

SEABRIDGE GOLD

December 17, 2024

Via email – laura.lynch@cbc.ca; Molly.Segal@cbc.ca

To: Laura Lynch, Host of CBC What On Earth
Molly Segal, Producer of CBC What On Earth

Dear Ms. Lynch and Ms. Segal

Re: Response to “One Border, Three Rivers and the Battle to Protect Fish”

I am writing on behalf of [Seabridge Gold](#), owner of the [KSM Project](#) in response to your episode titled ‘[One border, three rivers and the battle to protect fish](#)’. First, I want to thank you for your efforts to highlight the complex and challenging issues surrounding mining and exploration projects in the Alaska/British Columbia (BC) transboundary region. We also appreciate your decision to invite Michael Goehring, President and CEO of the Mining Association of British Columbia, to share the mining industry’s perspective with your audience.

As the KSM was one of the projects discussed in the episode, I would like to take the opportunity to provide accurate and up-to-date information regarding the current status of the KSM Project, address some of the misleading claims raised by the Southeast Alaska tribes and highlight our commitment to responsible practices including engagement with Alaskan tribes and our Indigenous partners in northwest British Columbia (BC). We believe this information is important for you to have to ensure that it is reflected in any future stories you and/or CBC may be planning.

Let's start with some basic facts –

- The petition filed by the Southeast Alaska Indigenous Transboundary Commission (SEITC) and Skeena Wild Conservation Trust challenges the Substantially Started Determination (SS Determination) of the KSM Project and **not** the Environmental Assessment (EA) approvals which the project received in 2014.
 - The BC EA office determined that the KSM Project was "substantially started" on July 25, 2024, which affirms the validity of the BC EA Certificate for the life of the KSM Project.
 - Seabridge Gold is confident there is ample evidence that the Substantially Started Determination was achieved by fully meeting or exceeding the BC Environmental Assessment Office’s Substantial Start Policy criteria in every category.
- Throughout the EA process and after, Seabridge Gold engaged extensively with the Alaskan Tribes and Alaskans to understand and address their concerns. The engagement was on the same level as the Canadian Indigenous groups and design changes were made to our KSM Project in response to the concerns raised, which subsequently increased the projected capital cost by more than \$300 million.

KSM's Environment Assessment Approvals and Engagement with Alaskan Tribes

It is essential to understand the breadth and depth of engagement undertaken with Alaskan tribes, communities and regulators during the Environmental Assessment (EA) process for the KSM Project, as well as the continued engagement that has occurred since receiving the EA approval. We believe the facts speak for themselves, and we leave it to you to assess whether Alaskan stakeholders were meaningfully engaged.

The KSM Project successfully completed a joint harmonized environmental assessment (EA) review as outlined by the [British Columbia Environmental Assessment Act](#), [the Canadian Environmental Assessment Act](#) and in accordance with the Nisga'a Lisims Treaty. This review, conducted over seven years (2008-2014), involved more than 250 scientists, engineers, First Nation partners, and regulators who meticulously developed and reviewed all relevant information pertaining to the KSM Project.

Additionally, over 15,000 people from BC and Alaska actively participated in public meetings, consultations, and Project information sessions before the Project received approvals in 2014. Throughout the EA review period and after, Seabridge engaged in regular communications with US Federal and State agencies, ENGOs and tribes which includes more than **140 ongoing meetings, interactions, and correspondence**. During the KSM's EA process, we also responded to more than **400 comments relating to the BC-Alaska Transboundary concerns**.

It is also crucial to note that the approval of the KSM Project was based on the understanding that there would be no negative effects on the downstream water, aquatic life, or the surrounding communities. **During the EA review period, Alaskans expressed the same concerns as Canadians, and those concerns were given equal weight in the assessment process and ultimately were fully mitigated within the design of the proposed project, adding more than \$300 million in design changes to the Project's capital cost.** Key design changes include –

- Incorporating lined centre cell in Tailings Management Facility to store tailings.
- Changed the water management approach on the mine side of the Project, to time the discharge of mine impacted waters with high seasonal flows.

The Canadian Government, as represented by the former Minister of the Environment, in her decision statement approving KSM, concluded *“The project is not likely to cause adverse environmental effects as defined in the former Act (referring to the Canadian Environmental Assessment Act 19912), taking into account the implementation of mitigation measures described in the report” and “the mitigation measures and follow up programs described in the Report are appropriate for the project.”*

Furthermore, the Minister, in making her decision, relied upon a Canadian Environmental Assessment Agency scientific report which stated, *“The agency has concluded that no significant adverse impacts on water quality, water quantity, fish, or human health are expected on the Alaskan side of the Unuk River.”* You can access the report [here](#).

Human Rights Complaints

Despite the extensive engagement, the Southeast Alaskan tribes and ENGOs continue to claim that they were not properly consulted and have been raising concerns about the KSM Project and mining and exploration activities in BC in general by exaggerating and using misleading claims to influence public opinion - claims we have repeatedly demonstrated to be false and misleading. Their ultimate goal is to

halt all mining and exploration activities in the transboundary region, regardless of the responsible practices implemented by the mining industry or the strong support the project has received from Canadian Indigenous groups, contrary to what they stated on your show.

A notable instance is the complaint filed by the Southeast Alaska Conservation Council (SEACC) in 2016 to Canada's National Contact Point (NCP) which operates within the Canadian Department of Foreign Affairs and promotes adherence to the Organization for Economic Co-operation and Development's (OECD) non-binding Guidelines for Multinational Enterprises. The complaint alleged that Seabridge Gold violated the Guidelines by failing to disclose project documents and engage appropriately with stakeholders in Alaska. The complaint further alleged the Company had not exercised sufficient due diligence regarding the potential environmental and human rights impacts of the KSM Project. This complaint was filed by Mr. Guy Archibald, who at the time was working as a Technical Advisor to SEACC.

The NCP conducted a thorough review of the complaint and concluded that the KSM Project underwent a rigorous and detailed EA process by both provincial and federal authorities. It was determined the assessment review process for the KSM Project did not warrant further examination and that the Alaskan tribes' **human rights were not violated**. Consequently, the complaint was dismissed. This underscores the thorough and robust EA processes that mining projects are required to undergo in BC.

The recent human rights complaint submitted to the Inter-American Commission of the Organization of American States (OAS) mentioned in your show by Mr. Fred Olsen representing SEITC, is identical to the previous complaint filed to the OECD which was ultimately dismissed. It is also highlighted that this complaint was submitted under the direction of Mr. Guy Archibald, who is now the Executive Director of SEITC. We are fully confident that ultimately this complaint too will be dismissed.

Mr. Archibald again figures predominately in the recent legal petition filed by SEITC against KSM's substantially started determination, being one of the primary affidavits supporting the SEITC petition. Given his personal involvement and leadership in multiple legal efforts aimed at thwarting the development of the KSM Project, it is reasonable to conclude that Mr. Archibald is not a supporter of the KSM Project.

Of importance, I want to draw your attention to a passage from the SEITC's April 2024 [newsletter](#), which more accurately summarizes the overall objective of SEITC, which is to stop all Canadian mining projects. In particular, the final sentence explicitly dismisses the perspectives of Canadian Indigenous groups for the projects based in Canada, stating that only the views of Alaskan tribes' matter, which is quite concerning. This is another example of the significant challenges the industry faces in navigating opposition from Alaskan tribes, that completely disregard our collaborative efforts and partnerships with Indigenous communities in Canada.

The goal is to have the rights of The Southeast Tribes recognized under the Canadian Constitution, enabling the Tribes to directly negotiate consent agreements with British Columbia and Canada as to what consent (or the withholding of) means to each. The Tribes will not just have a seat at the table, they will be the only ones at the table.

On several occasions we have extended invitations to engage with the Southeast Alaska Indigenous Transboundary Commission, offering to meet and address any legitimate concerns they may have about the Project. Unfortunately, our invitations to them have gone unanswered, including our most recent outreach to them in October 2024. We stand ready to meet with them. Meanwhile, we remain committed to ensuring the transboundary concerns are fully addressed as we continue to advance the KSM Project responsibly.

Engaging With Our Canadian Indigenous Partners

As you may already be aware, no project in Canada can advance without the approval and support of the Indigenous groups on whose territory the project is located. It's the same for the KSM Project. We take pride in the strong relationships we have established with our Indigenous partners in northwest BC through early, frequent, and transparent communication. These Nations attach high importance to protecting their ancestral lands and will only support development projects that ensures the protection of their territories and aligns with their values. Because of the trust built over the years with our Indigenous partners -

- We entered into comprehensive Benefits Agreements with both the Nisga'a Nation in 2014 and the Tahltan Nation in 2019 (the First Nations on whose traditional territory the KSM Project is located), covering protections of Indigenous rights, the environment and shared economic benefits for the KSM Project.
- On January 26, 2023, Tahltan and Nisga'a Nations formally announced their newly established [Treaty Creek Limited Partnership](#) that will optimize their participation, maximize economic benefits and create new opportunities for Nation members through training, employment, and contracting at our KSM Project.
- The support letters submitted by the Nisga'a Nation, Tahltan Central Government and Gitksan Hereditary Chiefs' Office were considered by the BC Environmental Assessment Office as part of the evidence for granting Substantially Started Determination for the KSM Project.

Water Quality of the Unuk River

The water in the Unuk River, contrary to Cindy Wagner's assertion, is not crystal clear, but brown, and somehow mining is to blame for this water quality change is misleading. Since 2007, Seabridge has been conducting water monitoring and sampling up to the BC/Alaska border on the Unuk River, spending approximately \$1-1.5 M million annually. **The baseline data we have been collecting clearly identifies that the water in the Unuk River is naturally impacted by the weathering and erosion of mineral deposits exposed at the surface, due to the recession of local glaciers.** In particular, Sulphurets Creek, one of the largest tributaries of the Unuk River, receives inputs from several smaller tributaries, the largest being Mitchell Creek. The naturally occurring acid rock drainage has already impacted the water quality of Mitchell Creek, Sulphurets Creek and the Unuk River, long before and irrespective of the proposed KSM Project or other mining projects.

The pictures below demonstrate the existing natural conditions around the KSM Project and in particular the current water quality challenges in the region.



The confluence of Sulphurets Creek with the Unuk River depicting the impact of the natural erosion of the upstream mineral deposit on the regional water quality. The confluence is located approximately 22 miles upstream of the Alaska/BC Border



The confluence of Mitchell and Sulphurets Creek depicting the impact of the natural erosion of the upstream mineral deposit on the regional water quality.

Protecting the water quality in and around the KSM Project is one of the top priorities of Seabridge Gold, and indeed a potential benefit of the development of the project. Therefore, an extensive water management system has been proposed and vetted in the extensive environmental assessment process. This process will not only manage water that has been in contact with mining activities but will also improve the existing naturally poor water quality of the Mitchell and Sulphurets Creeks and Unuk River.

Additionally, implying that mining projects are somehow responsible for the decline of the Eulachon population is misleading. In reality, changes in ocean conditions, declines in quantity and quality of spawning habitat, and overfishing have been identified as key factors driving the decrease in Eulachon numbers and ultimately the salmon populations as well.

We hope this letter provides a more comprehensive understanding of the KSM Project and the extensive efforts we have undertaken to understand and address concerns, collaborate with stakeholders including Alaskan tribes, and uphold the highest standard of responsible practices. KSM is a multigenerational project designed to be built and operated responsibly and provide lasting benefits for communities in northwest BC and beyond. Our Indigenous partners will continue to play a vital role in guiding its development, ensuring it aligns with their values and priorities. Additionally, with more than 19.4 billion pounds (M&I) of copper (recognized as a critical metal), once in operation, the KSM Project will provide a secure supply of responsibly produced Copper, to support the advancement of a low carbon future. We remain committed to fostering transparent and constructive dialogue and would be happy to provide additional information or address any specific questions you may have. You can reach out to me via email - brent@seabridgegold.com.

Sincerely,

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