

Cline agrees full environmental review needed

By MICHAEL JAMISON of the Missoulian
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KALISPELL - A Canadian mining company has agreed that its controversial coal mine project north of Glacier National Park should, in fact, be subjected to a comprehensive environmental review.

That marks a substantial shift for Cline Mining Corp., which as recently as one month ago promised shareholders it would pursue "fast-track" approval of the project, seeking a "small-mine" permit that does not require full environmental analysis.

Now, the company says it will instead apply for a large-mine permit, a two-stage process that involves detailed environmental and socioeconomic analysis.

"And we're not even in the pre-application stage yet," Kathy Eichenberger said of the Cline proposal. "They're really just getting going with this."

Eichenberger is regional manager of the Environmental Protection office at British Columbia's Ministry of Environment, and spoke Wednesday in Kalispell at a high-level meeting of the Flathead Basin Commission.

Despite Cline's earlier announcements that the company would "fast-track" the mine, that it would apply for permitting by the end of November, that a firm timetable is now in place for its project application, Eichenberger said the reality is the mine remains a long way off.

The company's managers and their promises to shareholders, she said, "don't dictate the timelines."

Instead, the government and its regulators control the timetable, she said, and officials are only now meeting with Cline representatives for initial discussions about the requirements of the application process.

The news that Cline will undergo full environmental review was well received on both sides of the international line, especially among those concerned that mining waste could pollute waters in and around Glacier National Park.

"At last, the process has reached the stage where the focus will be on science, and that's a huge step," said David Thomas, city council member from Fernie, B.C., and critic of the mining proposal. "We intend to engage in this (environmental review) process with a high level of faith in its integrity, and we hope that faith will not result in disappointment."

For months that have now stretched to years, Thomas and others have sought to highlight concerns about energy development in the Canadian Flathead, insisting the area is of sufficient international significance as to qualify for special protections.

Wednesday's meeting, he said, was evidence that the issue has now been officially "elevated."

Joining Eichenberger for the daylong discussion were some of the region's top scientists, Montana's lieutenant governor, representatives from the very top of provincial politics, and even

the co-chair of an international commission charged with preventing and resolving transboundary water disputes.

This particular dispute dates back to the mid-1970s, when coal mining first was proposed a short six miles north of Glacier Park's boundary. The mine would have been situated in the Canadian Flathead River Valley, a waterway that spills south to form the western edge of Glacier Park before pouring into Flathead Lake.

It is, said Glacier's Brace Hayden, "one of the wildest valleys, certainly, in the U.S. 48."

The mining proposal raised concerns, especially from downstream interests worried it could effect their park, their river and their lake. The groundswell was overwhelming, with business leaders and chambers of commerce joining environmentalists to sound the alarm.

They made noise all the way to Washington, D.C., where a young Sen. Max Baucus, D-Mont., secured funding in 1977 for an environmental impact statement on the project.

They looked at economic impacts, environmental impacts, social impacts. They collected data, produced reports and, in 1983, recommended that the International Joint Commission become involved.

(It also recommended establishing the Flathead Basin Commission, the same quasi-governmental organization that, 22 years later, played host to Wednesday's meeting.)

Established by treaty nearly a century ago, the IJC is a six-member body, with three representatives from each country and charged with negotiating resolutions to transboundary disputes.

In 1985, the IJC appointed an international study board, including some 60 scientists from both sides of the border. Three years and countless technical reports later, in June 1988, the commission concluded the downstream risks were too great, particularly to fish such as bull trout and west slope cutthroat trout.

The mine was scrapped.

But the IJC did not stop there. The commission also recommended the two governments sit down, state-to-province, and hammer out some sort of long-term management strategy for the lands in question, so as to avoid future disputes.

Every governor since has tried to do just that, but without success. Each side has taken its stab at a management plan, Hayden said, "but there never has been a bi-national attempt such as the IJC recommended."

Which really didn't matter much, until Cline Mining came knocking a couple years back. Then, suddenly, it was as if the intervening 20 years had never happened. The same concerns were raised, the same calls for baseline scientific study, the same clamor for renewed IJC intervention.

The issue was elevated even further with announcements of other coal mine proposals in the Canadian Flathead, of possible gold and coalbed methane operations.

Under considerable political pressure, provincial leaders denied Cline's first application to mine near the border. But later, without informing neighbors to the south, those same officials approved another Cline permit request, this time to explore for coal in the very headwaters of the river system.

Documents prepared by Cline indicate the company wants to dig some 2 million tons per year from a vast open pit operation, but would begin with only 250,000 tons. That way, they reasoned, they could get up and going with a "small-mine" permit and minimal environmental review, and then expand later.

That proposal raised eyebrows on both sides of the border, though, and Eichenberger said Canadian regulators "strongly advised and recommended" that Cline not pursue the "fast-track" approach.

The company, she said, apparently heeded that advice.

The shift in Cline's position has bought much-needed time for more baseline data collection and environmental review, but "I'm a bit concerned here that time is running out."

That from Dennis Schornack, U.S. co-chair of the IJC, whose presence at Wednesday's meeting provided further evidence of just how hot a political potato the watershed dispute has become.

According to Schornack, it's time for the two players to finally do what his commission advised some two decades back - namely, get together and craft a management plan for the area.

"We're aware" of the brewing discontent, he said of the IJC, "and we're going to continue to pay attention."

In fact, though, the IJC is doing much more than paying attention.

For years, he said, the commission only intervened to resolve active disputes, and then only once asked to do so by the top levels of both federal governments. But in recent years, he said, the IJC has been focusing more on preventing disputes rather than resolving them, facilitating talks before positions become "entrenched."

The time is ripe, Schornack said, for that sort of facilitation at the local level along the Montana border.

In addition, he said, his office already is compiling file of all the existing baseline data for the area, to identify what's known, what's not and what should be.

The emerging dispute, he said, "is sort of like a train coming down the track."

The IJC can see the light approaching, can anticipate where it's likely headed, "and we really don't want to get run over."

Which is why Schornack was in Montana on Wednesday, why he made a point to meet with provincial officials on a recent trip to British Columbia. The preferred route, he said, would scuttle the train into a siding for local negotiations, rather than into the offices of the IJC.

Cline's recent change in plans could well provide the time for those neighborly talks, although whether it will provide adequate time for baseline data collection remains uncertain. Consultants hired by the province concluded there exist "critical information gaps" that will require as much as three years to fill.

But according to Eichenberger, once Cline makes its formal application, the clock starts ticking on a process that usually takes about nine months.

And although she promised a process that would be "comprehensive," "inclusive" and "very open and transparent," not a few are waiting for the proof.

Fernie's Thomas, for one, is concerned that the provincial process does not adequately take into account cumulative effects - the impacts, say, of a handful of coal mines and a gold mine and some logging and acres of methane wells.

He also says the fact that the mining company itself will be the one collecting the baseline data and then monitoring the impacts of the operation "is a very, very serious flaw."

But Eichenberger insists the system works, and anticipates that with all the bright-light attention, the project is sure to receive a particularly careful review.

The permitting process, she said, will be "exhaustive."

But what of the bigger picture? What of the future of the larger wild river drainage? What of the fact that even provincial regulators admit they don't have any idea whether their existing mining rules are adequate for full-field coalbed methane exploration, much less methane mixed with gold and coal and timber?

Her ministry, Eichenberger said, "really is clear on focusing on individual applications." In other words, the focus is piecemeal, one project at a time, with no organized and upfront landscape-level analysis.

But big-picture review is exactly what people such as Schornack and Lt. Gov. John Bohlinger seem to want most - an analysis bigger than and beyond any one specific mining proposal.

Erin Sexton, who has been facilitating collaborative workshops for scientists from both sides of the border, calls the Canadian Flathead the "ecological engine" for the entire Crown of the Continent ecosystem.

Jack Stanford, director of the Flathead Lake Biological Station, calls it "a unique place on the planet," adding that, in terms of biodiversity, "there is no more important place on the continent."

Fresh water, he said, "is the currency of the world today, and that's all there is to it."

Billions have been spent trying to "fix" waterways such as the Columbia and Missouri, yet still fishery and water quality conditions worsen.

A tiny fraction of that money, Stanford said, would be enough to pin down the ecological baseline for the entire Flathead system, providing groundwork for a workable land management plan.

He proposes a "transboundary conservation zone," a sort of hands-off wildland north of Glacier Park leveraged with incentives - dollars, specifically - aimed at provincial coffers.

But that can only happen, he agreed, if big-picture talks such as those Schornack advises finally take place. Already, the governor's office has met with provincial Premier Gordon Campbell, and more meetings are anticipated.

"An entire economy has developed because of this pristine environment," Bohlinger said. "Our trade and travel economies depend on the protection of this water resource."

And now, with the issue again elevated to the highest levels, Thomas said, there is "an opportunity for British Columbia to prove that it can be a responsible steward of our shared transboundary environment.

"It's a tremendous opportunity. What we do with it, well, that remains to be seen."