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Tribal and First Nation governments of the Transboundary Ktunaxa Nation send President Biden and Prime Minister Trudeau their solution to address mining pollution in the Elk-Kootenai/y Watershed

The Ktunaxa Nation urges Biden and Trudeau to hold to their earlier promise as the deadline looms to reach an “Agreement in Principle” on this issue by the end of the summer.

On July 20, the leadership of the transboundary Ktunaxa Nation — the governments of ʔakisq̓nuk; ʔaq̓am; Yaqan Nuʔkiy; Yaqit ʔa·knuq̓hiʔit; Kupawiq̓q̓nuk [Ksanka Band, Confederated Salish and Kootenai Tribes]; and ʔaq̓anq̓mi [Kootenai Tribe of Idaho] — submitted a proposal to Canada and the U.S. to address long-standing mining pollution in the Elk-Kootenai/y watershed.

For decades, five massive open-pit coal mines located in the Elk Valley of southeast British Columbia have leached selenium, nitrate, and sulphate into the Elk and Kootenai/y rivers — impacting the waters that are woven into the heart of ʔamakʔis Ktunaxa (Ktunaxa Territory) and that are vital to the transboundary Ktunaxa Nation and residents of British Columbia, Montana, and Idaho. Since 2012, Ktunaxa leadership have been urging Canada and the U.S. to address this water quality pollution.

This past March, President Biden and Prime Minister Trudeau finally committed to work with the transboundary Ktunaxa to “reach an agreement in principle by this summer to reduce and mitigate the impacts of water pollution” in the watershed ([full statement available here](#)).

With the end of summer deadline looming, the Ktunaxa proposal offers a promising way forward.

“Our proposal contemplates the full involvement of our Nations in building long-term solutions to this problem,” said Ktunaxa Nation Council Chair Kathryn Teneese. “As the stewards of this place for more than 10,000 years, there can be no solutions or assessment of this watershed without deep and meaningful partnership with the Ktunaxa ʔaqłsmaknik.”

The Ktunaxa proposal includes a reference to the International Joint Commission (IJC), along with a Ktunaxa-Federal action plan. This “two-pronged approach” is based on (1) the need for an IJC-established Watershed Board to conduct an independent, transparent, and accountable scientific assessment of pollution in the watershed and perform ongoing monitoring, and (2) the parallel need for Ktunaxa-Federal action to implement solutions, restore the waters, and address current violations of the *Boundary Waters Treaty*, the U.S. *Clean Water Act*, and the Canadian *Fisheries Act*.

“Canada and the U.S. created the IJC over a hundred years ago, under the *Boundary Waters Treaty*, to address transboundary water issues exactly like this one. Our solution includes this IJC process because it is transparent, inclusive, and accountable,” said Chairman Tom McDonald of the Confederated Salish and Kootenai Tribes. “We’ve also included an action plan in addition to the IJC process because we recognize there is an immediate need for action to begin restoring these waters that are so central to the Ktunaxa people,” he added. “Now all we need is for Canada and the U.S. to sign onto the Ktunaxa proposal so we can get to work.”

For the Ktunaxa Nation, work to address the mining contamination cannot begin soon enough.

“We continue to see impacts of coal mining more than a hundred kilometers downstream of these coal mines. We see our fish populations declining despite our own hatchery efforts to sustain them. We see our waters becoming worse. While pollution loads continue to increase, we see less than 20% of the selenium load being removed, despite nine years of implementation of a provincial plan to reduce and mitigate water quality concentrations. We are watching our river suffer as the regulators stand by and watch,” said Gary Aitken Jr., Vice Chairman of the Kootenai Tribe of Idaho.

One year ago, Canada and the U.S. were poised to refer the mining contamination issue to the IJC, but Canada abruptly halted further engagement, leaving both Ktunaxa and the U.S. hanging. *Freedom of Information* documents later revealed that Canada’s abandonment of an IJC reference in 2022 was the result of intense pressure by industry and the Province of British Columbia.

But new leadership in British Columbia has resulted in a surprising but long overdue turn of events. Following the transboundary Ktunaxa proposal last month, British Columbia sent a letter to the Canadian Federal government indicating that the Province is now receptive to IJC involvement in the Kootenai/y watershed. With British Columbia — who has previously been opposed to IJC involvement — no longer standing in the way, Canada is now well positioned to sign on to the Ktunaxa proposal and finally meet its obligations to protect the environment under the *Fisheries Act* and honour its commitments under the *United Nations Declaration on the Rights of Indigenous Peoples Act* and the *Boundary Waters Treaty*.

In the past three weeks, however, Canada has been silent on the Ktunaxa proposal.

This silence is puzzling given President Biden and Prime Minister Trudeau’s commitment to work in partnership with the Ktunaxa to reach an agreement by this summer. Ktunaxa continue to demonstrate their commitment to working with the U.S. and Canada to ensure that meaningful assessment and action occur. With only three weeks of summer left, Ktunaxa leadership await the Federal governments’ response.

“The Ktunaxa covenant with the Creator says that the Ktunaxa ʔaqʔsmaknik (people) were tasked with guarding and keeping the land and that as long as ʔaqʔsmaknik took care of the land, the land would take care of ʔaqʔsmaknik,” said Teneese. “For millennia, we have honoured this covenant. Our proposal invites Canada and the United States to enter a new era of real collaboration and Indigenous-led environmental stewardship. It is our hope that Canada and the United States will join us in honouring the covenants and care of ʔamakʔis Ktunaxa.”

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