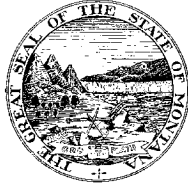


OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR



JOHN BOHLINGER
LT. GOVERNOR

January 27, 2006

Kate Walker, President
Montana Chapter of American Fisheries Society
5646 Prospect Drive
Missoula Mt 59808

Dear Ms. Walker:

Thank you for your informative letter of December 20, 2005 regarding proposed energy developments in the headwaters of the North Fork of the Flathead River and in the Elk River valley of British Columbia. I share your concerns over the possible impacts that energy developments could have on the transboundary fisheries in these two drainages.

I recently sent a letter to Premier Campbell of British Columbia requesting the creation of a bi-national team to accomplish a number of tasks. One of those tasks would be to finalize the Memorandum of Understanding (MOU) that implements the Cooperative Environmental Arrangement that was signed by my predecessor and Premier Campbell in September 2003. That Arrangement calls for the creation of an MOU to conserve, protect, and enhance our shared environment for the benefit of existing and future generation.

To that end, I have asked for the establishment of a three-year baseline data collection effort. Without data, it would be very difficult for us to assess the impacts that proposed energy developments will have in Montana, especially to the federally designated Wild and Scenic North Fork of the Flathead River and Glacier National Park. For example, there are elevated concentrations of selenium in the Elk River arising from the upriver surface coalmines. It is unclear to us if bioaccumulation of selenium occurs within fish species found in Lake Kootenusa--especially in various trout species and kokanee salmon, and how the newly proposed mines in the B.C. Flathead might impact fish species on our side of the border.

I have also asked Premier Campbell to join me in implementing the third International Joint Commission recommendation that calls for the creation of a transboundary management and conservation zone for the transboundary Flathead. The IJC made a similar recommendation after reading the reports from an international team of over fifty scientists that worked for three years on assessing the impacts of the proposed Cabin Creek coalmine in the Flathead River drainage of British Columbia. The IJC recognized the ecological significance of this international drainage in making this recommendation.

I hope that Premier Campbell and I can work together to find 'win-win' solutions that meet the economic desires of British Columbia, but still protect the Crown of the Continent—a region that the United States and Montana have worked so hard to preserve and protect over the past 95 years.

I believe the IJC has set the standard and precedent when it recommended in its 1988 *Flathead Impacts of the Proposed Coal Mine in the Flathead River Basin* report to the United States and Canadian Governments that:

“the [Cabin Creek] mine proposal not receive regulatory approval [by British Columbia] in the future unless and until it can be demonstrated that:

- (a) The potential transboundary impacts identified in the report of the Flathead River International Study Board have been determined with reasonable certainty and would constitute a level of risk acceptable to both Governments [the United States and Canadian Federal Governments]; and
- (b) the potential impacts on the sport fish populations and habitat in the Flathead River system would not occur or could be fully mitigated in an effective and assured manner;” and....

We want to make sure that all new energy development in the B.C. Flathead River Basin meets this IJC standard. Therefore, we have strongly recommended to the IJC that more baseline information is needed to assess impacts to both the United States and Canada. At this time, we do not have enough information to know with any reasonable certainty the potential impacts that these energy developments, especially the Cline proposal in Foisey and Lodgepole creeks, would have on transboundary waters and fisheries, and whether these impacts constitute an acceptable risk to us.

I thank you for your interest in these transboundary waters and international fisheries and I have a desire to do everything possible to protect these values for future generations of Americans and Canadians.

Sincerely,



BRIAN SCHWEITZER
Governor

Cc; The Honourable Stephen Dion
The Honourable Dennis Schornack
The Honourable Herb Gray
Joan Hesketh
Mary Sexton, DNRC Director