

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

BRIAN SCHWEITZER  
GOVERNOR



JOHN BOHLINGER  
LT. GOVERNOR

May 24, 2005

The Honorable Condoleezza Rice  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Secretary Rice,

I respectfully request that the U.S. Department of State, in cooperation with Foreign Affairs Canada, make a referral to the International Joint Commission (IJC) regarding the trans-boundary environmental impacts of coalfield development in the Flathead River drainage of British Columbia. This request is based in part on the 1988 IJC recommendation regarding the construction of the Sage Creek coal mine in the Canadian Flathead. Based on three years of intensive analysis and findings by a bi-national team of fifty scientists and resource managers, the IJC recommended against construction of the Sage Creek mine as designed, concluding that operations and discharges from the mine would violate Article IV of the Boundary Waters Treaty.

In its 1988 conclusions, the IJC documented the international ecological significance of the trans-boundary Flathead watershed, as well as identified substantial baseline data deficiencies. Specifically, in its third recommendation, the Commission unanimously recommended that, "the governments consider, with the appropriate jurisdictions, opportunities for defining and implementing compatible, equitable and sustainable development activities and management strategies for the upper Flathead River basin," based upon the principles of "bi-national studies, fact finding and mutually acceptable use of resources."

Over a decade later, British Columbia has initiated new plans for both coal and coal bed methane development in the trans-boundary Flathead. Last year, the Province attempted a tenure sale for coal bed methane drilling licenses on 15,000 acres located in the trans-boundary Flathead, rejecting Montana's request for a comprehensive environmental study prior to leasing. Methane companies declined to bid due to the international controversy, but the Province has indicated its intention to try again while dismissing Montana's concerns. In February of this year, Cline Mining Corporation began road building and exploration activities under a provincial permit in a headwaters tributary of the trans-boundary Flathead, without prior environmental review or consultation with downstream or local interests. And currently, the Province is pushing for transfer of federal Dominion Coal Block lands in the watershed to promote coalfield development.

Despite the potential environmental and socio-economic impacts downstream in Montana, these projects have been initiated without addressing existing data gaps for water quality parameters and critical biological characteristics of the watershed. For example, we have anecdotal evidence that Flathead Lake bull trout from Montana spawn in Foisey Creek, where the current road building and coal mining activities are underway. However, no scientific studies have been undertaken to document the presence, extent or status of this threatened trans-boundary species protected by the Endangered Species Act in the United States.

In my letter of February 7<sup>th</sup> of this year to Premier Campbell of British Columbia, I asked that the province join Montana in requesting the International Joint Commission to conduct a comprehensive environmental and socio-economic baseline assessment by federal reference before any further mining development is allowed to proceed in the trans-boundary Flathead. My request follows similar requests from Montana's five previous governors, who all pursued implementation of the IJC's third recommendation from 1988. British Columbia has been gracious, but has showed no interest in implementing the recommendation and has simultaneously pursued coalfield development projects in the trans-boundary Flathead.

We believe that discharges from new coal mining and coal bed methane activities again threaten to violate the terms of Article IV of the Boundary Waters Treaty. Specifically, these developments pose grave threats to the integrity of the trans-boundary Flathead River, Flathead Lake, and to Waterton-Glacier International Peace Park, the world's first Peace Park. To ensure the long term integrity of this international treasure, and to work toward dispute prevention, the State of Montana urges you to refer the trans-boundary Flathead issue to the International Joint Commission, in the interest of accomplishing two goals:

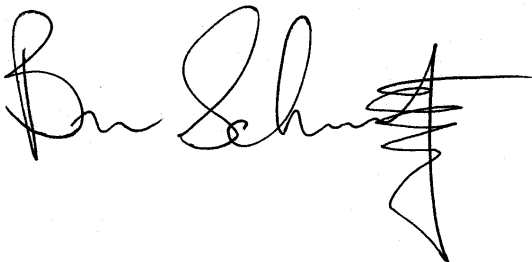
1. Create a bi-national board to prepare a comprehensive baseline assessment of the trans-boundary Flathead drainage. This information will be used to guide future land and water resource management and development decisions and to serve as the basis to project impacts and identify mitigation strategies for specific projects.
2. Facilitate a process to implement the IJC's third recommendation in its 1988 report on the proposed Sage Creek Coal Mine in BC Flathead River Basin. The outcome should provide economic opportunities for both British Columbia and Montana while protecting the many special amenities within the Flathead River Basin and maintaining the biological diversity and integrity of Waterton Lakes National Park in Canada and Glacier National Park in the United States.

I hope that you will honor the pledge made by President George W. Bush, Prime Minister Paul Martin of Canada, and President Vicente Fox of Mexico during their March meeting, when they agreed to enhance water quality "by working bilaterally, trilaterally and through existing regional bodies." I believe the Flathead is the type of water quality resource President Bush and Prime Minister Martin pledged to address. Therefore, I encourage you and your Canadian counterpart to refer our concerns in the trans-boundary Flathead to the IJC.

Please refer to the enclosed information for further justification of our request.

I thank you in advance for whatever you can do to help us obtain IJC involvement in this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Schweitzer". The signature is stylized and includes a large, sweeping flourish at the end.

BRIAN SCHWEITZER  
Governor

cc: The Honorable Gordon Campbell, Premier of British Columbia  
The Honorable Dennis Schornack, Chairman, US Section, International Joint Commission  
The Honorable Herb Gray, Chairman, Canadian Section, International Joint Commission  
US Senator Max Baucus  
US Senator Conrad Burns  
US Representative Dennis Rehberg  
Mary Sexton, Director, Montana Department of Natural Resources and Conservation  
Richard Opper, Director, Montana Department of Environmental Quality  
Rich Moy, Chair, Montana Flathead Basin Commission