



COPY

FLATHEAD COALITION

573 2nd Ave. W.N.
Kalispell, Montana 59901

September 8, 2004

The Honorable Colin L. Powell
Secretary of State
U.S. Department of State
2201 C. Street N.W.
Washington, DC 20520-0099

The Honourable Pierre Pettigrew
Foreign Affairs Minister
Foreign Affairs Canada
125 Sussex Drive
Ottawa, Ontario K1A 0G2

Herb Gray
Chairman, Canadian Section
International Joint Commission
234 Laurier Avenue West, 22nd Floor
Ottawa, ON K1P 6K6

Dennis L. Schornack
Chairman, U.S. Section
International Joint Commission
1250 23rd Street N.W., Suite 100
Washington, DC 20037

Dear Honorable Sirs:

The Flathead Coalition is a transboundary alliance of citizens and groups, founded in 1975, with the mission of protecting the natural watersheds shared by British Columbia and Montana. We are international neighbors working for clean water, healthy habitat and thriving communities.

In a letter we wrote last month to Secretary of State Powell, the Flathead Coalition sought the support of the U.S. government for the request by Montana Governor Judy Martz for establishment of a joint U.S.-Canadian review panel to prepare a comprehensive environmental assessment prior to the sale of coalbed methane drilling licenses in the Canadian coalfields of the transboundary Kootenay and Flathead watersheds. Governor Martz's request is supported by all the members of Montana's congressional delegation.

British Columbia rejected this request, but on August 26, the Province of British Columbia confirmed that no company bid on either of the leases encompassing 49,000 acres in the Crowsnest Coalfield.

This momentary respite provides all of us with an opportunity to develop a more suitable framework for cooperative watershed management. Although BC's attempt to auction these drilling rights, prior to establishing even a rudimentary environmental baseline, was unsuccessful, the gas resource remains in the ground.

Our Board of Directors, which includes community, tribal, business and conservation interests in Montana and British Columbia, believes now is the appropriate time to pursue, and to pursue vigorously, the International Joint Commission's recommendation #3 in its 1988 report, "Impacts of a Proposed Coal Mine in the Flathead River Basin." We request that the two federal governments refer an appropriate term of reference to the IJC.

We note that the mission of the IJC includes assisting the two countries in the protection of the transboundary environment. The IJC's purpose is to prevent, and not just to resolve, disputes about management of our nations' shared environment. This is the spirit of the IJC's 1988 Flathead report, in which the commissioners advocated forming a creative, transboundary approach based upon binational studies, fact finding and planning, and mutually acceptable use of resources.

We further note that the trans-jurisdiction Flathead Basin Commission, on which British Columbia has a seat, wrote to the IJC on February 10, 2000 requesting IJC support in the establishment of an International Watershed Board, as envisioned by the IJC in its 1997 report entitled, "The IJC and the 21st Century."

In the interest of preventing disputes instead of resolving them once they have arisen, we ask the federal governments, the IJC, the State of Montana and the Province of British Columbia to establish a joint scientific panel for the transboundary watersheds of the Kootenay and Flathead river basins. The panel should be charged with conducting a comprehensive, quantitative assessment of baseline environmental conditions for transboundary waters, air, wildlife and other components of terrestrial and aquatic ecosystems. The assessment also should evaluate existing socio-economic conditions and trends in the transboundary region encompassed by these two watersheds in the Rocky Mountains. The results of such inquiries would assist governments, communities and private industry in land-use planning. The panel should further be charged with advising government officials in the mutually acceptable use of resources in these transboundary watersheds shared by British Columbia and Montana.

The Flathead Coalition asks that the Canadian federal and provincial governments refrain from auctioning or otherwise issuing licenses for coalbed methane drilling and other hydrocarbon exploration and development until the comprehensive environmental assessment is completed.

We believe that the International Joint Commission is the appropriate authority to appoint, convene and oversee this review panel, although it may be appropriate for the review panel to directly advise governments, consistent with the terms of reference.

We urge your positive consideration of this request in the spirit of peace and cooperation, which is so prominently represented in this transboundary region by Waterton-Glacier International Peace Park. Established by acts of Parliament and Congress in 1932, the world's first peace park represents a living commitment by both nations to collaborate in natural resource management. The Peace Park represents our nations' heritage of cross-border peace and cooperation.

What better way to demonstrate both nations' commitment to the spirit and practice of peace park cooperation than to establish the type of creative, binational structure championed by the IJC in 1988? Surely this approach is preferable to a conflict-driven dispute resolution process when the next round of energy development proposals are thrust upon our communities once again.

As concerned citizens of this region, we stand ready to work with both federal governments, the State, the Province and affected First Nations to make this concept a success. Let us take advantage of this opportunity to work together.

Sincerely,



Richard Kuhl
President, Flathead Coalition
867 N. Main Street
Kalispell, MT 59901



David Thomas
Board Member, Flathead Coalition
PO Box 1677
Fernie, BC V0B 1M0

Cc: Gov. Judy Martz
Premier Gordon Campbell
Montana Congressional Delegation
Regional District of the East Kootenay