

May 05, 2023

Via Email - mfreeman@americanprogress.org

Attention: Michael Freeman
Policy Analyst, The Center for American Progress

Dear Mr. Freeman:

RE: Inaccurate information about KSM Project published in your recent report.

I am writing to highlight inaccurate and misleading information about the KSM Project in your April 18, 2023, report titled '*U.S. Diplomacy Can Prevent Canadian Transboundary Mining Pollution on the Northern Border*'.

In the report, you stated that "One of the KSM Project mine dams will be the tallest of its kind worldwide". **This is incorrect.** Cerro Verde and Antamina mines in Peru, and the Bagdad mine in Arizona are currently operating safely with dams of similar or greater height than the proposed KSM Project. It is also important to note that once built, the KSM Project will have a lifespan of 50+ years. The Project's Tailings Management Facility (TMF) was designed with consideration for that long lifespan and the resultant tailing volume to be stored. Using the best available technology, the facility as is currently designed can safely and securely store 2.3 billion tonnes of tailings. You can learn more about the design of the TMF [here](#).

Referencing the report titled *The Risk of Tailings Dam Failure in British Columbia* commissioned by BC Mining Law Reform and SkeenaWild Conservation Trust and prepared by Steven H. Emerman, you stated that KSM TMF "earned the most severe failure consequence category possible ("extreme") by the engineer of record, meaning it is predicted to kill 100 or more people if a catastrophic breach were to occur." **This statement is inaccurate.** The KSM TMF was assigned a consequence classification of "Extreme" based on the potential environmental consequence category and not due to any risk of human fatalities. In line with standard dam safety practices, the consequence classification for KSM's TMF was assigned without consideration of likelihood or credibility and assuming the potential failure has occurred. The TMF location was carefully chosen after a thorough analysis of 14 different sites and consultations with local Indigenous groups. The remote location was selected for being the most secure site from an operational and closure perspective and was found to have the best environmental and waste management approach. It should also be noted that KSM's TMF is located in the upper reaches of the Bell Irving River Basin and drains into Canadian, not US waters. Additionally, I want to highlight that Mr. Emerman is not a professional engineer registered in BC, and therefore, his credibility and understanding of BC's regulatory process and the requirements for designing tailings dams are questionable.

Furthermore, citing the 2015 Mount Polley Independent Expert Investigation and Review Report, you also mentioned that “Newer, taller, and riskier dam designs are projected to cause more frequent and severe collapses over the next few decades.” However, you failed to mention that the BC government has made significant legislative and regulatory changes to BC mining laws since the unfortunate Mount Polley incident. These changes include establishing limits to the steepness of dam slopes and all mines being inspected regularly by an independent review panel of engineers duly approved by the chief inspector of mines, the appointment of a Chief Permitting Officer to ensure the mine permitting process is transparent, efficient and effective, and creating the Mine Audits and Effectiveness Unit to ensure mining regulation in B.C. is effective and aligned with global best practices.

The KSM Project’s mineral deposits are situated geographically north of the BC/Alaska Border on Sulphurets Creek, a tributary of the transboundary Unuk River, an area in which both the BC and Canadian governments allow responsible mineral exploration and mining to occur. Due to the deposit’s location, concerns of Alaskans along with the potential impacts to Alaskan waters were an important focus and carefully evaluated during both the provincial and federal environmental assessment reviews, which were conducted over a seven-year period (2008-2014). During the EA process, Seabridge Gold conducted hundreds of meetings with community members, regulators, Treaty and First Nations. Seabridge also voluntarily conducted 130 meetings/interactions with Alaskan community members, regulators and Tribes during this time. Alaskans expressed the same concerns as Canadians, and all concerns were given equal weight in the assessment process and ultimately were fully mitigated within the design of the proposed project. **The involvement of Alaskan regulators was documented in a 2014 Juneau Empire article which summarized the conclusions of these regulators, “four of the same resource managers and specialists who reviewed Alaskan mines have examined KSM’s plan. They found no significant issues with the application.”**

Below, I also added some additional information about KSM Project’s proposed TMF which we think you might find useful:

- KSM Project’s TMF design (and future operations) is annually reviewed by the Independent Geotechnical Review Board (IGRB) formed by Seabridge in 2015, which is comprised of world-class experts in tailings management with more than 300 years of combined experience. **In April 2016, the IGRB confirmed that the design of the proposed structures for the KSM Project were appropriate and safe.**
 - Seabridge Gold also voluntarily initiated a Best Available Tailings Technology (BATT) Review of the planned management approach for the KSM Project as we wanted to ensure again that the best and safest approach for tailings management had been selected. **This study confirmed that the existing tailing management facility design is the best available technology for tailings deposition and the most environmentally responsible plan to minimize long-term risks associated with the proposed tailing storage facility for the KSM Project.** Please read the [BATT Report](#) and the [Plain Language Summary](#) of the BATT Report to learn more about tailings management at the KSM Project and the conclusions from the study.
 - Furthermore, Seabridge also commissioned an independent review of the BATT report by Dr. Dirk van Zyl, a world-recognized expert in tailings, mined-earth structures and
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sustainability with more than 40 years of experience. He also sat on the Mount Polley Independent Expert Review Panel. **In his review, Dr. van Zyl concluded: "I support the overall conclusions of the KSM BATT report."**

- The TMF will be regulated and monitored in compliance with the Canadian Dam Safety Association (CDA), International Commission on Large Dams (ICOLD), International Council on Mining and Metals (ICMM), Mining Association of Canada (MAC), and Engineers and Geoscientists BC (EGBC), along with regular reviews by Seabridge's Independent Geotechnical Review Board.

At Seabridge Gold, the protection of the environment in both Canada and the US is a guiding principle behind all our Projects. We are dedicated to developing all our projects responsibly, and we would again like to emphasize that the KSM Project has undergone rigorous environmental and technical assessments by independent experts to ensure that its operation does not pose any harm to the surrounding environment.

We respectfully **request that you either remove the misleading information about the KSM Project or add accurate facts to the report**, so the readers can draw an informed conclusion. I would be happy to answer any questions you may have about the KSM Project. You can reach out to me via email brent@seabridgegold.com.

Thank you for your time.

Sincerely,



R. Brent Murphy, M.Sc., P.Geo
Senior Vice President, Environmental Affairs
Seabridge Gold

RBM/RS/...

CC. Nicole Gentile, Senior Director, Conservation, The Center for American Progress
