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August 9, 2010

Dear [member\_name\_first]:

**Greetings!** This is the Flathead Coalition's first newsletter since last March. The intent is to report on the Coalition's annual meeting and provide a brief history and update on efforts to protect the transboundary Flathead River drainage of British Columbia and Montana (a.k.a. The North Fork).

*To save time and money, The Coalition's Board is trying to send as many newsletters by e mail as possible. If you received this newsletter by postal mail, please provide us with an e mail address if you have one. For those receiving this newsletter by e mail, please make sure that your address is current. Send changes to Rachel Potter at [jrpotter@centurytel.net](mailto:jrpotter@centurytel.net)*

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## Protection Efforts in the Past Year

Coal and other resource development proposals have threatened the transboundary Flathead drainage for at least the past 36 years. At the same time, conservationists on both sides of the Montana-British Columbia border have championed the uniqueness of this area and demanded careful study of impacts before coal mining or other mineral development is allowed. It is through the efforts of groups such as the Flathead Coalition that an International Joint Commission (IJC) study was made of the proposed Cabin Creek Coal Mine in the late 1980's and, more recently, a Memorandum of Understanding was signed by BC's Premier Campbell and MT's Governor Schweitzer regarding, in part, long term protection for the transboundary Flathead River drainage.



Efforts to protect the Transboundary Flathead have speeded up considerably in recent months. What follows is a summary of where protection efforts stand today

### **World Heritage Report**

The Waterton-Glacier International Peace Park was so designated by US and Canadian statutes in 1932. In 1995, the Peace Park also became a UNESCO World Heritage Site. (UNESCO stands for *United Nations Scientific, Educational and Cultural Organization*). Last year, the UNESCO World Heritage Committee agreed to assess threats to the Peace Park from proposed mining, oil and gas, and other external developments. In September 2009 a UNESCO team visited the site, and in December 2009 a draft report was issued to the US and Canadian Governments. This draft stated that British Columbia's management plan for the Canadian headwaters of the North Fork of the Flathead River could severely threaten the water, wildlife and cultural values of the World Heritage Site. The draft also recommends a permanent prohibition on mining in the B.C. Flathead.

In July 2010, the UNESCO World Heritage Committee releases its "mission report" that concludes that B.C.'s management plan for the Canadian Flathead would threaten the Waterton-Glacier World Heritage site.

### **British Columbia Order of Council**

On February 9, 2010 BC Premier, Gordon Campbell announced *that "mining, oil and gas development and coal bed gas extraction will not be permitted in British Columbia's Flathead Valley"*. This prohibition by BC's cabinet and the subsequent Administrative Orders regarding this ban could be revoked however. A greater degree of certainty would be achieved were the BC Legislative Assembly to enact a specific statute regarding a ban on oil and gas, coal, and coal bed methane development in its portion of the Flathead drainage

### **British Columbia-Montana Memorandum of Understanding**

On February 18, 2010 an MOU was signed by Governor Schweitzer and Premier Campbell regarding resource protection and cooperation in the Flathead River drainage of BC and Montana. This document states in part that *British Columbia and Montana* commit to work together to:

*Remove mining, oil and gas, and coal development as permissible land uses in the Flathead River Basin. British Columbia and Montana, the latter working with the United States as necessary, will implement measures necessary to prohibit the exploration for and development of mining, oil and gas, and coal in the British Columbia Flathead and the Montana North Fork Flathead River Basin, such action to be completed by July 2010, and subject to agreement on the equitable disposition of the financial implications of this action for the Province of British Columbia respecting existing mining and coal tenure*

*holders.*

While this MOU is very good news, there remains the issue of compensation for companies with existing coal, oil and gas, and coal bed methane leases in the BC Flathead. Senators Baucus and Tester are seeking such funding from US Government sources.

### **Retiring of Oil and Gas leases in the Whitefish Range of Montana**

On April 10, 2010 Senators Baucus and Tester introduced Senate Bill 3075. This law would withdraw Federal Lands to the west of the North Fork of the Flathead River from future leasing for mining or oil and gas development. At approximately the same time, Senators Tester and Baucus announced that Conoco-Phillips, the largest existing leaseholder on lands adjacent to Glacier National Park, had voluntarily relinquished 108 of its leases covering 169,000 acres.

Additionally, on June 7 and July 14, 2010, Senators Baucus and Tester announced that several other oil companies would voluntarily give up oil lease acreage in the North Fork Flathead River watershed. These acres would now be now eligible for permanent mineral retirement under Senate Bill 3075.

### **Expansion of Waterton National Park into the BC Flathead**

In 2005 Canadian Prime Minister Cretien announced the goal of expanding Waterton Lakes National Park across the continental divide into the lower part of the BC Flathead River drainage. Presently, the BC government remains opposed to this expansion. Discussions are focusing on the expansion area being a “Wilderness Preserve Park” with little or no infrastructure.

### **Completing a Federal- to- Federal Transboundary Flathead Agreement**

On July 28, 2010 Prime Minister Harper and President Obama agreed to work together to find a way to permanently protect the transboundary Flathead River valley. Such an agreement has yet to take shape, but could include an area larger than the Flathead watershed and include the Waterton Park expansion proposal as well as the establishment of a transboundary watershed group.



## **2010 Annual Meeting Celebrates 35 years of the Flathead Coalition**

The Flathead Coalition gathered for its annual meeting on March 19<sup>th</sup> at the Museum at Central School in Kalispell. We had a festive time celebrating the Coalition’s 35 years with a potluck and champagne toast.

## **Coalition History**

After dinner, outgoing President Dave Hadden gave a brief overview of Coalition history and recent victories: In 1975, many people became alarmed by Rio Algom's Cabin Creek Coal Mine proposal north of the border. Wayne Herman reserved and packed the Flathead High School Auditorium and the Coalition was born. Still on the board today, Wayne became the first board president. Subsequent leaders included (with apologies for omissions!): Don Fritz, Gene Albert, Thurman Trosper, Lex Blood, Richard Kuhl, Dave Hadden, and current president Rose Schwennesen. The first board included: Ginger Agee, Gene Albert, Lex Blood, John Cochrane, Jim Cummings, Don Kurtz, Debbie Hansen, Wayne Herman, Loren Kreck, Lawrence Sonstalie, Dave Minister, Doc Newbury, Steve Pettrini, Lance Polya, Col. Eugene Olson, George Ostrom, Otis Robins, James Stephens, Thurman Trosper, and Dr. Mark Weber.

In 1988, after a thorough review of the mine proposal, the International Joint Commission released a report that recommended that the mine not be approved at the present time do to potential water quality, fishery, and other impacts. As the immediate mine threat subsided, the Coalition went "inactive", but stayed incorporated, knowing that threats to the North Fork watershed remained until permanent protection is enacted.

In 2001, the Coalition reactivated in response to another proposed coal mine in the Howell- Cabin Creek area. The following nine years have been filled with one development proposal after another (see historical events below).

## **Coalition's Current Role**

We had a good discussion on capacity and scope, concluding that the Coalition is still needed as a spokesman and for information exchange between our highly diverse groups that support protection of the Transboundary Flathead. The level of activity of the Coalition will vary depending on capacity and need, as organizations with paid staff have picked up the heavy lifting of the campaign. For now, the main activity will be emailed newsletters as needed, likely quarterly or semiannually. We will rely on our member groups to use these to keep their leadership and membership up to date on Transboundary issues.

## **Elections**

The following board members with expiring terms were elected to a two year term (to expire in 2012) by voice vote of members present: Casey Brennan, Wayne Herman, Sarah Lundstrum, Clint Muhlfeld, John Poirier, Ted Ralfe, Dan Short, Brace Hayden and Rose Schwennesen.

Board members with terms expiring in 2011 are Ryan Friel, John Frederick, Dave

Hadden, Rachel Potter, Erin Sexton and James Steele.

The board then elected Rose Schwennesen as president, Brace Hayden, vice president, and Rachel Potter, secretary/treasurer.

### Dues

No, you didn't forget to pay dues this year. With a small chunk in the bank and no large expenditures on the immediate horizon, the board decided to not ask for donations this year.

### Websites of related organizations

Individuals may want to give monetary support to other organizations that are currently taking more active rolls. These include:

- Headwaters Montana [www.headwatersmontana.org](http://www.headwatersmontana.org)
- Wildsight [www.wildsight.ca](http://www.wildsight.ca) (based in BC)
- National Parks Conservation Association [www.npca.org](http://www.npca.org)
- North Fork Preservation Association [www.gravel.org](http://www.gravel.org)

The websites of these groups and their email alerts will help you keep current.

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## Historical events in the Transboundary Flathead



*Why a history – because “history repeats itself”*

**1974** - Rio Algom announces plans to open an open pit coal mine in the Canadian portion of the North Fork of the Flathead River, just eight miles north of Glacier National Park. This mine is referred to as Cabin Creek or Sage Creek. The Flathead Coalition is formed with U.S. and Canadian member organizations.

**1988**--The International Joint Commission (IJC), after a thorough review of the Rio Algom proposal, unanimously recommends that the mine not be approved at the present time. The company subsequently allows its initial permit from the British Columbia government to lapse.

**1991**- Responding to a recommendation made by the IJC, the Flathead Basin Commission (FBC) organizes a North Fork Steering Committee that consists of landowner groups, federal, state and local government land managers, and conservation and industry interests. After a year of meetings, the North Fork Steering Committee adopts the “*North Fork Conceptual Strategy*” by consensus. The first part of the strategy addresses management and conservation objectives for the U.S. portion of the transboundary Flathead drainage. The second part recommends a process and goals for a bi-national

conservation strategy for the drainage.

**2001**–The British Columbia government removes its “Wildlife Management Area” designation from much of the Elk, Flathead and Wigwam drainages; thus opening all areas that weren’t designated as park land to mining. This management direction is later reiterated in the Province’s Southern Rocky Mountain Management Plan

**2001** - The Cline Mining Corporation proposes a Coal Mine at Cabin Creek.

**2001** - The Flathead Coalition reactivates with concerned parties on both sides of the border.

**2003** - Governor Judy Martz and Premier Gordon Campbell sign an environmental cooperation arrangement “to identify, coordinate and promote mutual efforts to ensure the protection, conservation and enhancement of our shared environment for the benefit of current and future generations.”

**2004** – In response to a request by Montana, the U.S. Department of State “informed the Government of Canada that we consider that the IJC’s previous analysis and conclusions on development in the Flathead River Basin still stands.”

**2004**- Cline Mining Corp stakes the old Cabin Creek/Sage Creek mine site area in the lower Flathead area of B.C. The B.C. government grants exploration and road-building rights to Cline in the upper Flathead. Cline stakes Foisey Creek, a tributary of the North Fork Flathead River. After a public outcry on both sides of the border, the Cabin Creek\Sage Creek area is placed in a coal staking reserve for 10 years by British Columbia.

**2004** - In July the Province offers tenures, or leases, for exploration and drilling for Coal bed Methane gas (CBM) in British Columbia’s Flathead and Elk River watersheds. No company bids on the tenures.

**2005** - British Columbia eliminates its wastewater discharge permit process for CBM development. It replaces it with a new Code of Practice, authorizing the surface discharge of CBM wastewater directly into streams and rivers. No permit is required and industry is responsible for self-regulation

**2005** – The Montana Legislature passes a resolution supporting transboundary environmental assessment of the North Fork Flathead watershed prior to coal field development. In April, 37 scientists from Canada and the U.S. met to determine where there are gaps in the baseline data for water quality and other environmental parameters in the transboundary “Crown of the Continent “area.

**2005** – British Columbia grants Western Canadian Coal (WCC) exploratory rights in the

Lillyburt Coalfield in the floodplain of the Flathead River. WCC subsequently lets its rights expire.

**2006** - Cline Mining submits a scoping document for the proposed Lodge pole coal mine in the headwaters of the Flathead River in British Columbia. Provincial officials receive more than 50,000 comments in opposition to the proposal. In early 2007 the U.S. State Department provides comments to the province on behalf of the Department of Interior and the Environmental Protection Agency. The State Department wrote, in part, that the proposal would have “serious adverse impacts on Glacier National Park.” Governor Schweitzer expresses strong concerns about the Cline Mine proposal and asks for comprehensive environmental assessment and a long-term solution for the Flathead that does not include mining or CBM development.

**2006** – The “Flathead Wild” campaign is initiated in British Columbia with the goal that “*This special place needs a special plan*” to recognize the uniqueness of the Flathead Valley and to protect its wild values. A priority is placed on wilderness conservation, nature sanctuary’ wildlife connectivity as well as the prohibition of mining.

**2007** - In the spring, Governor Schweitzer and Montana’s congressional delegation petition the Canadian Federal Minister of the Environment to comprehensively review the Lodge pole Mine proposal. In December, the Canadian Federal Government announced a limited environmental review of coal mining proposals in the B.C. Flathead aimed at fisheries. This review would not consider transboundary impacts and would be conducted without the input of independent scientific experts.

**2007** -BP Canada announces its 74,000 acre Mist Mountain Coal bed Methane (CBM) project located in the Elk and Flathead Valleys. Soon thereafter Montana’s Senators write to BP expressing opposition to the Mist Mountain CBM project saying that impacts downstream cannot be mitigated. Senators Tester and Baucus petition UNESCO for World Heritage “in danger” status for the Waterton-Glacier International Peace Park World Heritage Site because of the Cline and BP proposals.

**2007** - Phosphate exploratory permits are issued in the lower B.C Flathead. Drilling did not produce anticipated results so no further work was done and permits expired.

**2008** - In January Senator Baucus secures nearly \$1 million for water quality, fisheries and wildlife studies in transboundary Flathead region. This is the first year of a four year study of baseline environmental data collection to address extractive mining development threats. In February, Senators Baucus and Tester announce that BP will not pursue CBM development within the North Fork Flathead watershed. The company clarifies later, saying that it will continue to gather data there, with the possible intention of drilling sometime in the future.

**2008** – In April, members of the Flathead Coalition attend the annual shareholder meeting

of BP in England. They meet with nine large institutional investors to inform them of the controversy surrounding the company's Flathead interests and to convey the world class conservation values that are threatened by BP's Mist Mountain CBM proposal.

**2008** - The Fernie, British Columbia Town Council passes a resolution opposing BP's CBM development in the adjacent Elk River Valley. The B.C. Outdoor Recreation Council designates the Flathead as the second most endangered river in the province.

**2008** - In June, an international coalition of 11 conservation groups petitions the United Nations World Heritage Committee to list Waterton-Glacier International Peace Park as endangered, due to nearby mining proposals. In July, gold exploration begins by Max Resources on 10,000 acres that is located less than 10 miles north of the Glacier National Park's border. In September, Montana fisheries biologists document significant bull trout populations within the footprint of the proposed Cline coal mine site. The mining company had previously stated that none of the protected fish could be found there.

**2008** - A November poll of B.C. residents found that 70 percent support protections for the Flathead, as well as for expansion of Waterton Lakes National Park into the province.

**2008** - In December, British Columbia's Ministry of Energy and Mines announces BP has been granted the rights to the proposed Mist Mountain CBM fields in the Elk River drainage. The announcement, made in several stages, is met by large protests in Fernie, B.C. The Fernie Town Council passes a resolution denouncing the granting of tenure to BP. The B.C. Flathead drainage is excluded from the exploration area in recognition of its "environmentally sensitive" status.

**2009** - In April the North Fork of the Flathead River is placed at #5 on American River's most endangered rivers list due to mining threats in the rivers Canadian headwaters.

**2009** - In June the UNESCO World Heritage Committee recommends a site visit to the Flathead Valley.

**2009** - In August, U.S. Secretary of the Interior, Ken Salazar, visits Glacier National Park and the North Fork of the Flathead area. Senators Baucus and Tester announce plans to permanently protect all federal lands in the U.S. portion of the valley from future oil and gas extraction.

**2009** - In September, members of the UNESCO World Heritage Committee and the International Union for Conservation of Nature (IUCN) visit the Flathead River drainage of BC and Montana.

**2010** - In February, the B.C. government announces a ban on mining and energy development in the Canadian Flathead. The B.C. cabinet then approves an Order in Council mandating the ban. Premier Campbell and Governor Schweitzer announce the

formal agreement of a memorandum of understanding (MOU) between their two jurisdictions.

**2010** – In February, Senators Baucus and Tester introduce S.3075 that would withdraw all minerals from entry in the North Fork Flathead watershed.

**2010** – In July, the UNESCO World Heritage Committee releases the mission report that concludes that B.C.'s management plan for the Canadian Flathead would threaten the Waterton-Glacier World Heritage site.



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## For more information about the Flathead Coalition

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