

The Rt. Hon. Joe Clark, P. C., M. P.
Secretary of State for External Affairs



Le très hon. Joe Clark, C. P., député
Secrétaire d'Etat aux Affaires extérieures

Canada

Ottawa, Ontario
K1A 0G2

February 15, 1985

Dear Mr. Chance:

I have the honour to inform you that the Governments of Canada and the United States have agreed, pursuant to Article IX of the Boundary Waters Treaty of 1909, to request the International Joint Commission to examine into and report upon the water quality and quantity of the Flathead River, relating to the transboundary water quality and quantity implications of the proposed coal mine development on Cabin Creek in British Columbia near its confluence with the Flathead River, and to make recommendations which would assist governments in ensuring that the provisions of Article IV of the said treaty are honoured.

For the information of the Commission, the Governments further note that on February 21, 1984, the Government of British Columbia announced that approval-in-principle had been granted to Sage Creek Limited for the proposed coal mine, thereby allowing the company to proceed with securing licenses, permits and final approvals under the provincial coal development review process. In granting this approval, the British Columbia Government acknowledged that the approval-in-principle is subject to action taken by federal authorities pursuant to their international obligations under the Boundary Waters Treaty.

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Mr. David Chance
Secretary, Canadian Section
International Joint Commission
Berger Building, 18th floor
100 Metcalfe Street
Ottawa, Ontario
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In light of the above, the Governments request that the Commission examine into and report upon the following matters regarding the Flathead River Basin:

1. The present state of water quality and quantity at the border (including fluctuations) and the current water uses (including water dependent uses such as recreation) in the Flathead River Basin;
2. The nature, location and significance of fisheries currently dependent on the waters of the Flathead River and its tributaries, Howell and Cabin Creeks;
3. The effects on present water quality and quantity at the border and consequent effects on current water uses (including water dependent uses such as recreation) which would result from the construction, operation and post-mine reclamation of the proposed Cabin Creek Coal Mine; and
4. Such other matters as the Commission may deem appropriate and relevant to water quality and quantity at the border (including downstream effects in the United States) as occasioned by the proposed Cabin Creek Coal Mine.

In the conduct of its investigation and the preparation of its report, the Commission shall make full use of information and technical data heretofore available or which may become available in either country during the course of its investigations. In addition, the Commission shall utilize the services of specially qualified persons and other resources in Canada and the United States. The Commission shall develop, as early as practicable, a work program under this reference for the information of Governments.

The Governments request that the Commission proceed with the activities under this reference as expeditiously as practicable and report to Governments no later than 18 months from this date. The Commission should issue interim reports as appropriate.

An identical letter is being sent to the Secretary of the United States Section of the Commission by the United States Department of State.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by several smaller, less distinct characters.