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PROTECTING THE WATER, WILDLIFE AND OUTDOOR HERITAGE OF THE CROWN OF THE CONTINENT.



Protected Forever?

Canadians have fulfilled their promise to protect their half of the magnificent and wild North Fork Flathead from oil, gas and mining activity with passage of Bill 2 - The Flathead Watershed Area Protection Act on November 14, 2011. (Photo: Harvey Locke)



Our Attention Must Turn South

Canadians have fulfilled their promise and now it's time for Montana and the U.S. to do the same. A key issue: the existing oil, gas and mineral rights under 18,000 acres of state school trust lands in the North Fork Flathead watershed. Will the Governor fulfill both the letter and spirit of the MOU he insisted upon former B.C. Premier Gordon Campbell? Click on map for printable version. (Map: Headwaters Montana)

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B.C. Fulfills Commitment to Flathead Mining and Energy Ban Observers Say, "It's As Good As It Gets"

November 16, 2011

Dear [member_name_first]:

On November 14 the BC government gave 'Royal Assent' to Bill 2, *the Flathead Watershed Area Conservation Act*. This means that the B.C. government has fulfilled its promise to ban mining and energy development in the headwaters of the North Fork Flathead River.

The significance of this legislation cannot be understated, particularly as those of us living south of the border may have an imperfect understanding of B.C. law and practices.

What it means is this: *The B.C. government has now delivered certainty for the B.C. portion of the watershed that it can not and will not be mined or developed for energy or mineral resources.*

Headwaters Montana spoke with Canadian attorney Harvey Locke this morning about the security of the B.C. position on industrial development in the Canadian portion of the Transboundary Flathead watershed.

An Informed Canadian Perspective

Mr. Locke said, "One of the concerns about the MOU between B.C. and Montana was the potential impermanence of the bans on oil and gas and mining that were initially put in place by both parties. On the B.C. side that concern is now resolved with the passage of Bill 2, the Flathead Watershed Area Conservation Act. This law makes permanent the ban on oil, gas and mining in the Flathead and cannot be changed without going through an extensive legislative process."

In addition to the B.C. legislation, Locke pointed out that international treaty obligations armors B.C.'s action. He said, "This law combined with the 2009 UNESCO decision that any mining in the Flathead would put the Waterton-Glacier World Heritage Site in danger gives us both legal and

Bill Text
112th Congress (2011-2012)
S. 233, IS

Bill Number	Bill Sponsor	Bill Title
112-233	Patrick	Oil, Gas, and Coal
112-233	Tester	Oil, Gas, and Coal
112-233	Baucus	Oil, Gas, and Coal

112TH CONGRESS
1st Session
S. 233

IN THE SENATE OF THE UNITED STATES
January 31, 2011

Mr. BAUCUS (for himself and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

Passing S. 233

Senators Baucus and Tester introduced the North Fork Watershed Protection Act in 2010 and 2011. The U.S. Senate needs to pass this legislation this year. The bill- at just 190 words in length - is not controversial. Please write senators [Baucus](#) and [Tester](#) and thank them for their work to secure passage of this vital legislation. (Click image to go to full text of S. 233.)



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~ Thank You! ~

treaty-level certainty."

Locke added for emphasis, "It doesn't get much better than this in terms of legal certainty."

With B.C.'s fulfillment of it's pledge made in the B.C. - Montana MOU, our attention must now turn to south of border to ensure that Montana and the U.S. fulfill it's promises in kind.

Mr. Locke, again speaking from a Canadian perspective, stated, "We need to turn our attention to the parital and impermanent nature of actions to date on the Montana side. Governor Schweitzer so far has only implemented a no-surface-occupancy stipulation for the 18,000 acres of state school trust lands in the U.S. North Fork Flathead River."

"This is not the same as a ban on mining and oil and gas. Montana should be delivering the same level of certainty as B.C. has just done.

"And as for U.S. federal lands in the North Fork, we all need to get behind the excellent Senate Bill 233 – the North Fork Watershed Protection Act – advanced by senators Baucus and Tester which bans oil and gas and mining in Flathead National Forest and get it passed." [Emphasis added]

What You Can Do

Passage of Bill 2 in B.C. is an historic achievement. Montanans must complete their obligations under the MOU - the process that Governor Schweitzer initiated. Please send a quick note to Governor Schweitzer and senators Baucus and Tester and ask them to finish the job of protecting the North Fork Flathead River.

- [Ask Gov. Schweitzer](#) to permanently remove mineral rights from the 18,000 acres of state land in the North Fork Flathead,
- Ask senators [Baucus](#) and [Tester](#) to pass S. 233 the North Fork Watershed Protection Act, and
- Thank them all for the involvement and efforts to date

We are very close to a permanent ban on oil, gas and mineral development in the entire North Fork Flathead watershed. Please add your voice **Now!**

Thank You!

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