

# Down to Earth

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NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



## 2011 Legislature MID SESSION REPORT

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# A variety of ways you can help MEIC

## 1. Join MEIC's monthly giving program

The Pledge Program is a simple but very effective way you can support MEIC. You design the program to best fit your budget and lifestyle. You can pledge any annual amount you choose and make payments in 12 or fewer installments. You could pledge \$240 for the year, and pay just \$20 a month—**that's only 66 cents a day!** And it gets even easier. You can sign up to pay monthly with your credit card, or by automatic withdrawal from your bank account, and MEIC will take care of the rest. Pledge members help provide the staying power that keeps MEIC at the forefront of environmental advocacy in Montana.

## 2. Leave a bequest to MEIC

You can provide the financial security and long-term stability MEIC needs to weather unpredictable and cyclical funding by contributing to MEIC's Permanent Fund, our endowment. All gifts to the Permanent Fund are invested. Only the income earned on these investments is spent, and all of it goes to MEIC. Here are two ways you can contribute to MEIC's endowment:

1) The Permanent Fund accepts cash or property including stock, real estate, and life insurance. These contributions can be made directly to MEIC and are deductible as charitable contributions.

2) MEIC also has an endowment account at the Montana Community Foundation, which greatly expands the ways you can help MEIC while taking advantage of a Montana State income tax credit. Call the Montana Community Foundation at 406-443-8313 for more information.

## 3. Encourage others to join MEIC

Members are the heart and soul of MEIC, and who better to spread the word than you. Tell your friends and family why you joined MEIC and about the difference they can make for Montana's environment by joining with you. Every member means a lot. **Ask about our 2-for-1 program when you renew your MEIC membership!**

I want to help protect Montana's environment by:

- Joining MEIC.
- Renewing my MEIC membership.
- Donating to MEIC's endowment.
- Giving a gift membership.
- Making a special contribution.

Here are my dues or gift membership:

- \$250 (Sustainer)     \$45 (Family)
- \$120 (Donor)         \$30 (Individual)
- \$60 (Supporter)     Other \$ \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_

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**Thank you!**



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**Join or Renew Today.**  
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Or use the postage-paid envelope enclosed.



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Cover photo by Chad Harder.



# The first half of the session— Can you spell *a-b-y-s-m-a-l*!?

by Anne Hedges

A recent public opinion poll showed that 75% of Montanans believe it is possible to protect land and water and still have a strong economy with good jobs. At the same time, recent informal polls conducted by news media have rated the performance of the 2011 Legislature as somewhere between “poor” (82% in a recent *Great Falls Tribune* poll said they were not satisfied with the progress the Legislature had made) to “abysmal” (71% in a recent *Beartooth NBC* poll, in which “poor” was also a choice).

**Nowonder.** A majority of the 2011 legislators are willing to sacrifice the environment under the guise of more jobs. Many of them came to Helena with an anti-environment agenda, and they are determined to carry out that agenda despite its ill-conceived nature and the facts of the matter.

Early in the session Republican leaders said that stopping environmental lawsuits was the highest priority in their efforts to “jump-start” Montana’s economy. Rendering the Montana Environmental Policy Act (MEPA) essentially meaningless appears to be their big “jobs” bill. When questioned about how many jobs would be created, they admit they have no idea. Faced with evidence that lawsuits under MEPA are extremely rare, lobbyists for polluting industries told legislators to ignore that fact.

Facts don’t matter, they say; only perception counts. It seems clear, however, that if stopping environmental lawsuits is the number one way Republicans have for increasing jobs in Montana, it is certain that this Legislature will fail at its “number one” task.

The magnitude of the zealotry evident at this session, and the anti-environment and anti-public health bills, and the ignorant rhetoric, and the unconstitutional proposals, and the toxic atmosphere, all combine to make this session unique. If this legislature is to be believed:

- ◆ global warming is good;
- ◆ the free market should pick all the winners and losers in the energy industry (so long as you ignore the subsidies for fossil fuel);
- ◆ energy independence and renewable energy jobs are subversive ideas;
- ◆ mercury controls at coal plants costs jobs;
- ◆ the hardrock mining industry can police itself;
- ◆ the natural environment exists to be torn up and used as a place to dig holes (read: more open pit mines);
- ◆ legislators are free to ignore more than 200 years of federal precedent and decide what the Constitution really means; and
- ◆ the State should have complete authority over the federal government because local control is best (except when local governments do something disagreeable to the legislature).

Too many legislators in this session have come with an ideology that does not concern itself with facts, legal analysis, the constitution, science, or even, in some cases, reality.

While some sanity has prevailed, and some truly awful bills have been stopped, the vast majority of bad bills are alive and well. In some previous years MEIC had a “dirty dozen” list. This session, there are at least three dozen horrible bills, and the list is likely to grow in the next few weeks.

*As one mining industry lobbyist said, “Let’s not get too bogged down on ‘well, really, how many lawsuits are there under MEPA.’ The real problem is that there is a very real perception out there that this is difficult.”*

**What can you do?** Contact your legislators. Tell them not to weaken environmental and public health protections. Write a Letter to the Editor. Call the Governor and ask him to veto all bills that undermine public involvement, the Constitution, and a healthy environment. With your efforts, some of our environmental protections may survive.

## 2011 Legislature: Mid-Session Review

### MEPA under attack—again

**T**he **Montana Environmental Policy Act** (MEPA) is a critical public disclosure and information-gathering tool. Two bills this session would drastically alter MEPA's purpose and the consequences of violating its requirements.

Since it was passed in 1971, MEPA has required State agencies to analyze how a proposed government action (e.g., the issuance of a mine or air pollution permit) would impact public health, the environment, people's livelihoods, and private property. Despite significant weakening changes made by the 2001 Legislature, MEPA remains the primary, and often only, way that people learn about a proposed project's impacts. And the MEPA review process often is the only time they are allowed to comment on those impacts. The original purpose of MEPA was to help State agencies

make better, more informed decisions. That purpose remains valid and necessary even today.

In the last two years the Montana Department of Envi-

ronmental Quality prepared about 3,500 MEPA reviews on various decisions. Only a tiny fraction of these decisions—0.016% to be exact (and that's a very small number)—have been challenged in court using the provisions of MEPA. The projects that were appealed were challenged by the neighbors of a gravel pit, and by a Native American tribe.

Two bills in the 2011 Legislature, **SB 317** (*Sen. Chas Vincent, R-Libby*) and **SB 233** (*Sen. Jim Keane, D-Butte*), would limit or prohibit the consideration of global warming in a MEPA review, and would radically change the purpose and policy of MEPA. Both bills would limit the analysis of alternatives to a project. But that is where the similarities end. The two bills are so different that they cannot both become law.

SB 317 would turn MEPA on its head by saying the purpose of the law is to analyze a project's economic impacts and to promote natural resource development. The bill would eliminate the alternatives analysis for private projects, but would still require the State conduct such an analysis if it were the project sponsor (e.g., for highway projects or timber sales). SB 317 also contains a wholesale rewriting of the existing law.

SB 233 is different. It also would change the purpose of MEPA, but in a different way. It would make the purpose of MEPA informing the legislature about whether environmental laws are adequate. The bill does not say how this information would be presented to the legislature or how State agencies are supposed to judge the sufficiency of existing laws when analyzing a particular project. SB 233 contains many other revisions to MEPA as well.

**The single most dangerous proposal in either bill** lies in SB 233. It says that even when agencies fail to follow the requirements of MEPA, or perform an inadequate review, a court cannot stop the project under review from going forward. The effect is that a court finding a State agency has ignored the requirements of MEPA, or failed to disclose impacts to the public, can only make

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*“MEPA is the only tool that neighbors have to comment on proposed projects that could hurt their property values.”*

*~Testimony by MEIC's Anne Hedges.*



Photo by Derf Johnson.

## Not all the news is bad

by Anne Hedges and Kyla Wiens

Despite numerous anti-environment bills that have passed the House and Senate, not all news from this legislative session is bleak. A trio of the worst of bills that would have reversed environmental protections and important renewable energy laws did not receive the necessary votes to pass out of committee, and were defeated. Thanks to those who contacted their senators and representatives asking them to vote against each of these bills!

Here are the three bills that top MEIC's list of accomplishments:

1. Sen. Jason Priest (*R-Red Lodge*) proposed one of the most radical "takings bills" ever introduced. This bill would have undermined every government regulation on the books today. **SB 344** would have required government entities to pay property owners (broadly defined) whenever a regulation decreased the value of their property by any amount. If the government could not afford to pay compensation, it would have been required to waive the regulation. The effect of the bill would have been to either bankrupt governments, or eliminate regulations, regardless of need to protect public health or the environment. Fortunately, many of the Republicans on the Senate Judiciary Committee agreed with Democrats and the bill was defeated in the Senate Judiciary committee on 10-3 vote.
2. **HB 244**, sponsored by Rep. Derek Skees, (*R-Whitefish*) would have repealed Montana's Renewable Energy Standard that was passed in 2005 and requires regulated utilities to acquire 15% renewable energy by 2015. HB 244 would have reversed the significant progress Montana has made developing clean energy resources over the last five years. The bill would have also severely impacted existing capital investments that regulated utilities have made in renewable energy projects across Montana. And it would have damaged Montana's reputation as a state that is favorable towards renewable energy development. This bill was defeated in the House Federal Relations, Energy, and Telecommunications Committee on a 9-6 vote.
3. **HB 326**, sponsored by Rep. Dan Kennedy (*R-Laurel*) would have repealed the 1978 voter-passed initiative requiring Montana voters to approve any nuclear power plant before it could be built in Montana. This far-reaching bill would have also completely exempted nuclear facilities from any public safety, property rights, and environmental protection requirements of the Major Facility Siting Act. HB 326 is one of the many bills this session that attempts to expand legislative authority by overturning ballot initiatives and local ordinances. This bill was defeated in the House Federal Relations, Energy, and Telecommunications Committee on a 12-4 vote.
4. On a 21-29 vote the Senate rejected a bill that would have undermined Montana's spot zoning law. **SB 383** (*Sen. Llew Jones, R-Conrad*) would have allowed county commissioners to decide whether a zoning decision was illegal spot zoning. The lead proponent of the bill, Cascade County commissioner Joe Briggs, was bitter that the Montana Supreme Court overruled his county's zoning decision to allow development of the Highwood coal plant in the middle of some of Montana's most productive agricultural lands. As Senator Kim Gillan (*D-Billings*) said, "this bill allows the county commission to be both the judge and the jury." Senator Art Wittich (*R-Bozeman*) spoke eloquently to the notion that this bill would have broad ramifications across the State because a local government could change zoning to favor one landowner to the detriment of many others.

**There is still a long way to go in the Session, and there will be many more attacks on clean air, water and energy. MEIC will be vigilant in watching for similar proposals and trying to stop them from becoming law. Please continue to contact your senators and representatives (and especially Governor Schweitzer) and ask them to vote against (and veto) bills that damage our clean and healthful environment.**

## 2011 Legislature: Mid-Session Review (cont.)

the agency redo the analysis. It cannot stop the project from moving forward while the agency complies with the law. The outcome—while an agency reconsiders its analysis of a proposed project—is that the project would be built.

How, and whether, the legislature will resolve the conflict between the two bills remains to be seen. Considering the fact that Republican leaders in the Legislature announced at a press conference that SB 317 was the primary Republican jobs bill, it is hard to imagine it being defeated in the House.

### Takings

Perhaps the best news from the session so far is on the “takings” front. **SB 344** (Sen. Jason Priest, R-Red Lodge) was defeated in the Senate Judiciary Committee, and its companion bill, **SB 347** (Sen. Bob Lake, R-Hamilton) was rendered harmless.

“Takings” proposals undermine nearly every environmental

and public health protection that exists in law. These bills are intended to stop government from regulating private property. They do this by saying that a government entity either has to pay the property owner if a regulation decreases the value of private property, or that the government has to waive the regulation. “Takings” proposals completely ignore the value of government regulations. They ignore the need for

government to balance competing property interests. And they ignore one hundred years of constitutional interpretation by the federal and Montana Supreme Courts. Fortunately the Senate Judiciary Committee realized the profound impacts these radical proposals would have on State and local budgets, public health, private property rights, and environmental safeguards.

### Gravel pits

Last session, the legislature made it harder for the Montana Department of Environmental Quality (DEQ) to condition or deny permits for gravel mines. This session the legislature is trying to prevent local governments from regulating gravel mines at all, with a direct assault on the authority to adopt zoning to control the location and operations of gravel pits (so much for the local control that Republicans in the 2011 legislature are so fond of extolling).

**SB 183** (Sen. Taylor Brown, R-Billings) would prevent local governments from adopting interim zoning for any activity if the State has the authority to regulate that activity and has received a permit application (regardless of whether the permit application is complete or approved). This bill is aimed at preventing local govern-

*“Takings” proposals force the government to pay a property owner if a regulation decreases the value of private property, or else waive the regulation, even if it’s a public health and safety measure.*



Gravel pit photo by Amy Kelley.

Costrip photo by Anne Hedges.



ments from regulating gravel mines. Counties across the State have used interim zoning to deal with unexpected threats. Interim zoning simply allows the county to maintain the status quo while it considers whether additional zoning regulations are necessary to protect public health and property values. SB 183 ignores the fact that the State's permitting authority for activities such as gravel mines is very limited and only governs on-site gravel mine activities. The State cannot mitigate or deny a permit based on local concerns about off-site impacts. If this bill passes local governments will have no authority to protect adjacent landowners from the off-site impacts of gravel mines.

**HB 402** (*Rep. Matthew Rosendale, R-Glendive*) would prohibit local governments from adopting zoning ordinances to prevent a gravel mine from being located in a residential area if the mine owner has filed a permit application with DEQ—regardless of the fact that DEQ has no authority to mitigate harm to neighboring properties.

### Pro-coal bills

Coal industry lobbyists have been busy. There are proposals to: make it cheaper for coal companies to lease State-owned coal; legitimize illegal spot zoning; exempt certain coal plants from the State's Surface Mine Reclamation and

Control Act (SMRCA); declare that contamination of groundwater is not pollution; and more.

**HB 533** (*Sen. Tom Berry, R-Roundup*) would allow the State Land Board to lease State-owned coal without obtaining an appraisal. The bill would also authorize the Board to lease coal for any amount that a bidder was willing to pay, instead of for what the coal is actually worth.

**SB 297** (*Sen. Jeff Essmann, R-Billings*) would broadly define a coal beneficiation plant as any coal processing plant not owned by a coal mine. The bill would exempt such plants from the requirements of SMCRA. Fortunately, this bill does not go into effect unless the federal agency that oversees surface mine reclamation and enforcement approves the change. Hopefully, that will not happen any time soon.

**SB 292** (*Sen. Alan Olson, R-Roundup*) would require DEQ to write rules allowing in-situ coal gasification (gassifying coal underground). Any resulting groundwater contamination would be exempt from the definition of pollution. Sen. Ron Erickson (*D-Missoula*), a scientist who has studied this process, pointed out the difficulty in controlling what goes on beneath the earth's surface. This bill makes possible a very dangerous activity that could have dire consequences.

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## 2011 Legislature: Mid-Session Review (cont.)

### Land Use

In this session many of the bills dealing with land use laws have been intended to benefit a particular industry, such as gravel mining or coal. Because land use laws apply statewide, these bills have broader implications than just the one industry they seek to benefit. Many of the bills would make it harder for local governments to use zoning to protect people's property, health, and livelihoods.

*Many proposed land use bills would make it harder for local governments to use zoning to protect people's property, health, and livelihoods.*

Some of the land use bills that would chip away at Montana's zoning and subdivision laws include:

**HB 542** (Rep. John Esp, R-Big Timber) would prohibit local governments from

considering any information provided by a local, state, or federal government agency unless that information was contained in a peer-reviewed study. For example, a local government would be precluded from considering information from a school district about school impacts, or a city about traffic impacts. It would force local

governments to ignore information from experts about impacts to such resources as wildlife, water quality, or air quality. HB 542 would also allow subdividers to submit new information after the end of the public comment period, and would severely restrict local governments' ability to consider the impact of subdivisions on agriculture.

**HB 522** (Rep. Douglas Kary, R-Billings) would allow local governments to indefinitely extend the validity of a subdivision approval without any public notice or involvement, even though construction had not begun.

**SB 379** (Sen. Alan Olson, R-Roundup) would rewrite the zoning protest provisions of law. These provisions allow landowners to protest local governments' zoning decisions. The law as it is currently written is biased toward large landowners, like Plum Creek, because it gives them effective veto authority over local zoning decisions. Rather than improving the process, this bill makes the law confusing, complicated and more arbitrary.

**HB 366** (Rep. Matthew Rosendale, R-Glendive) would make it more difficult for local governments to adopt interim zoning for any purpose.



Photo by Dan Burden, www.pedbikeimages.org.



## Constitutional issues

There are so many bills that trample on constitutional protections it is difficult to list them all. But here is the one that is clearly the worst, as it flagrantly attacks the fundamental constitutional right to a clean and healthful environment.

**SB 292** (*Rep. Dan Kennedy, R-Laurel*) would alter the right to a clean and healthful environment stated in the Montana Constitution to read a “clean, healthful, and economically productive (emphasis added) environment.” There are many things wrong with inserting this language in the Constitution. Primarily, what does it mean? One person’s economic productivity may be another person’s contaminated groundwater, and the bill provides no guidance about what to do when such conflicts arise. The good news is that the bill only received 63 votes in the House. In order to be placed on the statewide ballot, it must receive a total of 100 votes between the two houses. Garnering 37 votes in the 50-member Senate will be difficult at best.

## Global warming

Global warming denial is alive and well in the 2011 Legislature. While the silliest proposal, **HB 549** (*Rep. Joe Read, R-Ronan*), which would have declared that global warming was good for the economy (see graphic, this page), was defeated in the House Natural Resources Committee, other proposals remain.

**HB 550** (also by *Rep. Joe Read*) is a companion bill to HB 549 but more troublesome. HB 550 would deny that the U.S. Environmental Protection Agency has any authority to regulate greenhouse gases. It would also claim that the national Constitution adopted in 1788 did not grant the federal government the authority to regulate greenhouses gases (just as it did not include the bill of rights, women’s right to vote, and all of the other subjects covered by amend-

**Believe it or not . . .**

**HOUSE BILL NO. 549  
INTRODUCED BY J. READ**

**A BILL FOR AN ACT ENTITLED: “AN ACT STATING  
MONTANA’S POSITION ON GLOBAL WARMING; AND  
PROVIDING AN IMMEDIATE EFFECTIVE DATE.”**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Public policy concerning global warming. (1) The legislature finds that to ensure economic development in Montana and the appropriate management of Montana’s natural resources it is necessary to adopt a public policy regarding global warming.

(2) The legislature finds:

(a) global warming is beneficial to the welfare and business climate of Montana;

(b) reasonable amounts of carbon dioxide released into the atmosphere have no verifiable impacts on the environment; and

(c) global warming is a natural occurrence and human activity has not accelerated it.

(3) (a) For the purposes of this section, “global warming” relates to an increase in the average temperature of the earth’s surface.

(b) It does not include a one-time, catastrophic release of carbon dioxide.

ments to the Constitution, and subsequent laws and court decisions). This bill would also prohibit the State from implementing or enforcing any federal regulations on the subject.

HB 550 ignores not only science and constitutional law, but also the facts. The federal government is authorized to regulate pollution, and the U.S. Supreme Court decided in 2006 that greenhouse gases are pollutants under the Clean Air Act. The fact that Rep. Read does not want the State to regulate these pollutants would not leave them unregulated; it would simply mean that EPA, not DEQ, would enforce the law.

Another ill-considered proposal is **SJ 10** (*Sen. Jason Priest, R-Red Lodge*). This resolution would

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## 2011 Legislature: Mid-Session Review (cont.)

call on Congress to prohibit EPA from regulating greenhouse gases either through legislation or by defunding EPA's programs, if necessary. Sen. Priest also claims that the federal government lacks the authority for such regulations, and he believes that they would be too burdensome on the oil, gas, and coal industries in Montana. This resolution completely ignores the benefits of the emerging clean energy economy, assumes all impacts of greenhouse gas regulation are economically harmful, and fails to acknowledge the economic impacts of a warming planet.

bad energy bills have been defeated, the ones discussed below are the worst bills that have passed the halfway mark. They would Montana's Renewable Energy Standard, severely weaken energy-efficiency provisions in building codes, and remove small-scale renewable energy incentives and funding. If passed and signed by the governor, these bills will delay our transition to a clean energy future and threaten energy independence, small businesses and sustainable jobs across Montana.

*SB 226 would discourage investment in small-scale renewable energy systems by charging net-metered customers transmission and distribution costs for the energy they produce at their households.*

### Renewable energy & energy efficiency

Numerous bills were introduced during the first half of the Legislative Session that would reverse State policies and programs promoting renewable energy and energy efficiency. Although some

**SB 226** (Sen. Jason Priest, R- Red Lodge). This bill would undermine the current "net-metering" law, and discourages individuals and consumers from investing in small-scale renewable energy systems. Under current net metering law, NorthWestern Energy customers who install small renewable energy systems on their property are credited on their electrical bills for the full value of the electricity they produce. SB 226 would charge net-metered customers transmission and distribution costs for the energy they are producing at their household. Those net-metered customers' could see their electric bills increase by up to one third.

**SB 330** (Sen. Edward Walker, R- Billings). This bill would amend Montana's renewable energy standard to allow regulated utilities to petition for a waiver from compliance with renewable energy requirements, if cost of renewable energy credits is 5% or more higher than the cost of their retail electricity supply. Amendments to SB 330, removed the possibility that utilities could apply for indefinite waivers. But, even with these amendments, it is more likely that the PSC would grant utilities waivers from the renewable energy standard rather than requiring them to purchase renewable energy. SB 330 is an end-run around the renewable energy standard and will expose consumers to price volatility associated with traditional energy resources.

**SB 109** (Sen. Debbie Barrett, R- Dillon). This bill would allow any hydropower dams built after 2005 to qualify as "renewable energy" under Montana's renewable energy standard and



Photo by Todd Hoitsma.

would remove the 10 megawatt cap for new hydropower and allows any size hydropower facility to qualify. This bill also removes the 10 MW cap for new hydropower in the existing law and allows any size hydropower facility to qualify. This severely weakens the renewable energy standard by removing much of the incentives for utilities to invest in new renewable energy resources.

**HB424** (Rep. Austin Knudsen, R-Culbertson).

This bill would divert funding to the state Alternative Energy Revolving Loan Program (AERLP) to the general fund. Currently, AERLP is funded by penalties collected by the Department of Environmental Quality for air quality permit violations. This money is used to make low-interest loans to Montana consumers, small businesses, and local governments to install renewable energy systems. The yearly average of total money available in the AERLP is \$500,000. Moving this money into the general fund leaves this program without an ongoing funding source and dramatically decreases the loan funding available for small-scale renewable energy systems.

**SB 159** (Sen. Jason Priest, R-Red Lodge). This bill would require a 5-year payback on any future energy efficiency measure in state building codes. No other state with a building code requires such a short payback. Strong energy codes help to reduce greenhouse gas emissions and lower energy bills. This bill ignores lifecycle cost savings of energy efficient windows, insulation, and other building materials. It also prevents the Department of Labor and Industry from adopting meaningful efficiency measures, and puts an arbitrary and unprecedented limit on potential cost and energy savings of new buildings.

**SB 104** (Sen. Jason Priest, R-Red Lodge). This bill would prohibit the Montana Public Service Commission from adopting "increasing block rates". This type of rate design sets incrementally higher prices for electricity and natural gas customers as their usage increases. Such a rate structure encourages energy conservation, and



*MEIC Energy Advocate and lobbyist, Kyla Wiens.*

keeps energy bills lower for customers using less energy. Inclining block rates also encourage energy conservation and keep energy bills low for low-income families using less energy. For utilities, inclining block rates make sense because it is cheaper to encourage energy conservation than it is to build new power plants. SB 104 also has broader implications because it allows the legislature to interfere with the PSC's ability to set and approve energy rates.

**SB 253** (Sen. Bob Lake, R-Hamilton). This bill would eliminate Montana's popular energy conservation tax credit. In 2009, more than \$8.4 million was claimed in income tax credits for things like insulation, new windows, and more efficient heating systems. An individual can claim up to \$500 each year. These tax credits help pay for high up-front costs of energy efficiency measures and help encourage investments that will pay dividends for years to come in the form of energy savings, increased property value, and Montana jobs.

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## 2011 Legislature: Mid-Session Review *(cont.)*

### Cyanide mining

**M**ontana voters have voted twice to ban new open-pit gold mines that use cyanide to extract the gold. Twice. The ban was first adopted as Initiative 137 in 1998, winning by 53% to 47%, and then a mining-industry backed initiative to repeal it, I-147, was crushed by a margin of 57% to 43% in 2004. But this doesn't seem to matter to the Montana legislature.

**SB 306**, written by the Montana Mining Association and sponsored by Sen. Terry Murphy (*R-Cardwell*), would reverse the ban. It would allow new open-pit gold mines to open, so long as they transport their ore to the Golden Sunlight mine at Whitehall, conveniently located in Sen. Murphy's district. Golden Sunlight was grandfathered in the law when I-137 was adopted. Another smaller cyanide leach operation, Majesty Mining near Norris, was also grandfathered and would be allowed to accept ore from new mines. Majesty is not operating

and is in need of significant investment to make it operational.

When voters passed the ban in 1998 gold was selling below \$300 per ounce. But today gold's price is just below \$1,400 per ounce. This dramatic increase in price makes transporting ore over hundreds of miles economical. Thus, the MacDonald Gold Project at the headwaters of the Blackfoot River could easily be economical to open, as could the Dutch Gold project in upper Rock Creek near Philipsburg, or Timberline Resources' Highlands mine south of Butte.

The important fact to keep in mind is that cyanide processing, whether on-site or off-site is so cheap that it makes massive open-pit mines with very low grade ore possible. These mines inevitably result in poisoned water from acid mine drainage, a problem that lasts for centuries. The voters clearly wanted to phase out these types of mines, but SB 306 would reverse that expression of the will of Montanans.

*The Golden Sunlight mine. Aerial photo taken during a Lighthawk flight.*



## Metal mine permitting

**SB 312** (*Sen. Chas Vincent, R-Libby*) is another Montana Mining Association-drafted bill. It would significantly change the mine permitting process. This measure is a radical attempt to allow mines to control the permitting process. As introduced, the bill would have given companies the right to veto any conditions the Department of Environmental Quality imposed on the mine's operating permit and reclamation plan. It said: "The department may not impose permit stipulations in a draft or final permit with prior agreement with the applicant."

This may be the boldest attempt by the mining industry to have its way since the old "Copper Collar" days of the Anaconda Copper Mining Co that predate adoption of the State's new Constitution in 1972.

The bill also would allow major changes in a mine's operations without environmental review even though such changes should have major impacts to the environment. The bill has been amended to eliminate the veto language referred to above, but mining industry lobbyists have said they will work hard to have it reinstated in the House.

### WHAT YOU CAN DO TO PROTECT MONTANA'S CYANIDE MINING BAN:

Write a letter to Gov. Brian Schweitzer at **Capitol Station, Helena, MT 59620** or call him at **406-444-3111**. Ask him to uphold the will of the people and **veto SB 306** if it reached his desk. You can remind him that he opposed I-147 during his first campaign for governor. Also ask him to **"just say no" to SB 312.**

Things are changing daily at the Legislature. Be sure to read MEIC's weekly "Capitol Monitor" to get the latest information and opportunities to take action on important bills. And don't forget to visit [www.meic.org](http://www.meic.org).



Photo by Chad Harder.

## Habitat Conservation Plan now under federal review

Fish & Wildlife Service photo by Terry Tollefsbol.



by Kyla Wiens

**A**fter nearly eight years, the Montana Department of Natural Resources and Conservation (DNRC) has published its final multi-species Habitat Conservation Plan (HCP) for State school trust lands, primarily in Western Montana. The U.S. Fish and Wildlife Service (FWS) is reviewing the plan and will issue a Biological Opinion and “incidental take” statement within the next two months.

The purpose of the HCP is to protect endangered grizzly bears, Canada lynx, bull trout and threatened west-slope cutthroat trout and Columbia red-bad trout whose habitats will be affected by timber harvests on State school trust lands. The Endangered Species Act (ESA) requires DNRC to develop an HCP before the agency before allowing or conducting any management activities that may impact endangered and imperiled species and their habitats. According to DNRC, the FWS Biological Opinion “will analyze the effects of issuing the incidental take permit to the DNRC and will determine if the HCP would

jeopardize the continued existence of the HCP species and other ESA-listed species that occur in the HCP project area or adversely modify those species’critical habitats.”

If the FWS approves the plan, it will issue DNRC an “incidental take permit” for the activities covered under the HCP and a Record of Decision that identifies the preferred management alternative. Following FWS’s decision, DNRC will then go before the State Land Board for final approval of the HCP and the preferred management alternative.

After the final HCP was published, MEIC and a coalition of wildlife experts and conservation groups met with Land Board members and their staffs to ask the Land Board to require that DNRC develop a “true conservation alternative.” This conservation alternative would consider whether reducing management activities to improve conditions for threatened and endangered species would be better than the status quo. Reducing the road miles, road density, logging, and grazing on State school trust lands and considering the impacts of climate change over the 50-year duration of the HCP, would also be addressed in a true conservation alternative. Each of the alternatives that DNRC included in final HCP, including the “conservation alternative” increased logging, and roads and failed to consider the impacts of climate change on these species and their habitats.

DNRC asserts that no changes are needed because their final HCP meets requirements of the Endangered Species Act, because FWS will issue a permit for the proposed management activities. The State Land Board is expected to make a decision on the HCP in late April or early May. Until then, MEIC and other groups will continue to push the Land Board to require DNRC to develop a legally and scientifically sound plan that actually protects these five fragile species. 🌿

# Montana DOT finds megaloads pose “no significant impact”

by Kyla Wiens

On February 10th, the Montana Department of Transportation (MDT) signed a “Finding of No Significant Impact” (FONSI) for Imperial Oil’s Kearsarge Module Transportation Project (KMTP). The 1,028 page FONSI gives Imperial Oil, a subsidiary of ExxonMobil, a preliminary green light to transport 207 modules, or “megaloads”, of tar sands mining equipment through Montana to Canada.

In the FONSI, MDT dismisses many of the impacts that individuals, MEIC, and other organizations raised in their comments on the environmental assessment published in April 2010. The agency’s only response to concerns regarding public safety and direct environmental impacts was a “mitigation response plan.” This certainly implies that the loads will have significant impacts that require mitigation. Therefore, MDT’s conclusion that this project will have no significant impact, and that it does not need to develop a more thorough environmental impact statement (EIS), is severely flawed.

After MDT issued the FONSI, Imperial Oil spokesman Pius Rolheiser said that the news was “certainly positive” and that the company’s “primary goal has been to move the modules safely to their final destination in Alberta with minimal impact to the public.” But nothing about this project is “minimal.” More than 200 modules weighing over 300,000 pounds each and being three quarters of the length of a football field will be traversing a winding road that skirts the fragile Blackfoot River and crosses

over steep mountain passes. Moreover, MDT has admitted that these loads will create a “permanent” high and wide corridor and will transform scenic byways into industrial transportation routes.

By issuing a FONSI, MDT is ignoring the inadequacy and deficiency its environmental assessment and is failing to thoroughly analyze the economic, environmental and public safety issues associated with the KMTP and related projects. Instead, the environmental assessment isolates these 200 loads in order to avoid completing an environmental impact statement, and considering broader impacts such as climate change.

Although MDT has given the green light to Imperial Oil, it may be many months before the megaloads make their way to Montana. First, four giant ConocoPhillips loads headed to Montana must make their way through Idaho and Montana. Litigation and winter weather continue to slow down these loads. It is likely that opposition to the KMTP will grow as the potential of a permanent industrial corridor through Montana becomes a reality, and as MDT continues to ignore facts and claim that serious impacts are insignificant. ☹

*First megaload waits at the Montana/Idaho border. Photo by Dave King.*



## Miners return to upper Rock Creek

by Jim Jensen

**D**utch Gold, a start-up mining company based in Atlanta, GA, has received an exploration license from the State to drill several exploratory test holes on its Basin Gulch property 16 miles west of Philipsburg, Montana.



Rock Creek photo by Greg Tollefson.

Dutch Gold had announced in February 2010 its intention to develop an extremely large gold mine west of Philipsburg in the upper reaches of Rock Creek. It has only now—a full year later—received its exploration license. The company put out a press release about the license before it had actually received it. There was the small matter of the \$10,400 bond to insure that any land disturbances would be reclaimed if the company disappeared. After unfavorable press coverage, the Department of Environmental Quality received the bond and the license was issued.

A year ago, Company CEO Daniel Hollis described his proposed mine in the *Atlanta Business Chronicle*: “It could be in the top

5%—in terms of size—of all gold mines in the United States.”

The Basin Gulch area was the object of several mining companies’ interest in the 1980s and 1990s. Cable Mountain Mining, Inc. conducted most of the exploration there, but, according to the State mining regulators, dropped the project when Montana voters passed the MEIC-sponsored ballot measure in 1998 making open-pit cyanide heap-leach gold mining illegal.

Rock Creek—a fabled “blue ribbon” trout stream—is one of Montana’s favorite fishing haunts. It is world-renowned for its legendary Spring salmon fly hatch.

Last year, Dutch Gold claimed that it was “in the late-stage exploration of the Basin Creek project. That phase, which includes identifying the gold reserves and prepping for mining, is expected to take a year.” Hollis further boasted that the company expected to generate revenues in 2011.

These are interesting claims from a company that began in 2002 as Small Town Radio, Inc., a Southeast radio consolidator. Whatever that is, the company went bust and decided to “reinvent itself” as an important player in the gold mining industry. According to Hollis: “Our goal is to create enough mass and profitability that we can become an intermediate-sized miner within the next three years.... With a relatively modest capital budget—\$5 million—you can become a real company in the gold business.”

Dutch Gold’s efforts to date have many attributes of a fly-by-night operation intended to mine the bank accounts of investors rather ore from the ground. It is one thing to go broke buying small town radio stations in the South, but quite another to threaten the integrity of one of the world’s great fisheries.

With the current price of gold around \$1,400 dollars per ounce, many fly-by-night operations are likely to appear. Montana’s history of failed projects of this type suggests the need for increased vigilance, especially on Rock Creek. ☺



# Golden Sunlight case gains added importance

by Jim Jensen

**M**EIC's long-running litigation to force the Department of Environmental Quality to require that the entire Golden Sunlight mine be reclaimed as is required by the Montana Constitution has taken on new significance.

The Montana Supreme Court's landmark ruling (in MEIC vs. DEQ) declaring the constitutional right to a clean and healthful environment to be a "fundamental" one has imposed a duty upon governmental agencies to comply with a very high legal standard called the strict scrutiny test. Under this test, before an agency takes an action that impacts that right, it is required to find that the State has a compelling interest in doing so and that its action is closely tailored to effectuate that interest, and that it involves the least onerous path that can be taken to achieve the State's objective. In other words, if the right to a clean and healthful environment is at issue,

the State must do everything possible to prevent harm to the right.

In his most recent ruling in MEIC's Golden Sunlight lawsuit, State District Judge Loren Tucker held that in determining whether the State had legally approved a reclamation plan that exempts 20 acres of the mine from reclamation, and considering that water pollution from the mine will be perpetual, he would apply the strict scrutiny test. GSM's lawyer vigorously argued, to no avail, with Judge Tucker that he was wrong and that a lesser standard of review should apply. So, this becomes the first case in which this high standard will be used since the Supreme Court's ruling.

How Judge Tucker will apply the standard, and what his conclusion and ruling will be, is known only to him. But as this case is destined for review by the Montana Supreme Court, Tucker's procedural ruling becomes a very important precedent to defend. 🌱



*The Golden Sunlight mine. Aerial photo taken during a Lighthawk flight.*

## Judge rules for MEIC in round one of Otter Creek coal lawsuit

by Anne Hedges

In early 2011 a State district court judge ruled in favor of MEIC in its lawsuit challenging the State Land Board's decision to lease the Otter Creek coal tracts to Arch Coal. District Judge Joe Hegel disagreed with the State and Arch, who had argued that MEIC's suit had no merit and should be dismissed.

MEIC believes that the Land Board incorrectly failed to comply with the Montana Environmental Policy Act when it leased nearly half a billion tons of State-owned coal to Arch. The 2003 Legislature had exempted coal leasing from MEPA. MEIC is arguing that because MEPA implements the fundamental constitutional right to a clean and healthful environment, the MEPA exemption violates the Constitution. Jenny Harbine of Earthjustice is representing MEIC and the Sierra Club in the case.

The State and Arch argue that the exemption from MEPA is valid because the Montana Department of Environmental Quality (DEQ) will conduct a MEPA analysis as part of its review of Arch's mine permit application. But DEQ does not have the same control over the development of the Otter Creek tracts as the Land Board does.

DEQ's authority under the permitting law is extremely limited. The Land Board, as the "owner" of the tracts, has far greater legal ability to impose conditions in the leasing process.

As Judge Hegel asked in his decision: "In other words, by signing the lease did the Land Board take something off the table that could not later be withheld and, if so, was that significant enough to implicate the constitutional environmental protections implemented by MEPA? His answer was: "To adopt the [State's] reasoning with respect to the constitutionality of [the MEPA exemption] would allow the Land Board to convert public property rights to private property rights, stripping away its special protections even before considering possible environmental impacts."

The trial will now proceed on its merits. This lawsuit has been combined with a similar one filed by Northern Plains Resource Council and National Wildlife Federation. Those groups are represented by Jack Tuholske.

In the meantime, in January 2011 Arch submitted a prospecting permit application to DEQ. Public comments on that application are due by late March. A prospecting permit will allow Arch to drill wells in the lease area to help analyze the coal deposits. ☺

Coal truck photo by Anne Hedges.



## “Conservationist of the Year” award given to Ken Toole

by Patrick Judge

**M**EIC’s Board of Directors unanimously selected Ken Toole of Helena to receive MEIC’s 2010 Conservationist of the Year Award. MEIC’s executive director, Jim Jensen, made the presentation at the group’s annual Holiday Party in December. In his remarks Jensen recited a litany of Toole’s achievements.

Toole was literally born into progressive politics in Montana. He got his official start by working on energy issues during the Colstrip battles of the mid-1980s, while serving as a board member of the Northern Plains Resource Council.

Shortly thereafter, in the first of many savvy career choices, he came to work for MEIC. He represented MEIC’s interests in Montana Power Co.’s “Conservation and Least Cost Planning Advisory Committee” (affectionately known as the “CLCPAC”). He continued to try to sway the company on sound energy policy all the way up to that fateful decision in 1997, when “the Power” decided to introduce its infamous electric utility industry deregulation bill in the Montana legislature. He was one of the earliest and most astute opponents of that legislation, and after it passed, worked for many years to try to mitigate the damage. He advocated creative solutions such as the Montana Electricity Buying Cooperative and the “Buy Back the Dams” ballot initiative. Although these proposals were not adopted, they did help enlighten the public about the full extent of deregulation’s failures. And they also helped set the stage for a progressive resurgence in Montana, of which he was just one beneficiary . . .

In 2000, Toole was elected to his first of two four-year terms in the State Senate, where his knowledge and intelligence were put to use as chair of the Senate Energy and Telecommunications Committee. He also had key memberships on the influential Natural Resources and Taxation Committees. In 2008, he was elected to the Public Service Commission, where he became vice-



Ken Toole.

chairman, and accomplished significant victories on behalf of consumers and the environment.

Throughout his career, he has been a passionate and effective advocate not just for clean and affordable energy, but also for progressive causes generally. His work on human rights has earned him national and international acclaim. And his work to create and sustain The Policy Institute—a progressive “think tank”—has helped train a whole army of activists.

It’s rare on the political left to find examples of leaders with a strong vision of the future, and the courage to take on the hard fights. Toole has both in abundance—the vision to challenge corporate power at its core, the courage to confront even white supremacists and para-military groups (often made up of individuals who are not only unstable and hate-filled, but possess sizable ammunition stockpiles!).

Receiving MEIC’s award is literally a family tradition. Incredibly, Ken represents the third Toole to earn this award, following in the footsteps of his father, K. Ross Toole, and stepmother, Joan Toole. ☺

# MEIC recognizes two outstanding members

by Anne Hedges



Roger Sullivan and WHO???

## Roger Sullivan: The Len and Sandy Sargent Award

MEIC awarded Roger Sullivan the *Len and Sandy Sargent Award* at its member meeting in Whitefish in January. The award is given to an individual who has done exemplary work to help build and strengthen the organization. Len and Sandy Sargent were involved in the founding of MEIC. Roger has helped build on their legacy. Roger has been a strong supporter of MEIC for the past few decades. As a current board member Roger works tirelessly to help make MEIC a stronger organization. Most recently Roger represented MEIC and over 60 landowners in a case before the Montana Supreme Court. In that case Roger argued that Cascade County had engaged in illegal spot zoning. The Supreme Court agreed. Roger donated thousands of hours of time in preparing the case and then donated the fees he was awarded in the settlement of the case. MEIC is extremely grateful for his dedication and expert assistance in

building a stronger organization.



(left to right) Anne Hedges, Carol Lee Roark, and MEIC Board Chair Sarah Merrill.

## Carol Lee Roark: Citizen Activist of the Year Award

Carol Lee Roarke received MEIC's *community activist award* at our member meeting in Bozeman in early February. For the last few years Carol has used her technical and organizing skills to improve her community and help others around the State understand and deal with proposed gravel mines near their homes. She has brought people together and serves as a one woman clearinghouse where people who are concerned about gravel mines can converse, ask questions and share information. She helped persuade the county to adopt zoning to control gravel mine development in Gallatin County. When the far right convinced the County to stop

the zoning, she organized the effort to appeal the County's decision. She is leading the effort to overturn one of Montana's most confusing and downright unfair provisions in land use law today. (Roger Sullivan is representing the citizens in that case.) She has the technical expertise, the political instincts and the tenacity to keep fighting to protect the groundwater and quality of life in Gallatin County and across the State. Her humor, good nature, and fighting spirit made her an obvious choice for MEIC's community activist award.

# MEIC welcomes Paul Travis, new Director of Major Gifts

by Jim Jensen

**P**aul Travis, the former executive director of the Bob Marshall Wilderness Foundation, has joined MEIC's staff. He is filling a newly created role of Director of Major Gifts. The position, created by the MEIC Board of Directors last winter, will increase MEIC's relationships with our cadre of patrons and direct our efforts to engage and develop additional supporters in order for MEIC to continue its remarkable legacy.

He also worked for the National Audubon Society in Missoula and is a dedicated mountain climber, having founded the Helena Climbing Association. HE hold a B.S. degree in geology from Portland State University. He, his wife Samantha and their infant daughter Neve live in Helena.

Please contact Paul at [ptravis@meic.org](mailto:ptravis@meic.org) or drop him a note at the office if you are interested in assisting in his efforts. ☺



Paul Travis with his wife, Samantha, and daughter Neve.

## Come on Board!

In August, MEIC will be holding its annual election for the board of directors. There are six seats to be filled by incumbents and new nominees, and MEIC is now accepting suggestions of potential candidates. Do you know someone—perhaps you?—who is an advocate for the environment and would enjoy the opportunity to help advance MEIC's mission of protecting and restoring Montana's natural environment? If so, why not ask them if they might be interested. If they are, please send us the information (opposite) by July 15th. MEIC welcomes suggestions of individuals from all walks of life and geographic locations.

### MEIC Board of Directors Nominee Contact Form

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

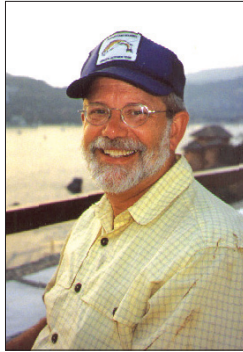
State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Return to MEIC, P.O. Box 1184, Helena MT 59624**

## Thoughts from the Executive Director



Jim Jensen

In the March 2011 *Briefing Statements* issued by the Montana Office of the Bureau of Land Management the agency tells a remarkable lie.

The pamphlet describes the status of the agency's activities in Montana and the Dakotas. Among the projects listed is the Golden Sunlight mine near Whitehall. This mine's State-adopted reclamation plan has been the target of litigation by MEIC and other groups since 1991. The groups have won four court rulings holding that the state and the mine are in violation of either the Montana Constitution or State mining laws. Every ruling in this protracted litigation has been in MEIC's favor.

Now, back to the lie. Here is what the BLM said: "There has been a long history of legal proceedings in Montana state courts regarding pit backfill, among other issues. The GSM and the agencies have consistently prevailed in these proceedings (emphasis added). The mine continues to operate in compliance with all requirements of the BLM and Montana Department of Environmental Quality (DEQ)" Even in the most recent ruling in the ongoing case the court agreed, against the passionate objections of the company and DEQ, that a crucial legal standard to be used in the case was the one put forth by MEIC.

Repeatedly, Montana legislatures, bowing to industry pressures, have responded with retroactive changes in the law in attempts to nullify the court rulings. And each time the courts have responded with rulings finding the laws unconstitutional. MEIC and its allies are still pursuing this landmark case to make sure the gaping hole created by the mine is reclaimed to some kind of reasonable landscape, not left as a moonscape.

But wait, there's more. This massive open-pit cyanide vat-leaching gold mine is in rock so chemically reactive that when it is blasted, the exposure to air and humidity creates sulfuric acid which in turn creates acid mine drainage. You may have seen the red/orange water that flows from mines, old and new, throughout western Montana.

GSM and the State agree that the ground and surface water at the mine will be perpetually poisoned and will require treatment forever. What does BLM say in its briefing paper? "Long-term water treatment is an integral part of the mine plan." What an understatement.

Mark Twain's adage that "the definition of a miner is a liar with a hole in the ground" seems to now also describe the public agency that is responsible for protecting public lands from the ravages of mining. Let's call it what it is: the **Bureau of Liars for Mining**.

By the way, the contacts listed in the *Briefing Statement* for information on GSM are David Williams (406-533-7655) or Joan Gabelman (406-533-7623). Perhaps they should be told to start telling the truth. Be my guest. ☺

### Lasting Gifts

Invest in the future of MEIC and create an enduring legacy to Montana's Clean and Healthful environment with a planned gift. Your donation will help ensure for the protection of Montana's air, water, and land resources now, and for generations to come. Anyone can make a lasting gift, with the most common by simply creating a bequest in your will. A bequest may be cash, stock, real estate, or a percentage of your estate as a whole and will not be subject to an estate tax upon its distribution. Find out more how you can ensure that your gift is used in perpetuity and will continue to give for the future of Montana's environment by contacting **Paul Travis** at [ptravis@meic.org](mailto:ptravis@meic.org) or **406.443.2507**.

## President's letter



Sarah Merrill

**A**s I imagine many of us are doing, I've been struggling to make some sense of what's been going on in the legislatures in Washington, DC, and Helena, MT. I ran across a quote, attributed to Barry Ritholtz in *The Wash-*

*ington Post* that may shed some light:

"To neurophysiologists, whose research cognitive functions, the emotionally driven appear to suffer from cognitive deficits that mimic certain types of brain injuries. Not just partisan political junkies but ardent sports fans, the devout, even hobbyists— anyone with an intense emotional interest in a subject loses the ability to observe it objectively. You selectively perceive events. You ignore data and facts that disagree with your main philosophy. Even your memory works to fool you, as you selectively retain what you believe in, and subtly mask any memories that might conflict.

Studies have shown that we are actually biased in our visual perception—literally, how we see the world—because of our belief systems. This cognitive bias is not an occasional problem. It is a systematic source of errors."

Looking at things objectively isn't always the point, the goal, or even a consideration in certain situations, such as, say, political discourse. However, we do value objectivity. The attempt to approach objectivity is an attempt to find clarity.

To see clearly, we need to take a step back, to give issues some space and time. Allowing ourselves to keep our minds open, to really hear opposing points of view, to understand the experiences of others, and to look at the bigger picture, helps us approach objectivity. It helps us avoid making mistakes.

My wish for our elected officials is that they would keep their minds open, welcome citizen participation in government, and respect opinions that challenge their own. Those we elect should support our communities and protect the more vulnerable, the unlucky, the endangered. Decisions should be based not on short-term gain, but with future generations in mind. ☺



### MEIC's Raffle a Great Success

**Thank you** to everyone who supported the **2010 Montana Futures Raffle** by purchasing a raffle ticket. And, of course, thank you again to all of our wonderful raffle prize donors. With your help, we raised nearly \$20,000 that has helped us keep our lobbyists at the Capitol every day since the session began in January, publish the weekly editions of *Capitol Monitor* to keep you updated, and organize public meetings and rallies.



As you have read in this issue of *Down to Earth*, there are so many bad bills we are fighting—bills that would undermine Montana's environmental laws and your rights as a citizen to have a say in public policy. This is the worst legislative session we have seen, and we still need your help. If you are able, please do make a generous emergency lobbying donation to help MEIC:

- ▼ hire media experts to generate more media attention to what is happening.
- ▼ organize more public meeting and rallies.
- ▼ send more targeted mailings to people in key legislative districts.

Together we can work to try and safeguard Montana's environment, and its environmental laws, for generations to come.



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## CHANGE SERVICE REQUESTED

# “For the love of Montana” rally at the capitol

On February 21st, over 500 hundred people from across Montana came to Helena to rally against the 2011 Legislature’s attacks on the environment, on clean energy and our constitutional rights.



Photo by the Office of Public Instruction.



Photo by Derf Johnson.

The keynote speaker at the Rally was **Superintendent of Public Instruction Denise Juneau** (above), who spoke of the legislature’s attempts to gut the Montana Environmental Policy Act and nullify the federal Endangered Species Act. Other speakers brought up attempts of some members of the legislature to roll back clean energy and energy efficiency incentives. MEIC joined nearly 20 environmental, conservation, and public interest organizations in co-sponsoring the Rally. The Rally received widespread media coverage.