

# HOUSE BILL REPORT

## SJM 8014

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**As Reported by House Committee On:**  
Rural Development, Agriculture, & Natural Resources

**Brief Description:** Concerning logging and mining in the upper Skagit watershed.

**Sponsors:** Senators McCoy and Salomon.

**Brief History:**

**Committee Activity:**

Rural Development, Agriculture, & Natural Resources: 2/21/20, 2/28/20 [DPA].

**Brief Summary of Bill**  
**(As Amended by Committee)**

- Requests that British Columbia work with the City of Seattle, Tribes, First Nations, and the Skagit Environmental Endowment Commission to prevent mining in the "donut hole" of the Upper Skagit watershed, in order to ensure the area's environmental and recreational resources are permanently protected.

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### HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman, Fitzgibbon, Lekanoff, Pettigrew, Ramos and Springer.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Dye, Orcutt, Schmick and Walsh.

**Staff:** Rebecca Lewis (786-7339).

**Background:**

In 1984 the United States government and the government of Canada signed the High Ross Treaty (Treaty), which was negotiated by officials from Seattle and British Columbia. The Treaty required the United States to limit the size of the reservoir for the Ross Dam's hydroelectric power generation to the boundary of the Canada-United States Border. The

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Treaty also required Canada to provide electricity to the United States to offset the loss of electricity generation that could have been realized if the Ross Dam reservoir had extended across the border into Canada.

The Treaty created the Skagit Environmental Endowment Commission (Commission) to manage an endowment fund to preserve the area, pristine wilderness, and fish and wildlife habitat in the Upper Skagit watershed until 2065. The purposes of the Commission include:

- to conserve and protect wilderness and wildlife habitat;
- to enhance recreational opportunities in the Skagit Valley;
- to acquire mineral or timber rights consistent with conservation and recreational purposes;
- to conduct studies of need and feasibility of projects;
- to plan for and construct hiking trails, footbridges, and interpretive displays;
- to facilitate removing stumps and snags in Ross Lake and on the shoreline; and
- to connect, if feasible, Manning Provincial Park and the North Cascades National Park by a trail system.

The Commission consists of four members appointed by the premier of British Columbia and four members appointed by the mayor of Seattle. All are appointed to four-year terms on a staggered basis. Each delegation elects a chair from among their members to serve for the duration of their term.

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### **Summary of Amended Bill:**

The Joint Memorial recognizes that one of the purposes of the Skagit Environmental Endowment Commission (Commission) is to seek the acquisition of mineral or timber rights consistent with conservation and recreational purposes, including the area referred to as the "donut hole", lying between two parks created by the province to protect the upper watershed's conservation and recreational resources.

The Joint Memorial further recognizes that the company holding the claims has filed applications to begin exploratory mining operations and has a record of noncompliance with mine discharge standards.

The Joint Memorial notes that numerous First Nations in Canada, Tribes in the United States, the City of Seattle, and conservation organizations have opposed the potential negative impacts to the upper watershed's conservation and recreational values posed by logging and mining in the donut hole.

The Joint Memorial requests that British Columbia work with the City of Seattle, Tribes, First Nations, and the Commission to prevent mining in the donut hole of the Upper Skagit watershed, in order to ensure the area's environmental and recreational resources are permanently protected.

### **Amended Bill Compared to Original Bill:**

The amendment to the Senate Joint Memorial (SJM) removes language addressing logging in the "donut hole," removes language referencing the 2014 Mount Polley mine waste spill, and requests that British Columbia also work with Tribes and First Nations in addition to the other entities named in the original SJM to prevent mining in the "donut hole."

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Staff Summary of Public Testimony:**

(In support) The High Ross Treaty (Treaty) is a model for transboundary collaboration. The City of Seattle believes that the logging and mining activities planned in the "donut hole" are inconsistent with the Treaty and threaten water quality. There is a Seattle City Light project in the United States portion of the Upper Skagit watershed, and Seattle City Light has invested in restoration projects in the area. Mining activities release runoff, threatening salmon populations in the whole river. The Skagit River contributes one-third of the freshwater input into Puget Sound, and is an important source of wild Chinook salmon. The ancestral lands of the Swinomish tribe are at the mouth of the Skagit River and Chinook salmon have sustained the Swinomish since time immemorial. There is a partnership among several groups to stop reckless proposals in the "donut hole." Many agencies, tribes, recreational fishing groups, and elected officials oppose logging and mining in the Skagit Watershed. It is fortunate that the Minister took action in December to halt logging activities in the Skagit headwaters, but politics often change. Imperial Metals was responsible for one of the worst environmental disasters in the Fraser River watershed.

(Opposed) None.

(Other) The area might look like a "donut hole," but it is beautiful terrain. There are over 30 mines in other areas of British Columbia within 60 miles of the United States border. Toxic slurry from failures of one or more of those mines could potentially threaten other rivers on the United States side of the border, including the Okanogan and Kettle rivers.

**Persons Testifying:** (In support) Lynn Best, Seattle City Light; Amy Trainer, Swinomish Indian Tribal Community; and Tom Uniak, Washington Wild.

(Other) Mitch Friedman, Conservation Northwest.

**Persons Signed In To Testify But Not Testifying:** None.