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SCIENCE DESK

Coal Mine 'Under the Radar' Stirs Cross-Border Feud

By **JIM ROBBINS (NYT)** 991 words

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FERNIE, British Columbia - Topping a mountain ridge after an hourlong, bone-jarring drive on a precipitous, rutted and muddy road, Henry Leuenberger, a Canadian hunting guide, gets out of his truck and surveys dozens of snow-mottled peaks around him. Then he hears the growl of a bulldozer below. "It makes me sick to imagine a mine in here," he says.

For Mr. Leuenberger, it's not only the where of the mine, but the when. Scraping a new road in the inhospitable month of February to carry out feasibility work for a coal mine, he says, means the project, at Foisey Creek, is on a fast track to bypass the opposition of locals like him and a roster of staunch opponents in the United States.

"It was under the radar screen," he said. "No one knew about it until it started."

State and federal officials in Montana, downstream from the mine, were also incredulous they were not informed when an exploration permit was issued in November, despite a memorandum of understanding on mining issues signed by the province and the state last year.

"In light of the correspondence we had, it came as a complete shock," said Rich Moy, chairman of the Flathead Basin Commission, a group of local, state, federal and tribal officials concerned with the environmental integrity of the United States side of the Flathead drainage.

The commission has asked Montana's senators to refer the issue quickly to the International Joint Commission, a body established to settle these kind of cross-boundary disputes.

Senator Max Baucus, a Democrat of Montana, who has criticized the exploration and the absence of notice, has written to Premier Gordon Campbell of British Columbia, asking him to look again at the exploration and begin collecting environmental data.

If the project continues, Mr. Baucus said, he will soon ask the State Department to have the commission get involved.

"I'd like to see the exploration stopped or at the least put on hold until we get data," Mr. Baucus said. That could take months or longer.

In February, Mr. Baucus met in Fernie, which is in the southeast corner of British Columbia and about 30 miles from the United States border, with locals about the mine.

The potential for environmental damage has been an issue since the late 1970's, when a coal mine was first proposed for Cabin Creek, in the same area, just northwest of Glacier National Park in Montana and west of Waterton International Park in Alberta.

Officials in the United States said then that they believed the mine would violate the 1909 Boundary Waters Treaty, which forbids

polluting the other country's waters. In 1988, the International Joint Commission found the mine would compromise the treaty. Plans were dropped, and the commission decision remains untested.

The wild valley cut by the Flathead River along the western boundary of Glacier spans the border. In 2003, the Wildlife Conservation Society studied the valley and said it contained the densest population of predators in the Lower 48 states and much of Canada. The valley is also a critical link between wildlife populations in Montana and Canada, providing the United States with a critical replenishment of new genes to a dwindling genetic pool.

A proposal for a new mine in this valley surfaced last year, but was canceled in the face of opposition. Things were quiet until the Cline Mining Corporation began cutting the new road into Foisey Creek, a tributary of the North Fork of the Flathead.

While the state and province have an agreement that includes notification when development is planned, Richard Neufeld, minister of energy and mines for British Columbia, said exploration isn't significant enough to warrant notification. "We will not do anything to spoil the Flathead River," he said. "That would be totally irresponsible and to suggest we would do so is unfair."

But United States officials think even exploration could cause problems. Up to 2,000 tons of coal could be dug out of the ground during the exploration phase, and more than four miles of road and two tunnels are to be built.

Ken Bates, president of Cline Mining in Toronto, would not comment on the controversy.

Mr. Baucus and other critics say if a mine is dug here, it will probably be only a first step. Much of the region is contains high-grade coal, and there is concern about large-scale industrialization to fuel the booming Asian market.

If a mine at Foisey Creek moves ahead it would produce one million to two million tons of high-grade metallurgical coal a year. The price for it has nearly tripled to around \$125 a ton, largely as a result of demand from China.

At other coal mines in Canada, like Line Creek, not far from here, mountains of waste rock have collapsed, and settling ponds, which store the water used for processing the coal, have spilled over into streams. United States officials fear the same thing could happen if a mine is established here.

Nitrates used in explosives at the mine can also find their way to the water and, along with naturally occurring phosphorous in the coal-bearing rock, they could create severe algae blooms that could affect the river and Flathead Lake, the center of economic and social life in the Flathead Valley.

"People highly value the fact that Flathead Lake is clean, clear and blue," said Dr. Richard Hauer, a University of Montana limnologist who studies the Flathead River system at the Yellow Bay Biological Station on the lake. "They don't want to see it brown or green. The mine could make a pretty bad mess of our water quality."

Mr. Neufeld responded: "It's ridiculous to think we would muck up a river in B.C. and do something to a neighboring jurisdiction. We're not backward. We're a beautiful province, and we'll keep it that way. But we have to employ people."

Map of Canada and Montana border highlighting Cabin Creek Mine site.