



Policy Brief: The Flathead River Basin



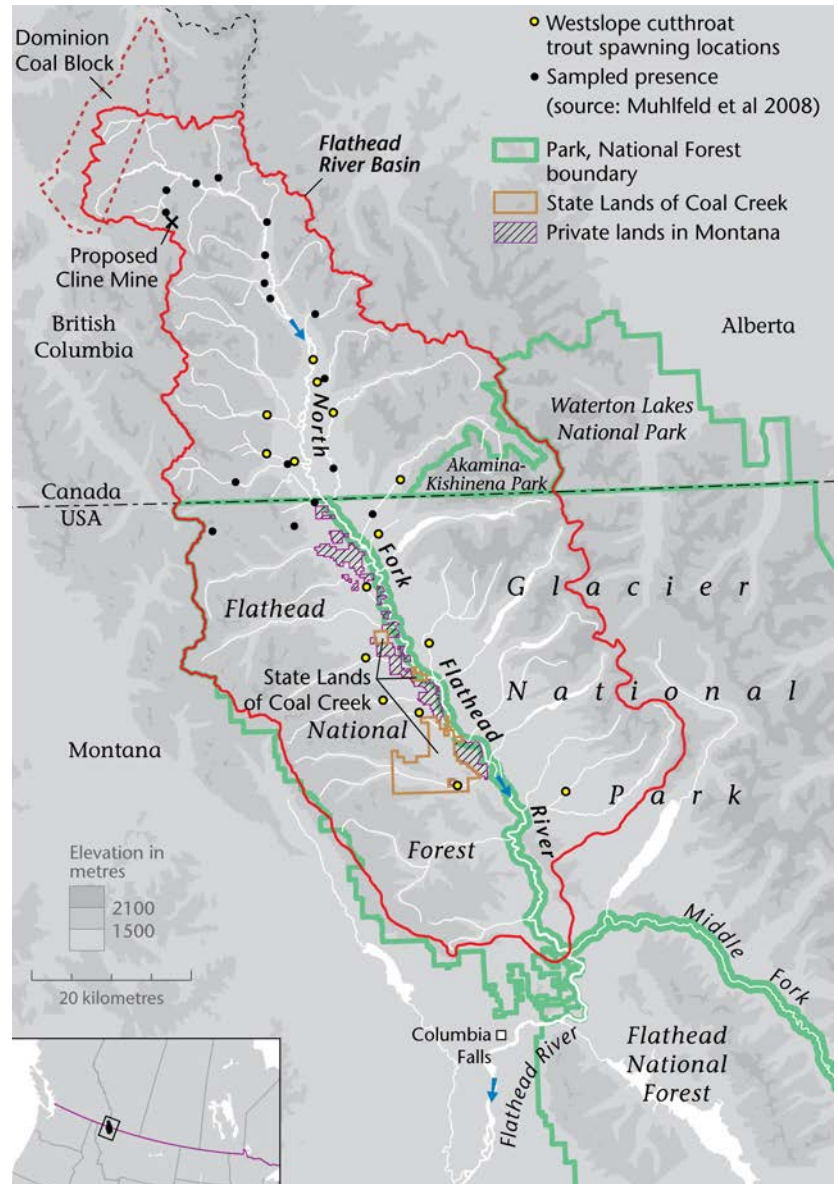
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Background and Context

The Flathead originates in the Canadian Rockies in the extreme southeast corner of British Columbia and flows south into Montana. The river itself defines the western boundary of Waterton Lakes National Park in Canada and Glacier National Park in the US. These two parks were designated as the world's first International Peace Park in 1932 and became a World Heritage site under the World Heritage Convention in 1995. In Montana, the Flathead River is one of the most protected watersheds in the country, and includes policies to sustain endangered fish and wildlife, wild and scenic rivers, and other conservation values. By contrast, the basin is zoned for resource development in British Columbia, including coal, oil, gas, and hard rock minerals.

Challenges and Opportunities

The central challenge in the Flathead is the diametrically opposed regimes on either side of the border: protection for the watershed in Montana and resource development in British Columbia.



Source: Original map. Cartographer: Eric Leinberger, Department of Geography, UBC.

In early 2010, British Columbia then-Premier Gordon Campbell and Montana Governor Brian Schweitzer signed a Memorandum of Understanding (MOU) to protect the transboundary Flathead River. Building on 30 years of scientific research, government planning, grassroots political action, appeals to international treaties, and increasing international pressure, the MOU banned mining and oil and gas development throughout the shared watershed. It is worth noting that this MOU was signed on the eve of the 2010 Winter Olympics (hosted in Vancouver), at a time where the eyes of the world were focused on British Columbia.

Implementation of the MOU has been challenging. First, it does not obligate British Columbia to enact conservation policies. Second, the governmental authorities for the Flathead River are mismatched: on the Montana side, authority over the Flathead national forest resides with the federal government, whereas in BC it is a provincial responsibility.

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Moreover, the prospect of securing funds from the US government to compensate mining companies in BC for lost revenue is complicated due to limited (and shrinking) government revenues. To meet this challenge, senior officials in the US and Canadian federal governments appealed to The Nature Conservancy in the US and Canada to help raise the necessary funds. The two organizations raised \$9.4 million to ensure permanent conservation of this area, contingent on the BC provincial government prohibiting mining and energy extraction activities on nearly 400,000 acres in the watershed.

Recommendations

The first recommendation is to initiate and sustain involvement from all affected parties. National governments, tribal governments and First Nations, and conservation organizations were left out of the MOU negotiation but then asked to help implement the agreement, thereby fostering additional, unnecessary tension. Providing meaningful opportunities to engage stakeholders, policymakers, and administrators is fundamental to building the sense of ownership that is needed to implement any negotiated agreement effectively. Nevertheless, this involvement must be balanced with the recognition of the current reality that only the national governments have the constitutional authority to sign international treaties. Relatedly, the Flathead case illustrates the value of raising awareness, clarifying options, and galvanizing action through affiliations with events or third parties (in this case, the International Joint Commission, UNESCO, and the Winter Olympics).

Note: This Policy Brief draws on the research presented in *Water Without Borders? Canada, the United States and Shared Waters* (University of Toronto Press), edited by Dr. E. Norman, Dr. A. Cohen, and Dr. K. Bakker. This Brief was prepared by Matthew McKinney and draws in part on the chapter written by Harvey Locke and Matthew McKinney. It forms part of a set of Policy Briefs funded by the Walter & Duncan Gordon Foundation on 'flashpoints' in Canada-US Transboundary Water Governance. The full set of Policy Briefs can be found at www.watergovernance.ca.