tissues, and the number of years still before a site-specific target is in place for Koocanusa, we believe that a more conservative approach is required to protect the aquatic ecosystem throughout the Reservoir on both sides of the border. It is our recommendation that a lower selenium criteria should be established on an interim bases until the longer-term target is set in 2020."

The joint council previously asked the federal government to refer the impaired watershed to the International Joint Commission (IJC), which is tasked with resolving transboundary water disputes under the 1909 Boundary Waters Treaty.

Last year, the two U.S. representatives serving on the IJC wrote a letter to the U.S. State Department criticizing Canada's three IJC representatives for their refusal to endorse a report showing harmful effects to aquatic life and human health as a result of pollution stemming from coal mines owned and operated by Teck Resources Ltd, which owns and operates five open-pit, truck-and-shovel mines, with plans for expanding their footprints.

The letter this month from the joint council of tribes is the latest call to action to address an ongoing problem brewing in the transboundary Kootenai River watershed, where toxic contaminants leaching from the coal mines situated upstream on the Elk River are flowing south through the Rocky Mountains before joining the Kootenay River in Canada and converging in Lake Koocanusa.

Scientific research shows the contaminants are poisoning a culturally and ecologically sacred aquatic ecosystem, while progress to address the alarming levels of hazardous mining waste has been slow, both on the part of Teck and the Canadian government.

In 2013, the B.C. government ordered Teck to address the issue of contaminants in the Elk River drainage, resulting in the Elk Valley Water Quality Plan and Technical Advisory Committee. The committee was composed of leading scientists from provincial, state and both Canadian and U.S. federal governments, along with Teck's staff and contractors. Representatives of the Ktunaxa Nation were also at the forefront of the committee.

In 2015, a collaborative research and monitoring group called the Lake Koocanusa Monitoring and Research Working Group (LKMRWG) was developed with the task of determining how to manage the effects of the mining contaminants and coordinating efforts between agencies in the U.S. and Canada as they grapple with adopting a new standard for selenium.

In its recent letter, the joint council of tribes asked for a more stringent selenium criteria of 1.5 micrograms of per liter (ug/L) until the site-specific standard is determined, an objective that aligns with the U.S. Environmental Protection Agency's standard.

"This concentration is consistent with the monthly average exposure water quality criteria developed by [EPA in 2016]," the letter states. "To support achieving this objective/criteria in the reservoir, we are further recommending to the Province of British Columbia that Teck be required to initiate mitigation planning and implementation to reduce further loading of selenium into Koocanusa Reservoir in order to achieve the interim objective and prevent further degradation of the aquatic environment."

Richard Janssen, head of the Confederated Salish and Kootenai Tribes' Department of Natural Resources, said Montana's delay in adopting a more stringent standard has put the state's waters and its aquatic species at risk, particularly as selenium water quality levels have exceeded 2 micrograms per liter at the international boundary.

"Lake Koocanusa is part of our aboriginal territory, and the only thing that has changed is Teck has continued to expand its mining operations and water contaminant trends have continued to increase," he said. "So that translates into further degradation of the natural resources that are important to these three tribes."

According to a statement from EPA spokesperson Lisa McClain-Vanderpool, state regulators have not delayed adopting a standard.

"Rather, they have been working with the British Columbia Ministry, stakeholders and selenium experts to derive a site-specific criterion that is protective for Lake Koocanusa," she stated. "This scientific deliberation takes time, and it is continuing to proceed. The EPA is supportive of this process and believes it will result in the most appropriate, protective and scientifically defensible selenium standard for the lake."

According to Canada's Ministry of the Environment and Climate Change, the agency has committed to amend the long-term selenium target of 2 ug/L in Lake Koocanusa "should sound science and the results of the Lake Koocanusa Monitoring and Research Working Group's work identify a more appropriate target that is suitably protective of aquatic ecosystem health."

The LKMRWG is targeting 2020 to deliver recommendations for a revised selenium target to the LKMRWG Steering Committee.

According to Chris Stannell, Teck's senior communications specialist, the company is conducting water-quality monitoring stories at 100 stations in the Elk Valley, and is "committed to taking the steps necessary to achieve the objectives of the Elk Valley Water Quality Plan (EVWQP) and stabilizing and reducing selenium levels in the Elk River watershed and Koocanusa reservoir."

"We have worked closely with the Ktunaxa Nation Council, as well as governments and regional stakeholders, through both the development and ongoing implementation of the EVWQP," he said. "We look forward to continued collaboration as we work towards the shared goal of a healthy environment, and ongoing sustainable mining in the Elk Valley."

However, Janssen said the tribes haven't had a seat at the table nor have they participated in the LKMRWG, even as the EPA has a federal trust responsibility to the tribes.

"The EPA recognizes the tribes' interest in seeing a more protective standard in place," McClain-Vanderpool said. "In response to the letter, we intend to follow up with conversations with the tribes and the state. Once we have had these conversations, we will be in a better position to respond to the request noted in the letter."

Similarly, officials with the Montana Department of Environmental Quality (DEQ) emphasized the agency's commitment to the tribes, and said its process of adopting a site-specific standard remains underway and on track.

"We have always been committed to a five-year process to arrive at a lake-specific standard," Karen Ogden, a DEQ spokesperson, said. "We are on a solid path to that, and the tribes are certainly important in that process."

Eric Urban, the DEQ's Water Quality Planning Bureau chief, said the agency is using a modeling framework for scientific collection and analysis of selenium data in Lake Koocanusa to develop a numeric protective water quality standard that is specific to the reservoir and its particular suite of aquatic species.

The trouble with regulating selenium isn't that it's difficult to measure, he said, but that its behavior varies widely depending on whether it's in a river or a lake, while its effects on fish and bird species also depend on a variety of factors.

"All of the data needed for the model has been collected and it's now a process of putting that data through the model," Urban said. "One fish species doesn't accumulate selenium the same as another fish species, and EPA's recommended approach is to develop a site-specific number because local conditions vary."

Still, Janssen, with CSKT, as well as leaders of the Ktunaxa Nation and the Kootenai Tribe of Idaho, said their concerns continue to persist in the interim, especially given that progress to address the alarming levels of hazardous mining waste has been slow and exclusive of the tribes.

"Our concern is that the risk to fish and wildlife, to cultural resources and to species important to human health is not being looked after," Janssen said.