

Flathead Coalition News

November, 1975

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PROPERTY FILE



The two mountains pictured are the "north" and "south" mountains now under exploration for possible open-pit mining by the Sage Creek Coal company, a subsidiary of Rio Algom Mines, Ltd. The Cabin Creek drainage is located between the two mountains and Howell Creek is in the foreground. See story page 14.

photo by randy rasmussen

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THE FLATHEAD COALITION

Who We Are

By Tim Sweeney

The Flathead Coalition was formed to protect the quality of the North Fork of the Flathead River and Flathead Lake. To date the Coalition has addressed itself to the Cabin Creek problem, and has pledged to work closely with the British Columbian Wildlife Federation on mutual environmental problems.

In the fall of 1974, the Cabin Creek problem became known through the efforts of people like Bill Schneider, editor of *Montana Outdoors*, and the Montana Fish and Game Department. During the next few months, a half dozen conservation and community leaders formed a pre-steering committee, which then named most of the members of the permanent steering committee operating now. Throughout 1975 the membership of the steering committee has expanded, absorbing newly interested and concerned groups and individuals.

The members of the Flathead Coalition and its steering committee represent a cross-section of Flathead Valley and Canadian citizens. Included in the group are: the Kalispell Chamber of Commerce, the British Columbia Wildlife Federation, the Flathead Lakers, Flathead Valley Community College, American Assn. of UM Women, the Montana Wilderness Association, the Kalispell Lions Club, Kiwanis Club, the Area Wide Planning Organization, the Confederated Salish and Kootenai Tribes, the Vancouver Environmental Law Center, American Rivers Council, the League of Women Voters, the West Shore Chamber of Commerce, Flathead Wildlife, the Bitterroot Mission Group of the Sierra Club, the Wilderness Society, the National Parks and Conservation Association and the Associated Students of the University of Montana.

The diversity of interests represented on the Coalition points out that this coalition is not a "typical" environmental group. It is true that our board has many representatives of strong environmental groups. However, the composition of the board reflects the interests and concern of the business people of the area as well. Many of these business people are aware of the value of environmental quality to the economic health and vitality of the Flathead area. The range of interests represented on our board allows us to join dialogue with, and speak for a large constituency.

One of the first acts of business the Coalition did was elect its officers. Those elected were: Co-Chairman Don Fritz, Vicechairman Gene Albert and Secretary

Ginger Agee. The steering committee next set up committees to carry on the work and research that needed to be done. The Canadian Relations Committee coordinates efforts with our Canadian neighbors, both within our coalition and in the provincial government.

The Political Liason has the job of keeping contacts with our local, state and national representatives and senators. The Scientific Committee has the task of actual, on-the-scene environmental research and review of any research done outside the Coalition. The Legal Committee approaches the various legal problems caused by this unique international environmental problem. The Public Relations Committee works on gaining support and raising money for the Coalition.

This summer the Coalition approved a set of bylaws drawn up by James Cumming of the Legal Committee. The Coalition follows these bylaws in admitting new members to the Coalition and the steering committee.

With the growing understanding of this complex issue, the Coalition has been branching out in many directions in search of a reasonable solution to the Cabin Creek issue. In our efforts we have realized certain directions we need to take in order to make progress on the issue.

First of all, the Coalition wants to keep in touch with its grass roots constituency. It was decided that a bi-monthly newsletter could accomplish this task.

Next, the group foresees the possible future need for a permanent paid staff member to coordinate the group's efforts. The Coalition is in the process of "professionalizing" itself to be more effective in dealing with the Cabin Creek issue. The Coalition has expanded to the point where a central staff person is needed to collect and disseminate the work being done by the various committees. This person would be a central contact for the committees as well as for the Coalition and the public.

Almost all the money spent for work has been through contributions to the Coalition; the Committee members have been very unselfish in their dedication to the Coalition. Contributions are needed to pay travel expenses for our staff members and for bringing in expert witnesses for the hearings. Remember it's a long way between Victoria, B.C. and Kalispell, MT. Any contributions can be mailed with the subscription form on the back page of the newsletter.



Baucus Proposal Would Protect Flathead

The staff of Congressman Max Baucus is currently finishing research and drafting on a Wild and Scenic Rivers designation that will affect all three forks of the Flathead River. The staff's work will become a bill that Baucus will soon present on the floor of the House.

The 219 mile length of the river would be assigned one of three different classifications under the proposal: recreational, scenic or wild.

There is little difference between the recreational classification and the scenic classification. These two designations prohibit large-scale industrial developments that are not already existing prior to the adoption of the legislation. This process is akin to "zoning" requirements now in use in many areas. Basically, any development that does occur is prohibited from detracting from the scenic value of the river. The process is carried out by the reaching of an agree-

ment between the private land owner and the governing agency of the land, e.g. Forest Service, Glacier National Park, etc.

The agreement states that the two parties are in accord as to how the land should be managed. Easements are granted to developments that existed prior to enactment of the legislation. The act states that the land should be kept neat and free of garbage. The general topography of the land is to be preserved.

Timber cutting is not permitted unless the Forest Service approves (e.g. for safety). Billboards would be prohibited. It is important to remember that this act does not give the public the right to enter upon private land.

This agreement will not affect prior on-going use of the land unless the landowner agrees to the change. Under the drafted legislation the agricultural lands are fully protected as being beneficial and necessary to the area.

The "wild river" designation would affect no current private landowners. This term would apply to areas already publicly zoned. The act is aimed at maintenance of water purity in the river. It would prohibit timber practices that would adversely affect the river's quality. It would protect the riverbank from unnatural erosion.

Congressman Baucus' bill has been drawn up to meet the immediate threat that exists for the Flathead River. The Forest Service has just completed an intensive study of the various forks of the Flathead and has submitted the report to its national headquarters in Washington D.C. While this study is an important step for the future of the Flathead, the problem arises as to when the Forest Service would draw up a scenic and wild river plan for the Flathead. The fear is that by the time the plan is drawn up, reviewed and finally submitted to Congress, it may be too late to save the Flathead.

The time for action is now. We are glad that Mr. Baucus has realized the situation and, drawing upon the work of the Flathead Forest Service, will introduce his proposal on the wild and scenic rivers to the House. In essence, he is speeding up the legislative process.

The proposal is worth support because it serves both the agricultural and recreational sectors of the Flathead River economy. The Coalition also believes this legislation serves to underscore the commitment on our side of the border to keep the Flathead River pollution free.

IJC...

By James Cumming

Talk very long with any member of the Steering Committee of the Flathead Coalition and you will be into the mystifying world of "IJC," "Boundary Waters Treaty," "reference," and similar terms. In a culture beset with acronyms and code words, surely one more special language is scarcely a burning necessity.

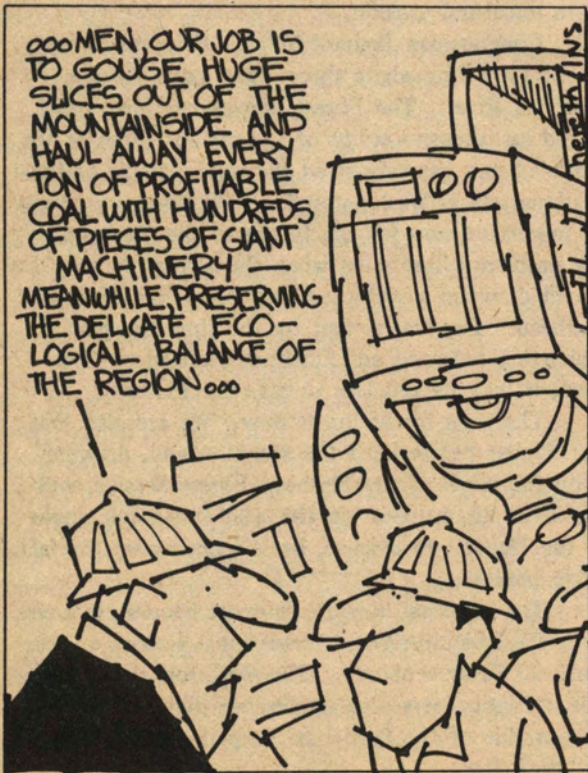
However, Flathead Coalition found a ready-made system with ready-made jargon waiting for it when it first started exploring ways and means of countering the advance of Rio Algom Mines, Ltd.

"IJC" refers to the International Joint Commission, an international agency established under the provisions of the Boundary Waters Treaty. The treaty was negotiated and ratified in 1909 by United States and Great Britain, acting for Canada, which at that time did not have treaty making powers. The Boundary Waters Treaty refers strictly to boundary waters between the United States and Canada.

The IJC consists of six commissioners, three from each country. The three U.S. commissioners have a permanent office and staff in Washington, D.C., and the three Canadian commissioners have their office and staff in Ottawa. They meet in permanent semi-annual meetings, in Washington in the first week in April and in Ottawa in the first week in October. They meet additionally on an unscheduled basis as necessary throughout each year to hold hearings, make inspections, and consider specific problems.

"Boundary Waters" within the meaning of the treaty are those lakes and rivers along which the U.S.-Canadian boundary runs. It also refers to those waters which flow from one country into the other, for example, the Red River in North Dakota and the Columbia River in British Columbia. Also included within the jurisdiction of the IJC are downstream waters. In Northwestern Montana, we are sharply aware of the problems which can plague relations between neighboring countries as exemplified by Libby Dam and its resultant mudflats and ruined farmlands upstream in British Columbia.

While each government reserved to itself the exclusive jurisdiction and control of upstream waters, they provided in the treaty that "any interference with or diversion from their natural channel of such waters on



U.S. and Canada Meet

either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs." In other words, dumping of polluting material into the Flathead River by a mine in British Columbia entitles a Montana citizen to bring suit in the courts in Canada for damage done to his property.

This provision immediately prompts the question, why not get up a group of concerned citizens and go file suit in Canada for an injunction? Two basic considerations rule out this simple solution.

First, there exists a considerable gray area as to the powers of the Dominion of Canada vis-a-vis the Provinces. The British North American Act (Canada's "constitution") attempted to avoid the horrible example of the overlapping federal-state powers in United States which contributed to the Civil War. All governmental powers were simply divided up, some going to the Dominion and the rest to the Provinces. Unfortunately, nobody foresaw the ramifications of the problems of environmental degradation, and the complex of powers necessary to deal with them, and so each problem immediately runs into a thicket of jurisdictional problems.

Second, although Canadian and American laws of nuisance derive from the same English sources in the Common Law, the developments in the two countries have diverged extremely in the matter of who has standing to sue. In the United States, we have become accustomed to seeing "Private Attorneys General" taking the law into their own hands and commencing court action without much ado to enforce the laws. In Canada, this is not encouraged. There, you are expected to go to the officially appointed attorney general and lay your complaint before him. He will investigate, and if in his discretion it is warranted, he will bring a court action. If he feels that it is unwarranted, that is usually the end of the matter. Only those plaintiffs coming within the very stringent rules as to standing are able to go on with a court action on their own.

At first glance, going before the IJC with the problem of the proposed Rio Algom Mine does not seem to be much improvement over a private suit. Private individuals and groups of private individuals are not provided for in the initiation of a reference to IJC. On-

ly the two governments can refer a matter to the IJC. While the power exists under the Boundary Waters Treaty for either government acting alone to refer a matter, as practical procedure, a reference is considered and acted upon with much more sympathy when the subject has been referred to the IJC by the joint action of both governments. For this reason, our associated groups in Canada, and particularly the Vancouver Environmental Law Center, have been putting pressure on the members of the British Columbian and Canadian governments to get this matter before the IJC, matching our efforts down here.

Although private individuals cannot initiate a matter, once it is before the IJC, the individual, as an interested party, is entitled to take part in the hearing and as a matter of right under IJC procedure to present oral and documentary evidence. Also, discretionary with the chairman, they are allowed to examine or cross-examine witnesses. If the Flathead Coalition shows its interest and prepares its case well, there is every reason to expect to exercise this privilege.

Since under the Boundary Waters Treaty one of the functions of the IJC is to consider polluting activities in advance of the construction of the polluting facilities, we will eventually see the whole matter of Rio Algom Mines going before the IJC for formal approval of the mining activity. However, Flathead Coalition believes that the chances of stopping pollution are much better before the facilities are constructed, and that the spirit of the Boundary Waters Treaty requires Rio Algom, through the Canadian governments, to seek permission sooner rather than later.

It is important to remember that the IJC is an international agency. It is not a meeting place for two negotiating teams, one from each country, to confront each other on successive problems. It has functioned for many successful years as a single board approaching solutions on recurring common problems. The emphasis is on solutions, not gaining all possible for one country or the other. The established procedures assure that all facets will be considered, and they will be considered in relation to the single problem at hand.

While this does not necessarily mean that the IJC will solve the Rio Algom Mines problem as we would like to see, it does mean that we will be stating our case at the most disinterested and expert tribunal available.

B.C. Wildlife Speaks Out

Our friends in the B.C. Wildlife Federation have been involved in not only the Cabin Creek controversy but in the total coal development scene of British Columbia. One major area of their concern centers on the Elk River development. In this mining proposal, the company involved wishes to divert almost four miles of the Elk River in order to reach the river bed coal seam. The company has then talked about diverting half of the river they have already disturbed back into its original course. The company's public relations material claims this whole process will "improve the area" overall.

To bolster their position, the coal company has released a film showing reclaimed land growing sugar beets and cereal crops. The land shown is in West Germany. The Regional Wildlife and Fisheries biologists claim that if the proposed development does indeed occur, there will be serious damage done to the area's populations of elk, deer, moose and big horn sheep. They also expressed fear for the future of the fish population if the development occurs. When the public hearing comes up on May 31st, the B.C. Wildlife Federation urges the public to speak out strongly against the planned development.

As for the Cabin Creek development, the B.C. Wildlife Federation questions why Rio Algom has called the provincial environmental regulations "very strict." They note that certain rivers in British Columbia run black with coal filth. The group also wonders about the environmental concern shown by the company when it allows heavy equipment to run right through Cabin Creek. It would seem that if the company that has spent \$5.5 million dollars in the last two years can't come up with the proper money for a bridge, there is indeed some question as to their environmental "concern."

The former Minister of Mines Leo Nimsick said he couldn't understand what we [the environmentalists] were worried about. He pointed out that Rio Algom only has an exploratory permit. He lauded his depart-

ment's environmental standards.

The B.C. Wildlife Federation answers Mr. Nimsick in the following manner: We are nervous because we can see right now how "well" the environment is being protected. The reclamation bond for an acre of land in British Columbia is one hundred dollars an acre. The B.C. Wildlife group estimates the cost to reclaim an acre of land to be at least \$2500. Thus, by simply

CABIN CREEK AND GARRISON DIVERSION PROJECT

This summer the Flathead Coalition adopted a proposal that stated our group supported a "non-degradation policy of boundary waters, namely those of the Souris, Red and affected rivers resulting from the Garrison Diversion Project." We sent a copy of this resolution to the BC Wildlife Federation and other appropriate government agencies.

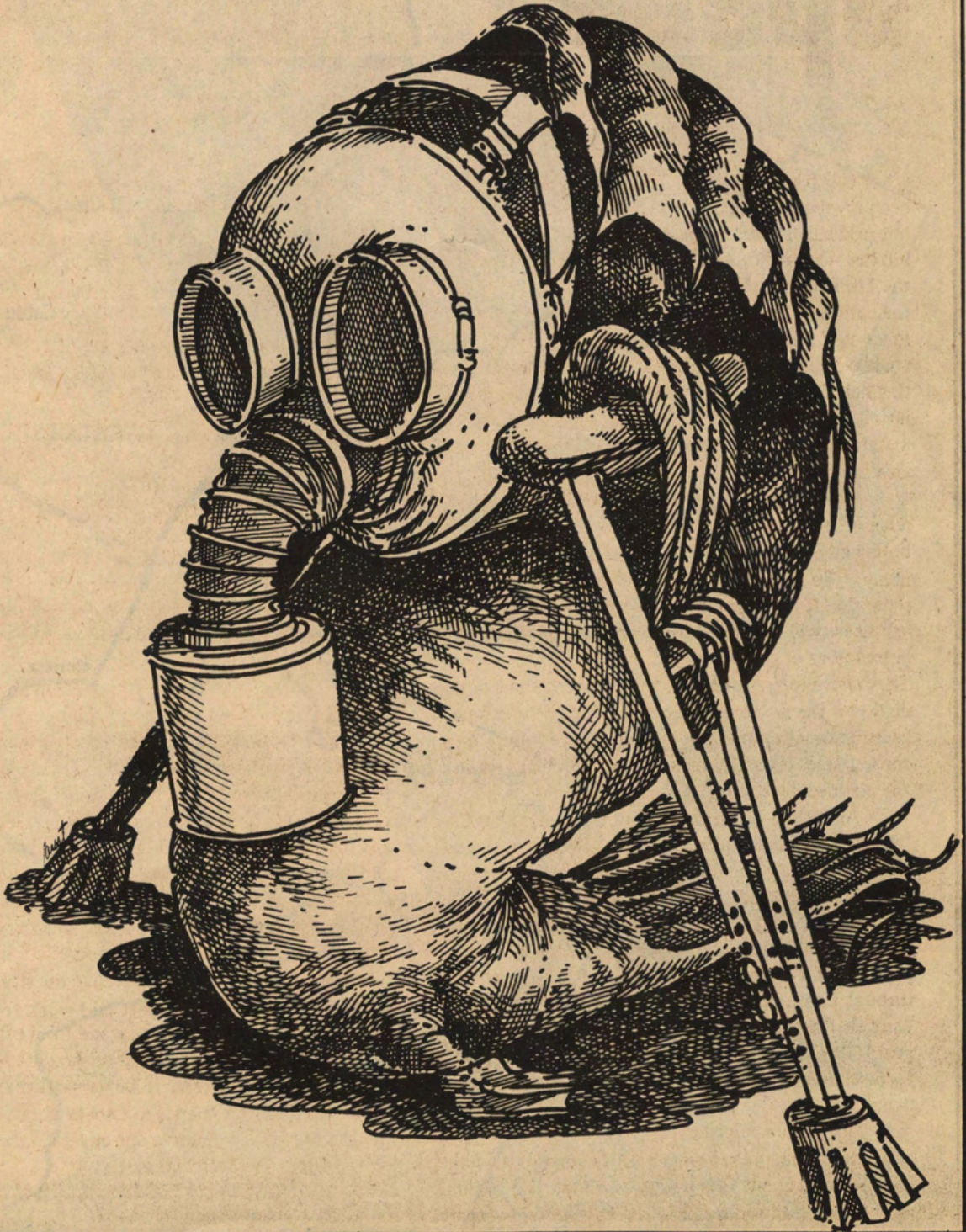
The problem in the Garrison Diversion Project is the probable saline pollution that would result from the irrigation plan. The rivers running back into Canada could carry large amounts of saline pollutants; thus destroying the rivers' usefulness and beauty for the Canadians. Thus, the people in Saskatchewan are being confronted with a situation that is remarkably similar to the one which many Montanans face in regard to Cabin Creek. If we in Montana desire to keep our Flathead waters clean, we should realize the situation with the Garrison Diversion Project and work to pressure our State Department and the state and local officials in North Dakota to agree to a non-degradation policy for the boundary waters. If we demand the understanding and help of our friends in Canada about Cabin Creek, then they certainly deserve our understanding and help on the Garrison Diversion issue.

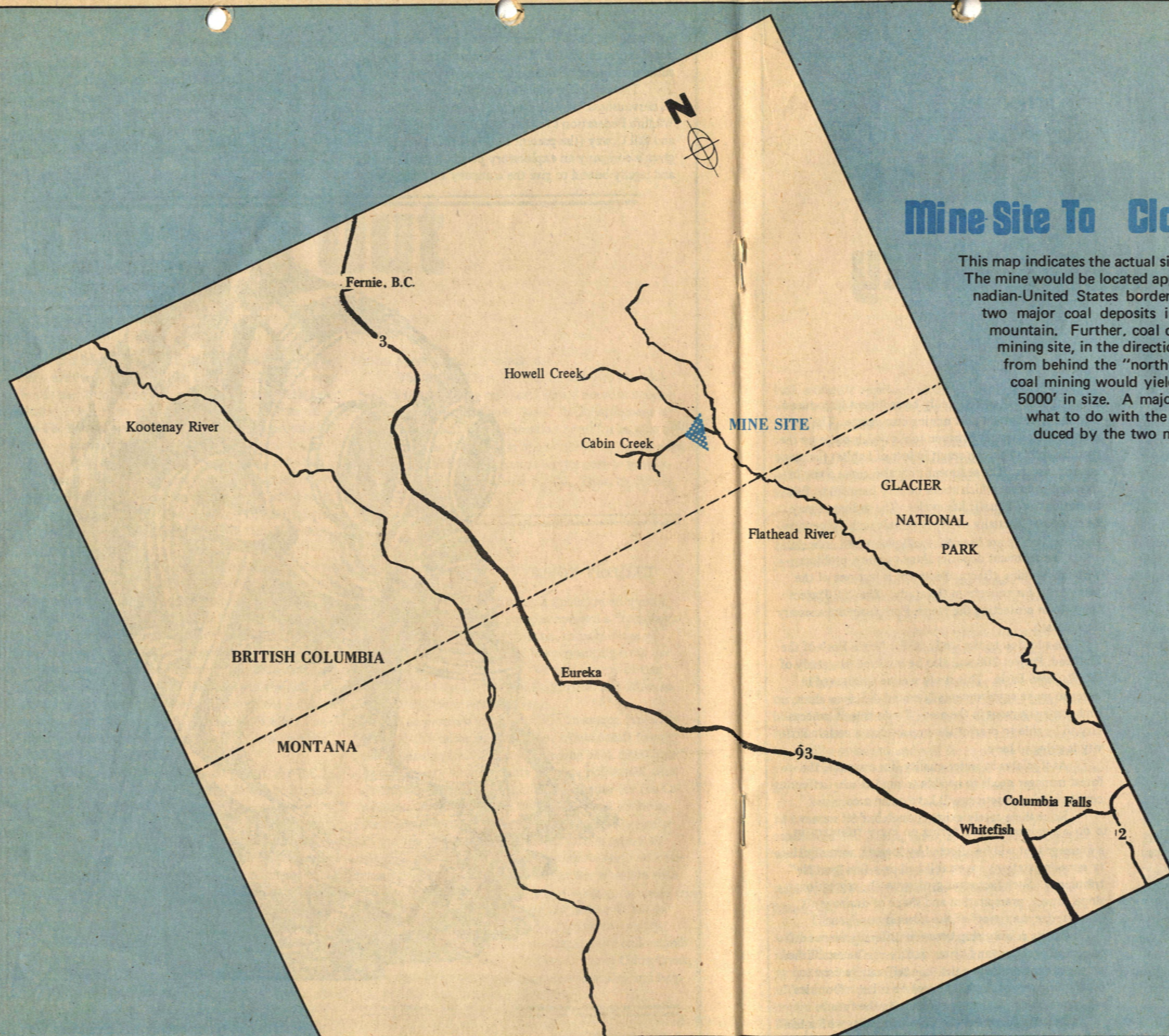
forfeiting the bond to the provincial govt., the company has saved \$2400. The government must then assume the burden of financing the reclamation effort.

The wildlife group also adds another reason for its nervousness. A year ago, Mr. Nimsick told the B.C. Wildlife Federation's former director Gordon Frew and Bill Otway (the present director) that after he had given a company an exploratory permit he was morally and legally bound to give the company a development

permit if they asked for it.

The B.C. Wildlife concludes that a moratorium on coal development is needed until a full assessment of the provincial needs is made. An overall coal policy must be developed. The Wildlife Federation urges the public to write to the British Columbian government officials and express their feelings on the coal development.





Mine Site To Close For Comfort

This map indicates the actual site of the proposed Cabin Creek Mines. The mine would be located approximately eight miles above the Canadian-United States border. Cabin Creek runs between the two major coal deposits in the "north" mountain and "south" mountain. Further, coal deposits lie to the southwest of the mining site, in the direction of the border. Howell Creek flows from behind the "north" mountain into Cabin Creek. The coal mining would yield two pits, approximately 2000' by 5000' in size. A major problem for the company will be what to do with the immense volume of overburden produced by the two mining pits.

Federal Project Studies

Flathead Water Quality

Federal grant money from Congress has been given to the Environmental Protection Agency to develop water quality management planning in parts of the nation. The Flathead Drainage Basin has been designated as an area in need of pollution control study.

The project is termed 208 from the amendment number to Public Law 92-500, the Federal Water Pollution Control Act. This law was passed and funded by Congress with intentions of bringing these problem areas in compliance with the 1983 water quality goals ... full body contact recreation in all waters within the area.

Funding for the study is on a 100 per cent federal grant basis, administered through the county. The goal of the project is to develop a plan for a coordinated waste treatment management system, measures to control present point and non-point sources of water pollution and prevent and solve existing water quality control problems.

Given the impending Cabin Creek coal mining and proposed gas and oil leases in the Whitefish Range, the 208 Project received a strong mandate to study the North Fork of the Flathead River. The purpose of the study is to characterize the present condition of the river. Once this is completed and a continuing monitor system is established, it is hoped that, should development in the area cause a change in the river, the change will be noted and the source pin-pointed and action can then be taken to remedy the situation.

The study, now in progress, is concerned with physical, chemical and biological components of the river ecosystem. Usually the chemical and physical integrity of a river is upset first by development. The changes can be so small that the best technical equipment won't detect it. Long before man can find the physical and chemical changes, the aquatic insect community can change drastically.

One of the major concerns of the study is sedi-

ment. There will undoubtedly be sediment introduced into the river should coal mining commence. The sediment can clog spaces between rocks which make up the river bottom. This can result in loss of habitat for many aquatic insects. The sediment may also cause a rise in river temperature which could be very harmful to fish migrations and aquatic life cycles. The sediment may be composed partially of heavy metals such as mercury, zinc, etc., which are harmful to all plants and animals.

The sediment deposits alone can be a problem with far-reaching effects. Sediment is just one of the many areas for concern in the study. The 208 Project can help in protecting the North Fork from unnecessary degradation.

In addition to the study of the North Fork of the Flathead, Project 208 will also be involved in a study of the Flathead Basin. This study will be conducted in order to make environmentally sound decisions about timber management in the area. To do this, it is necessary to be able to predict the impact that a certain activity is going to have.

As it relates to water quality, for example, the forest manager needs to be able to predict what effect certain logging practices will have on an area.

Since there rarely exists enough budget money to do water quality monitoring on every tributary in a drainage that will be effected by logging, water quality sampling stations are established on a few "sample" tributaries. Such factors as geology, soils, vegetation, slope, aspect, precipitation and shape of drainage all characterize the runoff of the tributary.

Once a relationship between different timber management practices and water quality can be established on the sample drainages, the "model" can be used to predict impacts of these practices on other tributaries which are being planned for activity in the future.

This then provides the Forest Manager with a fac-

tual, scientific approach to timber management decisions which will permit development of one resource while protecting another.

As a first step in implementation of this modeling system, a network of water quality monitoring stations will be established at selected sites throughout the Flathead Drainage.

In addition, soils/geologic mapping will be carried out on those lands wherein little or no soils mapping exists. The Forestry study will have the following objectives:

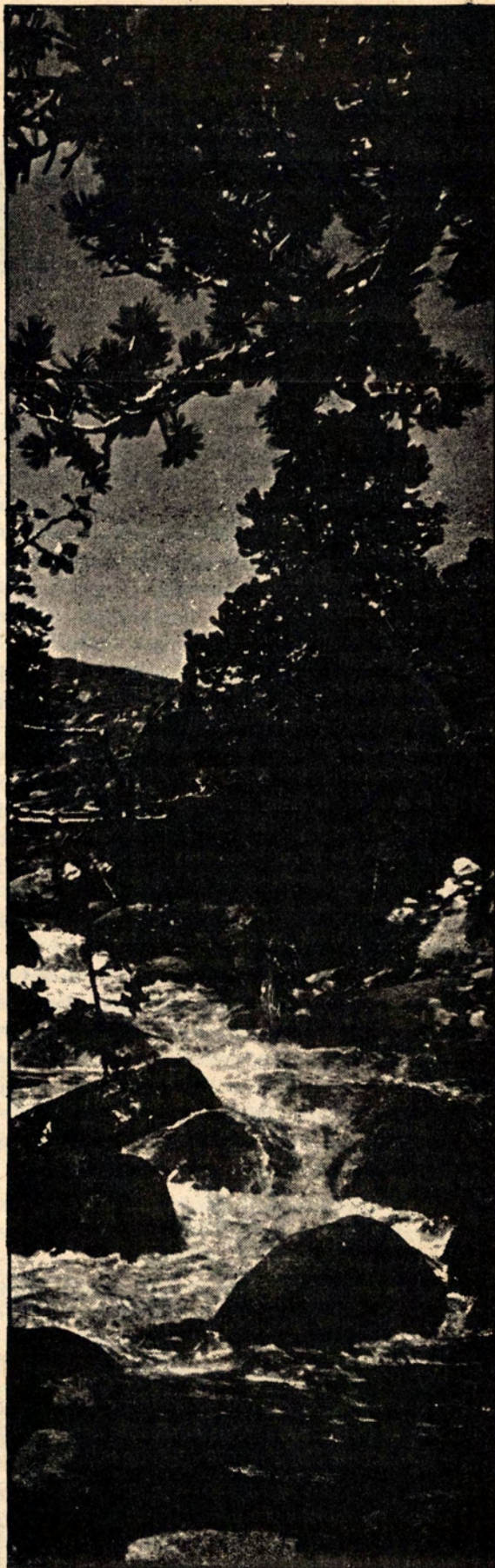
1. Documentation of the impact of present logging practices on water quality in the basin.
2. Gathering of baseline data.
3. Verifying a model which can be used by forest managers in making timber management decisions.

Project 208 will do yet another study that concerns the area called the Lakes and Streams Land Capability Mapping Study. This study will direct itself to specific lakes and streams in the basin with known water quality problems and will focus on the relations between the degradation these lakes and streams are undergoing and present land use in the drainage area.

Selection of which lakes and streams to study will be a matter of priority. Those lakes presently being considered are: Blaine, Echo, Five, Flathead, Foy, Lower Stillwater, Mary Ronan, Rogers, Swan and Whitefish.

Those streams presently being considered are: Ashley, Stillwater, Whitefish, Swan and the Little Bitterroot.

Throughout the two-year project, the 208 staff will be making a concerted effort to involve the public in all phases. Copies of all pertinent data and water quality material will be made available to the public. The office for the project is located in Kalispell, Mt., and copies of the work plan are available in the Polson and Kalispell city libraries.



high country news

Keeping Our

The following statements are excerpts from the official statement adopted by the Coalition at its September, 1975, meeting. The statement concerned the Draft Environmental Statement of the Flathead Forest Service on oil and gas leasing:

The Flathead Coalition protests the Draft Environmental Statement of June 19, 1975, for its silence upon and nonconsideration of international effects of any oil and gas leasing, specifically on the grounds (1) oil and gas leasing at this time will seriously and adversely effect efforts of citizen groups and local, state, and federal agencies on behalf of maximum environmental protection surrounding the anticipated coal mining on Cabin Creek in British Columbia, and (2) effects of leasing at this time upon the President's duty under the Federal Water Pollution Control Act, 33 U.S.C. s 1251 (c).

We of Flathead Coalition expect in the not-very-distant future to argue in appropriate procedures before an appropriate tribunal that Canada and British Columbia are bound to suspend development on Cabin Creek coal mines. We will then maintain that the international law and the treaty law governing the question are at least as stringent as the Helsinki Rules and particularly Article x, reading in part:

"1. Consistent with the principle of equitable utilization of the waters of an international drainage basin, a state

(a) must prevent any new form of water pollution in an international drainage basin which would cause substantial injury in the territory of a co-basin State, and"

We submit that it will be difficult enough (but by no means hopeless) to urge that "equitable utilization" does not include activities such as contemplated by Sage Creek, Ltd., and Rio Algom Mines, Ltd., on Cabin Creek, and that "substantial injury" includes such para-economic matters as the frustration of national policies in favor of maintenance of wilderness

areas, wild and scenic rivers, and pristine natural waters in the few places where such things remain. Our difficulties will be magnified considerably if the game is given away from the start by a policy of allowing oil field development on this side of the border. Under such circumstances we would have no defense to the Canadian claim that since we elected to foul our own waters, we can hardly protest when they do so, too. Again, per the Helsinki Rules,

"(1) What is reasonable and equitable share within the meaning of Article IV is to be determined in the light of all the relevant factors in each particular case.

(2) Relevant factors which are to be considered include, but are not limited to:

....

(d) the past utilization of the waters of the basin, including in particular existing utilization;" The Federal Water Pollution Control Act imposes upon the President the duty to

"... take such action as may be necessary to insure that to the fullest extent possible all foreign countries shall take meaningful action for the prevention, reduction, and elimination of pollution in their waters and in international waters and for the achievement of goals regarding the elimination of discharge of pollutants and the improvement of water quality to at least the same extent as the United States does under its laws."

While it may be that President's pursuit of this duty has not been blazingly conspicuous, the duty remains. Implementation must ultimately come about. If such implementation has been preceded by such ir-retrievable commitments as the proposed oil and gas leases, the President will have been placed in a position where he will be compromised.

Since oil left in the ground neither migrates nor rots, and since the systematic exploration of vast and more promising areas can proceed for many years with

Side Clean

the maximum utilization of exploration facilities, it is submitted that the leasing of the North Fork lands at this time will irretrievably commit these lands to oil development greatly in advance of supply needs and feasibility of development.

Nothing appearing in the Draft Environmental Statement as to the terms and conditions of lease, we assume the leases will be the same type non-competitive lease as greatly used in the past. The Draft appears oblivious to the past criticisms of such leases. Specifically:

1. The Lessee may retain in full secrecy, excluding even the government, all information which he develops, thus rendering meaningless or deceptive the section, "Demand or Relative Urgency of Need."

2. No requirement of a given level of prospecting or seismic activity is required. Although the Statement indicates certain systematic discovery activity, nothing prevents the Lessee from proceeding in a more leisurely manner.

3. Similarly if the Lessees end up with actual gas or oil discovery, they may keep the production bottled up indefinitely, simply by keeping one paying well going.

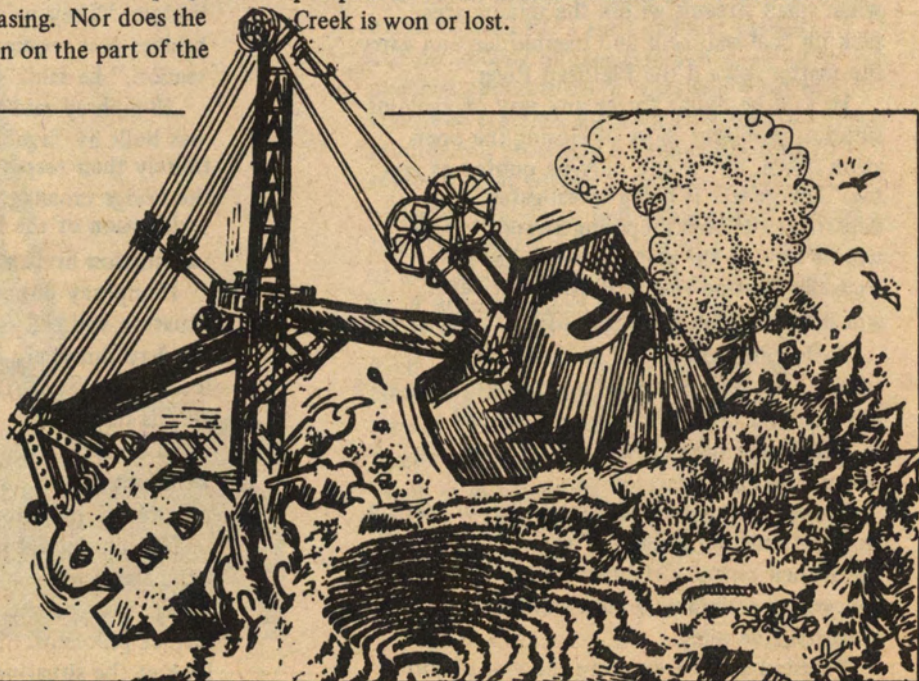
4. The Statement leaves the reader uninformed of the fact that the Interior Department itself proposed to terminate non-competitive leasing. Nor does the Statement indicate the discretion on the part of the

Secretary to refuse these leases in their entirety until the leasing procedures can be revamped to make leasing more in accordance with the interests of all of the people.

In short, the proposal to issue these leases ignores the great need for systematic resource planning and resource management. It would have the reader believe that wholesale, hell-for-leather issuing of leases on the maximum number of public acres will produce the greatest amount of gas and oil, an assertion the Draft Environmental Statement assumes to be proven. It would allow the locking up of some 175,000 acres of a potential great resource for want of patience to wait only a few years until terms might well be more favorable to the public.

Along with the Energy Policy Project of the Ford Foundation, "We believe a much more gradual approach to leasing is required."

Since so much can be lost on the Cabin Creek question by such premature commitment, the Draft Environmental Statement should contain far more demonstration of need and urgency for **THIS PARTICULAR LEASING AT THIS PARTICULAR TIME**. In default of such demonstration, the leases should be postponed at least until after the battle over Cabin Creek is won or lost.



Exploration Disturbs Creek

EDITOR'S NOTE: The following article appeared in the Daily Townsman, a newspaper published in Cranbrook, B.C., and has since been reprinted in the Missoulian, Oct. 4, 1975.

The FCN has edited the story to fit space requirements.

Heavy equipment has been fording major tributaries to the Flathead River at the Sage Creek Coal development. It's a statement no one, including the mining company, contests.

Last week water rights officials from Nelson, B.C., as well as a fisheries biologist, visited the area for a site inspection and came to the conclusion the problem may be more serious than previously thought.

Water rights engineer Al Zachodnik said he foresees massive siltation problems caused by the proposed mining development. He said he doesn't hold much hope for constraints when entire mountains are moved to reach underlying coal deposits.

Zachodnik mentioned the problems caused when small streams within the mining area pick up coal sediment and overburden and carry the matter toward the Flathead River.

He said he didn't foresee any way of avoiding siltation problems short of closing the operation down, but would only be quoted as saying "The matter is being investigated. Our department is now preparing a report which will be sent to the water comptroller in Victoria. Beyond that any official release will have to come from that office."

Zachodnik said he felt steps would be taken in an attempt to get adequate bridges at the site, and his comments were echoed by Cranbrook district fisheries biologist Norm Ringstad.

Ringstad accused Sage Creek Coal of playing an environmental game. "They are not living up to their recent statements to the public concerning maintaining environmental integrity," he said.

Ringstad said he was sure the vast majority

of traffic at the site was continually using stream fords instead of inadequate bridges that now span Howel and Cabin creeks.

"There are presently problems of silt loading, physical gravel disturbance and bank instability, and the problems will get worse next spring unless steps are taken now," Ringstad commented.

"Sage Creek officials are talking about not having any mining operations within 400 feet of any stream and already they're pushing overburden into Cabin Creek near their exploration camp. What does that say?" he asked.

The company is presently carrying out phase-two environmental and social studies. Company officials say the studies will not be completed until next spring and decisions will not be made until that time.

Ringstad, however, is under the impression that mining will take place. "Who is going to plunk out \$6 million and then turn around and say 'no we won't mine?'" he asked. "I'm under the impression that mining will take place, and I say they should be made to install adequate bridges now before more serious damage occurs."

There has also been some uncertainty as to who is responsible for replacing the two bridges.

Larry Humphrey, Fernie district ranger, said the Forest Service would probably ask the Sage Creek company to upgrade the bridges. "They would need to upgrade the bridges past requirements for forest protection," he said.

Humphrey said the Cabin Creek bridge was built by Sage Creek Coal and it's definitely their responsibility. He claimed that the bridge crossing should come under the jurisdiction of the Mines Department's reclamation branch.

Humphrey did admit, however, that the situation will call for a closer look. "It appears the way things are heading we will have to look at upgrading the bridges and finding out who is responsible, but until we are pressured more we won't be doing much because we aren't sure if new bridges are really necessary," he said.

Humphrey said he is waiting for a report from the fish and wildlife branch or the water rights people advising him of any serious problems. "Then we'll take a good look at the situation," he said.

AERO:

Energy Alternatives



The issue of coal mining in the Cabin Creek area is only a small part of the larger issue of energy production and use. One of the prime reasons Rio Algom gives for its mining proposal is the fact that British Columbia and Canada need coal for energy. In answering this reasoning the Flathead Coalition would argue that the answer for energy needs should be found in a renewable, non-fossil fuel resource, (e.g. wind energy, solar energy, methane or geothermal energy). We feel the need to tell our members in the coalition about people and groups working in the area of alternative energy. We do this so that people will understand that we are not anti-development—we do this to maintain our credibility as a positive minded organization.

One group that is working in the alternative energy field is the Alternative Energy Resources Organization, (AERO). This organization grew out of a discussion at the first Alternative Energy Conference in May of 1974 in Billings. AERO's aims include: gathering and publicizing information and news on practical applications of solar and wind energy, and practical methods of methane production; providing a communications center so that people who have skills and materials relating to renewable energy sources can get in touch with those who are in need of such resources; and to aid in the setting up of demonstration devices which convert, utilize or produce renewable energy. A

good example of AERO activities is their upcoming Wind Workshop, to be held November 22-23 in Billings. The Workshop will center on practical application of wind energy, Such as in windmills. The address of AERO is: 435 Stapleton Building, Billings, Montana 59101 Phone number: 259-1958

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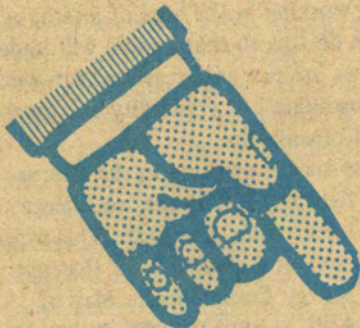
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I wish to support the Flathead Coalition.
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Mail to Flathead Coalition, Mrs. Ginger Agee, 351 Hilltop Dr.
Kalispell Mt. 59901



The State of Montana has instituted a series of public hearings and informational meetings to both share with interested citizens federal and state progress to date and to listen to concerns and suggestions for the future. The first of these meetings will be held on **December 2, 1975, beginning at 7:00 p.m.** in the Conference Room of the Outlaw Inn in Kalispell, Montana.

The State Department has been invited to participate in this meeting and has accepted that invitation. In addition, representatives of the Canadian federal and provincial governments have been invited as observers.

We would very much like to have you attend this meeting and share your concerns and ideas.

Newsletter Staff: Lisa Jamgochian, Tim Sweeney, assisted by the staff of the *Borrowed Times*. The story material was supplied by members of the Flathead Coalition.