

NORTH FORK PRESERVATION ASSOCIATION



"...to protect the natural resources that make the North Fork an unparalleled environment for wildlife and people."

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Cline Mine: What's Next?

By Dan Testa

This excellent, well-researched article is reprinted by permission of the Flathead Beacon (www.flatheadbeacon.com). It appeared on May 23, 2007.

With U.S. Secretary of State Condoleezza Rice wading into the issue, Montana has called in the big guns to combat the proposed Cline coalmine project in the headwaters of the Flathead River's North Fork in British Columbia.

At the urging of Sen. Max Baucus, D-Mont., Rice pressed the Canadian federal government last month to invoke a more stringent environmental assessment of the proposed mine's impacts than British Columbia's government requires.

As of this writing, the Canadian federal government has not yet formally invoked its environmental assessment act. Until it does, the B.C. government retains authority over the mine's permitting process.

But Montana's strident opposition to the coalmine is causing some B.C. lawmakers to bristle at what they perceive as the United States dictating to them how they should develop their natural resources.

The friction reveals a similarity between Montana and its neighbor to the north: Neither likes to be told what to do.

In a fractious March 29 debate within British Columbia's parliament, East Vancouver lawmaker Shane Simpson echoed the concerns of many in the U.S. when he attacked B.C. Environment Minister Barry Penner for eroding the province's environmental assessment process and failing to consider Gov. Brian Schweitzer's concerns on the Cline mine proposal.

"The governor's concern is that the terms of reference do not extend beyond the footprint of the mine and the haul road and do nothing – absolutely nothing – to look at the impacts of the mine downriver and into the Flathead basin," Simpson said. "Nor do they provide sufficient detail regarding the cumulative impacts, including the impacts of the mine on internationally significant wildlife populations."

Penner shot back by thanking "the member from Montana" for his comments and criticizing Montana's environmental record as well as confusing it with Wyoming's, where the coalbed methane development dwarfs Montana's.

"Any day of the week, I will gladly put our environmental record up against Montana's environmental record," Penner said, "where they literally have thousands of coalbed methane wells. They have coal-fired generation."

Until the Canadian federal government intervenes, the decision over whether to green-light the Cline mine ultimately rests with Penner and Richard Neufeld, B.C.'s Minister of Energy, Mines and Petroleum Resources.

Some Flathead Valley experts who have studied the issue warn that despite the reassuring intervention of the State Department, the threat of the Cline mine remains very real, particularly in light of the B.C. government's track record when it comes to permitting mines.

Ken Bates, CEO of Cline Mining Corp., said he was unaware the Canadian federal government planned to take up his proposal on the North Fork, but that his company would follow through with the application process regardless of international opposition.

"We're a company doing our job," Bates said. "We're doing it and we're no different than any other mine and many mines have been permitted in B.C."

British Columbia has never denied a mining permit, according to Caryn Miske, executive director of the Flathead Basin Commission.

"The B.C. government ultimately has a lot of discretion," Miske said. "If history holds true, the odds aren't very good of B.C. stepping in to deny (the permit)."

Garry Alexander, who is overseeing the Cline mine proposal at B.C.'s environmental assessment office, confirmed his agency has yet to deny a permit, but adds that many mining permits become bogged down in the application process and are abandoned.

"I'm not aware of any (applications) that have been rejected, but there aren't that many that have been approved," Alexander said.

The Cline Mining Corporation's proposal to extract 40 million tons of coal over the next 20 years from a mountaintop about 25 miles north of the U.S.-Canadian border has exploded into an international controversy since its announcement last year. Cline intends to export the high-grade coal to Asia for steel development.

The proposed mine's location along Foisey Creek, which empties into the North Fork of the Flathead River, would be the watershed's first coalmine.

The mining activity could contaminate the North Fork with pollutants including nitrates, phosphorus and the toxic metal selenium, Miske said, resulting in a severe degradation of the Flathead River's water quality and harming fragile wildlife.

Chief among the potentially affected fauna is the bull trout. Miske estimates as much as 37 percent of the Flathead River's bull trout spawning area sits directly adjacent to the site of the proposed mine. She points west to the Elk River, with five coalmines within its watershed, as a potential glimpse of the Flathead's future. Recent studies show high levels of selenium and a significant reduction in biodiversity within the Elk River, Miske said.

The Cline mine's permitting process is in its earliest stages and the B.C. environmental assessment office is currently working on a final draft of the terms of reference, which outlines the environmental standards Cline's application must meet. Once Cline receives the terms of reference, it could take six months or longer to assemble its application. The application may also require Cline to do years of scientific study on the region's wildlife and water before breaking ground on the mine.

The Canadian federal department of Fisheries and Oceans is currently studying the Cline proposal to recommend to the Ministry of the Environment the scope of the national government's assessment for the mine.

U.S. officials are confident the Canadian government will soon step in.

"It is not in stone," said U.S. Sen. Jon Tester, D-Mont., but added he has "gotten word" Canada will soon invoke its federal environmental assessment act, known as CEAA.

But Miske fears Canada will trigger a watered-down version under Section 5 of CEAA, that applies only to fisheries and fails to account for the larger, trans-boundary and cumulative impacts of the mine. In that case, Miske said, the Canadian federal government's intervention would mean little.

"Invoking Section 5 is better than nothing, but it's not much better than nothing," Miske added.

Alexander believes CEAA will go forward under Section 5.

"That's the trigger, I think, that is going to trigger the Canadian Environmental Assessment Act." Alexander said.

In an April 24 statement, Baucus said he and Rice are pushing for a review under Section 47 of CEAA, which sets forth a broad review of the mine's impacts. But in more recent statements, both Baucus and the State Department are now calling for a comprehensive assessment, without specifying a preference for either section.

A spokesman for the U.S. State Department said Section 5 could allow for a comprehensive review of the entire mine proposal's trans-boundary impacts.

"The United States has advised the Canadian government that a limited federal assessment would not be in keeping with our long history of cooperation on environmental issues on the border," said Eric Watnik, a State Department spokesman.

Bates said his company will continue to move forward in the permitting process, abiding by whatever guidelines are set forth by government.

"We're doing things, as far as I'm aware, to the best of our ability," Bates said.

Even if the Cline mine proposal is defeated, Miske said, it's likely that others will attempt to develop the massive coalfields that exist in the Canadian watershed of the North Fork.

"Even if Cline goes away tomorrow, the issue is not resolved," Miske added. "Pandora's Box has been opened."

A note from the NFPA president:

British Petroleum (BP) wants to explore the whole Crowsnest Coal Field for coalbed methane (CBM), including the portion of the Flathead Basin in British Columbia. Besides the many problems associated with the production of CBM, the company has a poor safety record and a history of cutting funds for safety and equipment maintenance. For instance, at a BP refinery in Texas City, Texas on March 23, 2005, an explosion killed fifteen people and injured 180. The final cost of this incident was \$1.5 billion. The U.S. Chemical Safety and Hazard Investigation Board determined that BP was negligent and that BP senior management was primarily culpable for the conditions leading to the disaster. In the months following the March explosion, two more incidents occurred, one resulting in a reported \$30 million in damages and the other a \$2 million property loss.

And BP wants to explore the B. C. Flathead with this safety and maintenance record? Not a good idea.

A Dusty Trojan Horse

By John Frederick

I found an old letter of mine on behalf of North Fork Preservation Association to the U.S. Environmental Protection Agency dated June 4, 1982. I was inquiring about what the Federal Highway Administration called "fugitive dust." I had asked if there were funds available for dust coating on unpaved roads like the North Fork. There were no such funds.

Later I discovered that Flathead County did not have funds for dust coating either and likely never would once they could no longer put used motor oil on roads because of the 16 carcinogens in the oil caused by car engines.

NFPA wanted dust coating for the North Fork Road and for years has searched unsuccessfully for a means of achieving it.

Flathead County Commissioner Gary Hall said at a Columbia Falls Chamber luncheon in April that paving the North Fork Road has become a necessity. He also mentioned a new coalition formed to get funding (for paving) and initiate serious discussions on the road. Although other locations in the county have asked for paving, such as Jensen Road (25% greater use than the North Fork and the people on Jensen Road want it paved), Gary Hall has been a staunch advocate for quite a few years for paving the North Fork Road.

What is wrong with more pavement on the North Fork? Here is what former NFPA president Howard Harrod wrote to the Senate Appropriations Transportation Subcommittee on October 1, 1999:

- Indisputably, traffic and speeding drivers will increase, and residential and recreational pressures will intensify. This will bring more pressure to pave more of the road, repeating the cycle. Our precious wild country, which survives only because the bumpy road is a barrier, will be lost.
- The continued existence of grizzlies and wolves, priceless protected species that exist in such few other places in our country, will be greatly jeopardized, just as the U.S. Fish and Wildlife Service concluded over twenty years ago, when paving was proposed and wisely rejected.
- Some politicians who have shown scant interest in the environmental protection now claim that paving will reduce dust and pollution and improve river water quality, but this is only marginally so.

In 1980 the U.S. Fish and Wildlife Service issued a biological opinion on the North Fork Road that paving on the North Fork road was likely "...to jeopardize the continued existence of the grizzly bear and gray wolf." The Federal Highway Administration decided to upgrade the ten miles of road from Canyon Creek to Camas junction, but not to pave it. When paving the North Fork Road is being discussed, the area of discussion is usually from end of pavement to Camas junction.

When federal funds are used, an Environmental Impact Statement is required for paving of the North Fork Road, which increases the cost of the paving by a million dollars or more and takes a substantial amount of time – perhaps a year minimum.

Recently, a group called North Fork Road Coalition for Health and Safety (NFRCHS) complained to the Montana Department of Environmental Quality (DEQ) about the dust on

the North Fork Road. Consequently, DEQ started fining Flathead County for not controlling the dust. The County belatedly sent in a dust management plan which was not adequate and now it is being redone more carefully. The County is searching for new sources of dust control (polymers??) that they can afford, combined with perhaps stricter enforcement of speed limits to keep the dust down on numerous County roads. The County hopes to mitigate dust so that the penalties are eliminated. I hope they can find something that works to reduce the amount of dust on all 690 miles of county gravel roads. There are nearly 25 miles of gravel road in Flathead County that have greater amounts of traffic on them than the North Fork Road.

A dust study financed by the North Fork Road Coalition will be conducted from mid-July to mid-August. The study will look specifically at what is in the dust and how it is impacted by vehicle emissions. In regard to health, I question why anyone would stand on the North Fork Road for any long period of time to be dusted and, if they did, what is wrong with their brain?

Although road dust is certainly unpleasant, the dust issue is actually a "Trojan Horse" or "end run" tactic. It is a clever way for the NFRCHS to bypass normal discussions concerning the many problems associated with paving the North Fork Road. I refer to the NFRCHS as a paving organization because there is no funding for dust coating, but there is always money available for paving roads with the Federal Highway Administration when there is sufficient local interest. This group has chosen a narrow frame of reference, focusing on the dust problem, and has no interest in discussing the larger picture of the harm done to the North Fork Valley by paving.

With many gravel roads in Flathead County having more traffic than the North Fork Road (for instance, McMannamy Draw has 50% more usage), the North Fork — the road to nowhere — should logically be one of the last roads paved.

If you would like to stay updated on the North Fork Road issue, read the NFPA web site (www.gravel.org), which is the most up-to-date source of information. Send your name and email address to john@gravel.org to learn what can be done at the appropriate time to influence this and other issues of importance.

NFPA Treasurer's Report 2007

Total Assets in checking account as of 5/21/07 \$9,702.17
(This is \$2,506.35 more than last year's total on 5/19/06)

Income: \$4,824.36

Expenses: \$2,340.89

Flathead Coalition brochures, mailings	\$345.80
Donations to non-profits	\$425
Web related	\$375
Hall rental	\$ 50
Food for meetings	\$ 84.56
Press release re: Cline Mine	\$200
Newsletter, mailings, office	\$860.57

Submitted by Ellen Horowitz

June 5, 2007

North Fork Preservation Association Summer Schedule – 2007

Friday, July 6 through Sunday, July 8, North Fork Float. Sponsored by Headwaters Montana. Leader Michael Spence 857-2599; mspence@bresnan.net. Meeting place: Glacier Rim parking lot, Friday 1:30 p.m. We will park some of the cars and carpool to camping area below Schnaus Cabin. Saturday a.m. launch to head down river. Camping at Big Creek Saturday night. Finish Sunday early p.m. Bring watercraft, food, camping gear.

Saturday, July 14, 5:00 p.m. NFPA Board Meeting at North Fork Hostel. Pizza provided. Bring drinks. All are welcome.

Wednesday, July 18, 6:30 p.m. Inter Local at Sondreson Hall, hosted by the North Fork Compact. Preceded by a potluck at 5:00 p.m. Meat cooked by Glacier Institute. Bring a side drink.

Saturday, July 28. North Fork Preservation Association annual meeting. Pot luck at 5:00pm. Business meeting and elections at about 6:30 p.m. 7:00pm program features Jenny Woolf of the University of Montana talking about her study over several states and parts of Canada involving black-backed woodpeckers living in fire damaged areas, which has management implications for logging. All are welcome.

Saturday, July 28, Deep Mt. Loop hike. Sponsored by Headwaters Montana. Leader Edwin Fields, 862-9623. Distance: 10 miles. Rating: Strenuous. Group size: 12. Call for meeting place. The halfway point is the site of the former Locke Lookout. Come see the heart of a wild area deserving of Congressional protection.

Sunday, August 8, Thoma Trail Maintenance. Frank Vitale will pack chainsaws, gas and sometimes people. We need lots of help. Phone John Frederick at 888-5084 or Frank Vitale evenings at 752-2909.

Sunday, August 19, Hornet Lookout maintenance. Overnight at this remarkable, historic lookout. NFPA will put preservative on the logs. The lookout was built in 1922 at a cost of \$719.38. A fall-back date in case of rain is Sunday, August 26. Phone Frank Vitale evenings at (406) 752-2909 or John Frederick at (406) 888-5084 for directions.

Saturday, August 25, Mt. Hefty hike. Sponsored by Headwaters Montana. Leaders Val Kurtzhaltz 756-9621 and Susie Waldron 756-6027. Distance: 12 miles. Rating: Strenuous. Elevation gain: 3260. Group size: 10. Call for meeting place. The hike takes you through young forests typical of the Whitefish Range. Once on the ridge, we ascend to Thoma Lookout for outstanding views into British Columbia, the magnificent North Fork Flathead Valley, Glacier National Park, Akamina-Kishenena Provincial Park, the proposed expansion of Waterton Lakes National Park, as well as swath of 40th parallel and Canadian/U.S. border. We often encounter grizzly bear digs for glacier lilies.

Saturday, September 8, Nasukoin Peak hike. Sponsored by Headwaters Montana. Leaders Sue and Roger Sherman 862-0438. Distance: 11.6 miles. Rating: Strenuous. Group size: 10. Meeting place: 8:30 a.m. at Mountain Mall in Whitefish. Nasukoin is the highest peak in the Whitefish Range at 8066 feet. There are great views in all directions, including Glacier Park, Big Mountain, and into Canada. Several area lakes are also seen from the peak and from the trail. The trail crosses Lake Mountain (7814 ft) before reaching Nasukoin.

Saturday, September 29, Mt. Brown hike – Birds in Flight. Sponsored by Headwaters Montana. Leader Dave Hadden 837-0783. Distance: 10 miles. Rating: Strenuous. Elevation gain: 4400. Group size: 15. Meeting place: Lake McDonald Lodge parking lot. During this hike, we will stop often to watch the migration of eagles soaring. You will be assured of seeing many eagles.

MEMBERSHIP/RENEWAL FORM

IF YOU HAVEN'T PAID YOUR DUES YET, IT'S TIME!

If there is a green line on your mailing label, you have paid your dues for 2007. **Thank you!**

I want to help protect the North Fork of the Flathead River Valley at the western edge of Glacier National Park.

_____	New	Name	_____
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		Phone	_____
		Email	_____

I want to join the NFPA. Here is my membership fee of \$20.00/year _____
family membership of \$25.00/year _____
living lightly membership of \$10.00/year _____

I want to help. Here is my donation of _____ for _____

Please remove me from your mailing list. _____

NFPA is a 501(c)(3) organization. Your contribution is tax deductible.

Mail check or cash to: North Fork Preservation Association
c/o Ellen Horowitz
880 Blackmer Drive
Columbia Falls, MT 59912
(406) 752-2909

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Officers are elected for a one-year term; board members for two. If you are interested in volunteering, please contact a board member.

North Fork Preservation Association

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