Rhetoric of public interest in an inter-organizational environmental debate: The Fernie mining controversy.

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The Rhetoric of Public Interest in an Inter-Organizational Environmental Debate: The Fernie Mining Controversy

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Date
An international environmental crisis has been pending in the Flathead Wilderness that is shared by British Columbia (BC) and Montana for the past three decades. The question of economic expansion of the vast coal fields in southern B.C. is in conflict with the environmental protection of the Flathead Valley. With the involvement of multiple government and local organizations that are involved in the debate about the coal mine development, an organizational and rhetorical analysis was warranted. I examined how the Flathead Basin Commission (FBC), which represents the local public with the Montana legislature, created a united opposition to the B.C. mining proposals and became instrumental in the debate about the coal mine. Through a textual analysis and focused interviews, I determined that the FBC represented a local, trans-local, and transboundary publics in their interorganizational communication to help gain support for their arguments to protect the Flathead Valley. Moreover, the FBC represented the interests of these multiple publics in their communication with other organizations involved in the debate. Their use of public and representations of their interest helped establish the public voice as an important factor in the coal mine debates.
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CHAPTER ONE: RATIONALE, RESEARCH QUESTIONS, AND LITERATURE REVIEW

Introduction

An international environmental controversy erupted between the United States and Canada in February of 2004 when Cline Mining Corporation announced their intentions to develop a coal mine outside the town of Fernie, in southern British Columbia (B.C.). The worldwide demand for alternative energy forced Canada to consider developing their vast coal resources in the Northern Rockies. The coal mine proposal that emerged in this search for alternative energy was located in the northern Flathead Wilderness that B.C. shared with Montana. Located in the Crows Nest Coalfield, this mine would produce enough coal for their newly developed partnership with China as well as establish Canada as a world leader in energy production. The announcement of the Fernie coal mining project instigated a reaction from across the border in Montana. The damage that could result if the mine were developed had potential of damaging the environment, and consequently the economy of Montana. This controversy captured the attention of many organizations that included local environmental groups, state and national governments, and international agencies. This controversy has been dynamic over the past two years where the decision to mine coal affects many organizations. The Fernie mining controversy and local response to the coal mine proposals is an international environmental controversy that deserves examination.

Rationale

Before presenting my research questions, I would like to explain why the Flathead Basin Commission’s (FBC) involvement with the Fernie mining controversy provides a
good example of pre-crisis communication. The arguments proposed by organizations that are involved with this environmental controversy indicate that a crisis circumstances would follow the coal mine(s) development. That is, many organizations fear the mine development because the environment of the Flathead Valley would be damaged. Mining outside of Fernie and near to the tributaries of the Flathead River would pollute the pristine Flathead Valley that is central to Montana’s economy and tourism. Moreover, the pollution of Flathead Lake would directly affect the livelihood of citizens in the popular valley. With tourism becoming Montana’s second largest industry and contributor to the economy, citizens of the Flathead Valley take special concern in their environment (Thompson March 5, 2005).

These competing positions about the mining proposals create a controversy about potential environmental damage. Examining controversy resolution strategies as well as the organizational rhetoric of the controversy, can help illuminate how a community becomes involved when government policy and industry development threaten the community. The Fernie mining controversy, including the open-pit coal mine and CBM (Coal-Bed Methane) proposals, are ideal for exploring how a community establishes their argument when a controversy emerges over industry development that threatens the environment in their neighborhood.

This potential pollution from the mine would present a challenge to Montana’s economy, as it would take away tourist money. The rhetoric of this controversy indicates that the environmental damage that would follow from coal mine(s) production in the designated area would present social and economic crisis circumstances for local citizens and the Montana government. Citizens of Fernie are also dealing with similar economic
pressure if their local environment were to be polluted. Each of these organizations arguments is an example of pre-crisis communication because of the potential public crisis that would erupt if the mines were developed.

The rhetoric generated by the environmental controversy over the Fernie mining proposals is worth examination because it a significant element of foreign policy in the international relations between the U.S. and Canada. Additionally, examining such pre-crisis management could help to avoid the onset of a public and international crisis. Transboundary environmental conflicts are central to many disputes between Canada and the U.S. due to the expansive land border and shared bodies of water. The Fernie mine dispute provides a model for examining other potential controversies might emerge between the two countries. Moreover, an international mediating body, the International Joint Commission (IJC), is an important organization to enforce international law that has been established by globally recognized treaties and transboundary laws that govern industrial development. The Boundary Waters Treaty of 1909 established the IJC to help monitor economic development around the waters that are shared by the U.S. and Canada. The presence of the IJC and frequent international controversy about potential transboundary pollution is important for current policy negotiation that can set a precedent for future disputes about industrial development and environmental protection.

Identifying rhetoric during the controversy that is focused on the process of negotiating the international environmental dispute might provide a constructive model for future conflicts in similar transboundary forums. When policy debate and/or industry expansion are considered in any nation, similar organizations will be affected by the outcomes of new development. With a frequently changing economic and political
environment, governments will consistently be confronted by questions of economic development and environmental preservation. When governments are forced to consider the use of their resources and the trade-off with environmental protection, a local community will suffer the implications of policy. Analyzing this specific environmental controversy could therefore potentially produce an international, inter-organizational conflict negotiation model for future pre-crisis implementation.

Finally, examining how national governments communicate this issue to citizens in sites for industry expansion is critical for policy discussion. Communities are directly affected by government action and industry development; their voices are imperative in negotiating policy decisions. Many non-profit groups are concerned with industry’s development. Concerned citizens and advocacy groups create an important check on government proposals, as they will be forced to live with the effects of industry expansion. So, examining such opposition to the dominant government and industry is essential in understanding how we achieve an equitable democracy.

Research Questions

This specific environmental controversy involves the endemic value struggle between the preservation of the natural environment and economic development. This tension, inherent in many environmental controversies, is also central to foreign policy disputes of transboundary concerns. This tension is especially evident in proposals for industry development that will have negative implications for the surrounding environment. In the current political climate, as world market pressure to meet international needs for energy increases, this dilemma will become frequent in future policy decisions in the U.S and many other nations. The international discussion of
energy resources is pressuring governments and industry to explore alternative means for energy production. Because alternative energy resources, like Coal-Bed Methane (CBM) mining, require development of new technology, many types of organizations will be exposed to implications of policy.

The public involvement and response to these potential policy decisions are important in this study as it is primarily the public that has to deal with the ramifications of new development. For the purposes of this research project, I will concentrate the research with the local organization that I argue represents the public interest of the Flathead Valley. The Flathead Basin Commission is a state appointed citizen group that is responsible for monitoring the environmental quality in Flathead Lake. By researching how a citizen organization handles government policy decisions that threaten the very existence and values of the organization, there will be a case to identify how local groups discuss government policy. Additionally, focusing on a local organization’s response to industry expansion helps examine how citizens respond to government decisions that affect their lives when the environment suffers consequences. Similar controversies will become frequent when energy development is pursued in the Northern Rockies, as well as throughout the world. These concerns lead me to the two following research questions for my study:

1) How does the FBC emerge as a key voice in the Fernie mining controversy?
2) What are the definitions of public that are evident in the discourse of the FBC?
3) How does the FBC represent the public interest to these other organizations?
In the following chapters I discuss the Fernie mining controversy in the context of crisis communication literature. First, I will review organizational crisis communication and environmental controversy literature. The literature review will be divided into three sections: I will first explain the prevalent definition of crisis in communication literature. Second, I will examine limitations of crisis communication literature and then provide a theoretical foundation for a rhetorical analysis of the environmental controversy. After the literature review, I will examine the history of the Flathead Basin Commission by exploring the historical context of the Fernie Mining proposals and the creation of the citizen based commission to monitor the environmental damage of the Flathead Valley. In the third chapter, I will explore the current controversy and how the FBC is communicating with other organizations that are involved in the debate about the Fernie coalmines. In the final chapter I will discuss the connection between this environmental controversy and how crisis communication literature perceives organizational communication over policy.

Literature Review

Having explained the history of the coalmine proposal, and previewed the organizations involved in the Fernie mining controversy, I will now present the framework of my analysis of the controversy as a form of interorganizational pre-crisis communication. First, I will explain the dominant definition of crisis in communication literature and discuss how it limits our scope of organizational crisis. Second, I will examine limitations I have observed in crisis communication literature. Finally, I will preview studies of environmental controversy and transboundary environmental issues that will help situate the public nature of the controversy.
Crisis Communication Literature

Definition of Crisis

The crisis communication literature consists of many retrospective accounts of organizations that have been forced to confront negative consequences after a crisis had affected the internal management and external image of the organization. Because the literature is centered on major crisis events that only affect larger organizations, there are only accounts of individual organizations that have been forced to negotiate crisis outcomes. Communication scholars' definitions of organizational crisis include how individual organizations manage crises within a specific context. Crisis events are defined as events that threaten the fundamental goals of the organization (Seeger et al., 1998). Literature suggests that organizations must manage their public image to ensure shareholders confidence while they negotiate crisis events.

The dominant definition of crisis used by the majority of communication literature describes crisis as non-routine events that threaten a single organization's higher priority goals (Ulmer, 1988; Seeger, 1998; Seeger & Weick; 1998 & Weick, 1988). For the purposes of this study, I argue that the crisis communication literature is limited in how it conceives of the breadth and depth of crisis events. These inadequacies limit the potential for crisis literature to be practically applied to any type of organization. The prevalent definition of organizational crisis also excludes the public perception of policy decisions that has the potential of affecting the livelihood of communities, as it is focused on singular crisis events in corporate organization. I argue that the public forum and advocacy groups should be considered as organizations during policy making because they are directly affected by governmental policy decisions. Additionally, the
public groups perceive a material crisis to their communities and want to participate in the policy decisions that affect the livelihoods. The scope of organizational crisis should include all groups that will be affected by policy decision.

Moreover, the definition of organizational crisis communication literature limits the perception of crisis to not include material outcomes of events. Often, literature is concentrated on the actual crisis event and not the effects of the event. The literature is focused on events such as the Enron, the NASA shuttle disaster and the Texaco oil spill, but no account is made of the individuals or other organizations that are affected by this event. A few examples include analysis of the Enron collapse (Conrad, 2003); the political ramifications of the Texaco oil spill (Coombs & Schmidt, 2000); the NASA collapse and effect on the scientific community (Kauffman, 1999); and the Nike sweatshop allegations that threatened the image of the company (Knight & Greenberg, 2002). The implications of government policy and industry development within communities are not examined by contemporary crisis communication literature. My research project helps address the limitation in the perception of crisis in communication literature by concentrating on a public organization in a controversy that is discussing potential material impacts on the environment and livelihood of a community. These material consequences would create crisis circumstances for the multiple organizations involved in this controversy.

Some Other Limitations of Crisis Communication Literature

There are two significant limitations of crisis communication literature that I will discuss. First, I will address the corporate nature of crisis communication literature:
Second, I will address the absence of an interorganizational focus in crisis communication literature.

1) Corporate Nature of Crisis Communication Literature

The corporate nature of organizational crisis communication literature restricts our understanding of organizational crisis by focusing on large corporations. This happens because the literature implies that large corporations are the only organizations that are confronted by crisis circumstances and that are large enough to warrant examination. Moreover, it focuses on the economic profitability of a company and the media is typically considered as a vital element in framing how the crisis event affected the company and outside members.

First, crisis literature suggests that large corporations are the only organizations that are faced with crises. The cases selected for analysis of crises and the response strategies that are identified in literature limit the scope of crisis events. Some examples of the corporate crisis include analysis of the crises at Enron (Conrad, 2003); Texaco (Coombs & Schmidt, 2000); Malden Mills and Cole Hardwoods (Seeger & Ulmer, 2002); NASA (Kauffman, 1999); and Nike (Knight & Greenberg, 2002). When crisis events are framed with such a narrow lens, many types of organizations are excluded from discussion of potential crisis events that could negatively affect their organization. In crisis communication literature, non-corporate organizations, such as advocacy groups and communities that are directly affected by industrial development, are not included in the discussion of policies that affect their organization. When voices are excluded from the discussion of future policies, perspectives may be misconstrued and potential negative impacts within a community may not fully be considered. Expanding the analytical scope...
of organizational crisis studies enables the study of controversy negotiation to include all groups and voices when a policy is being discussed.

Second, the majority of crisis literature consists of accounts of corporate negotiation of specific crisis events that affect their economic output, and therefore the profitability of the company (Seeger, 1998). The crisis communication literature typically addresses organizations that have significant political connections. Examples include the analysis of the Enron CEO scandals and economic crisis (Seeger & Ulmer, 2003), the Texaco racism scandal that threatened the reputation and leaders of the company (Coombs & Schmidt, 2000), the Nike sweatshop accusations which threatened shareholder security in the company (Knight & Greenbergh, 2002), the Malden Mills fire crisis which forced the company to reorganize and rebuild (Seeger & Ulmer, 2002; Seeger & Ulmer, 2003), the Philip Morris tobacco public health crisis which threatened stock prices and political support (Ulmer & Sellow, 1997), the Cole hardwoods financial crisis which threatened employees of the corporation (Seeger & Ulmer, 2003), corporate apologia for crisis which analyzes public response of corporations (Seeger, 1998), and the numerous examples of political apologia that have been used by influential political leaders, are all accounts of major crises that have negatively affected these corporations as well as affiliated shareholders and politicians. These analyses examine how the profitability of the organization is linked to investors and politicians.

Third, the mass media is considered a corporation's public relations outlet during its time of crisis management to manage their image to shareholders. Many crisis accounts articulate how shareholders' investment in the organization is threatened when crisis events occur and the media is used to assist in managing the external implications
of crisis. A stable organizational image in the media is necessary for external members of the organization to maintain confidence in the negotiation (Benoit, 1997). Given current literature, such emphasis on media strategies appears to apply only to larger corporations. Smaller and non-corporate organizations do not have the ability to frame their public image through media, nor would they have multiple shareholders to manage during their crisis events.

Examining the Fernie mining controversy addresses these limitations in crisis literature by exploring a policy decision that has the potential to affect multiple organizations, including national governments, environmental advocacy groups, local communities, and industries. Development of the mines would be a material crisis for the community of Fernie, citizens of the Flathead Valley, the Montana government and economy, and others because of the potential for environmental pollution. These negative environmental implications would hinder the tourism industry of both areas, disrupt wildlife patterns in Glacier National Park, and pollute the Flathead Valley. This potential public and environmental crisis indicates that the current debate about the Fernie mines constitutes pre-crisis discourse. Examining the elements of this controversy will alter the focus of crisis literature to include organizations that are non-corporate. Exploring this controversy will include multiple individuals and perspectives that are affected by government policies for industrial development. Additionally, this project creates an expanded perspective of organizations that are affected by potential crisis events in communication literature.

2) Crisis communication literature has no interorganizational dimension
The second limitation of crisis communication literature is the lack of attention to managing the interorganizational negotiation of controversy and/or potential crises. Current organizational crisis literature is focused on how individual organizations internally manage crisis events that are specific to their organization. The prominent definition of crisis and the reactionary nature of literature, does not allow research to address how multiple organizations work with other organizations to manage potential effects of external crisis circumstances. It would be beneficial for crisis communication literature to connect with interorganizational communication literature, as the implementation and results of policy affect multiple organizations.

Putman and Poole (1987) explain how relationships uniquely emerge from interorganizational conflict because of the institutional environment. According to them, because mechanistic and critical perspectives are dominant in interorganizational conflict literature, the actual communication between organizations is rarely examined. Moreover, the significant factors that are present in the study of interorganizational conflict are context and relationships. The setting of the conflict, as well as the previous organizational alliances, will affect how the controversy is discussed and framed. I believe that integrating these elements of interorganizational conflict literature in the study of crisis management between organizations will enable crisis literature to examine the process of managing potential crises that could influence many organizations. I think it is important for crisis communication research to reflect how many organizations communicate to prepare for challenges that may confront them. Additionally, I believe it is important for such research to address how organizations create alliances and
relationships as they negotiate and mediate these organizational challenges so they preserve the values of their organization.

This research project addresses how a potential environmental controversy generates circumstances that develop into organizational challenges and inter-organizational communication. The opposition to the coalmine project indicates a multi-organizational response to the government proposal. These organizations will rally around certain positions in the debate and this study examines the groups in opposition to the mining proposals. In this way, organizational crisis communication research will now contain an analysis of how interorganizational communication is generated by the debate about a development that threatens the environment.

Environmental Controversies

Examining an environmental controversy helps understand the nature of pre-crisis communication from the perspective of many organizations. There are two aspects of this literature that help address the limitations in crisis communication. First, there is a focus on differing opinions and ideas during an environmental controversy. Second, there is a focus on the importance of community discourse.

First, because the Fernie policy addresses a natural resource that holds significant value to each organization that would be affected by policy, there are negative implications for each organization that is vocal about the development of the coalmine. A public controversy is generated with these different perspectives because there are different opinions on how we should or should not utilize natural resources (Lange, 1993). There are multiple perceptions of how humans should interact with the environment. Because the values of each organization change for their expectations for
the environment, the context of their arguments within the controversy becomes essential when understanding their ideals. The significance of environmental controversy and the extent of the policy decision influence enable the Fernie mining controversy to be explored, as the information is public and the context has international implications.

The Fernie mining controversy is a debate about how to best use the natural resources that are present in the Flathead Valley. Exploring this controversy helps us understand how citizens can become visible in the debates about the policy implementation. Exploring this public discourse is especially important in understanding how governments, states and local groups interact to decide the most beneficial outcome for the resources and citizens. This context helps elucidate the context of these environmental debates that include effects on the local citizens, national governments, and worldwide economies.

Second, community discourse is essential to understand during an environmental controversy because it captures the health, safety, and economic security concerns of citizens (Peeples, 2003). Focusing on community discourse is imperative in this environmental controversy because such controversy has the potential of adversely affecting the community’s quality of life. Discursive practices of communities are important because they inevitably determine the social construction of any environmental conflict (Schoenfeld, Mier, & Griffin 1979). “What humans say about the issues – even how the issues are defined – will determine interpretation, treatment, and outcome of public debate” (Carbaugh, 1992, p. 240). Consequently, how the multiple organizations and community groups articulate the controversy and communicate their interests during policy negotiation is critical.
In the context of community discourse, Oravec (1984) indicates the role of the 'public interest' in the arguments in support and opposition to policy proposals that can potentially damage the environment. The conservationist and preservationist positions during the debate about the Hetch Hetchy dam used differing concepts of 'public interest' in attempt to influence decision makers about development of the mine. The 'public interest' is defined as "the differing presumptions concerning the nature of the 'public' and its relationship to the natural environment... 'public interest' is at the crux of the controversy over Hetch Hetchy" (p.444). Oravec explains how local level environmental issues are important to consider because the implications of the policy directly affect the citizens. Moreover, Oravec concludes that the use of public interest in the environmental controversy was central because each group was discussing the human relationship with the environment. Oravec's use of the public interest is an appropriate frame to use in the Fernie mining controversy because each organization is discussing their desires for the Fernie area and the Flathead Valley. I will use Oravec's (1984) argument about framing the 'public interest' to explain the various discourses involved with the Fernie mining controversy. Moreover, I will argue how the various publics that could potentially be affected by the development of coalmines expand across national boundaries to form a transboundary public.

Methods and Logistics

A qualitative study of different actors involved in the Fernie mining controversy is the most appropriate methodology for examining pre-crisis management. Lofland (1971) outlines a three-step method that will guide my research that includes first, bodily presence at the location of controversy, second, extensive interviewing of involved
actors, and third, examination of written materials. These three strategies are ideal for
directing my analysis of the mining controversy because I can become candidly involved
with the specified organization.

For my qualitative research, I did a textual analysis combined with interviews. I
read about the developing controversy in the media reports that emerged in February
2004 to March 2005. I used the Flathead Basin Commission website
(www.flatheadbasincommission.org) to gather information about the history of the
commission. I used the website to gain access to many letters and documents that have
been released by the commission during the current controversy. I acquired a significant
amount of information from the establishing legislation and bi-annual reports from the
FBC. I also used many website reports about the IJC to obtain information about the
historical context of this controversy (See Appendix 3-9)

Through the UM Environmental Studies Department, Len Broberg, taught the
class centered on the mining controversy in conjunction with a class at the University of
Calgary. The Transboundary Environmental Issues class (EVST 540) was a great
introduction to my thesis project, as we had the chance to research the environmental
effects of the potential coalmine proposal in Fernie. We traveled to Fernie, Canada, in
September of 2004 to meet with government, city council, and provincial officials, to
gain an encompassing view of the Fernie coal mining controversy. We went to town hall
meetings, listened to presentations from industry, government, and community
representatives to discuss the controversy, and took a tour of an open-pit coalmine. Our
time in Fernie served as an effective historical and geographical introduction to the
controversy.
When the class traveled to Fernie, we had the chance to hear from many representatives. Les McDonald, representative from the Ministry of Natural Resources in B.C., discussed the history of environmental regulation in Canada. Dave Thomas, city council representative and head of Citizens Concerned with Coal-Bed Methane, discussed the Fernie community reaction to the coal mine proposals. Michael Gâtons, representative from the Canadian Society for Unconventional Gas, discussed the new energy technology transition by the Canadian provincial government. Wendy Travis, representative of the Yellowstone to Yukon wildlife coalition, discussed the importance of the Flathead watershed corridor to grizzly bear migration and the potential implications the coal mining would ensue. Lawrence Moss, author from Santa Fe, discussed the transition from resource to amenity migrant economy taking place in the Fernie and Flathead Valley. Steve Duerr, city council representative from Jackson Hole, Wyoming, explained how tourism needed to be considered to enhance cooperation between commerce and conservation. Finally, Dave Ryder, engineer at the Elk View coal mine in Sparwood, Canada, gave us the industry perspective on coal mining and the economic benefits it produces. These official presentations, town hall meetings, and classes at the university in Fernie each helped in providing the organizational perspectives on the Fernie mining proposals.

In February 2005, I discussed the controversy with Michael Jamison. Mr. Jamison is a journalist for The Missoulian who is the primary reporter of the Fernie mining controversy. After discussing the controversy and the public scope that I planned to use for the research project, he referred me to a couple of key actors in the Flathead Valley.
that would be able to give me the most information about public advocacy. He recommended that I speak with Mark Holston, Rich Moy, and Steve Thompson.

I traveled to Kalispell and Whitefish on March 3, 2005 for my interviews with Steve Thompson and Mark Holston. In my interview with Steve Thompson, Flathead Valley representative for the National Parks Conservation Association, I gained an important perspective on the local opposition to the Fernie mining proposals. Thompson discussed how the multiple citizen organizations in the Flathead Valley worked together to create a consistent message during the controversy. Thompson helps create connections between these many groups to help create a united front against B.C. mining policy. This interview helped explicate the function of the FBC in the Flathead Valley and the Montana state government.

In my interview with the public relations official for the FBC, Mark Holston, I acquired many documents that have recently been released from the commission. I received drafts of the letters to Brian Schweitzer, Premier Gordon Campbell and Max Baucus. Mr. Holston also provided me with documentation about the establishing of the FBC by providing me with the biannual report that was about to be released by the commission.

I traveled to the state Natural Resources office in Helena, Montana, on March 5, 2005, to interview Rich Moy. Mr. Moy is the state representative of the FBC that creates the connection of the commission to the state government. He provided me with important documentation from the FBC and from the Montana government that was released when the mining proposals were announced in February 2004. All of these interviews were important for me to understand the function and purpose of the FBC.
Additionally, these meetings allowed me to have access to important documents for my textual analysis.

After acquitting these documents, I examined specifically how the Flathead Basin Commission organizational communication discussed the interests of the Valley was represented in their discourse. I first examined how the FBC represented the public in their arguments about preserving the valley. I than identified how frequently those publics were represented in their organizational discourse. This analysis allowed me to identify how the FBC used the rhetorical frame of the Flathead Valley public in their arguments to preserve the Valley. Additionally, this analysis allowed me to examine how the public interest was represented in their arguments.
CHAPTER TWO: HISTORY OF THE FLATHEAD BASIN COMMISSION

As a citizen organization, the Flathead Basin Commission assists in creating a united voice from the Flathead Valley when development questions confront the community. In the following chapter I will address the first research question of my study: how does the FBC emerge as a key voice in the Fernie mining controversy? To explain how the FBC acts as a key voice in this controversy, I will first address the historical context of this controversy to international significance of the mining issue. Second, I will explain how the history of this controversy instigates the creation FBC as a local organization to protect the Flathead Valley. Finally, I will explore how the FBC is involved in the current Fernie mining controversy.

Historical Context

Worldwide economic circumstances in the 1980s forced governments to look to their own natural resources to help resolve the energy crisis. Canada's government turned to their vast natural resources to ease the pressure from outside economic forces. Specifically, they looked to their coal mining industry to expand development of technology to increase mineral output (Toronto Star, March 14, 1989). Increasing resources would help Canada become economically autonomous in addition to establishing their strength in the world market. Canada felt pressure to be independent with their energy production, in addition to seizing the opportunity to become a significant world trading partner on the energy market. With vast natural resources within their borders, there were prospects for expansion.

Britain's giant RTZ mining company, that contained the Rio Algom Mining Corporation of Canada, instituted a partnership with China to produce two million tons of
coal per year, looking to increase their energy resources (Toronto Star, February 27, 1988). The company stated that the worldwide economic conditions and international trade opportunities warranted the production of a large scale coal mine (Toronto Star, April 27, 1989). Using the connection that Rio Algom had in Canada, they looked to develop mines in the extensive coal reserves located in the Crowsnest Coalfield located in the Northern Rockies. The proposed open-pit coal mine in Sage Creek was located near the ski town of Fernie, in the designated wilderness area attached to the Flathead Valley, Glacier National Park, and the Montana border just north of Kalispell and Flathead Lake. The Sage Creek mine proposal had the potential to pollute these federally protected areas. The proposal quickly became an area of controversy because of the potential environmental impacts and negative effects on the economy for the city of Fernie and the Flathead Valley. The tension about the damage of the environment, coupled with the stress upon the international relations with the U.S., placed the controversy within the context of the world economy.

Citizens of Fernie were also involved with the developing tourism industry and were opposed to the mining proposal because of the potential environmental damage and reduction in their economy. Environmental groups within Fernie and the Flathead Valley emerged and stated their opposition to the mining proposal. Each of these groups was concerned with how the tourist economy and culture of the Flathead Valley would be dramatically affected by the environmental devastation that would ensue with the coal mine. Specifically, a group emerged in the Fernie that was concerned with the implications of the mine development upon migration patterns of endangered species in the Elk Valley Wilderness. John Frederick, a local hostel owner in the town of Fernie,
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traveled to a town meeting to present a petition with 24,000 signatures from citizens that wanted to protect the valley that was home to grizzly bears, bald eagles, and many other endangered species (Toronto Star, April 27, 1989).

Despite this vocal opposition to the coalmine, the proposal gained strong support from the national and B.C. governments in Canada for the economic benefit that would result from the mine. Additionally, the local communities surrounding Fernie were in support of the mine because coal mining was a significant part of the local economy and provided employment to many citizens in the area. So, all groups involved had to consider the economic development of their community to which both coal mining and the tourism industry contribute (Toronto Star, April 27, 1989).

This divided reaction of Canadian citizens became more evident in the arguments about the transboundary effects that would result once the Sage Creek mine was developed. The mining proposal captured the attention of the Montana government. Max Baucus, U.S. Senator from Montana, publicly opposed the mining proposal because of potential damage to Flathead Lake and Glacier National Park (Toronto Star, February 27, 1989). Montana wanted to preserve these pristine areas and not disrupt the tourist destinations. Flathead Lake and Glacier National Park are central to Montana's economy and state identity and the government wanted to extend additional protection to the area.

The Flathead Valley watershed area encompasses 8,587 square miles, approximately six million acres. This watershed is the largest tributary of the Clark Fork River, which is one of the extensive tributaries of the Columbia River (FBC History, December, 2003). This watershed has been recognized as one of the most diverse populations of plants and animals that include some nationally protected species like the
bald eagle, bull trout, and the grizzly bear. This designated Montana watershed includes parts of three national wildernesses and acres of federal and tribal land. The Montana government wanted to ensure that this pristine area was locally protected, as it is important to the state economy and transboundary cooperation between the U.S. and Canada.

In addition to the local and statewide protection of the Flathead Valley, the Montana government requested national and international attention to preserve the valley. The Montana government requested the International Joint Commission (IJC) to assist in mediation of this international controversy. As mentioned in Chapter One, the IJC is an international body that was created by the 1909 Boundary Waters Treaty presides over decisions to develop industry around the Great Lakes. Because industry development around the Great Lakes had potential of contributing to transboundary environmental impacts, the IJC jurisdiction becomes an important standard. The purpose of the IJC is to provide a "key element in making decisions and in preventing and resolving disputes" (IJC and the 21\textsuperscript{st} Century, p. 20). The IJC becomes an important international guideline in the Fernie mining controversy because development concerns are similar to those on the Great Lakes. With the Flathead Valley environment and consequently the state economy at stake, the Montana government wanted to ensure the same international protection to this valuable state park.

After Montana requested involvement of the IJC, the Sage Creek mine plans were in moratorium, until an appropriate environmental assessment could be finalized. After a decade of discussion, the IJC recommended against the development of the mine. Their recommendation came after a comprehensive environmental assessment of the effects of
the mine. In March of 1989, Canada announced that the plans for the Sage Creek mine were cancelled. They stated how following the recommendation from the IJC and concern of potential transboundary environmental pollution were reasons for canceling the mine plans (Toronto Star, March 14, 1989). This international controversy was stopped for the initial discussion of the mine; however, it would become an area of conflict in the future.

This international controversy between the U.S. and Canada was the result of Canada discussing the development for the previous 20 years. The IJC recommendation in 1988 was the result of an extensive environmental assessment of the region that was focused on the environmental impacts that would result. After the IJC recommendation, discussion of the coalmine was dormant because of the reaction that was evident on both sides of the border. Mark Holston, public relations representative for the FBC, feels that the question for development of this coalfield will become prevalent when the “worldwide economic conditions demand the production of coal” (Holston, March 3, 2005). The question of coal mine development in the Crowsnest coal field would be evident again in twenty years when Canada had another economic partnership in Asia. Coalmine development in an area that is so rich with resources will frequently confront Canada and the Flathead Valley.

In the following sections, I will describe the organization that was created by the Montana government to monitor the environmental quality of Flathead Lake. The Flathead Basin Commission (FBC) was created to directly respond to the discussion of industry development from the B.C. government. After previewing the development and purpose of the FBC, I will explain the current environmental controversy that exists in
the Flathead Valley. This controversy, is creating an international tension that mimics the reactions of the organizations that were involved in the controversy of the 1980s.

**Flathead Basin Commission**

When the RTZ Corporation announced their plans to mine in the Elk Valley Wilderness, the Montana government recognized the danger to the pristine national refuge in the Flathead Valley. Montana wanted to guarantee that this area had national protection and international attention, and they knew that local monitoring of the area was one way to guarantee the area was unharmed. The Flathead River drainage had received national and international protection in the past, and the Montana government was recognizing the need for local monitoring for the most advanced level of protection (FBC History, accessed December 21, 2004).

The possibility of large scale mining operations just north of the border inspired the Montana government to create an organization that could monitor the water quality of the basin and report the conditions to the state government. The Montana legislature created a citizen organization in 1983 to monitor and protect the water quality in the valuable and diverse Flathead Basin (Montana Watersheds, June 2003). The Flathead Basin Commission (FBC) is the state appointed citizen organization to monitor the initial effects and environmental pollution of the Flathead Valley. This organization would serve as a direct route for citizens to reach the legislature with their environmental concerns in the Flathead Valley. The FBC’s primary responsibility was to locally monitor potential large-scale pollution in Flathead Lake. This local group would become instrumental in the public response to potential industry development in the Valley. The Montana government felt that a local monitoring system was essential to protect this
valley because they were close to the Flathead Lake and the B.C. area where the coalmine proposal was located.

The duties of the FBC are outlined in the establishing legislation. Chapter 75-7-304 discusses the commission’s responsibilities (FBC Establishing Legislation, last accessed December 21, 2004). These responsibilities include the monitoring of the natural resources in the Flathead Valley, to work in close cooperation with the federal, state, provincial, tribal and local resource managers on development standards, to encourage international cooperation between Montana and B.C. government and to encourage economic development without compromising the high quality of the Flathead Basin’s water. Additionally, the FBC was responsible for submitting a biannual report to the Montana governor that outlined the fulfillment of duties and identified the land use and development trends in the Valley. The FBC was also given authority to make recommendations to the legislature and other government agencies on how to best maintain the quality of natural resources in the Flathead Basin.

The legislation also outlines their authority for monitoring development activity in the Flathead Basin. The FBC has the ability to make recommendations that are to be respected in the federal, tribal, provincial and local agencies. The FBC has the ability to provide this local perspective because they could observe the immediate effects of development and observe the citizen reaction to the potential environmental damage. The FBC is encouraged to cooperate with other organizations that are responsible for managing the natural resources in the Flathead basin. Participation of all these organizations is encouraged by the FBC to provide adequate funds to monitor resources in this designated area and effectively manage the environmental quality of the area.
The FBC consists of 21 members whose selections are outlined in Chapter 95: 2-15-213, in the legislation (FBC Legislation, December 21, 2004). Seven of the members are appointed by the governor's council, one member from state lands, one member from the Flathead County commissioners, one member appointed by the Lake County commissioners, one member of the Salish and Kootenai Tribes, one member from the U.S. department of agriculture, one member from the national park service, and one member appointed by the Flathead County and Lake county conservation districts. In addition to these local officials for the FBC, there will be four members appointed by the provincial government of British Columbia and two members that direct the department of environmental quality. Each of these officials will serve without pay for four-year terms.

The FBC was created to help a productive relationship on environmental issues develop between the Montana and B.C. government. This function of the FBC becomes especially important in this specific controversy. Working closely with the B.C. government is encouraged, as they are managing a watershed that is shared by both countries. This cooperation happens with frequent meetings with the agency and members of the Canadian provincial government. The FBC was created to provide a system of environmental monitoring of the Flathead Valley. This local system of protection spearheaded the Transboundary Flathead Organizing Project that seeks to expand the international conservation effort of the valley. Additionally, groups like the Flathead Lakers and the Flathead Coalition followed the creation of the FBC with more specific functions of monitoring the lake. These local organizations were created to ensure proper environmental management of the Flathead Basin and it's unique natural
resources. With all organizations, the citizens of the Flathead Valley were combining to provide a monitoring system that could protect the valley and enhance the citizen involvement.

Current Controversy

The FBC's involvement with the current discussion of the Fernie mining proposals place them at one of the more tense moments in their short history. With road building and ground breaking for test mines in Foisey Creek in B.C. in January 2005, the FBC's role became an essential public voice and state contact to monitor the mine development (Moy, March 2, 2005). Newly elected Montana Governor Schweitzer declared the FBC the "lead agency to work with the BC government to draft an action plan. The FBC is serving as the primary Montana citizen voice in the current international conflict.

The FBC became extremely concerned about environmental damage when Cline Mining announced their plans to develop a mine in Cabin Creek in February 2004. In the same valley as the Sage Creek mining proposal in the 1980s, the new mine proposal created tension in the Flathead Valley. In March 2004, the B.C. government gave preliminary approval to the Cline Corporation to develop a new coalmine at their proposed site. Additionally, the B.C. government hoped to advance their new CBM proposals for new energy development and economic gain. The B.C. government announced they would issue CBM leases in this resource rich area that constitutes the Flathead tributaries. This CBM technology was a new process for energy development in the United States, and Canada thought they would explore this new industry within their own borders. With the vast coal reserves in the Crows Nest Coalfield, which includes at
least 15,000 acres of the Flathead watershed, Canada was seizing this new opportunity for financial gain (Missoulian, January 26, 2005).

Each of these proposals captured attention of many organizations in Montana because of the historical context of this mine proposal, as well as a renewed concern for preserving the environment in the Flathead Valley. The FBC held an official meeting on May 7, 2004 to discuss an appropriate response. They drafted a resolution to present to the Montana government about the exploding controversy in the Flathead Valley (FBC archives, May 3, 2005). This resolution was composed to report that following the IJC assessment of the potential environmental impacts of the proposed B.C. mine developments should be adopted as the statewide stance on the proposals. This resolution was sent to the Montana legislature to inform them about the citizen concerns about the Canada mining proposals. The May 3, 2004 resolution passed by the FBC stated how the public and state interest of the resolution, will help preserve international precedent as well as local interest in protecting the Flathead Valley.

Former Montana Governor Judy Martz’s administration followed the recommendation of the FBC and asked the IJC to examine the effects of the proposed B.C. mines in May of 2004. This state request reflected the statewide and local concern for the water quality and uses in the Flathead Valley as well as the social and cultural value of the Flathead Basin. Additionally, the FBC and Governor Martz were communicating with the B.C. government to voice their concerns. Each party asked Premier Gordon Campbell to deter the plans for mine development until the IJC had the time to assess the environmental implications of the mine proposal.
The FBC and the Montana state government directly contacted the U.S. federal government with their concerns about the transboundary environmental damage. Secretary of State Colin Powell made a public statement and request to the IJC to consider the environmental effects of the mine. On May 28, 2004, the IJC made the recommendation that the B.C. government should not proceed with their proposal for the Cabin Creek watershed. The IJC stated that it was in the best interest of each government to uphold the decision that was concluded after the 1989 IJC environmental impact assessment in the Flathead Valley. This current recommendation was similar to the recommendation that was sent to the B.C. government in the 1980s. This recommendation reflected the citizen concern for environmental protection in the Flathead Valley. Not only did this environmental concern embody a transboundary group that would be negatively affected by the industry development but also it became the strongest voice of opposition that reflected the intentions of the Montana and U.S. government.

The B.C. government decided that Cline mining couldn't proceed with their plans for the Cabin Creek mine in June 2004. "B.C. dropped Cline's proposed coal lease at the Cabin Creek site identifying incompatibility with the existing resources and special designations in the basin (i.e. Waterton Lakes National Park and Glacier National Park)" (History of Cooperative Resource Management, February, 2005). B.C. decided to follow the recommendation of the IJC for this particular mining proposal. Despite following the IJC recommendation for the open-pit coalmine in Cabin Creek, the B.C. government was still intending to develop their CBM technology in the Crows Nest coalfield.
Soon following the cancellation of the Cline coalmine proposal, the B.C. government met with Montana officials to discuss their intentions to develop their CBM mines. In August 2004, Judy Martz sent an official letter to the B.C. and Canadian federal government that requested a comprehensive environmental impact statement be completed under federal law before they would move ahead with the sale of the CBM leases (History of Cooperative, February, 2005). The citizen groups and Montana government were questioning Canada’s environmental standards.

The B.C. government did not consider Montana’s request, and they decided to move forward with the sale of CBM leases for the Flathead Valley and Crows Nest Coalfield. They proceeded with the lease sale at the end of August. Surprisingly, no energy company in Canada decided to enter in the auction for the CBM leases in this valley. The companies had to consider the cost of resource extraction and the uncertainty of the procedure. The difficult procedure of CBM mining, made the lease purchase a financial burden for many companies. Additionally, many energy companies were skeptical to bring their industry into the Crows Nest Coalfield because of the strong opposition to industry development from the citizens of Fernie, citizens in the Flathead Valley in Montana, Montana government, and federal government in the U.S.

This international controversy instigated a strong reaction from the FBC and many other organizations in the Flathead Valley. In combination with the Flathead Lakers, Confederate Salish and Kootenai Tribes, Flathead Coalition, Fernie, the B.C. City council and others, the FBC decided to construct a memorandum of understanding (MOU) to assist in the communication between Montana and the B.C. government about resource development. The MOU, initially drafted in September 2004, was proposed to
enhance the discussion of an environmental cooperation arrangement between the two nations. The MOU was to “identify, coordinate and promote mutual efforts to ensure the protection, conservation and enhancement of our shared environment for the benefit of current and future generations” (MOU, September, 13, 2004). This document calls for the developing of an action plan to address the environmental goals of each nation. It had the aim of assisting the cross-border communication and developing monitoring programs to assist in a stable environmental standard for the watershed.

Despite this MOU from the Montana government, the B.C. government was still planning on mine development. In November 2004, B.C. gave permits to Cline Mining to build roads and develop a test mine in Foisey Creek in the Crows Nest Coalfield. This test mine is located 29 kilometers north of the Cabin Creek mine proposal, but still located in the Flathead watershed. Cline mining built roads to access 90 tons of coal from this basin to determine if there was capacity for mine development (AP, February 11, 2005). This test mine permit was granted without notifying the Montana government or Flathead Valley citizens. Additionally, the Montana government was not aware of Cline’s intention to begin construction for the test mine in the spring of 2005.

Cline Mining began the exploration and development work program for a metallurgical coalmine on January 17, 2005. The project was planned to add 2.7 kilometers of road construction, mine 25 drill holes, mine 90 million tons of coal, and cost about 1.8 million dollars (Canadian Corporate Newswire, February 8, 2005). Cline began this project and stated that this was a minor exploratory project. Cline mining began road building and ground breaking for their coalmine at the end of January 2005 with the spring snow melt (Missoulian, January 27, 2005).
There was surprise in the FBC and the Montana government when they heard of the mine development. Rich Moy, chairman of the FBC, states “I’m surprised, and actually very disappointed. B.C. knows Montana’s concerns; we’ve made it so clear (Missoulian, January 26, 2005). The Montana government and environmental advocacy groups in the Flathead Valley are concerned about the environmental damage of the exploratory mine. The B.C. government explains how Cline’s test mine is only exploratory, but Montana is fearful of more mine development in the Crowsnest Coalfield. The Montana legislature has officially called for a compromise in the test mine to eliminate further conflict (CCCBM, February 23, 2005).

Dave Thomas, City Council member in Fernie, B.C., states how Cline’s mining project is more than what is being exposed to the public.

“They call it exploration, but it’s a major piece of work. That kind of development is especially disturbing because the British Columbia provincial government has been negotiating with Canada’s federal government to acquire two ‘dominion’ coal reserves under parts of the Flathead and Elk River valleys. As a conservation organization...are concerned that such a transfer might take place without a comprehensive environmental baseline assessment that we feel is essential for both wildlife and people on both sides of the border” (Daily Interlake, February 23, 2005).

Thomas’ concern captures the strong feeling of opposition from the Fernie community. This statement also captures the feeling of opposition that exists across the border. Led by the FBC, the citizens and Montana government state their skepticism about this test mine and potential mining development for the future. This test mine in Foisey Creek is a large project that will result in disruption of the local environment with road building and surface breaking. “Cline started building seven kilometers of road in uncut forest to reach the site in mid-January” (Daily Interlake, February 23, 2005) The
main concern is that the B.C. government will continue granting permits for more areas in the Flathead wilderness without being transparent about their policies.

The transboundary environmental controversy had been dormant for the previous decade, and now the international conflict has emerged again. Since the Cline announcement in February 2004, there has been international attention to this conflict. The FBC has renewed their role as monitoring water quality in the Flathead Watershed by reporting the actions to the state government. Through their efforts to make the governments and industry aware of the concerns of the citizens in the Flathead Valley, they combine the efforts of many groups in the Flathead Valley. They emerge as a dominant voice in the Fernie mining controversy as they unite voices of many organizations in their advocacy. In the following chapter, I will examine how the FBC communicates with other organizations that are involved in the controversy and explore how the FBC frames the public and the interests that they have for protecting the Flathead Valley.
Chapter Three: The FBC ‘Public’

During this environmental controversy, the FBC must communicate with multiple organizations to establish their position about the Fernie coal mining proposals. One theme in their discourse with other organizations is how they frame the Flathead Valley public and the interests they have in protecting the Valley. In this chapter, I will examine how the FBC uses different definitions of the public and how they adapt their argument and represent these publics in their communication with other organizations. In doing so I address the second and third research questions of the study, which are: what are the definitions of the public that are evident in the discourse of the FBC: and how does the FBC represent these public interests to other organizations.

The FBC constructs the Flathead Valley ‘public’ in three different frames to identify how the citizens in the valley will be directly affected by the coalmine development. Through these constructs, the FBC suggests that the community and state government disapproves of the potential coalmine development. In the following chapter, I will first explain how I identified the different frames of the public that the FBC constructed in their communication. Second, I will analyze how the FBC constructs the idea of the public in communication to specific organizations during the controversy. After doing so, I will explain how the FBC is representing the interests of the public in their communication to the organizations.

The FBC Construction of the “Public”

The FBC rhetoric suggests that the public is constructed at three different levels: local, trans-local and transboundary. These different concepts of public are used by the FBC to persuade various organizations to join them in opposition to the coal mine proposals. It
is important to recognize that these frames are not mutually exclusive and are often interchangeable. In my data analysis, I examined the context and use of the quotations that discussed the Flathead Valley Public. I than determined the frame of public that was used in their rhetoric. The following table identifies the key words and phrases that identified the various publics. These key-words and phrases helped me identify that the FBC's arguments represent the Flathead Valley public as well as a local public, trans-local public and transboundary public.

<table>
<thead>
<tr>
<th>Types of Public</th>
<th>Key Word Identifiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Public</td>
<td>- Quality of environment in the Flathead Valley and connection to the community.</td>
</tr>
<tr>
<td></td>
<td>- How the Flathead Valley, Flathead Watershed, and Flathead Lake are created by the pristine environment.</td>
</tr>
<tr>
<td></td>
<td>- Local environmental quality of the Flathead Basin</td>
</tr>
<tr>
<td>Trans-Local Public</td>
<td>- How the community of the Flathead Valley is representative of the Montana government and/or national identity</td>
</tr>
<tr>
<td></td>
<td>- How the local environment of the Flathead valley is represented by state and federal legislation.</td>
</tr>
<tr>
<td></td>
<td>- The Flathead Valley environment is representative of international environmental regulation.</td>
</tr>
</tbody>
</table>
Transboundary Public

- The Flathead Basin is bi-national and subject to international law.
- The Canadian national and B.C. government are involved with the Flathead Valley.
- The Flathead Basin is a transboundary watershed protected by bi-national agreements and on each side of the border

“Public” is Local

When the FBC uses the notion of a local public to establish their position in the coalmine debates, they refer to how the citizens that reside in the Flathead Valley are the individuals that would be directly affected by the environmental damage that would ensue from the industry development. In a letter that FBC state representative Rich Moy writes to Montana Governor Schweitzer, he stresses that the valley should be locally protected. “Recent studies suggest that the region’s clean waters, abundant wildlife, dramatic scenery, and diverse recreational opportunities are driving economic growth and vitality in adjacent Montana communities… For this reason, we believe that all due caution and the best possible information be applied to future decisions that might impact these environmental and economic assets” (February 7, 2005). The local public is primarily concerned with protecting the pristine environment of the Flathead Valley. The local public is one that is directly connected to the environment that surrounds them. Additionally, the local public is united by lifestyle that this environment generates.
"Public" is Trans-local

The FBC also frames the public as one that is trans-local. The community of the Flathead Valley is one that represents the environment in the Watershed. This watershed is also representative of the state and nation because the protected environment is a symbol for these entities. Therefore, the FBC simultaneously acts as a local group that represents the quality environment and a state organization that is responsible for reporting the condition to the Montana government. The establishing legislation of the FBC states how the duties include "encouraging close cooperation and coordination between federal, state, provincial, tribal, and local resource managers for establishment of compatible resource development standards, comprehensive monitoring, and data collection and interpretation." (Establishing Legislation 75-7-304). The FBC is responsible for representing the interests of each agency. Because the FBC is connected to the State Legislature, they serve as a representative voice for many types of organizations that are both local and state oriented.

Within the current controversy, the FBC attempts to elicit participation from many organizations. "The commission also agreed to urge the Confederated Salish and Kootenai Tribes and two non-governmental advocacy groups in the Flathead, the Flathead Lakers in Polson and the Flathead Coalition in Whitefish, Kalispell, and Bigfork, to write similar letters of concern. Representatives of the two groups were at the meeting, and immediately agreed to do so. The tribal government has been cooperative in such letter-writing endeavors in the past, Moy said" (Missoulian, February 23, 2005). Because the FBC encourages other organizations and voices to be involved in the opposition to the coalmine, they serve as unifying voice during the controversy.
"Public" is Transboundary

Finally, the FBC invokes a transboundary public in their communication to place their advocacy in a context that is recognized by international organizations. The Establishing Legislation of the FBC states that the commission is created to "encourage and work for international cooperation and coordination between the state of Montana and the Province of B.C. concerning the understanding of natural resource monitoring and use of consistent standards for management of resource development activities throughout the North Fork of the Flathead River drainage portion of the Flathead Basin" (75-7-304). The commission was created to enable transboundary cooperation on environmental policy that is conducive to each concern in the Valley.

The FBC constructs a transboundary public to institute an international significance to the mining issue. In a letter to former Secretary of State Colin Powell, the FBC establishes their concerns for the Flathead Valley by indicating how a transboundary public would be affected by the mining proposals.

"We are concerned about the impacts of development on other key resources both sides of the border that are crucial to local, state, provincial, national and international communities. The federal governments and the people of Canada and the U.S. have bound Waterton Lake and Glacier National Park together as an International Peace Park, a Biosphere Reserve, and World Heritage Site. These parks and their many designations could be impacted without an environmental assessment" (DeGrandpre letter to Premier Campbell, August 20, 2004).

This statement, from the newly elected representative of the FBC, is a compelling argument that is situated in an international arena. The valuable parks and international designations create a public that is united by the geographic area, not their nationality. This quotation indicates a transboundary public because the watershed is shared by two nations and is recognized with international designations.
As a bi-national organization, the FBC is an organization that addresses a transboundary public. Many officials recognize how this multi-national approach is necessary to ensure the Watershed is receiving the adequate protection. Richard Newfeld, the B.C. minister of Energy and Mines, explains how the "1988 decision and environmental agreement between the state and the province that killed the mining plan would be best, in the interest of all" (Missoulian, January 27, 2005). By stating how this historical precedent should be upheld in the current controversy, Newfeld explains how this transboundary public has a particular interest in not allowing industry development. This statement indicates a transboundary interest was at stake with the previous and current mining proposals. Because the FBC is an organization that represents this bi-national approach to protection of the valley, they signify the interests of the bi-national group that is affected by the mining proposals.

These three constructions of the ‘public’ are evident in the FBC’s inter-organizational communication that discusses the Fernie mining proposals, as the citizen communities are forced to handle the negative implications of the industry development. Through the next section, I will explore the FBC articulation of local, trans-local and transboundary public to frame their messages to other organizations.

The FBC’s Organizational Communication

In the following section, I first analyze how the FBC defines the ‘public’ in their communication with other organizations during the Fernie mining controversy. These organizations include the important connection with the Montana government, the U.S. Federal and B.C. governments, the International Joint Commission, other groups in the
Flathead Valley and the Fernie community. Additionally, I explore how the interests of the designated public are represented within these arguments.

**FBC and the Montana Government**

The FBC makes numerous requests of the Montana government. Because they are appointed by the state legislature, the FBC approaches the government with their requests that reflect each type of public. They use arguments that imply a 'local' public when referring to how environmental protection is a primary element to their community. A trans-local public frame is used when they reference how cooperation with other organizations is key to their opposition to the coalmines. Finally, they use the concept of a transboundary public with the Montana government when they encourage communication with the B.C. government and IJC.

First, the FBC uses the concept of local public to explain the worth of a pristine environment to their way of life. The establishing legislation of the FBC explains how their main function is to “preserve water quality in the Flathead Valley.” Environmental protection of the Valley is the main goal of the FBC and it suggests that preserving the pristine environment is essential for the lifestyle of the 'local' public. The May 3, 2004 resolution passed by the FBC states that “the transboundary Flathead has many other special amenities, including pristine water quality, threatened and endangered species, diverse and abundant wildlife close to what existed under historical conditions, and the highest density of grizzly bears recorded anywhere in interior North America” (FBC resolution, May 3, 2004). While this quotation also indicates a trans-local public, in context, the primary message is that preserving the environment in the Flathead Valley is essential for the lifestyle they are accustomed to. The local public is connected to the
socio-economic and value of the protected local environment that is representative of their way of life.

In the Memorandum of Understanding (MOU) that was drafted by the FBC and than submitted to the Montana government, also indicates that a local public needs to be recognized in this conflict. "The Commission is responsible to protect the existing high quality of the Flathead Lake aquatic environment: the waters that flow into, out of, or are tributary to the lake: and the natural resources and environment of the Flathead Basin" (MOU, p. 2). This statement indicates a local public, as it places the responsibility of the monitoring the Flathead Valley environment with the FBC. The environment needs to be protected to preserve the lifestyle that the Flathead citizens are accustomed to,

The local public is also represented in arguments about economic transition of the Flathead Valley. Steve Thompson, citizen coordinator of the environmental groups in the Flathead Valley, discusses how the "FBC represents the local public interest" (March 3, 2005). He explains how the primary function of the organization is to provide citizen protection of the environment in the Flathead Valley. He explains how this citizen monitoring creates a more efficient system of protection because they will respond to how the actions that may potentially damage the environment and change their way of life. Thompson feels that this local protection is the most efficient way to monitor and protect the environment, as the citizens are the individuals that can directly observe the implications of policy or industry expansion

The FBC invokes a trans-local public in order to lobby the Montana government to encourage state and national involvement in the mining controversy. Because they are a citizen organization designated by the Montana legislature they are an organization that

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represents the citizens with some levels of state jurisdiction. This helps bring attention to issues that directly affect the communities of the Flathead Valley and the state as a whole. The FBC uses the trans-local public lens to frame their arguments when they refer to how protecting the environment of the Flathead Valley becomes an interest of the state. Because the economy, tourism, and citizens are affected by the industry development, the trans-local arguments provide incentive for state and national attention.

When Cline Mining initially announced their coalmine plans in February 2004, the FBC rhetoric suggested that pollution from the coal mine would flow downstream, pollute the rivers and lakes, and harm the pristine environment of the Flathead Valley. "The North Fork of the Flathead River has been classified to have very high water quality value and is protected with a strict non-degradation standard under the state of Montana law" (Hungry Horse News, June 28, 2004). This quotation indicates that a local and trans-local public is represented because they refer to the environment and the state jurisdictions that apply to the Valley. The FBC continually applies this concept of a pristine environment when discussing how the Montana government should continue to support the protection of the Flathead Valley as this untouched environment is one that represents the Flathead lifestyle.

The citizens of the Flathead Valley see environmental quality as essential and are already indicated by the many protections that have already been designated to the area. "The North Fork of the Flathead River has been classified to have very high water quality value and is protected with a strict non-degradation standard under the state of Montana law" (Hungry Horse News, June 28, 2004). The citizens of the valley, represented by the
FBC, are primarily concerned with protecting the environment that is shared by the individuals in the local community.

The waters of the Flathead Valley have a high level of protection by the state of Montana, and thus the FBC appeals to this existing trans-local public agreement to generate support. The FBC also invokes a trans-local public when referring to the economic value to the state and country. Steve Thompson explains how the economy of the Flathead Valley has changed over the past two decades from a "resource use economy to an amenity community that wants to enjoy the pristine environment" (March 3, 2005). The economy of the Flathead Valley now hinges on clean water and preservation of the environment, as these pristine qualities are valuable to the current and future citizens of the valley. Environmental protection now encompasses a socio-economic approach to policies that consider the cultural and social values of the local citizens.

This trans-local public is represented in this argument because the economy is in transition for the Flathead Valley. The amenity economy no longer requires extensive resource extraction and environmental degradation; it is dependent on the citizens that are moving to the Valley to enjoy that particular lifestyle. Thompson continues to explain how the Flathead Valley is now more reliant on "brain power" that is moving to the Valley. Moreover, the brain power that is moving to the Flathead Valley, is bringing new ideas and business to the community. These amenity migrants want to enjoy the environment that surrounds them as they work.

During a city council meeting in Fernie, Lawrence Moss, an instructor in Santa Fe, discusses the concept of amenity migrants. He explained how citizens from all over the U.S. and Canada are traveling to the Fernie and Flathead Valley because of the
surrounding environment where they would like to live and work (September, 10, 2004). With new mobile technology, businesses have the ability to be located anywhere in the country. People are choosing to live in a beautiful environment, as it enhances their quality of life. These amenity migrants are recreating the culture of the entire Flathead Valley; as they are bring a new sector of the national economy to the region of the country. The FBC uses this multi-faceted public to indicate a trans-local public to situate the controversy in an arena that should be recognized by the state and national government. Therefore, the economy is directly linked to the level of protection of the environment in the entire Flathead Valley.

Additionally, the FBC invokes a trans-local public in their arguments about of environmental protection and opposition to the mine as being in the interest of the state. The FBC encourages statewide involvement during the controversy. Rich Moy, state representative for the FBC, states how the “Flathead River has a Class 1 water quality standard, the highest, most pristine water quality standard under federal law”. Additionally, he states that the river basin is “one of the most undisturbed areas in the interior of North America” (Gas Daily v 21;94, p. 4, May 18, 2004). These statements indicate the existing federal protection is evidence for not allowing the Flathead Valley to be polluted. They request government action for local and international jurisdiction to protect the environmental interests of their community. These statements indicate that the FBC uses the concept of a trans-local public to establish the importance of the controversy to the state and/or national image.

The construction of a trans-local public and transboundary public is represented in FBC arguments when they discuss the protected area because they refer to the Flathead
Valley as one that is a statewide symbol that should continue to be protected. The FBC states, “On the entire U.S.-Canadian border, this is probably the most pristine and ecologically intact watershed shared by the two countries” (Land Letter, April 15, 2004). The FBC uses these arguments to situate the environment, and the protections that are already granted to the area, as one that articulate the interests of the local public. A preserved environment is what unites the Flathead community. Because this protection is in their primary interest, the community wishes to extend additional protection to the area. The FBC rhetoric suggests that an ecologically intact environment is in the public interest of the Flathead community.

Finally the FBC constructs a transboundary public when attempting to persuade the Montana government to place the controversy within the theatre of international relations. The notion of the transboundary public indicates that the FBC addresses the concerns that affect citizens in each country. Additionally, when the FBC uses this construction of public, it encourages the Montana government to request the use of international law and bi-national treaties as reasons for establishing a baseline assessment of the standards for environmental quality in the valley. In the FBC’s May 3, 2004 resolution, the FBC requests that the “the BC/MT Environmental Cooperative Arrangement, to immediately suspend any action on the coal mining and coal bed methane proposals until completion of the comprehensive assessment by the IJC.” This agreement invokes consideration of a transboundary public, as the communities on each side of the border will be affected by the decision. This agreement, initially signed by former governor Judy Martz and B.C. Premier Gordon Campbell in September of 2003, is now only recognized by the Montana government and not the B.C officials (FBC,
March 2, 2005). The document recognizes that a “spectacular and priceless regional ecosystem transcends the international boundary between Montana B.C.” (ECA, September 5, 2005). The goal of this agreement is to ensure that all parties involved with the discussion of environmental policy reflect “mutual priorities that effectively address the shared environmental goals of both nations” (ECA, September 5, 2005). The FBC continually recognizes that they would like this baseline environmental assessment as a way of recognizing the needs of the transboundary public that is affected by the mining proposals. They request that the Montana government continue to pressure the government of B.C. to follow the standards set forth in this agreement to recognize the interests of the entire valley.

Additionally, the concept of a transboundary public is evident when the FBC discusses how the implications of the Canadian government policy will affect the citizens of the Flathead Valley. Rich Moy’s letter to Senator Max Baucus requests that the state’s congressional delegation get the attention of the B.C. government (Moy, March 2, 2005). The FBC wants to use their connection to the state government to provide justified attention to their concerns about the exploratory mine development. “The FBC believes the recent mine proposals for coal and coal bed methane gas production within the B.C. portion on the basin conflict do not appear to reflect the protection to the many special amenities that are found within our shared environment” (Moy, March 2, 2005). Here, the FBC represents the trans-boundary public by indicating that the recent B.C. government actions have ignored the environmental protections that are central to the protection of their shared environment. Additionally, the FBC indicates that the mining proposals do not address the concerns of the multiple local and state organizations that
would be affected by mining development in the valley. Therefore, the public is one that is constructed by their surrounding environment and existing protection of the environment.

Mark Holsten states in his letter to Max Baucus that the ECA calls for the Province of British Columbia and the state of Montana to undertake and establish the B.C./Montana Environmental Cooperation Initiative. This agreement will “help to identify, coordinate, and promote mutual efforts to ensure the protection, conservation and enhancement of our shared environment for the benefits of current and future generations” (Holston, March 2, 2005). The FBC uses this agreement as a standard for recognizing the public that exists in B.C. and the U.S. The FBC argues that setting an environmental standard will help establish a comprehensive approach to conflicts about industry development in the Flathead Watershed. This standard is important for the current controversy that exists in the Flathead as well as future proposals that have potential of threatening the Valley. This standard is important for establishing a precedent that protects the international community. Holston states how “the FBC believes the ECA is to provide an approach to protect the many special amenities that are found within our shared environment” (Holston, March 2, 2005). The ECA is significant way of recognizing the transboundary public that is created and affected by industry development outside of Fernie.

This concept of a transboundary public is important when the FBC communicates with the Montana government because of the nature of organizations that must be contacted during the controversy. Invoking local, trans-local and transboundary publics provide the impetus for state and IJC involvement. Additionally, the Montana
government will be motivated to communicate with other national and international organizations to confront the resource driven mining industry and external forces of the world economy. The lens of a transboundary public helps situate the FBC’s opposing argument of environmental protection in the larger context of the international controversy.

There is evidence that FBC’s construction of a trans-boundary public was persuasive to Governor Schweitzer, who invokes that public in his letter to Premier Campbell. Schweitzer states that a “creative bi-national approach” must be considered to establish the dominant interest of development in the Flathead Valley (Schweitzer, February 7, 2005). The FBC is pushing for “some kind of bi-national baseline environmental assessment” (CCCBM, February 23, 2005). Specifically, Schweitzer supports the FBC’s request for a baseline environmental assessment in order to trace the changes in water quality when any industry development develops north of the Montana border. “A comprehensive environmental and socio-economic baseline assessment of the transboundary region prior to new fossil-fuel energy development has the mission to prevent disputes over transboundary watersheds” (Schweitzer letter to Premier Campbell, February 7, 2005). Schweitzer designates the FBC as the organization to serve the important transboundary function of monitoring the international watershed. As the Montana government recognizes the importance of this bi-national approach to maintaining an appropriate environmental standard, so do the members of the FBC. This transboundary public standard is used to persuade officials that the watershed needs international protection.
The FBC rhetoric indicates a transboundary public as they are designated as the "lead agency to develop an ‘action plan’ for environmental collaboration between Montana and B.C" (Schweitzer, February, 7, 2005). The FBC can use their connections with the legislature to enforce their policies that uphold the interests of the Flathead Valley, as they are a bi-national committee that speaks for the interests of the entire watershed. (CCCBM February 23, 2005). Using the state government to legitimize the FBC request to stop industry development assists in representing the communities on both sides of the border of the Flathead Valley.

On the whole, the notion of a transboundary public is important for FBC communication with the Montana state government. When this local, citizen, and non-corporate organization needs to communicate with the mining industry, national governments and external forces of the world economy, they have to place their argument within the larger context of the controversy. When the FBC discusses the transboundary public, it provides incentive for the Montana government to become more involved with the controversy by using their power and networking ability as a state government.

When the FBC uses a local, trans-local, and transboundary public in their communication with the Montana government to persuade them to become more involved with this international controversy. By using each rhetorical construction of the public, they bring attention to an issue that will dramatically change the culture of the community and international relations with Canada. Each type of public that the FBC uses enables a variety of contexts that could be considered by Montana government. Each of these contexts is used to influence the government to connect with organizations that could provide international jurisdiction to protect the environment.
The FBC communication with the U.S. Federal Government

The FBC also understands the importance of communicating their concerns with the Federal U.S. Government during this controversy. Rich Moy states, “I think it’s going to take the State Department and the international Joint Commission to get something done” (AP, February 23, 2005). The hierarchy of power is necessary for the opposition in this controversy because it takes federal and IJC jurisdiction to confront the legislative and political matters that are involved with the shared water of the U.S. and Canada. The FBC recognizes that a national and even transboundary voice will be influential to the B.C. government as they consider development of their mining industry. The FBC uses an argument for considering a transboundary public when communicating with the federal government. In this section, I will argue that the FBC primarily invokes the notion of a transboundary public in order to pressure the Federal government to get involved in the controversy.

When communicating with the federal government the FBC uses a transboundary public to influence their intervention on the issue of the Canadian coalmines. The FBC articulates the importance of the issue to the U.S. international relations with Canada when they send a letter to Senator Conrad Burns,

“The FBC requests the Montana Congressional Delegation to seek assistance from the U.S. Secretary of State to invoke the provisions of the Boundary Waters Treaty and to use the authority of the IJC under the Treaty to assess the cumulative impacts of new coal mines and methane gas exploration and production on the water quality and quantity, the environment, and on the economic, social and wildlife resources of the Flathead drainage before permits or tenures are granted” (DeGrandpre, August 18, 2004).

This statement indicates that international jurisdiction should be the precedent that is used to establish an environmental assessment between the two nations. A transboundary
public is represented in the FBC's statement, as it addresses the cumulative impacts
on the entire watershed. Using the historical precedent as the foundation of their argument
indicates a bi-national community exists because of the geograpthic nature of the
Flathead Watershed. The FBC communication with the B.C. government indicates a
transboundary public that that the Flathead Valley should be a primary concern of the
U.S. government to help prevent future international controversies.

A transboundary public is evident in the FBC communication to the federal
authorities. In a letter to former Secretary of State Colin Powell, the FBC addresses the
issue of preserving the national protections that are already designated for the valley.
They identify how the special provisions that are present in the Flathead Valley create a
transboundary community that should be considered more than the interest of one nation.

"We are concerned about the impacts of development on other key
resources both sides of the border that are crucial to local, state, provincial, national
and international communities. The federal governments and the people of Canada
and the U.S. have bound Waterton Lake and Glacier National Park together as an
International Peace Park, a Biosphere Reserve, and World Heritage Site. These
parks and their many designations could be impacted without and environmental
assessment" (DeGrandpre, August 20, 2004).

By placing an emphasis on the international nature of this watershed, the FBC hopes to
convince the U.S. federal government to be involved with this controversy and further
use their jurisdiction to influence other organizations to follow the same precedent. The
FBC's strategic reference to the park as a national symbol implies that the U.S.
government has a role in the controversy, and it is in the interest of the international
community to be involved. It becomes the 'public interest' of the U.S. government to
protect the Valley because it is symbolic of the nation. Additionally, national park
designations are already in place for this transboundary region and it would be in the
national public interest to continue such protection. The FBC communicates how the historical precedent and national designations of the watershed should be recognized and considered before the mines are developed. This is important to the U.S. government because they have granted these important designations.

The argument for respecting the needs of the transboundary public is also represented in the following quote in the letter to Powell, “The Commission believes the best way to protect the river and downstream resources in the Flathead Basin of the U.S. is to understand the short and long term impacts of CBM development and than to mitigate those impacts. This basin has many special amenities that are critically important to the people of the U.S. and Canada” (DeGrandpre, August 20, 2005). When the FBC constructs this transboundary public in their letter to Powell, they explain how protecting the Flathead Watershed is in the interest of the government because of the significance of protection of the watershed to the people in each country. The protected area is threatened by the industry development. Additionally, the FBC’s argument looks to prevent future disputes between the two nations by recognizing this transboundary public. If each government recognizes an international environmental precedent, the shared environment will be protected. Moreover, the interests of each organization in the Flathead Valley, including citizen and government groups, can have future conflicts prevented by having a baseline environmental assessment to protect the valley.

This transboundary public is also represented in reference to standards of development in the Flathead Valley. The FBC feels that the enactment of the IJC decision is the ideal way to preserve the public interest of the transboundary community of the Flathead Valley (March 2, 2005). The FBC articulates how cooperation and coordination
with the B.C. government is essential for providing an environmental baseline assessment for the area. In a letter that Rich Moy wrote to Senator Max Baucus, he states how the “IJC standard provides compatible, equitable, and sustainable development activities and management strategies in the upper Flathead River” (Moy, March 2, 2005). Moy explains how the standards set by the IJC 1988 environmental impact statement should be used as a baseline assessment for the Flathead Valley. The FBC feels that enactment of IJC decision is the ideal way to preserve the public interest of the transboundary community. National and international influence is necessary to institute a standard for preserving the interests of this community.

The FBC has recognized the importance of gaining national involvement on the issue. By constructing a transboundary public, the FBC hopes to persuade the federal government to use their influence to help the community that is affected by this mine proposal. By acquiring support of the national government, the FBC hopes to enhance their opposition to the coal mine proposals. The FBC realizes that national government can use their influence to potentially persuade the appropriate international jurisdiction to resolve the conflict.

**FBC and the Environmental Advocacy Groups in the U.S. Flathead Valley**

The FBC is the state-designated group to provide the legislature with a statement of public interest of the transboundary community of the Flathead. However, there are many other voices in opposition to the industry development. When engaging advocacy groups in their opposition to the coalmine proposals, the FBC frame their arguments with reference to a local public with hopes to align them in opposition.
In some senses, the local public is created by the involvement of these different organizations. Mark Holston states, “I think the cumulative effect of all the voices may be more effective than if they were to be under one umbrella. If you distill it all down, the message is basically a variation of people that are very concerned about the water quality “ (March 3, 2005). Holston understands that many of these organizations are concerned with the effects that mine development may have on the area in which they live. Because each group has a particular interest, the “mosaic of voices is important in the opposition” (March 3, 2005). The cumulative effect of the voices however, articulates a main concern of the mine development on water quality and the environment in the Flathead Valley. The FBC represents the more ”institutionally conservative” voice of the opposition, as the FBC is represented in the Montana legislature (Holston, March 3, 2005). The FBC, however, serves as the main advocate for the Flathead community because of their direct connection with the Montana legislature.

The FBC explains how they are an organization that represents other advocacy groups and the international transboundary community. The founding nature of this organization is to respect the needs of other groups that are involved in the controversy. “The commission also agreed to urge the Confederated Salish and Kootenai Tribes and two nongovernmental advocacy groups in the Flathead, the Lakers and the coalition, to write similar letters of concern. Representatives of the two groups were at the meeting, and immediately agreed to do so” (CCCBM, February 23, 2005). In this way, the FBC uses the concept of a local public to unite these voices in the discourse of opposition to the coalmines. Uniting the local public is important during the controversy, because
there is a vested interest of the community to preserve their environment from industrial
development.

Steve Thompson discusses how important public opposition is to the government
proposals. He feels that the best way to represent the public interest of the Flathead
community is to "create relationships between the groups that are involved with the
opposition" (March 3, 2005). Each organization in the Flathead Valley has a different
function, but all are interested in protecting the local environment. Thompson feels that
establishing relationships with other organizations is strong method of creating a
significant public voice that is essential in understanding the ramifications of government
decisions.

Despite the varying voices and organization voices that are present in the Flathead
Valley, the FBC attempts to gain participation by requesting participation from the
groups at their public meetings and official statements from the various governments.
The FBC represents the Flathead Valley public, as they focus on combining the voices
and the cumulative interest of environmental protection of the valley. They engage the
community through public meetings and local press. Rich Moy's quotation discusses
how these groups are engaged in the cumulative effort of the local public.

"The commission also agreed to urge the Confederated Salish and Kootenai
Tribes and two non-governmental advocacy groups in the Flathead, the Flathead
Lakers in Polson and the Flathead Coalition in Whitefish, Kalispell, and Bigfork, to
write similar letters of concern. Representatives of the two groups were at the
meeting, and immediately agreed to do so. The tribal government has been
cooperative in such letter-writing endeavors in the past, Moy said" (Missoulian,
February 23, 2005).

The quote indicates that a local and trans-local public is created by various organizations
that are combined in their opposition. The FBC is representative of various organizations
because they are designated as the dominant voice of the Flathead Valley by the state legislature. The combination of efforts to oppose the mining proposals represents the local public, as each group in the opposition articulates the interests of their local community.

The FBC coordinates the local public by creating relationships that best represent the interests of the citizens of the Valley. These relationships are created and sustained by the desire to protect the environment that surrounds their communities. The local public is important for creating a community of citizens that are connected to a single cause.

_FBC and the IJC_

When communicating with the IJC, the FBC uses the frame of a transboundary public to place this controversy in an international forum. This frame indicates the FBC perceives the Flathead watershed as a transboundary area that must be protected by international precedent that had been set in the 1988 assessment of the region. Mark Holston, citizen chairman for the FBC states that FBC would like the IJC recommendation against the coal mine development in the 1980's to be the standard that is used for future mine development questions. The FBC asks Senator Max Baucus to help use his political influence to encourage the use of the IJC standard should be used as the “appropriate jurisdictions and opportunities for defining and implementing compatible, equitable and sustainable development activities and management strategies in the upper Flathead Basin” (Holston, March 2, 2005). This request indicates that the FBC would like the transboundary public considered when the mine proposal is discussed. Like the FBC communication with the federal government, they recognize that there
must be a higher level of jurisdiction involved in this controversy. The FBC contacts the
IJC as one that can create an international standard for environmental quality. The public
that is constructed by the FBC is one that is not separated by borders, only united by the
quality of the surrounding environment.

The IJC standard has been discussed as the baseline for upholding the Flathead
Valley public interest since the beginning of the controversy. The resolution passed by
the FBC on May 3, 2004 in response to the Cline proposal for the Cabin Creek mine
stated “the IJC in 1988 recommended against the Sage Creek coal mine until
transboundary impacts identified could be mitigated and constitute a level of risk
acceptable to both the U.S. and Canadian governments” (FBC resolution, May 3, 2004).
The FBC hopes that the IJC standard would be the international precedent to follow when
future mines are proposed. An environmental standard will provide a precedent that
respects environmental quality and the public interest. Additionally, the FBC uses the
1909 Boundary Waters Treaty as the standard that the IJC should enforce to uphold
environmental quality. The treaty states “waters flowing across the boundary shall not be
polluted on either side to the injury of health and property of the other” (FBC resolution,
May 3, 2004). The FBC uses the precedent of the international treaty to place this
controversy at the same level as other shared water disputes between the U.S. and
Canada.

The transboundary community that was initially constructed by the 1988 decision
by the IJC represents the community’s desire to preserve the local environment. The FBC
as well as the other citizen groups have recognized the IJC recommendation as the
standard that represents the interests of the citizens in the valley, as they will be affected
by the mine development. Richard Newfeld, the B.C. minister of Energy and Mines says how the “1988 decision and environmental agreement between the state and the province that killed the mining plan would be best, in the interest of all” (Missoulian January 27, 2005). The IJC decision is extremely important for setting a standard of industry development in the area that preserves interests of all organizations and citizens in the transboundary community of the Flathead Watershed. The FBC uses this transboundary public to situate their arguments controversy in the international sphere. With a historical precedent, international treaties and environmental law as the basis for their argument, the FBC hopes to convince the IJC to use their international jurisdiction.

The interest of the transboundary public in the Flathead Valley is represented in the FBC communication with the IJC. The FBC asks the IJC to accomplish two goals in their communication with the Montana, U.S., B.C. governments and IJC. First, a request is given for a “bi-national board to prepare a comprehensive baseline assessment of the transboundary Flathead Basin shared by Montana and B.C. that would guide future land and water management and development decisions and also serve as the basis to project impacts caused by specific projects.” Second, the IJC is requested to “facilitate a process to implement the IJC’s third recommendation in its 1988 report on the Flathead Basin in B.C. The outcome should provide economic opportunities for both B.C. and Montana while at the same time protecting the many amenities within the Flathead Basin of B.C. and the integrity of Waterton Lakes National Park of Canada and Glacier National Park in the U.S.” (Moy, March 2, 2005). Each of these requests to the IJC indicate that the FBC wishes to use the recommendation against the Cabin Creek coal mine in 1988 should justify the standard for future projects. By asking the IJC to uphold the precedent
that was established by their ruling in 1988, the FBC explains how this already recognized transboundary community is one that is concerned about the Canadian plans for mining. The arguments for upholding the interests of a transboundary public help the FBC create a legal international standard for the citizen needs of the valley.

The FBC communication with the B.C. Government

When the FBC communicates with the B.C. government, they primarily use the frame of a transboundary public to indicate the dramatic effects of their mining proposals. Using this frame for their argument helps situate the opposition to the coalmine in the Montana and B.C. Flathead Valley. By showing the B.C. government that the citizens of both countries are opposing the mine proposal because of the potential environmental impacts, they hope to explicate a transboundary community that could be affected by the development.

The FBC indicates that a transboundary public is created by the international watershed and state designations. The FBC states how “the Flathead River Basin is home to a number of federally listed endangered species, has been selected as a world heritage biosphere reserve and is the crown jewel of the Waterton Lakes Glacier International Peace Park that celebrates the good will between the United States and Canada” (Gas Daily, May 18, 2004). This statement indicates the transboundary nature of this environmental controversy. The FBC wants the B.C. government to protect the environment for concerns in nature and for international cooperation. Preserving this Valley is one that invokes a transboundary public because the area is symbolic of the relations between the U.S. and Canada. Industrial development that may endanger the
park would endanger the quality of environment for the entire Flathead Valley, which includes a community that crosses the national boundary.

The FBC also suggests the transboundary public when they communicate with the B.C. government in August before the CBM lease sales for the Flathead Basin. In a letter to the Canadian Environment Minister, Stephanie Dion, the FBC again asks that B.C be forced to consider "the cumulative impacts of the coal mines and methane gas exploration and production on water quality and quality of the environment, and on the economic, social and wildlife resources of the Flathead drainage before the permits or tenures are granted" (DeGrandpre, August 18, 2004). Because the product of CBM mining is highly salinated water that goes directly into the surrounding streams and watersheds, the FBC wants to communicate the overall implications that the project may have for the communities on either side of the border in the Flathead Basin.

The transboundary public interest is represented in the requests the FBC has for the B.C. government. When communicating with the B.C. Premier and Energy Minister, the FBC uses the transboundary public interest as a way to capture attention. The FBC responded with a personal letter to Premier Gordon Campbell so he was aware of the concerns of the FBC. This resolution was passed unanimously by the FBC on May 3, 2004. The premier was asked to respect the wishes of citizens in this transboundary community. "We trust you will recognize the merit of requiring a comprehensive environmental, social, and economic assessment of these projects before they are allowed to proceed. Such a process, we strongly believe, would serve the interest of citizens on both sides of the border" (DeGrandpre, May 10, 2004). Here, the FBC uses the appeals to a transboundary public to convince the B.C. government to reconsider their decisions.
The FBC states how B.C. and the Flathead community will also be negatively affected by
the industry proposals. The B.C. government is requested to follow international
precedent to not only protect the Valley, but to protect the public interest of the entire
Flathead Basin.

Most recently, the FBC continues to argue for the interests of the transboundary
community when responding to the exploratory mines at Foisey Creek. In a letter written
to Gordon Campbell on February 7, 2005, the transboundary community is emphasized to
persuade the B.C. government not to proceed with mining plans in the Valley.

“The Rocky Mountain Front, like the Canadian Flathead and Elk Valleys,
are part of a large region that long ago was named the Crown of the Continent.
Together, they encompass an ecologically diverse, biologically rich, and
aesthetically priceless region in the heart of North America. The core of this
transboundary region is the world’s first peace park, Waterton-Glacier International
Peace Park, established by Parliament and Congress in 1932, the middle of the
Wild and Scenic North Fork of the Flathead River serves as the western boundary
of Glacier National Park. This is truly a globally significant landscape. Recent
studies suggest that the region’s clean waters, abundant wildlife, dramatic scenery,
and diverse recreational opportunities are driving economic growth and vitality in
adjacent Montana communities. I understand that a similar trend can be found in
Canadian communities. For this reason, we believe that all due caution and the
best possible information be applied to future decisions that might impact these
environmental and economic assets” (Moy’s letter to Schweitzer, February 7,
2005).

By emphasizing the transboundary nature and connection of the Canadian and Montana
communities, the FBC suggests that protecting the environment represents the interest of
the entire Flathead Basin. The FBC uses the transboundary frame to emphasize the
importance of preserving the environment and therefore, the economy of each
community. This view of a common public is used to convince the B.C. government to
consider voices from all organizations involved in the controversy, including the
Canadian citizens that are affected by the mining proposal.
When the FBC uses the construct of a transboundary public in their communication with the B.C. government, they emphasize how the community and government relations are affected by the coalmine proposals. As the resources are shared in the Flathead Basin, the actions in one country have effects across the border and a transboundary public could be negatively affected by industry development.

**FBC and the Fernie Community**

When the FBC communicates with members of the Fernie community, they invoke both trans-local and transboundary publics to provide a holistic view of the Flathead Valley that is not bound by international borders. These frames of public are used to invite participation from the Fernie community and create a united bi-national opposition to the mining proposals that threaten the environment around them. The foundation of the FBC as well as the Fernie community encouragement of the transboundary relationship indicates that a trans-local and transboundary relationship is important to the FBC advocacy in the mining controversy.

The FBC founding legislation explains how the organization is to foster international relationships to coordinate efforts to protect the Flathead River Basin. The FBC is “to encourage and work for international cooperation and coordination between the state of Montana and the Province of B.C. concerning the undertaking of natural resource monitoring and use of consistent standards for management of resource development activities throughout the North Fork of the Flathead River drainage portion of the Flathead basin.” (Establishing legislation 75-7-304). The commission is encouraged to work with Canadian organizations to decide appropriate development standards for the Flathead Valley. The FBC looks to coordinate their efforts with the
Fernie city council, as they recognize the amenity economy that has emerged, and continues to grow in their community. This encouraged international coordination indicates the transboundary public that is within the culture of the Flathead Basin. The international nature of the Flathead Watershed suggests that this transboundary community with similar economic prosperity and value for the environment is affected by the potential mine development.

The FBC understands that this transboundary relationship is important to the managing policies in the Flathead Valley. Members of the Fernie community feel that the amenities, economy and lifestyle of the Fernie community is endangered so they turn to the FBC to help build a transboundary approach to the opposition of the mining proposals. Using arguments similar to those of the FBC and citizens of the Flathead Valley in the U.S., the city council of Fernie stated their opposition to development of the Cabin Creek coalmine. They fear that this large industry development would harm the environment that is central to the emerging tourist economy of the area. David Thomas, the voice of the Fernie city council, states that “you can’t turn this corridor into an industrial landscape…it would danger the emerging economy of Fernie” (NYT, May 4, 2004). The city council of Fernie is skeptical of industrial development because of the environmental damage in their area. Thomas also states that “Fernie, an old mining town that has been transformed into a resort community” (Calgary Herald, May 4, 2004). Thomas understands the economic transition that the city of Fernie and the entire Flathead Basin is experiencing. With the ability to move businesses, individuals are moving to the area to enjoy the surrounding environment.
Thomas, like the members of the FBC, understand that the coalmine development in the Flathead Tributaries create circumstances that could damage the environment. If the environment of the Flathead Basin is threatened, people will be discouraged from migrating to the area. Because the statements indicate that the local organizations and national organizations are economically affected by the coalmine development, the trans-local public idea is used to convince citizens to be involved with the opposition to the coal mine. By opposing the industry development, the citizens of the Fernie community indicate that the pristine environment is essential for their way of life and economic profitability. This trans-local public is important to connect the interests of the local community to the interests of other organizations.

Dave Thomas and the Fernie City Council have continually communicated with the FBC to request their assistance when the coal proposals were announced. This communication indicates that a trans-local and transboundary public is affected by the coalmine proposals because of the nature of the organizations. Thomas feels that the IJC decision in 1988 proved that the Montana government recognizes the immediate concerns for environmental quality that the B.C. government does not consider. In a FBC meeting attended by Thomas in May of 2004, he states, “My intention is to warn the FBC about energy development plans north of the border. Canada’s federal and provincial governments do not have adequate laws to protect the environment, and it’s the folks in the States who can, in fact do much more about this than I can”. His reference to the ‘folks in the states’ indicates the idea of a trans-local public. Thomas understands that a relationship with the FBC will help make their case more visible to the Canadian government. Thomas observes the immediate danger of having both the B.C. provincial
government and Canadian national government involved with these mining proposals, as there are many resources located in the valley that are economically beneficial. Thomas feels that it is imperative for the U.S. to become involved in this controversy. If there is opposition from the FBC, Montana government, and U.S. federal government, the opposition voice will be more visible. Canada and B.C. will be forced to handle the opposition rather than just communicating with the Fernie community.

The Montana government's request to the national government and IJC are both recommendations to gain a baseline environmental assessment before industry is allowed to continue their development. This is congruent the interests of Thomas and the city council of Fernie. "I think it aligns well with what a lot of us here in B.C. have been calling for a long time, which is an effective moratorium on gas mining and coal mining until people understand what's at stake" (AP, February 12, 2005). This statement indicates that the Fernie community has the same interests as the Flathead Valley. The interest of the trans-local and transboundary public is represented by this statement as the citizens of the Valley understand the needs of the valley and the potential damage that could result if the mine were developed.

The Fernie city council welcomed the U.S. intervention because they wanted to add some legitimacy to their argument for environmental protection as well as have the U.S government voice present to confront the Canadian government. "The city council of Fernie, welcomed the U.S. interest because the community’s concerns have been ignored by the provincial government" (Petroleum News, May 2004). They were confident that if their concerns of environmental protection included another national government, it would bring attention to the important issue. By requesting U.S. attention,
the Fernie council articulates a transboundary public. The potential transboundary pollution that would ensue with the mining proposals would endanger the economy and livelihood of the transboundary community. When the FBC and Fernie community combine their efforts to create a transboundary voice that is opposed to the coal mining proposals, they hope to influence the B.C. government. Additionally, by creating a transboundary voice that is opposed to the coal mining proposals, the Fernie city council hopes that the opposition becomes more evident because more organizations are being affected by the proposals.

Thomas and members of the FBC therefore, have similar goals of creating a transboundary public, which will hopefully pressure the B.C. government to halt industry development. Thomas, and Fernie associates, understands that the relationship with the FBC is important because it creates an international opposition to the coal mines. The idea of a trans-local and transboundary public are represented in these arguments because an international relationship is an important platform for the citizens to voice their opposition to the mining proposals. This transboundary relationship helps the opposition to the mining proposals establish their interests in protecting the environment in the Flathead Valley. The bi-national approach is how the Fernie community and FBC frame a trans-local and transboundary public to combine voices in the opposition to the proposals.

When communicating with the Fernie community, the FBC recognizes the importance of building a relationship. This trans-local and transboundary relationship is a key platform to the opposition because it indicates that many organizations are affected.
by the mining proposals. By increasing the number of organizations that speak against the mine proposals, the opposition is more visible during the debate.

**Conclusion**

This chapter demonstrates that the sort of public that is invoked by the FBC differs according to the audience they are addressing. Because each organization involved in the controversy has different economic and political interests in the Flathead Valley, the construction of the public becomes important for the persuasiveness of their advocacy to protect the valley.

By invoking a local public, the FBC attempts to gain support from every member of the Flathead Valley. The local public is constructed to establish the importance of environmental protection in the community. This public frame is used to unite citizens of the Flathead valley in opposition to the mining proposals. By creating the local public as one that is united by the environment around them as well as reliant on the environmental protections of the area, the FBC constructs a public that is directly affected by the mining proposals in Canada. Therefore, the interest of this local public are represented by the opposition to the coal mine proposals.

This frame of the local public is useful in uniting citizens with the issue of environmental protection, however, the singular use of this frame risks the potential of decreasing the international importance of the issue. When the FBC communicates with the Montana government, they use multiple frames of the public to persuade them into action. Arguably, the government responds to these public interest statements from the FBC by requesting national and international protection of the Flathead Valley. If the FBC wants to be successful in their communication with all organizations in the
controversy, they may consider using all the frames of public to legitimize the local and international importance of their interests in protecting the environment of the Valley.

Additionally, the FBC constructs a trans-local public to generate support from many organizations in the controversy. Because the coal mining proposals affect the local public, and this local public is of economic and political importance to the state, the issue than becomes one of concern for all citizens of Montana and consequently the United States. Because the economy of the Flathead Valley is reliant on the pristine environment, the economy of the Montana state government is also reliant on the events that affect the local economy. Arguments for a trans-local public are important to the FBC because the interests of the local community then becomes the interest of other organizations that are involved in the controversy. The other organizations that align with the FBC public interest, including the Montana government, the Fernie city council, and the other environmental advocacy groups in the Flathead Valley, unite to create a staunch opposition to the coal mine proposals. If it were in the interest of the local public to protect the environment, it would therefore be in the interest of the other organizations to be involved in that protection. A trans-local public creates an involvement of organizations that is dependent on the involvement of others. This frame helps the FBC construct the interests of the local public with those of the national and international public.

The construction of a transboundary public reflects the importance of this controversy in the sphere of international politics. When the controversy is discussed at this level, it instigates involvement from influential organizations. When the FBC argues for international involvement during the controversy, they invite the IJC and U.S.
national government to be involved with their local opposition to the controversy. The arguments for respecting the transboundary public are used to represent the interests of a community that is created by geography, not national borders. This transboundary community must transcend the interests of individual nations to represent the interests of the citizens of the Flathead Watershed.

These three rhetorical constructs of the public in the FBC's organizational rhetoric during the Fernie mining controversy enable them to approach many types of organizations during the controversy. Their rhetorical methods help the FBC prepare for the inevitable crisis of coal mine development in the northern Flathead tributaries by framing the citizen's interests. In the following chapter, I examine the rhetorical and pragmatic implications of the FBC's rhetorical strategy of framing the public interest and use of pre-crisis tactics.
CHAPTER FOUR: DISCUSSION

Mark Holston discusses how this specific environmental challenge is "inevitable when the market conditions warrant the production of coal" (March 3, 2005). He feels that this environmental challenge will persistently confront the Flathead Valley. Additionally, he recognizes that the FBC is an important organization to represent the citizens of the Flathead community as they are confronted with industry development that is beyond their control. The environmental challenge of the coal mine proposals in B.C. are an impending crisis to the FBC as well as the entire Flathead Valley, as the development of the coal mine(s) threaten the environment and culture of the valley. Investigating the communication of the FBC during this environmental controversy is appropriate for identifying how organizations operate before and during a crisis. By combining a rhetorical and organizational approach to research, investigating an environmental controversy was suitable for addressing the limitations in organizational crisis communication literature as well as enhancing the literature about rhetoric of environmental controversies.

In the Fernie mining controversy, the FBC uses different perceptions of the public for the Flathead community. These notions of the 'public' that are articulated by the FBC are used to make arguments to preserve the environment in the valley. In this chapter my objective is to analyze how the FBC's rhetoric of preserving the public interest during the Fernie mining controversy has theoretical and practical implications during an international environmental debate. I will first revisit the research questions from chapter one. Second I will discuss the theoretical and practical implications of the research project. Before concluding the project, I will discuss some limitations of my study.
The goal of my research project was to explore how a local organization participates in the debate about industry development while communicating the interest of their citizens to other organizations involved in the environmental controversy. I believe the result of this research project indicates that a local group can play a significant role during the discussion of a government policy by involving other groups that may be interested in supporting their advocacy. By adapting their message to each organization they communicate with during the controversy, the local organization can best represent the interest of the community that is affected by the policy proposal. Through a textual analysis and a focused interview schedule with significant members of the FBC, I was able to answer the questions and fulfill the goals of the project.

Research Questions Revisited

When I discuss the rationale for my research project in chapter one, I explain how it is important to focus on the local opposition during this controversy, as the citizens are confronted with the implications of industry development. My first research question asks how the FBC emerges as a key voice in the controversy. Chapter two addresses this research question. When I discuss the history of the FBC and involvement they have in the current mining controversy, I explain how the organization's primary function is to unite the public voice for environmental protection of the valley. The FBC was initially created in 1983 because the B.C. government was discussing the potential coalmine proposals in the Flathead Watershed. Through the past two decades the FBC has been working with other organizations to provide local environmental protection to the valley to respond to Canada and constantly monitor the water quality of Flathead Lake. Consequently, when Cline mining announced their plans to revitalize the coal mine
proposals in the Watershed, the FBC emerged as the local organization that united the citizens of the Valley in their opposition to the coalmines. The FBC served as the organization that connected the local voice to state and international groups that would publicly oppose the mine projects, and therefore emerged as a key voice of opposition to the mining proposals.

My second research question asks about the various definitions of public that are evident in the FBC discourse during the controversy. As I examined in Chapter 3, the FBC constructs the local, trans-local, and transboundary publics to help express their arguments and influence various organizations to oppose the mining proposals. The FBC constructs a certain definition of public when approaching organizations during the controversy. The local public helps the FBC create the connections among the pristine environment and the culture and livelihood of the citizens in the Flathead Valley. A trans-local public is constructed to establish how this local group is part of the state and national organization. Therefore, the preservation of the environment would directly affect the state and national identity. A transboundary public is constructed to make this controversy evident in an international setting. Preserving the Flathead Valley, therefore, is part of bi-national treaties and should be protected by international law. These constructions of public in the FBC discourse are evident when they attempt to unite organizations in their opposition to the coalmine.

Finally, I proposed to investigate how the FBC represents the Flathead Valley public interest to these other organizations. Through the discourse analysis in Chapter 3, I explain how the FBC chooses to define the public. Additionally, I explicate how the interest of protecting the environment of the Flathead Valley is represented to these other
organizations during the mining controversy. Overall, the interest of the Flathead Valley public is represented in a manner that makes the protected environment in the interest of national identity and international precedent. Protection of the environment is directly tied with the economic vitality and culture of the entire Flathead Watershed. This interest is represented through the local, trans-local and transboundary construction of the Flathead Valley public that is in the rhetoric of the FBC.

Theoretical Implications

I believe that researching this specific environmental controversy contributed to communication literature in two ways. My literature review delineated the limitations I observed in organizational crisis communication literature and environmental controversy literature. The results of this study highlight the importance of studying crisis communication literature, as interorganizational, external and local aspects of pre-crisis communication, and provide an analysis of the process of crisis management. Moreover, the results of this project bolster environmental controversy literature by exploring the rhetorical tactics of the FBC that were used to align other organizations with their opposition to the mining proposals. I will first examine the theoretical implications of this study for organizational communication. Second, I will explore its implications for environmental controversy literature, and finally I will discuss how combining the perspectives of crisis literature and environmental controversy can help communication scholars study how many different types of organizations function during crisis circumstances.
Organizational Crisis Communication

I believe that focusing this research project on a local organization provides a new perspective in crisis communication literature. In my literature review, I discussed how the scope of organizational crisis is limited by the corporate, internal, and reactionary views that are prevalent in the literature. This research project helps expand the definition and approach to crises in existing organizational communication literature. First, the FBC is a non-corporate organization that is responsible for representing the citizens of the Flathead Valley. Additionally, the FBC is responsible for communicating with multiple organizations to adequately represent this citizen interest. These two elements help in broadening the definition of organizational crisis in communication literature. Their inter-organizational approach to managing potential crisis provides a new approach to organizational crisis communication literature. Second, the FBC is preparing for possible changes in the environment that may create crisis circumstances. Their approach to handling a potential crisis helps expand the scope of crisis literature by examining how an organization uses pre-crisis strategies to reduce the implications if a crisis ensues. The largest contribution that I believe that this project has for communication literature is the identification of pre-crisis strategies that the FBC uses to help alleviate the possibility of environmental damage in the Flathead Valley.

Pre-Crisis Strategies

The FBC's inter-organizational rhetoric indicates that they are aware of the potential environmental damage and crisis that confronts the valley. The FBC acts retrospectively when the coalmine is developed, as they have pre-planned response strategies. However, they actively use pre-crisis strategies to manage the potential effects
of crisis that have the long-term goal of citizen participation and environmental protection (Jamieson, February 25, 2005). By constructing the ‘public’ in multiple ways, the FBC has the ability to articulate their arguments to multiple audiences. I believe that the construction of these frames enables the FBC to construct a range of arguments. Additionally, use of negotiation and mediation to coordinate efforts of multiple organizations in their opposition to the coalmines enable the FBC to prepare for the impending environmental crisis. These pre-crisis approaches by the FBC enable them to communicate with multiple organizations as they prepare and react to for the potential environmental crisis in the Canadian coalmine proposals.

**Negotiation**

When an organization is aimed at settling disputes over distribution of scarce resources, they engage in negotiation or bargaining strategies to provide cooperation during policy issues (Bachasch & Lawler, 1980). Additionally, contractual relationships that are established between organizations is an important function of a negotiating body when attempting to create consensus on an appropriate policy for all parties involved in the dispute (Redischi & Rosenfeld, 1980). The FBC is an organization that was created to create a forum for communication between local and state organizations that addresses the concerns of the entire Flathead Valley. The FBC acts as a negotiating body that enables many organizations to communicate and cooperate on policies that are in the interest of the citizens and organizations in the transboundary community.

The FBC encourages the Montana and B.C. government to negotiate their environmental and economic policy to provide environmental protection in the Flathead Valley. The FBC is a “local organization encourages cooperation among and
coordination between federal, state, provincial, tribal and local resources to develop resource development standards” (Establishing Legislation, December 28, 2005). The function of the organization is to provide cooperation of local organizations to arrive at resolutions that are compatible with the desires of each group. The FBC is designated to negotiate levels of environmental protection that considers each organization’s desires.

The use of negotiation is evident when the FBC communicates the citizen interest to the Montana government and IJC. In Mark Holston’s written request to the Montana government, the FBC encourages “governments to consider to define appropriate sustainable development practices for organizations in the Flathead Valley” (February 4, 2005). The FBC encourages negotiation between the two countries in order to recognize the needs of each group that is affected by the mining proposals. The FBC uses the element of state cooperation to ensure that the interest of protecting the environment in the Valley is a priority of the two nations. This negotiation strategy intends to use state and international jurisdiction to negotiate their environmental protection needs. Walton & McKersie (1965), explain how the negotiating entity works to maximize gains and minimize losses of each organization when the conflict is about the use of resources. The inherent conflict of interest as to how to best protect and use the environment in the Fernie mining proposals is an issue that is central to the purpose of the FBC.

Steve Thompson, head of the National Parks Conservation Association, explains how important the role of the FBC is when they organize strategies between local organizations to oppose industry development in the Flathead watershed. He states, that it is “very important for the groups in the Flathead Valley to coordinate their efforts for their opposition to the coal mine proposals” (March 3, 2005). Building relationships is a
proactive way that local organizations can combine their efforts to create a local opposition to the government proposals. Putman and Bullis (1984) explain how negotiation requires groups to clarify the problem and identify the values that are important in the controversy. The FBC helps engage other organizations in their opposition to the coalmines by using the multiple levels of public in their rhetoric. Using these levels of public enables the FBC to negotiate their position on the coal mine proposals. These relationships become especially important when they attempt to encourage compatible environmental standards between the two countries. Therefore, their negotiation strategies help create relationships between the citizens, state governments, and transboundary community to provide a comprehensive environmental policy. This transboundary public interest helps the FBC negotiate their concerns to prepare for the coalmine proposals. Moreover, this pre-crisis strategy would also enable the FBC present a unified response and coalition of organizations that oppose the coal mines if the proposals are actually enacted.

Mediation

The FBC also uses the pre-crisis strategy of encouraging state organizations to use mediation when deciding to develop the coalmine. Mediation and arbitration are described as an intervention by a third party when a formal decision is debate (Douglas, 1962). When organizations combine to present supporting evidence that is generated in bargaining sessions, a policy decision is the result (Douglass, 1962). This idea of mediation is especially important in inter-organizational conflict so the desires of all parties can be met. The FBC serves as a mediating organization that connects the citizens to the state governments. Additionally, the FBC serves as a mediator between the
Montana and B.C. government as they are the local organization that represents the interests of the transboundary Flathead Valley community.

In their communication with the B.C. government, Montana government, and IJC, the FBC articulates that one way to preserve public interest is to grant respect to environmental policies that have already been established between the two nations. Additionally, the FBC indicates that the international standard that was established in the 1988 IJC environmental assessment of the Flathead Valley as the standard to mediate the decision to proceed with the coal mine in the watershed. In Rich Moy's letter to Max Baucus, he encourages a "bi-national board to help with mediating decisions about economic development in the Flathead Watershed" (March 5, 2005). Additionally, the FBC encourages mediation between all organizations to provide a forum for environmental collaboration between the two nations.

Rich Moy, encourages a "dispute prevention program to prevent environmental controversy (Energy Development, March 11, 2005). The FBC acts as mediator in this controversy as they attempt to persuade the Montana and B.C. governments by uphold the IJC's recommendation from the 1988 assessment. Additionally, the FBC encourages a proactive and constructive approach to fossil fuel development through a bi-national board that could mediate the decisions that affect economic development in each country. The FBC feels that these mediation practices are an effective method for cooperation between organizations. Their rhetorical constructions of the public that are affected by the Fernie mining proposals enable the FBC to mediate between organizations involved in the controversy.
Kolb (1985) discusses how directive and substantive tactics are frequently used in inter-organizational mediation. It is important for multiple opinions to be given about the issue to arrive at an accurate assessment of the benefits and costs of the proposals. These strategies are used to align the concessions that are required to arrive at a decision that considers each organization's concerns. The FBC's tri-level construction of the public is effective in involving these other organizations in this decision, as it enables the FBC to adapt their argument and persuade other organizations to be involved in their opposition to the coal mine proposals. This approach enables the FBC to mediate between the multiple organizations and economic interests that are involved in this decision.

**Preparation for the Future**

The FBC's tactics to prepare for the potential coal mine development in the Flathead Wilderness indicates that the function of their organization is to prepare for an environmental crisis. An analysis of their pre-crisis strategies explores how an organization prepares for situations that challenge the organization. This project indicates that organizations can anticipate some external crisis circumstance and can use proactive measures to ensure they have an appropriate response when a crisis confronts their organization. These strategies indicate pre-crisis communication strategies that are used by an organization to prepare for the onset of crisis. In the following section, I will examine the process of how the FBC is preparing for the crisis that by examining the preparation that is involved in their establishing legislation and communication with the B.C and U.S. government.

The FBC recognizes the importance of preparing for the future. Steve Thompson and Mark Holston each state that the FBC must always be prepared for development in
the B.C. area of the Flathead Watershed (March 3, 2005). The coal resources in this particular area of B.C. are vast, and when world markets are pushing the production of coal, the question of industrializing the coalfields will be prevalent. The FBC recognizes the importance of addressing this question now. By encouraging state and national organization to recognize the previously established international recommendation of the 1988 assessment, they use strategies of negotiation and mediation to help collaborate the interests of all organizations involved in the controversy. Ultimately, the FBC uses these pre-crisis tactics to preserve the public interest of the Flathead Valley.

Their establishing legislation outlines proactive measures for the FBC to monitor the water quality of Flathead Lake. The FBC also organizes community projects to monitor and protect the watershed. These proactive measures as well as the inter-organizational pre-crisis strategies of negotiation and mediation, help the organization recognize long-term goals and values of the citizens in the Flathead Valley. Additionally, these pre-crisis strategies help the organization take additional steps to protect the valley and be prepared for challenges that confront the valley.

The FBC rhetoric indicates that preparing for the future of the Flathead Valley will capture the attention of the B.C. federal and provincial government. For example, they hope that with international representation on the commission, their voice will be able to construct effective measures to protect the transboundary community. In the FBC resolution to support the IJC environmental impact assessment of 1988 that was passed in May of 2004, the organization states how the “the IJC in 1988 recommended against the Sage Creek coal mine and transboundary impacts identified could be mitigated and constitute a level of risk acceptable to both the U.S. and Canadian governments” (FBC
Resolution, May 3, 2004). This statement indicates that the FBC would like the international standard to be used as the environmental baseline that can’t be violated by industry development on either side of the border. By establishing this environmental standard for the Valley, the current controversy would be resolved, as well as a precedent to be set for future disputes. The FBC is to “encourage and work for international cooperation and coordination between the state of Montana and B.C. concerning the undertaking of natural resource monitoring and use of consistent standards for resource development. The FBC hopes to minimize environmental risk in the future by using the IJC standard to prevent future disputes.

The FBC asks the Montana government to seek assistance from the U.S. government to “invoke the provisions of the Boundary Waters Treaty and to use the authority of the IJC under the Treaty to assess the cumulative impacts of new coal mines and methane gas exploration and production on the water quality and quantity, the environment, and on the economic social and wildlife resources of the Flathead drainage before permits or tenures are granted” (FBC Resolution, May 3, 2005). Again the FBC asks other organizations to use this international standard to provide for a constructive approach to the future of energy development. By addressing the potential crisis, as well as establishing a standard for future disputes is a preventative measure that the organization uses as a way to proactively approach potential environmental crises.

Rich Moy states, “because there are no immediate plans for development, acting now would provide an opportunity for our two nations to develop a dispute prevention process before another international controversy is upon us” (Environment and Energy, March 10, 2005). The FBC wants to establish a precedent of proactively approaching the
inevitable question of resource development. These pre-crisis strategies of establishing an international standard that will be in place to resolve the current dispute, as well as prevent future controversy help the FBC provide a united vision of what is in the current and future interest of the Flathead Valley public.

Through the text of their establishing legislation and their communication with Governments, the FBC indicates that preparing for the future is an important function of their organization. Additionally, this notion of preparing for the future indicates that the FBC operates and communicates by preparing for the future to encourage all organizations to protect the Flathead wilderness. This pre-crisis communication strategy helps the FBC adapt their argument to the organizations that are federally responsible for the protection of the valley.

**Environmental Controversy Literature**

In the previous chapter, I implied that the FBC frames the relationship that humans have with the environment in terms of the public interest. The public interest of the Flathead community is intrinsically tied with a pristine environment and clean water that define their community. Any policy that threatens these fundamental values of the community, threaten the culture of the citizens of the valley. The FBC is recreating the human relationship with the environment through their rhetoric, as they use public interest in their advocacy during the policy debate. In this section, I will review how the FBC 'public interest' coincides with Oravec’s discussion of the public interest in the Hetch Hetchy controversy, and discuss how this case expands our perception of public interest.
Oravec's 'Public Interest'

Oravec (1984) first explains how 'public interest' is used in environmental controversies in her analysis of the Hetch Hetchy dam controversy. She concluded that 'public interest' was used by groups when they were debating implementation of the dam. Each group used the 'public interest' to articulate their concerns during the controversy as well as align decision makers with their advocacy. By centering their arguments on the interest, FBC's rhetorical framing of the 'public interest' was instrumental in uniting voices in the debate about the Fernie mining proposals.

First, the FBC opposition to the Fernie mining proposals argues to preserve the environment of the Flathead Valley. Oravec's analysis explores how the preservationists and conservationists compete with their perception of what is best for the public. The result of the public debate is that the conservationists were successful in their framing of the public interest, as the dam was developed. The conservationists convinced decision makers that developing the dam would be best for the public that included water users in San Francisco. Their arguments enable the decision makers to envision the costs and benefits to building the dam. Therefore, the conservationist interpretation of the public interest 'won' the debate about what was best for the community. The preservationists however, did not effectively utilize the economy and environment in their framing of the public interest because they appealed to a vague notion of the "national interest."

Even though the FBC is arguing to maintain levels of protection for the environment that could be similar to Oravec's preservationists, they use a similar rhetorical strategy of Oravec's conservationists. The FBC uses their different tri-level frames of public to help persuade other organizations of the economic benefit to the
Flatehead Valley if the environment is preserved. Like Oravec’s conservationists, the public interest is framed in context of economic costs and benefits to governments and communities that are involved in the controversy. When the FBC situates their arguments in an economic manner, they involve local and state organizations in their opposition to the mining proposals. The FBC’s configuration of multiple publics in this debate was not for competitive purposes. It facilitated multiple publics to reach a variety of decision makers that included local, state and international organizations. Because of the history of this proposal and the shifting world market need for energy, this debate will always confront the Flathead Valley. We can however, see that the FBC was effective in their goal to reach many local, state and international organizations because of their reaction and media attention. The FBC ‘won’ by gaining participation and facilitating a discussion about what is best for the Flathead Valley.

Second, by framing the public interest debate in terms of the environment and the economy, the Oravec debate was exploring how the economic costs and benefits of the dam would affect the livelihood of the community. The FBC’s use of the Flathead Valley’s public interest in their opposition arguments to the mine development are not necessarily competing with another view of public interest. Instead, they use the public interest frame to gain allies to their position and persuade other organizations to consider the needs of the Flathead Valley before proceeding with the mine. By constructing the public as local, trans-local and transboundary public and then representing the public interest in their discussion of the policy, the FBC frames the controversy in terms of the many organizations that are affected by the decision to develop the coal mines. The analysis in this research project extends the discussion of how public advocacy used in
environmental controversy literature. Moreover, this research project indicates that the framing of the 'public interest' is adapted in interorganizational communication with hopes of uniting groups with their opposition to the coal mining proposals.

Finally, the rhetoric from the FBC that initially opposed the proposals became instrumental in directing and uniting the opposition to the mine development. The FBC associates other organizations with their opposition to the coalmine as they helped align community groups with governments to make their argument visible. Because they adapted their arguments to different organizations, their framing of the public interest became central to the controversy. Unlike the preservationists in Oravec's (1984) analysis, public claims made about the Fernie mining proposals resonated with specific, appropriate organizations with jurisdiction in the case. By making their arguments public and adapting their claims to the organizations they approach, they attempt to gain support for their advocacy.

The multi-level frames of the Flathead Valley public that are used in the FBC's rhetoric helps expand the discussion about the influence of public voices in environmental controversies. In Oravec's analysis of an environmental controversy, the discussion is divided into the conservationist and preservationist positions. Chapter three indicates that the Fernie mining controversy debate adapts public interest to address multiple organizations with different views of the public. When the local, trans-local, and transboundary public that are used and represented in the FBC's rhetoric suggests that many organizations are united by preserved environment of the Flathead Valley. That is, the public interest in preserving the environment of the Valley has implications in the local, state and international levels. The analysis the FBC rhetoric during the Fernie
mining controversy helps expand Oravec's discussion of the public interest by the integrating multiple visions of the public. Moreover, the organizational perspective that is present in this research project broadens the perspective of organizations that are affected by environmental policy. The tri-level public interest of the FBC addresses the interest of the local, trans-local and transboundary communities that are present in the Flathead Valley. This project furthers the discussion how public interest is used by local organizations to policies that may threaten the conditions of the environment.

Practical Implications

I believe that studying the process of crisis management is a way of practically examining how organizations handle potential challenges. Moreover, I believe this study also examines how communication from a local organization is important in creating an united community vision when a policy could have negative implications in the surrounding environment. The results of this project indicate that a local organization, the FBC, uses rhetorical strategies to help prepare and respond to challenges that may confront Flathead community. There are some practical applications from this research that I believe can be used as a form of conflict resolution. First, a united and consistent advocacy is important to building a solid case during debate about a policy. Second, citizen involvement is essential in checking government policy and industry expansion.

First, a united advocacy is a way that the FBC establishes their argument against the coalmine proposals in Canada. I believe that this united front a way of generating discussion and establishing a solid stance from multiple organizations that are opposed to the same policy. Mark Holston discusses how the 'mosaic of voices' in the Flathead Valley that is opposed to the mining proposals enhances the opposition to the coalmine.
These diverse voices have differing interests and intentions for the Flathead Valley; however, their cohesive voice is one that is united in their opposition to the mine proposals in Fernie. The multiple levels of organizations that the FBC coordinates in their opposition helps create a central focus on the resource that the community indicates as their most important quality.

Second, citizen involvement is essential in checking government policy and industry expansion. I believe that within this specific controversy, the community voice becomes a significant element in the policy discussion. When Canada experiences a world economic push to mine for coal with extensive profit in their national economy, there is a great incentive to develop an area that is so rich with resources. I believe that the community creates an important check on this profit incentive by creating their argument about how to preserve the public interest of the Flathead community. In this instance, the local voice is creates an important monitoring system for the Flathead Valley, as they could potentially suffer the ramifications of industry development and government policy. In the context of this debate, the voices of the public, government, and corporate organizations are equally recognized when the mining policy is considered.

Limitations

Though my research was focused on a specific controversy with focused interviews and specific textual analysis, there are a couple of key points that are important to remember at the end of the study. First, much of the information that I use in this research is from the specific organizations that are involved in the controversy. The evidence for the material about the FBC, the Montana government, and the environmental advocacy groups in the Flathead Valley is biased toward the position they
are representing. The organizational information is accurate to the source; however, the
data may not be fully representative of each organization that is involved in the Fernie
mining controversy.

Second, I believe my interviews with Mark Holston, Steve Thompson, and Rich
Moy, provided sufficient information for me to answer my research questions. I believe
the data that was acquired from the FBC was appropriate for the project. However, there
may be some relevant information lacking in my analysis of the other organizations
involved in the controversy. For example, my depiction of the B.C. government and
Fernie city council may not be entirely complete, as my sources are not directly from
Canada. My depiction of their position in the Fernie environmental controversy is
accurate, however, their specific documentation may not be entirely representative.
Again, from the focus of the study and the narrow lens of the organizational
communication that I use is appropriate for the FBC, but maybe not entirely
representative of each organization involved in the controversy.

Finally, many of the media sources that reported about the controversy were from
the U.S. sources. The reports about the Canadian and B.C. governments as evidence in
my study have the potential of bias and selective information that is used in the U.S.
media. The committee members and myself felt that it was unrealistic to expect this
project to delve deeply into the Canadian government and the legislation involved with
their environmental policy.

Future Research

I believe this research project creates an important connection between
organizational communication and environmental controversy research. This
interdisciplinary study examined how organizations discuss industry development and effects in the environment. Additionally, this study was important in investigating how local organizations participate in discussions about government policy. I think this project explores one of many environmental controversies where the integrity of the environment is in question. I think there are multiple opportunities for future research that can open a new perspective on environmental communication research.

First, I believe it would be interesting to further examine how local organizations participate in policy discussion. I believe the FBC is an organization that uses coalition building as a way to unite voices in opposition to this mining proposal. It could be practically important to many local organizations and environmental advocacy groups to discover if this type of opposition is effective in having their voices heard when confronting government and industry. I believe that exploring other environmental controversies similar to this would be beneficial for discovering tactics that make public advocacy an important part of policy discussion. Researching debates about NAFTA policy, Great Lakes environmental policy, or even the legislation that dictates the policy between the U.S. and Mexico would all have similar elements and organizational involvement of this crisis.

A second avenue of research this opened is in the organizational crisis communication field. I believe this research project only scratches the surface of controversies that involve multiple organizations. I think there are many other opportunities to expand the perspective in which we examine these multi-level controversies, as we consider citizen and local groups as organizations that are equal to corporations during policy discussion. The results of this particular research project
indicates that the Flathead Valley environment creates a group of citizens that want to extend additional protection to the area that enhances their lifestyles. These citizens are united under the umbrella of environmental protection and are figuring out the most effective way to negotiate those ideals. I believe that further examining how local and community-based organizations create these cultural ideals and articulate their interests is important to organizational research.

Conclusion

The Fernie mining controversy is a challenge that the Flathead Valley will always be confronted with because the watershed is rich with coal. Because this resource is in demand by developing and industrial economies across the world, there will always be an economic incentive to develop the coal resources the valley. The FBC recognizes this inevitable outcome and uses their argument about preserving the public interest to confront the issue. By investigating how the FBC that represents the interests of the Flathead Valley in this international controversy introduces a research methods in rhetorical and organizational approach that has many practical applications with future research about environmental controversies.

The rhetorical method that the FBC uses to build their argument against the Fernie mining proposals indicates a potential strategy to coalesce organizations with their desire to stop the mine development. By using a tri-level approach of framing the public and representing the interests of the Flathead community in their argument, they are able to successfully gain necessary support for their argument to protect the Flathead Valley. The Fernie mining proposals are currently going through a stage of development that is 25 miles north of the Flathead Watershed. The FBC and other organizations in the
Flathead valley are again faced with the challenge of protecting the valley from ramifications of industry development. As a dominant voice in the Flathead Basin, the FBC will continue to involve other organizations to gain support for their advocacy to protect the environment of the Flathead Valley.
References


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Growth and the Spotted Owl. *Communication Monographs* 60. p. 239-257


## APPENDIX 1: Timeline of Events in the Fernie Mining Controversy

<table>
<thead>
<tr>
<th>Year</th>
<th>Key Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1909</td>
<td>Waters Treaty was resurrected to legislate water and development policy between the US and Canada. This policy was introduced to monitor development around the Great Lakes.</td>
</tr>
<tr>
<td>1979</td>
<td>Cline Mining a announces plans to mine in Cabin Creek</td>
</tr>
<tr>
<td>1983</td>
<td>Montana legislature forms the Flathead Basin Commission (FBC) to monitor the water quality in Flathead Lake</td>
</tr>
<tr>
<td>1988</td>
<td>International Joint Commission recommends against the Cabin Creek mine proposal after a three year environmental study of potential environmental implications of coal mine development</td>
</tr>
<tr>
<td>1989</td>
<td>MT. legislature passes house joint Resolution #9 that requested MT, BC, and the US to establish a cooperative structure to achieve conservation goals and resource development options</td>
</tr>
<tr>
<td>2000</td>
<td>The FBC writes letter to the IJC to request the formation of an International North Fork Watershed Board to allow for more effective cooperation and land management. The IJC decided not to enforce the request because of lack of support from B.C. This request is published in <em>The IJC and the 21st Century</em>.</td>
</tr>
<tr>
<td>2001</td>
<td>In June, Premier Gordon Campbell open dialogue with MT on pursuing a state agreement in managing shared resources</td>
</tr>
<tr>
<td>September 2003</td>
<td>Governor Judy Martz and Premier Campbell signed the <em>Environmental Cooperation Arrangement</em> that states “the Province of B.C and state of Montana to identify, coordinate, and promote mutual efforts to ensure the protection, conservation and enhancement of our shared environment for the benefit of current and future generations.” An MOU is the mechanism to implement the following agreement.</td>
</tr>
<tr>
<td>January 2004</td>
<td>Cline Mining announces their plans to develop a coal mine in Sage Creek which is located in the same area as the Cabin Creek coal mine proposal.</td>
</tr>
<tr>
<td>March 2004</td>
<td>BC gave preliminary approval to Cline Corporation to develop this new coal mine. They also proposed to issue coalbed methane leases in the headwaters of the North Fork</td>
</tr>
</tbody>
</table>
May 2004  Governor Martz asked the IJC to examine the affects of the proposed BV developments on water quality, water uses, and many special designations throughout the region. Additionally, they requested BC to deter permitting these projects until after the IJC has had an opportunity to complete its assessment.

May 4, 2004  The FBC passes a resolution to support the IJC assessment of potential impacts of coal mine developments in the Flathead River Basin.

May 25, 2004  BC announces that they will not pursue the coal mine development in Sage Creek.

July 2004  BC drops Cline’s proposed coal lease at in the North Fork of the Flathead when they identified the incompatibility with existing resources and special designations in the basin. The BC government still planned to develop the coalbed methane projects.

August 2004  Governor Martz sends letter to BC and Canadian federal government that requested an Environmental assessment to be completed under Canadian federal law before moving forward with leases.

August 20, 2004  At coalbed methane lease auction, no energy company bid on the leases in the Flathead valley because of the high costs and uncertainty for extracting gas from very difficult seams and the strong opposition within Fernie, BC, and Montana.

August 2004  FBC, Flathead Lakers, Confederated Salish and Kootenai Tribes, Flathead Coalition, Fernie, BC City council and others became involved in BC resource development issues by drafting a Memorandum of Understanding (MOU) to ensure cooperation with BC.

November 2004  BC gave permission to Cline Corporation to build roads and drill a test mine of 90 tons of coal in the headwaters of North Fork of the Flathead. Montana was not notified.

January 2005  Cline begins groundbreaking and road building in the North Fork region at Foisey Creek. This test mine is located about 25 miles north of the initial Cabin Creek mining proposal.

February 2005  BC responds to the MT government with a draft of the MOU that does not include the IJC recommendation.
APPENDIX 2: Interview Instruments

The focused interviews were approximately one hour in length. These interviews were structured but flexible so I could gain an understanding of the purpose and function of the FBC. The questions I asked the participants were generally about the origin of the FBC and the commission's responses in the current controversy. A few examples of my questions are stated below.

Historical Context

- Tell me about the creation and purpose of the Flathead Basin Commission?
- What is the state involvement of the FBC?
- Is the monitoring of water quality of Flathead Lake the main function of the commission? What are the other functions of the FBC?

Current Controversy

- Is the transboundary mining issue with Canada the biggest concern of the FBC?
- How does the FBC communicate its concerns with the Flathead Valley citizens? Other NGOs in the Valley? Montana government? B.C. government? IJC?
- Does the state legislature allow the FBC to serve the function of the mediator in environmental decisions that surround the Flathead Valley?
- Have the original goals of the FBC changed from the original intentions of the organization?

- How does the FBC coordinate with other environmental advocacy groups in the Flathead Valley? Do you think this cooperation is helpful to other groups? To the overall cause?

- Does the structure of the FBC allow for effective transboundary communication about concerns that involve the entire Flathead Valley? What are the challenges.

- Are the FBC's concerns considered by the B.C. government or mining industry, or are the concerns only considered with the request comes from the government?
APPENDIX 3: The Flathead Basin: History & Characteristics

A World Class International Watershed

The Flathead River basin is truly one of the unique watersheds of North America. The creation of what today is known as the Flathead Basin can be traced to momentous geological activity that led to the formation of the Rocky Mountains 150 million years ago. About three million years ago, glacial activity began with a series of ice ages in the Northern Rockies, gradually shaping the physical character of the land and sculpting the river valleys and mountain ranges into what we today know as the Flathead Basin. Such significant geological attributes as Flathead Lake and the glaciers in Glacier National Park are living reminders of the end of the last ice age, a mere 10,000 years ago.

Located in northwestern Montana and southeastern British Columbia, the watershed encompasses 8,587 square miles (approximately six million acres). The basin is larger than the combined territory of Puerto Rico and the states of Delaware and Rhode Island. The long, north-south axis stretches 175 miles, while the maximum width is 88 miles. The Flathead River drainage is the largest tributary to the Clark Fork River, part of the extensive headwaters of the Columbia River. The Flathead's three forks -- North, Middle and South -- together supply approximately 80 percent of the water carried within the watershed. Other rivers in the basin include the Stillwater, Whitefish and Swan. The lower Flathead River -- that portion below the outlet of Flathead Lake at the town of Polson -- empties into the Clark Fork River at the town of Paradise at an elevation of 2,500 feet above sea level.

Elevations elsewhere in the watershed range from Mount Stimson in Glacier National Park at 10,142 feet to 2,893 feet at Flathead Lake, the basin's major catchment. The lake is one of the 300 largest lakes in the world and the largest body of fresh water in the U.S. west of the Mississippi River with a full pool surface area of 126,000 acres. The basin's approximately 500 other lakes range in size and character from nearly inaccessible alpine lakes of only several surface acres to such other significant large water bodies as Swan, McDonald, Whitefish, Tally, and Little Bitterroot lakes. The watershed maintains remarkably diverse communities of plants and animals, including over 300 species of aquatic insects and 22 native and introduced species of fish. The grizzly bear, bald eagle, bull trout and water howellia (aquatic plant present in the Swan Valley) are currently listed under the federal Endangered Species Act as threatened, while the peregrine falcon, grey wolf, and lynx are listed as endangered.

Included in the watershed are virtually all of Flathead and Lake counties, a segment of Missoula County; the Flathead Indian Reservation; the portion of Glacier National Park west of the continental divide; parts of three wilderness areas; millions of acres of forest land under federal, provincial, state, tribal and corporate management; and thousands of acres of privately owned property.

For a more detailed discussion of the watershed's physical features, refer to "Flathead River Basin Environmental Impact Study Final Report," available at area libraries or at the Commission office.
APPENDIX 4: Flathead Basin Commission Establishing Legislation

75-7-301. Short title. This part may be cited as the "Flathead Basin Commission Act of 1983".

History: En. Sec. 1, Ch. 424, L., 1983.

75-7-302. Purpose. The purpose of the Flathead Basin Commission is to protect the existing high quality of the Flathead Lake aquatic environment; the waters that flow into, out of, or are tributary to the lake; and the natural resources and environment of the Flathead basin.

History: En. Sec. 2, Ch. 424, L. 1983.

75-7-303. Definitions. As used in this part, the following definitions apply:

(1) "Aquatic resources" means all beneficial uses of water, including but not limited to water quality and water supply; recreational, scenic, and aesthetic values; and fish, wildlife and other organisms.

(2) "Commission" means the Flathead Basin Commission established in 2-15-213.

(3) "Flathead basin" means all land and water areas the water from which drains into Flathead Lake or its tributaries.

History: En. Sec. 3, Ch. 424, L. 1983.

75-7-304. Duties of the commission. Duties of the commission are:

(1) to monitor the existing condition of the natural resources in the basin and coordinate development of an annual monitoring plan. This plan must involve a cooperative strategy among all land and water management agencies within the Flathead basin and identify proposed and needed monitoring, which emphasizes but is not limited to the aquatic resources of the Flathead basin.

(2) to encourage close cooperation and coordination between federal, state, provincial, tribal, and local resource managers for establishment of compatible resource development standards, comprehensive monitoring, and data collection and interpretation;

(3) to encourage and work for international cooperation and coordination between the state of Montana and the Province of British Columbia concerning the undertaking of natural resource monitoring and use of consistent standards for management of resource development activities throughout the North Fork of the Flathead River drainage portion of the Flathead basin;
(4) to encourage economic development and use of the basin's resources to their fullest extent without compromising the present high quality of the Flathead basin's aquatic environment;

(5) to, in the discretion of the commission, undertake investigations of resource utilization and hold public hearings concerning the condition of Flathead Lake and Flathead basin;

(6) to submit a biennial report to the governor and the appropriate committees of the legislature that includes:

(a) a summary of information gathered in fulfillment of its duties under this section;

(b) information on monitoring activities within the Flathead basin concerning the condition of the basin's natural resources, with particular emphasis on Flathead Lake;

(c) the identification of land use and land development trends in the Flathead basin;

(d) any recommendations the commission considers appropriate for fulfillment of its duties and for continued preservation of the Flathead basin in the present high quality of its aquatic resources; and

(e) an accounting of all money received and expended, by source and purpose, for the period since the last report; and

(7) to meet at least semiannually within the Flathead basin, alternating the meeting site between the cities of Kalispell and Polson.

History: En. Sec. 7, Ch. 424, L. 1983.

75-7-305. Commission authority.

(1) The commission may make recommendations to the legislature and the governor and to federal, tribal, provincial, and local agencies for maintenance and enhancement of the quality of natural resources of the Flathead basin.

(2) The commission may receive and expend donations, gifts, grants, and other money necessary to fulfill its duties.

History: En. Sec. 8, Ch. 424, and L. 1983: and Sec. 1, Ch. 244. L. 1985; amd.. Sec. 9, Ch. 628, L. 1989.

75-7-306. Establishment of account. There is established in the state special revenue fund a Flathead Basin Commission account. Money received by the Flathead Basin Commission under 75-7-305 and such other funds as are designated or appropriated for its use must be deposited in the account.
75-7-307. Special county government authority. The governing body of any county within or bordering upon the Flathead basin may allocate to the Flathead Basin Commission a portion of any money available from coal severance tax allocations or other sources and designated for planning activities.

History: En. Sec. 10, Ch. 424, L. 1983.

75-7-308. Cooperation with other agencies and organizations. To fulfill its duties, the commission shall develop and maintain cooperative programs with federal, state, provincial, tribal, and local agencies or organizations that are responsible for natural resource management and monitoring in the Flathead basin. Participating federal and provincial agencies must be requested to provide adequate funds to participate on the commission and to monitor resources within their areas of responsibility.

History: En. Sec. 11, Ch. 424, L. 1983.

Chapter No. 95


(1) There is a Flathead Basin Commission.

(2) The commission consists of 21 members selected as follows:

(a) seven members appointed by the governor from industrial, environmental, and other interests affected by Title 75, chapter 7, part 3, one of whom must be on the governor's staff and who also serves as the executive director;

(b) one member who shall be the commissioner of state lands or his designee;

(c) one member appointed by the Flathead County commissioners;

(d) one member appointed by the Lake County commissioners;

(e) one member appointed by the Confederated Salish and Kootenai Tribes;

(f) one member appointed by the United States department of agriculture, forest service regional forester for the northern region;

(g) one member appointed by the United States department of interior national park service, regional director for the Rocky Mountain region;
(h) one member appointed by the Flathead County conservation district board of supervisors;

(i) one member appointed by the Lake County conservation district board of supervisors;

(j) four ex-officio members appointed respectively by the chief executive of the provincial government of the Province of British Columbia, the regional administrator of the United States environmental protection agency, the regional administrator of the United States department of interior, bureau of reclamation, and the holder of a license issued for the Flathead project under the Federal Power Act;

(k) two ex-officio members who shall be the director of the department of environmental quality and the director of the department of fish, wildlife and parks or their designees.

(3) the commissioners shall serve without pay. Commissioners mentioned in subsection (2) (a) except the commissioner on the governor's staff, are entitled to reimbursement for travel, meals, and lodging while engaged in commission business, as provided in 2-18-501 through 2-18-503.

(4) The commission is attached to the governor's office for administration purposes only. History: En. Sec. 4, Ch. 424, L. 1983; amd. Sec. 1, Ch. 95, L. 1985; amd. Sec. 1, Ch. 176, L. 1989.


(2) A majority of the membership, other than ex-officio members, constitutes a quorum of the commission.

(3) A vacancy on the commission must be filled in the same manner as regular appointments, and the member so appointed shall serve for the unexpired term to which he is appointed.

(4) The commission shall select a chairman from among its members. The chairman may make motions and vote.

(5) A favorable vote of at least a majority of all members, except ex-officio members, of the commission is required to adopt any resolution, motion, or other decision of the commission.

History: En. Sec. 5, Ch. 424, L. 1983.

2-15-215. Flathead Basin Commission staff and office location. (1) The executive director of the commission shall be compensated on a pro rata basis from commission funds, calculated upon the time he is required by the governor to serve the commission.

(2) An office for the commission may be established at a community located in the basin, and sufficient and appropriate staff must be assigned to serve the commission.
APPENDIX 5: FBC Press release

FLATHEAD BASIN COMMISSION CALLS FOR TEMPORARY HALT TO COAL AND COAL BED METHANE DEVELOPMENT IN SOUTHEAST B.C.

Fernie, BC  The East Kootenay Environmental Society today welcomed a call by the Flathead Basin Commission for an immediate deferral of all coal and coal bed methane development in British Columbia’s Flathead basin, whose waters drain into Montana’s Flathead Lake.

At a public meeting Monday in Kalispell Montana, the commission unanimously voted to request that the International Joint Commission conduct a full social, economic and environmental review of a proposed coal mine just north of the Canada-U.S. border, as well as the potential impact of coal bed methane extraction proposed for an area that includes the headwaters of the Flathead River. The Commission’s resolution is being transmitted today to Montana’s Congressional Delegation in Washington, D.C., and to Premier Gordon Campbell in Victoria, B.C.

A delegation of a dozen citizens from Fernie appealed to the commission for cross-border cooperation in resisting the B.C. government’s determination to industrialize the Rocky Mountain’s Crownsnest Coalfield for coal bed methane extraction.

Fernie City Councilor David Thomas relayed to the Commission his municipal government’s unanimous opposition to coal bed methane exploration or production in advance of a comprehensive impact assessment. We are present on the ground, but without legislative or legal recourse to do very much in the face of a determined provincial government, Thomas told the Commission. In Montana and the United States, you enjoy a much stronger infrastructure of legal and political resources, and we can be most effective working together.

Casey Brennan, Southern Rocky Mountain Campaign Spokesperson for the East Kootenay Environmental Society, is pleased with Fernie’s opportunity to participate in the meeting and meet Montana neighbors. We should support each other in our efforts to increase awareness of this ecological jewel anyway we can. The political borders are irrelevant to all the other species with which we share this special place. I welcome this opportunity to deepen relationships with our friends throughout the Crown of the Continent ecoregion, Brennan said.

The Commission is resolution asks that Montana’s federal Congressional Senators and Representatives seek assistance from the U.S. Secretary of State to invoke the provisions of the Boundary Waters Treaty and to use the authority of the IJC under the Treaty to assess the cumulative impacts of new coal mines and methane gas exploration and production on the water quality and quantity, the environment, and on the economic,
social and wildlife resources of the Flathead drainage before permits or tenures are granted.

In addition, the Commission asked the government of British Columbia, ito immediately suspend any action on the coal mining and coal bed methane proposals until completion of the comprehensive assessment by the IJC.i

The Montana Legislature established the Commission in 1983 to protect water quality in one of the state's most important watersheds. Members include top officials from Flathead and Lake Counties, the Governor's Office, and state agencies responsible for natural resource, fish and wildlife management. Federal agencies represented on the Commission include Glacier National Park, the Flathead National Forest, the Environmental Protection Agency, and the U.S. Bureau of Reclamation. The Governor appoints six citizen members. British Columbia is represented by a provincially appointed liaison.

The Commission's resolution follows on the heels of an April 30 letter from U.S. Senator Max Baucus to Secretary of State Colin Powell asking for his review of the mining and gas drilling proposal in light of the IJC's 1988 ruling that the same Sage Creek Coal Mine would violate the 1909 Boundary Waters Treaty, which prohibits one nation from polluting waters to the detriment of the other nation.
APPENDIX 6: FBC Recommendations to the Montana Legislature

**PRIORITY 1:**

Assure passage of SB 138 to remove the sunset clause currently attached to the FBC and retain administrative attachment to DNRC Water Resources (SB446, 2003). The bill also makes permanent the ex-officio DNRC Water Resource position, created by executive order of Governor Racicot, and reinstates the ex-officio membership of the Bonneville Power Administration.

**PRIORITY 2:**

Reinstate the 2002 biennial funding level for the FBC. Currently, the FBC is underfunded and has no operating budget. This proposed funding level would allow the FBC to maintain its current level of staffing (1 FTE) and provide basic operating funds. Amount requested: $128,000 for the biennium.

**PRIORITY 3:**

Provide funding to meet water quality monitoring needs in the Flathead Basin through support of FBC partner agency funding requests for such purposes.

**FBC Recommendations to the Montana Congressional Delegation**

The FBC requests that the Delegation continue its efforts to represent the interests of Montana at the federal level to protect water quality in the headwaters of the North Fork of the Flathead River. Specifically, the FBC requests that the Delegation urge the International Joint Commission to conduct a comprehensive assessment of environmental impacts that might result from large-scale industrial activity in the headwaters of the North Fork and to facilitate a process to implement the IJC’s third recommendation in its 1988 report to governments entitled Impacts of a Proposed Coal Mine in the Flathead River Basin. The third recommendation states "the governments consider, with the appropriate jurisdictions, opportunities for defining and implement compatible, equitable and sustainable development activities and management strategies in the upper Flathead River basin." Additionally, the FBC requests the Delegation to secure funding for needed baseline water quality monitoring at the international border in the North Fork. The FBC also requests that the Delegation recognize the economic and environmental importance of healthy watersheds and fully fund requests from federal agencies for programs that are designed to protect and preserve water quality through a variety of monitoring, educational and restoration initiatives.

**FBC Recommendations to Federal, State, Tribal, and Local Agencies**

The FBC requests that all federal, state, county and tribal agencies entrusted with enforcement of regulations designed to protect water quality – i.e., lakeshore and stream bank development, wetland protection, septic systems, road building and other construction activities adjacent to lakes or streams – vigorously and fully enforce such regulations.
All appropriate regulatory agencies should work proactively with landowners, developers, recreation lists and others, through education and other initiatives, to prevent water quality-threatening activities before they take place. The FBC further requests that all relevant public and private sector organizations intensify efforts to develop, publicize and implement, through voluntary means, Best Management Practices (BMPs) for the widest possible range of land management activities. Through such efforts, water quality in the Flathead Basin can be better protected and, in some cases, enhanced. The FBC also requests appropriate county and tribal agencies and planning boards to review current regulations designed to protect water quality and determine where improvements can be made.

Recommendations for Flathead Basin Commission Directed Action

TMDL & VNRS

The FBC will continue to work with the widest possible range of agency partners, nonprofit organizations, local citizens, and watershed groups to carry out a non-regulatory, voluntary effort to reduce no point sources of pollution through an incentive-based program to accomplish the Flathead Lake Total Maximum Daily Load (TMDL). The FBC’s Voluntary Nutrient Reduction Strategy (VNRS) program will continue to be the centerpiece of our nutrient reduction program, emphasizing voluntary, non-regulatory means of reducing pollution, encouraging the involvement of local citizens as active participants in the basin-wide strategy.

Monitoring

Monitoring remains central to the FBC’s mission, and the FBC must undertake all possible means to achieve adequate funding of an integrated, collaborative approach to monitoring of Flathead Lake, its tributaries and other water bodies. Information will be further developed to allow the FBC to design a new basin-wide monitor master program to more effectively monitor water quality trends, particularly as they relate to the FBC’s VNRS projects and the Flathead Lake TMDL. Efforts to maintain and expand the FBC’s volunteer monitor programs will be undertaken.

Watershed Coordination & International Relations

Maintaining the FBC’s positive and productive relationship with British Columbia is vitally important to achieving an acceptable level of information exchange, coordination and consultation on water quality related issues in the North Fork of the Flathead River. The FBC will also, resources permitting, maintain contact with locally organized watershed groups. Further, the FBC will take additional steps, through use of the Internet and other communications resources, to strengthen its role as a clearinghouse of water quality-related information in the basin.

Strengthen Relations with Agencies and Develop New Partnerships

The FBC will strive to maintain more productive relationships with its extended family of agency and NGO partners and will endeavor to create new partnerships to strengthen the VNRS effort and other FBC initiatives.

Public Education

The FBC will maximize efforts to engage local residents in a variety of efforts to protect water quality. Traditional media, the FBC website, workshops and other means will be employed to inform residents of water quality issues and how they can become actively involved in protecting and enhancing water quality.
APPENDIX 7: FBC Accomplishments

Accomplishments & Trends

The FBC’s strategy to accomplish nutrient pollution reduction to Flathead Lake, approved by both the U.S. EPA and MDEQ, is fully underway. The FBC’s Voluntary Nutrient Reduction Strategy (VNRS), increased citizen awareness and involvement, the formation of new partnerships with agencies and non-government organizations, and receipt of additional funding are all keys to the long-term success of the VNRS. In the past two years, the FBC has obtained close to $1.2 million in grant funds for VNRS, watershed and monitoring projects. The receipt of an equivalent amount is anticipated in the coming biennium for additional VNRS work.

Local Citizen Watershed Groups
The growth of local citizen-based watershed groups, such as the FBC-sponsored organizations in Ashley and Stoner creeks and others coordinated by partner agencies, reflects heightened awareness on the part of area citizens and their resolve to be influential participants in basin-wide efforts to protect and improve water quality.

Citizen Volunteer Monitor Programs
The growth of the FBC’s volunteer monitor program, both in number of participants and development of new programs, reflects a growing interest among basin residents to become directly involved in efforts to monitor and protect water quality. While not a substitute for fully funded agency level monitoring, these programs provide a certain amount of dependable water quality monitoring information and serve to increase the public’s knowledge of important water quality related issues.

Citizen, NGO and Agency Initiatives and Partnerships
The individual actions of basin residents in addressing water quality problems on their own land and in their communities provide examples of effective citizen participation. Increased involvement in water quality issues of local non-government organizations, such as the Flathead Lakers, strengthens the overall effort to protect and improve the basin’s water quality. New initiatives by such governmental organizations as the Confederated Salish & Kootenai Tribes bring more resources to the overall basin-wide effort.

Legislative Funding of Flathead Lake Monitoring
The full funding of water quality monitoring of Flathead Lake, made possible through an appropriation of the Montana Legislature, provides researchers an opportunity to collect and analyze a full range of data over a long period. Continued support of this program is essential to gauge the effectiveness of the FBC’s effort to meet interim water quality standards for the Flathead Lake TMDL.
Dear Members of the Legislature and Governor Schweitzer:

On behalf of the Flathead Basin Commission, I am pleased to provide you with this report on our accomplishments over the past two years. The FBC was awarded over $1 million in grant funding from a variety of state, federal, and private sources to implement watershed restoration and pollution reduction and education projects in the Flathead. These projects have produced many benefits. They have restored riparian habitats, improved water quality in streams such as Ashley Creek, informed residents on methods to mitigate their own water quality problems, and strengthened the Commission’s ability to work with other partners and local residents. The Commission continues to use non-regulatory solutions to water quality problems.

The prospect of a large-scale coalmine at the same Cabin Creek coal site in headwaters of the North Fork of the Flathead of BC once again became a hot issue in the Flathead. A similar issue rose two decades ago that led to the creation of the FBC. The FBC took the lead in informing the public and policy-makers about the potential concerns associated with the construction of this coal mine. Thanks in part to our cordial, working relationship with the provincial government of BC, the province decided against moving forward with this new coal mine. However, the threats of new coalmines and coalbed methane developments in the Flathead of BC still exist and still can impact Glacier and Waterton Lakes National Parks and the Flathead Basin. The Commission will continue to be diligent and to work closely with the Governor’s office, our Congressional Delegation and the U.S. State Department to ensure that the water quality and the many special amenities of the Flathead are protected.

Our plans for the upcoming biennium are even more ambitious than this past one. The FBC hired Mel Lehman as the first dedicated Executive Director in the history of the organization. Initial funding for Mr. Lehman’s position has been provided by a Local Empowerment Program grant from the Montana Association of Conservation Districts. Mr. Lehman brings a wealth of private sector experience to the job, including a wide range of technical and management skills that will greatly enhance the FBC’s ability to achieve a higher level of effectiveness.

We look forward to working closely with the Montana Legislature to ensure the existence of the FBC. SB 138, which permanently attaches the Commission to DNRC, has passed the Senate and has been transferred to the House. It ensures that the FBC will be able to continue working to protect and monitor water quality in this very special place. Our request is fully detailed in our Recommendations to the Legislature on the following pages.

During this time of unprecedented growth in the Flathead, the efforts of the FBC are needed now more than ever. Improving, protecting and monitoring water quality are directly linked to the Flathead’s economic and social well being. The Commission will
continue working with local governments and its citizens, to ensure this vital resource receives the full attention it deserves.

Sincerely,
Rich Moy, Chair
Flathead Basin Commission
February 7, 2005
The Honorable Gordon Campbell
Office of the Premier
P.O. Box 9041
STN PROV GOVT
Victoria, British Columbia V8W9E1

Dear Premier Campbell:

I thank you for the letter of January 31 from Dr. Sheila Wynn, Deputy Minister of Energy and Mines providing clarification about coal exploration projects in the Flathead Valley. As a rancher on the Montana side of the Flathead Valley, I have recently moved to Helena to serve an initial four-year term as governor. As a resident of the Flathead, I was pleased to learn of your work with my predecessor, Governor Judy Martz, on an Environmental Cooperation Arrangement between British Columbia and Montana. This September 2003 agreement provides an excellent framework for ongoing collaboration between our governments. I look forward to working with you to develop an action plan that implements the agreement. Montana has designated the Flathead Basin Commission as its lead agency to work with your government to draft this action plan. The commission includes representatives from the various local, tribal, state, and federal agencies that have some form of jurisdiction in the Flathead Basin. It also includes seven citizen members appointed by the governor, as well as a representative from the provincial government of British Columbia. We appreciate the able representation provided by Wayne Stetsky of the Ministry of Water, Land and Air Protection.

It is my understanding that discussions about the action plan have been initiated with the Montana Department of Environmental Quality. DEQ will remain actively engaged in these discussions through its representation on the Flathead Basin Commission, and I will continue to consult with DEQ Director Richard Opper on this issue. It is my understanding from Dr. Wynn’s letter that the Ministry of Water, Land and Air Protection are the lead agency for British Columbia. I would propose that you and I should approve and sign the final action plan. The State of Montana is maintaining the position of the previous administration regarding the prudent approach to transboundary environmental and resource development issues. We support the concept of a comprehensive environmental and socio-economic baseline assessment of the transboundary region prior to new fossil-fuel energy development. Such an assessment could be initiated by federal reference to the International Joint Commission under its mission to prevent disputes in transboundary watersheds. For most of its history, the IJC has been charged with resolving disputes, which was the situation with the Flathead Valley Cabin Creek Coal Mine referral in the 1980s. However, I prefer a more proactive and constructive approach before specific projects reach the level of controversy. The IJC has indicated its willingness to facilitate such a baseline assessment that would be conducted by a bi-national team of experts. It is worth noting that the International Joint
Commission itself suggested such an approach in its 1988 report on the Cabin Creek mine. The Commission recommended that the governments formulate a “creative, binational approach” based upon the principles of binational studies, fact finding and planning, and mutually acceptable uses of resources. As you know, there was tension between the State of Montana and the Province of British Columbia last year over two proposed coalmines and the auction of coalbed methane drilling licenses in the Flathead Valley. I appreciate your government’s decision last May to temporarily set aside the area slated for new coalmines. Industry’s decision not to bid on the methane drilling licenses provides an opportunity for us to work together without reference to any specific project. The latest coal exploration in the Flathead, the continued interest in CBM drilling, and your government’s latest proposal to develop coal resources in the federal Dominion Coal Block provide further impetus for cooperation now. We understand and appreciate from Dr. Wynn’s letter that there currently is no imminent project in the transboundary Flathead Valley.

It’s important to recognize that we are not asking for any measures that we wouldn’t apply also on our side of the border. As you may know, the administration of President George W. Bush last October placed a moratorium on oil and gas drilling on Montana’s Rocky Mountain Front immediately south of Glacier National Park. An ongoing study of the impacts of several drilling permits was terminated because the U.S. government recognized that the zone of impact was much larger than those specific well sites. The Bureau of Land Management opted instead for a much broader landscape-level assessment, to be initiated no sooner than 2007, which would guide future oil and gas exploration. My administration supports this decision.

The Rocky Mountain Front, like the Canadian Flathead and Elk Valleys, are part of a large region that long ago was named the Crown of the Continent. Together, they encompass an ecologically diverse, biologically rich, and aesthetically priceless region in the heart of North America. The core of this transboundary region is the world’s first peace park, Waterton-Glacier International Peace Park, established by Parliament and Congress in 1932. The middle of the Wild and Scenic North Fork of the Flathead River serves as the western boundary of Glacier National Park. This is truly a globally significant landscape. Recent studies suggest that the region’s clean waters, abundant wildlife, dramatic scenery, and diverse recreational opportunities are driving economic growth and vitality in adjacent Montana communities. I understand that a similar trend can be found in Canadian communities. For this reason, we believe that all due caution and the best possible information be applied to future decisions that might impact these environmental and economic assets.

Last summer, a delegation of officials from the Ministry of Energy and Mines and the Oil and Gas Commission met with Montana officials in Helena. At that time, Montana learned that a consultant for the Ministry had identified “a critical information gap” in watersheds that would receive coalbed methane wastewater. The consultant recommended baseline water quality monitoring for at least three years prior to drilling and wastewater production. Similarly, we understand that little monitoring has taken place in the headwater streams of the Flathead where the current coal exploration is being conducted. We truly believe that the environmental and economic values of this Crown
of the Continent region are too great to embark upon new industrial energy production without benefit of a comprehensive baseline assessment. Montana and the United States government has adopted this position on our side of the border. I would very much welcome the opportunity to join with the appropriate Canadian jurisdictions to conduct such an assessment collaboratively in the transboundary watersheds.

I look forward to meeting you in person, and I invite your feedback on these proposals.