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2013 Legislature In Review

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 or give a gift membership

Members are the heart and soul of MEIC, and who better to spread the word than you give an MEIC gift membership or 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. **Take advantage of our 2-for-1 gift membership program when you renew your MEIC membership -- when you renew, you can give an MEIC membership to a friend for FREE!**

4. Shop MEIC

Check out MEIC's new online store at www.meic.org (click on Support Us). There are MEIC logo ball caps and t-shirts that would make great Holiday (or any day) gifts!

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Here are my dues or gift membership:

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- \$60 (Supporter) Other \$ _____

Name _____

Address _____

City _____ State _____ Zip _____

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P.O. Box 1184
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Cover Photo:
The Montana
Senate on the last
legislative day.

2013 Legislature - It's a Draw

by Anne Hedges

Once again the Montana legislature left town without making any forward progress on protecting the environment and public health. But thanks to Governor Steve Bullock, it was not able to do too much damage either. Governor Bullock may not have used a branding iron but in his more subtle style he still vetoed SB 347, which would have increased mining pollution in Montana's rivers, SB 105, SB 24, and SB 41, which would have devastated local land use protections, and SB 31, which would have made Montana's Renewable Energy standard meaningless.

As this issue goes to press, we still do not know what the Governor will do with a number of bills that would weaken or eliminate incentives for renewable energy and energy efficiency. We are hopeful that the Governor will exercise the same good judgment he has all session and veto those bills as well. (You can find the latest status of those bills on our website.)

All session MEIC's lobbying staff worked tirelessly to promote bills that would have benefited the environment. We helped defeat dozens of proposals that would have benefited polluters and harmed the environment and public health. We were able to work closely with legislators who shared our values, and are grateful that many of them consistently supported MEIC's positions. But some bad ideas survived and made it to the Governor's desk. Thankfully, Gov. Steve Bullock was there to protect clean water, clean air, renewable energy, and public health.

With the help of our members the most egregious bills were defeated. Thank you for supporting MEIC's lobby team, for attending lobbying days, and for calling legislators and the Governor when asked. Those actions, and so many others, led to the defeat of many bad bills, both in the House and Senate, and to some of the Governor's vetoes.

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Governor Bullock announcing some of his cabinet appointments. Photo by Dylan Brown/Helena IR.

2013 Legislature in Review (cont.)

Victories

If defeating an anti-environment bill constitutes a victory, then the victory list is long. The following is a brief summary of those proposals that MEIC successfully worked to defeat. These bills were either tabled in committee, voted down on the Senate or House floor, amended to remove the

most objectionable provisions, or vetoed by the governor.

Clean and Renewable Energy Survives Despite Numerous Attacks

The 2013 Legislature considered quite a few bills dealing with clean and renewable energy, and energy efficiency. But Montana's Renewable Energy Standard, and other clean energy incentives, survived mostly intact. Several bad bills were passed by the Legislature, but vetoed by Gov. Steve Bullock. Unfortunately, a majority of legislators quickly rejected other bills that would have expanded renewable and clean energy development.

Holding the line is a significant victory considering the number of bills introduced and supported by a majority of legislators that sought to undermine clean and renewable energy and energy efficiency.

dams to qualify as eligible renewable resources. This bill would have retroactively included a completed upgrade at Rainbow Dam. As a result PPL, which owns the dam, would have received a significant windfall under the RES. The Governor signed the bill after his suggested amendments, which limited the bill's coverage to future projects only, were accepted.

SB 138 (Sen. Art Wittich, *R-Bozeman*) would have significantly lowered the property tax rate on fossil-fuel electricity generation, and all transmission facilities, from the current



The Montana Capitol building.

Renewable Energy

SB 31 (Sen. Debbie Barrett, *R-Dillon*) would have allowed all new dams, regardless of size, to qualify as eligible renewable resources under the Renewable Energy Standard (RES). The Governor vetoed the bill.

SB 45 (Sen. Jim Keane, *D-Butte*) would have allowed all upgrades to existing

12% rate to the "clean and green" rate of 3%. The purpose of the lower rate is to encourage renewable energy, not fossil fuel, development. The Governor vetoed the bill.

Water

SB 334 (Sen. Bradley Hamlett, *D-Cascade*) would have changed the definition of a stream in the Natural Streambed and Land Preservation Act of 1975, putting intermittent streams and sections of rivers such as the Smith and Blackfoot at risk. The Senate Agriculture Committee tabled the bill.

SB 347 (Sen. Chas Vincent, *R-Libby*) would have allowed mining companies, both hardrock and coal, to divert any amount of water from a stream without taking water quality into consideration. Current law states that any activity that increases or decreases the mean monthly flow of surface waters by more than 15%, or the seven-day 10-year low flow by more than 10%, triggers a "nondegradation" review by DEQ. This bill would have eliminated that

2013 Legislature in Review (cont.)

safeguard for high quality streams and rivers. The Governor vetoed the bill.

Takings

SB 284 (Sen. Matthew Rosendale, *R-Glendive*) was a “takings” bill that would have required state or local governments to reimburse or waive a regulation if the regulation decreased property values by as little as 10%. The Senate Local Government Committee tabled the bill.

SB 17 (Sen. Jason Priest, *R-Red Lodge*) was a similar measure. It would have put the concept of takings in SB 284 into the Montana Constitution. The Senate Judiciary Committee tabled the bill.

Land Use

SB 105 (Sen. Taylor Brown, *R-Huntley*) would have prevented local governments



A voting box in the Montana House of Representatives.

from adopting interim zoning for an area, in order to temporarily maintain the status quo, if a State agency had received an application for an activity such as a gravel mine, even if an actual permit had not been, or was never, issued. The Governor vetoed the bill after his suggested amendments were rejected.

SB 23 (Sen. Matthew Rosendale, *R-Glendive*) would have made interim zoning far more difficult by shortening the duration of interim zoning, and only allowing an extension by a supermajority of county commissioners. The Governor signed the bill after his suggested amendments, which fixed most of the problems with the bill, were accepted.

SB 41 (Sen. Edward Buttrey, *R-Great Falls*) would have had the effect of prohibiting local governments from considering long-range plans such as transportation and infrastructure plans when reviewing a subdivision application. The Governor vetoed the bill.

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The entrance to the Old Supreme Court Chamber.

2013 Legislature in Review (cont.)

SB 147 (Sen. Edward Buttrey, *R-Great Falls*) would have limited a local government's ability to consider impacts to agriculture in the subdivision review process. The Governor vetoed the bill.

Gravel Mining

SB 24 (Sen. Matthew Rosendale, *R-Glendive*) would have prohibited local governments from adopting zoning for an area that included a proposed gravel mine if a gravel mine permit application had been submitted to DEQ at any time during the zoning process. The Governor vetoed the bill.

SB 234 (Sen. Jim Peterson, *R-Butte*) would have created a new "provisional" permitting process for gravel mines that would

have allowed mines to operate with no permit review or public notice. The Senate Natural Resources Committee tabled the bill.

SB 229 (Sen. Bradley Hamlett, *D-Cascade*) would have allowed a 5-fold increase in the size of small gravel mines with no permit, agency review, public notice, or reclamation standards. The Senate Natural Resources Committee tabled the bill.

HB 553 (Rep. David Halvorson, *R-Sidney*) would have allowed gravel pit operators to mine before receiving a final permit. The Senate Natural Resources Committee tabled the bill.

Public Participation in Government

HB 186 (Rep. Clayton Fiscus, *R-Billings*) would have required the losing party in litigation to pay the attorney's fees and legal costs of the winning party. The House Business and Labor Committee tabled the bill.

HB 515 (Rep. Bill Harris, *R-Winnett*) was an unconstitutional bill that would have required any party seeking an injunction in court to disclose the names and addresses of the individuals that provided it with financial support. The House defeated the bill by a 43-57 vote.

Good Government

SB 262 (Sen. John Brenden, *R-Scobey*) would have prohibited the Department of Environmental Quality, but not other State agencies, from accepting anonymous complaints even though most of these complaints involve

The Old Supreme Court Chamber in the Montana Capitol.



2013 Legislature in Review (cont.)

valid noncompliance issues that DEQ resolves quickly and easily with the violator. The House Natural Resources Committee tabled the bill.

HB 158 (Rep. Doug Kary, *R-Billings*) would have required that all agency rules be reviewed by legislative interim committees prior to adoption, even though those committees do not meet during, or immediately before or after, a legislative session. The Senate State Administration Committee tabled the bill.

SB 139 (Sen. Edward Walker, *R-Billings*) as introduced would have required an extensive economic impact analysis of every administrative rule prior to approval, elevating the economic impacts of a rule over its other impacts such as on environmental protection, or public health and safety. The House Business and Labor Committee heavily amended the bill and fixed most of its problems, and the Governor signed the bill.

Oil and Gas

HB 431 (Rep. Austin Knudsen, *R-Culbertson*) will improve the rights of surface owners when oil and gas is developed on their property by the mineral rights holders, by requiring that the value of the land and any damages from oil and

gas development be calculated based upon the best reasonably available use of the land. The Governor signed the bill.

Hazardous Waste

HB 359 (Rep. Steve Fitzpatrick, *R-Great Falls*) would have made it more difficult for a landowner to receive compensation if his or her land was contaminated by a neighbor's actions. The Governor signed the bill after his suggested amendments, which fixed most of the problems with it, were accepted.

HB 608 (Rep. Mike Cuffe, *R-Eureka*) would have raided the "orphan share" fund, which is used to pay for cleanup at contaminated sites, and used the money for unrelated purposes. The Senate Finance and Claims Committee tabled the bill.

Permitting and Environmental Review

HB 513 (Rep. Bill McChesney, *D-Miles City*) as introduced would have exempted oversized



Rep. Doug Coffin,
D-Missoula.

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Tubbs Appointed Director of DNRC



John Tubbs, who most recently served as the deputy assistant secretary for water and science for the U.S. Department of Interior, was recently appointed the director of the Montana Department of Natural Resources and Conservation, and began his term in January. His appointment was later confirmed by the Montana Senate.

attended the University of Montana where he earned a bachelor's degree in forestry and a master's degree in economics. Tubbs previously worked for DNRC from 1985 to 2009, including serving as the Water Resources Division administrator from 2006 to 2009.

When appointing Tubbs, Gov. Steve Bullock said that Tubbs has "the passion, energy, and expertise to make sure Montana's public and natural resources create even more opportunity for our families."

Tubbs lives in Helena, and is married to Stephenie Ambrose Tubbs. The couple has two sons.

Tubbs is a Capital High School (in Helena) graduate and

2013 Legislature in Review (cont.)

loads (“mega-loads”) from all review under the Montana Environmental Policy Act (MEPA). The Governor signed the bill after amendments in the Senate drastically narrowed its scope so that it exempted only those projects that do not affect the highway right-of-way.

HB 326 (Rep. Kelly Flynn, *R-Townsend*) would have granted any county that desired it “coordinating county status” with the State

Tribal Relations

SR 9 (Sen. Jonathan Windy Boy, *D-Box Elder*) recognizes the Idle No More Movement, an indigenous movement initially started by the First Nations of Canada in opposition to tar sands development. As introduced, the resolution supported the movement but was amended to simply acknowledge the movement and make a commitment to better relations with tribal members and governments. As a resolution of the Senate alone, the concurrence of the House and Governor was not required.

Defeats

Renewable Energy

SB 247 (Sen. Mike Phillips, *D-Bozeman*) would have increased the number of renewable energy projects by raising the allowable size of these projects in a “net metering” arrangement from 50 to 100 kilowatts. The Senate defeated the bill by a 24-26 vote.

SB 325 (Sen. Alan Olson, *R-Roundup*) allows wood treated with toxic chemicals such as arsenic and creosote to count as a renewable resource under the Renewable Energy Standard (RES). Railroad ties are often treated with these chemicals and the bill’s intent was to allow companies to receive incentives for burning them. The bill was amended in the House to limit the size of facilities that can receive an RES credit for burning chemically treated wood to those with a nameplate capacity of 5 megawatts or less. The Governor signed the bill.

on any State permit, license, or regulation. The House Local Government Committee tabled the bill.

HB 547 (Rep. Carl Glimm, *R-Kila*) would have put the Office of Economic Development in charge of coordinating the permitting and environmental review of large projects. The Senate defeated the bill by a 13-37 vote.



The Governor's Office in the Montana Capitol building.

2013 Legislature in Review (cont.)

HB 394 (Rep. Tom Jacobson, *D-Great Falls*) would have allowed people in multi-unit residential buildings to co-operatively install solar, wind, or micro-hydro generation on site, and receive on their utility bills a proportionate share of the credit for the electricity produced. The House Federal Relations, Energy, and Telecommunications Committee tabled the bill.

HB 429 (Rep. Franke Wilmer, *D-Bozeman*) would have doubled the tax credit for energy conservation and alternative energy projects. The House defeated the bill by a 46-54 vote.

Oil and Gas

SB 295 (Sen. Christine Kaufmann, *D-Helena*) would have repealed the “oil and gas tax holiday” by eliminating the tax break that oil and gas companies currently receive on the first 12-18 months of production. The Senate Taxation Committee tabled the bill.

HB 589 (Rep. Tom Jacobson, *D-Great Falls*) would have established an oil and gas trust fund similar to the coal tax trust fund. Diverting a percentage of oil and gas revenues into a permanent trust would have removed the volatility in funding often associated with oil and gas revenues, and provided ongoing revenue for the foreseeable future. The Senate Taxation Committee tabled the bill.

HB 587 (Rep. Doug Coffin, *D-Missoula*)

would have required oil and gas developers to pay a production tax on the unnecessary venting and flaring of natural gas. This bill would have reduced global warming emissions, discouraged the waste of a vital energy resource, and generated revenue for the State. The House Federal Relations, Energy, and Telecommunications Committee tabled the bill.

HB 406 (Sen. Austin Knudsen, *R-Culbertson*) would have revised the law related to oil and gas “forced pooling interests” by decreasing the share of the costs that landowners would have had to pay if they were forced into developing their oil and gas holdings by adjacent developers. The House Federal Relations, Energy and Telecommunications Committee tabled the bill.

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An Idle No More rally at the Montana Capitol during the 2013 Legislative Session.

2013 Legislature in Review (cont.)

Coal

HJ 9 (Rep. Jonathan McNiven, *R-Huntley*) urges federal regulators to approve coal export terminals in Washington and Oregon, and supports the development of Montana's coal resources above all other energy resources in the state.

Awaiting Action by the Governor

Clean and Renewable Energy

SB 125 (Sen. Alan Olson, *R-Roundup*) would have significantly reduced the fine that NorthWestern Energy (NWE) would have had to pay for failing to acquire electricity from community renewable energy projects. Under the RES, NWE is required to purchase about 65 megawatts of electricity from such projects by 2015. Montana residents, businesses, or tribes can own these community projects and the projects must be 25 megawatts or less. As of press time, the Governor had not taken action on the bill.

SB 282 (Sen. Bruce Tutvedt, *R-Kalispell*) would have eliminated all tax credits for energy conservation and alternative energy projects as



A gas flare in the Bakken. Photo by Eric VanderBeek.

part of a major overhaul of Montana's income tax laws. As of press time, the Governor had not taken action on the bill.

Oil and Gas

HB 218 (Rep. Duane Ankney, *R-Colstrip*) authorizes the Department of Commerce to administer a grant program for communities impacted by oil and gas development. While the bill is intended to address the critical problems many Montana oil field communities are facing, mitigating those impacts should be the responsibility of the oil and gas corporations, not of the taxpayers. As of press time, the Governor had not taken action on the bill. ☺

Stone-Manning Appointed Director of DEQ



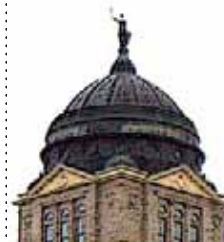
Tracy Stone-Manning was recently appointed and confirmed as director of the Montana Department of Environmental Quality. She was born in Springfield, VA, and makes her home in Helena. She has worked for

the Clark Fork Coalition, Headwaters News, Five Valleys Land Trust, as a freelance writer and media consultant, and, most recently, as a staff director and

senior advisor for U.S. Sen. Jon Tester (D-Montana). Stone-Manning holds a bachelor's degree in radio, television, and film from the University of Maryland and a master's degree in environmental studies from the University of Montana.

During her confirmation hearing, Stone-Manning was praised by Mark Aagenes of Montana Trout Unlimited and others for her work to remove the Milltown Dam near Missoula.

Stone-Manning is married to writer Richard Manning.



2013 MEIC Legislative Voting Record

MEIC's Legislative Voting Record has been produced after every session of the Montana Legislature since 1974.

MEIC generally chooses second reading votes unless a third reading vote or an amendment more accurately reflect legislators' positions on an issue. We encourage you to check on how your legislators voted and to talk to them about those votes. Don't forget to thank them when they voted correctly. But please remember that in order to fully evaluate a legislator, you must also consider committee performance, influence on the floor debates, and responsiveness to constituents.

The plusses and minuses in the Voting Record do not represent "yes" or "no" votes; they indicate whether the vote supported or opposed MEIC's position.

Bill Descriptions and Vote Key

A = SB 247 (Sen. Mike Phillips, *D-Bozeman*).

Would have increased the cap on individual net metering systems to 100 kw from 50 kw. *See page 8.*

MEIC Position: *Support*

Votes used:

- *Senate: 2nd reading, failed 24 to 26.*

Status: *Failed 2nd reading in the Senate.*

B = SB 138 (Sen. Art Wittich, *R-Bozeman*).

Would have significantly lowered the property tax rate from 12% to 3% on new fossil-fuel electricity generating facilities, and all transmission lines. *See page 4.*

MEIC Position: *Oppose.*

Votes used:

- *Senate: 2nd reading, passed 29 to 21.*
- *House: 2nd reading, passed 62 to 38.*

Status: *Vetoed by the Governor.*

C = SB 325 (Sen. Alan Olson, *R-Roundup*).

Allows wood treated with creosote, arsenic, and pentachlorophenol to be burned as biomass and treated as a renewable resource under the Renewable Energy Standard. *See page 8.*

MEIC Position: *Oppose.*

Votes used:

- *Senate: 2nd reading, passed 31 to 19.*
- *House: 2nd reading, passed 59 to 40.*

Status: *Law.*

D = SB 45 (Sen. Jim Keane, *D-Butte*).

Allows new, and already completed, upgrades to hydroelectric dams to be included as an eligible renewable resource under the Renewable Energy Standard. *See page 4.*

MEIC Position: *Oppose.*

Votes used:

- *Senate: Sen. Kaufmann's amendment to exclude already completed upgrades to hydroelectric dams, failed 18-30.*

- *House: 2nd reading, passed 70 to 30.*

Status: *Governor's amendments accepted by the Legislature. Now law.*

E = SB 31 (Sen. Debby Barrett, *R-Dillon*).

Would have allowed electricity generated at all new hydropower facilities, regardless of size, to be considered as renewable energy under the Renewable Energy Standard. *See page 4.*

MEIC Position: *Oppose.*

Votes used:

- *Senate: 3rd reading, passed 32 to 18.*
- *House: 3rd reading, passed 61 to 39.*

Status: *Vetoed by the Governor.*

F = SB 24 (Sen. Matthew Rosendale, *R-Glendive*).

Would have allowed developers to file a gravel mine permit application with DEQ during the zoning process and pre-empt a local government's ability to create a residential zone. *See page 6.*

MEIC Position: *Oppose.*

Votes used:

- *Senate: 2nd reading, passed 35-15.*
- *House: 2nd reading, passed 63 to 36.*

Status: *Vetoed by the Governor.*

G = SB 105 (Sen. Taylor Brown, *R-Huntley*).

Would have prevented local governments from adopting interim zoning if a complete application is filed for a state permit. *See page 5.*

MEIC Position: *Oppose.*

Votes used:

- *Senate: 2nd reading, passed 27 to 23.*
- *House: 2nd reading, passed 63 to 37.*

Status: *Vetoed by the Governor.*

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Bill Descriptions and Vote Key

H = HJ 9 (Rep. Jonathan McNiven, *R-Huntley*).

Requires notice be given to Montana's Congressional delegation and other federal decision makers that Montana supports coal development, the building of coal export terminals, and the export of Montana coal to Asian markets. *See page 10.*

MEIC Position: *Oppose.*

Votes used:

- *Senate: 2nd reading, passed 41 to 8*
- *House: Rep. Boland's amendment to recognize all forms of energy exports, failed 42 to 58.*

Status: *Resolution adopted.*

I = HB 359 (Rep. Steve Fitzpatrick, *R-Great Falls*).

Would have made it more difficult for a private property owner to get justice when someone contaminated their property with hazardous waste. *See page 7.*

MEIC Position: *Oppose.*

Votes used:

- *Senate: 2nd reading, passed 28 to 21.*
- *House: 2nd reading, passed 59 to 39.*

Status: *Governor's amendments, which fixed most of the problems with the bill, accepted by the Legislature. Now law.*

J = SB 262 (Sen. John Brenden, *R-Scobey*).

Would have prohibited the Department of Environmental Quality from investigating citizen complaints by persons asking to remain anonymous. *See page 6.*

MEIC Position: *Oppose.*

Votes used:

- *Senate: 3rd reading, passed 31 to 19.*

Status: *Tabled in House Natural Resources Committee.*

K = SB 295 (Sen. Christine Kaufmann, *D-Helena*).

Would have repealed the oil and gas production tax "holiday" and provided funding for communities impacted by oil and gas development. *See page 9.*

MEIC Position: *Support.*

Votes used:

- *Senate: Sen. Phillips' motion to take the bill from committee, failed 20-30.*

Status: *Tabled in the Senate Taxation Committee.*

L = HB 547 (Rep. Carl Glimm, *R-Kila*).

Would have placed the Office of Economic Development in charge of coordinating the permitting and environmental review of large projects. *See page 8.*

MEIC Position: *Oppose*

Votes used:

- *Senate: 2nd reading, failed 25 to 25.*

Status: *Failed 2nd reading in the Senate.*

M = HB 513 (Rep. Bill McChesney, *D-Miles City*).

Would have exempted all oversized loads from review under the Montana Environmental Policy Act. *See page 7.*

MEIC Position: *Oppose*

Votes used:

- *House: 3rd reading, passed 72 to 26.*

Status: *Senate Natural Resources Committee amendments fixed most of the problems with the bill. Passed as amended. Signed by the Governor. Now law.*

N = HB 515 (Rep. Bill Harris, *R-Winnett*).

Would have required parties seeking a court injunction or restraining order in connection with a Montana Environmental Policy Act review to disclose their financial supporters. *See page 6.*

MEIC Position: *Oppose*

Votes used:

- *House: 2nd reading, failed 43 to 57.*

Status: *Failed 2nd reading in the House.*

O = HB 553 (Rep. David Halvorson, *R-Sidney*).

Would have allowed a developer to operate a gravel pit prior to receiving a permit. *See page 6.*

MEIC Position: *Oppose*

Votes used:

- *House: 2nd reading, passed 62 to 38.*

Status: *Tabled in the Senate Natural Resources Committee.*

P = SB 347 (Sen. Chas Vincent, *R-Libby*).

Would have allowed mines to dewater streams without a nondegradation review or consideration of the impacts to aquatic life. *See page 4.*

MEIC Position: *Oppose*

Votes used:

- *House: 2nd reading, passed 64 to 36.*

Status: *Vetoed by the Governor.*

To read the full text of any of the listed bills, or to see tallies of all the votes taken on them, you can access the legislature's LAWS page by going to: **<http://1.usa.gov/Pxz8A8>**.

To access more detailed information for Representative and Senators, including previous voting records, visit MEIC's Montana Legislators page by going to: **<http://bit.ly/14tnCRh>**

2013 Voting Record: Montana Senate



Senator	Town	Score	A	B	C	D	E	F	G	H	I	J	K	L
Arntzen, Elsie	Billings	0%	-	-	-	E	-	-	-	-	-	-	-	-
Arthun, Ron	Wilsall	25%	-	-	-	-	-	+	-	-	+	-	-	+
Augare, Shannon	Browning	83%	+	+	+	+	+	-	+	-	+	+	+	+
Barrett, Debby	Dillon	0%	-	-	-	-	-	-	-	-	-	-	-	-
Barrett, Dick	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Blewett, Anders	Great Falls	92%	+	+	+	+	+	+	+	-	+	+	+	+
Boulanger, Scott	Darby	0%	-	-	-	-	-	-	-	-	-	-	-	-
Brenden, John	Scobey	0%	-	-	-	-	-	-	-	-	-	-	-	-
Brown, Dee	Hungry Horse	0%	-	-	-	-	-	-	-	-	-	-	-	-
Brown, Taylor	Huntley	8%	+	-	-	-	-	-	-	-	-	-	-	-
Buttrey, Edward	Great Falls	8%	-	-	-	-	-	-	-	-	-	-	-	+
Caferro, Mary	Helena	83%	+	+	+	+	+	+	+	-	+	-	+	+
Driscoll, Robyn	Billings	92%	+	+	+	+	+	+	+	-	+	+	+	+
Essmann, Jeff	Billings	0%	-	-	-	-	-	-	-	-	-	-	-	-
Facey, Tom	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Fielder, Jennifer	Thompson Falls	0%	-	-	-	-	-	-	-	-	-	-	-	-
Hamlett, Bradley	Cascade	42%	+	+	-	-	-	-	+	-	+	-	+	-
Jackson, Verdell	Kalispell	17%	+	-	-	-	-	-	-	-	-	+	-	-
Jent, Larry	Bozeman	92%	+	+	+	+	+	-	+	+	+	+	+	+
Jergeson, Greg	Chinook	83%	+	+	-	+	+	+	+	+	+	+	-	+
Jones, Llew	Conrad	17%	+	-	-	-	-	-	-	-	+	-	-	-
Kaufmann, Christine	Helena	100%	+	+	+	+	+	+	+	+	+	+	+	+
Keane, Jim	Butte	42%	-	+	+	-	-	-	+	-	-	-	+	+
Larsen, Cliff	Missoula	83%	+	+	+	+	+	-	+	-	+	+	+	+
Lewis, Dave	Helena	0%	-	-	-	-	-	-	-	-	-	-	-	-
Malek, Sue	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Moore, Frederick	Miles City	0%	-	-	-	-	-	-	-	-	-	-	-	-
Murphy, Terry	Cardwell	8%	-	-	-	-	-	-	+	-	-	-	-	-
Olson, Alan	Roundup	0%	-	-	-	-	-	-	-	-	-	-	-	-
Peterson, Jim	Buffalo	8%	+	-	-	-	-	-	-	-	-	-	-	-
Phillips, Mike	Bozeman	90%	+	+	+	+	+	-	+	E	E	+	+	+
Priest, Jason	Red Lodge	9%	-	-	+	E	-	-	-	-	-	-	-	-
Ripley, Rick	Wolf Creek	0%	-	-	-	-	-	-	-	-	-	-	-	-
Rosendale, Matthew	Glendive	8%	-	-	-	-	-	-	-	-	-	-	-	+
Sales, Scott	Bozeman	0%	-	-	-	-	-	-	-	-	-	-	-	-
Sesso, Jon	Butte	83%	+	+	+	+	+	-	+	-	+	+	+	+
Sonju, Jon	Kalispell	0%	-	-	-	-	-	-	-	-	-	-	-	-
Stewart-Peregoy, Sharon	Crow Agency	92%	+	+	+	+	+	+	+	-	+	+	+	+
Taylor, Janna	Dayton	8%	-	-	-	-	-	-	-	-	-	-	-	+
Thomas, Fred	Stevensville	0%	-	-	-	-	-	-	-	-	-	-	-	-
Tropila, Mitch	Great Falls	92%	+	+	+	+	+	+	+	-	+	+	+	+
Tutvedt, Bruce	Kalispell	0%	-	-	-	-	-	-	-	-	-	-	-	-
Van Dyk, Kendall	Billings	100%	+	+	+	+	+	+	+	+	+	+	+	+
Vincent, Chas	Libby	0%	-	-	-	-	-	-	-	-	-	-	-	-
Vuckovich, Gene	Anaconda	67%	-	+	+	-	-	+	+	-	+	+	+	+
Walker, Edward	Billings	0%	-	-	-	-	-	-	-	-	-	-	-	-
Wanzenried, David	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Webb, Roger	Billings	0%	-	-	-	-	-	-	-	-	-	-	-	-
Windy Boy, Jonathan	Box Elder	75%	+	+	-	+	+	-	+	-	+	+	+	+
Wittich, Art	Bozeman	33%	+	-	-	-	-	+	+	-	-	-	-	+



Representative	Town	Score	B	C	D	E	F	G	H	I	M	N	O	P
Ankney, Duane	Colstrip	0%	-	-	-	-	-	-	-	A	-	-	-	-
Ballance, Nancy	Hamilton	8%	-	-	-	-	-	-	-	-	-	+	-	-
Bangerter, Liz	Helena	8%	-	-	-	-	-	-	-	-	-	+	-	-
Bennett, Bryce	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Bennett, Gerald	Libby	8%	-	-	-	-	-	-	-	-	-	-	+	-
Berry, Tom	Roundup	8%	-	-	-	-	-	-	-	-	-	-	-	+
Blasdel, Mark	Somers	0%	-	-	-	-	-	-	-	A	-	-	-	-
Blyton, Joanne	Joliet	0%	-	-	-	-	-	-	-	-	-	-	-	-
Boland, Carlie	Great Falls	83%	+	+	-	+	+	+	+	+	-	+	+	+
Brockie, Clarena	Harlem	100%	+	+	+	+	+	+	+	+	+	+	+	+
Brodehl, Randy	Kalispell	0%	-	-	-	-	-	-	-	-	-	-	-	-
Calf Boss Ribs, Forrestina	Heart Butte	100%	+	+	+	+	+	+	+	+	+	+	+	+
Clark, Christy	Choteau	8%	-	-	-	-	-	-	-	-	-	+	-	-
Coffin, Douglas	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Connell, Pat	Hamilton	8%	-	-	-	-	-	-	-	-	-	+	-	-
Cook, Rob	Conrad	33%	-	-	+	+	-	-	+	-	-	+	-	-
Court, Virginia	Billings	100%	+	+	+	+	+	+	+	+	+	+	+	+
Cuffe, Mike	Eureka	0%	-	-	-	-	-	-	-	-	-	-	-	-
Curtis, Amanda	Butte	83%	+	+	-	+	+	+	+	+	-	+	+	+
Doane, Alan	Bloomfield	0%	-	-	-	-	-	-	-	-	-	-	-	-
Dudik, Kimberly	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Eck, Jennifer	Helena	100%	+	+	+	+	+	+	+	+	+	+	+	+
Edmunds, Champ	Missoula	0%	-	-	-	-	-	-	-	-	-	-	-	-
Ehli, Ron	Hamilton	8%	-	-	-	-	-	-	-	-	-	+	-	-
Fiscus, Clayton	Billings	0%	-	-	-	-	-	-	-	-	-	-	-	-
Fitzpatrick, Steve	Great Falls	8%	-	-	-	-	-	-	-	-	-	+	-	-
Flynn, Kelly	Townsend	8%	-	-	-	-	-	-	-	-	-	+	-	-
Galt, Wylie	Martinsdale	0%	-	-	-	-	-	-	-	-	-	-	-	-
Gibson, Steve	East Helena	25%	-	-	-	-	+	-	-	-	-	+	+	-
Glimm, Carl	Kila	0%	-	-	-	-	-	-	-	-	-	-	-	-
Greef, Edward	Florence	0%	-	-	-	-	-	-	-	-	-	-	-	-
Gursky, Jenifer	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Hagan, Roger	Great Falls	0%	-	-	-	-	-	-	-	-	-	-	-	-
Hagstrom, Dave	Billings	8%	-	-	-	-	-	-	-	-	-	+	-	-
Halvorson, Dave	Sidney	0%	-	-	-	-	-	-	-	-	-	-	-	-
Hansen, Kris	Havre	0%	-	-	-	-	-	-	-	-	-	-	-	-
Harris, Bill	Winnett	0%	-	-	-	-	-	-	-	-	-	-	-	-
Hertz, Greg	Polson	17%	-	-	-	-	-	-	-	-	-	+	+	-
Hill, Ellie Boldman	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Hollandsworth, Roy	Brady	8%	-	-	-	-	-	-	-	-	-	+	-	-
Hollenbaugh, Galen	Helena	100%	+	+	+	+	+	+	+	+	+	+	+	+
Hoven, Brian	Great Falls	9%	-	A	-	-	-	-	+	-	-	-	-	-
Howard, David	Park City	0%	-	-	-	-	-	-	-	-	-	-	-	-
Hunter, Chuck	Helena	100%	+	+	+	+	+	+	+	+	+	+	+	+
Ingraham, Pat	Thompson Falls	0%	-	-	-	-	-	-	-	-	-	-	-	-
Jacobson, Tom	Great Falls	58%	+	+	-	-	-	+	+	+	-	+	-	+
Jones, Donald	Billings	0%	-	-	-	-	-	-	-	-	-	-	-	-
Kary, Doug	Billings	0%	-	-	-	-	-	-	-	-	-	-	-	-
Kerns, Krayton	Laurel	0%	-	-	-	-	-	-	-	-	-	-	-	-
Knudsen, Austin	Culbertson	0%	-	-	-	-	-	-	-	-	-	-	-	-

2013 Voting Record: Montana House



Representative	Town	Score	B	C	D	E	F	G	H	I	M	N	O	P
Lang, Mike	Malta	0%	-	-	-	-	-	-	-	-	-	-	-	-
Laszloffy, Sarah	Laurel	0%	-	-	-	-	-	-	-	-	-	-	-	-
Lavin, Steve	Kalispell	0%	-	-	-	-	-	-	-	-	-	-	-	-
Lenz, Dennis	Billings	0%	-	-	-	-	-	-	-	-	-	-	-	-
Lieser, Ed	Whitefish	100%	+	+	+	+	+	+	+	+	+	+	+	+
Lynch, Ryan	Butte	75%	+	+	-	+	+	+	+	+	-	+	+	-
MacDonald, Margaret	Billings	100%	+	+	+	+	+	+	+	+	+	+	+	+
McCarthy, Kelly	Billings	100%	+	+	+	+	+	+	+	+	+	+	+	+
McChesney, Bill	Miles City	42%	+	-	-	+	-	-	+	+	-	+	-	-
McClafferty, Edith	Butte	83%	+	+	-	+	+	+	+	+	+	+	+	-
McNally, Mary	Billings	100%	+	+	+	+	+	+	+	+	+	+	+	+
McNiven, Jonathan	Huntley	0%	-	-	-	-	-	-	-	-	-	-	-	-
Mehlhoff, Robert	Great Falls	58%	+	-	-	+	-	+	+	+	-	+	-	+
Miller, Mike	Helmville	8%	-	-	-	-	-	-	-	-	-	+	-	-
Moore, David	Missoula	8%	-	+	-	-	-	-	-	-	-	-	-	-
Neill, Reilly	Livingston	100%	+	+	+	+	+	+	+	+	+	+	+	+
Noonan, Pat	Butte	75%	+	+	-	+	+	+	+	+	-	+	+	-
O'Hara, Jesse	Great Falls	0%	-	-	-	-	-	-	-	-	-	-	-	-
O'Neil, Jerry	Columbia Falls	8%	-	-	-	-	-	-	-	-	-	+	-	-
Osmundson, Ryan	Buffalo	0%	-	-	-	-	A	-	-	-	-	-	-	-
Pease-Lopez, Carolyn	Billings	100%	+	+	+	+	+	+	+	+	+	+	+	+
Peppers, Rae	Lame Deer	92%	+	+	+	+	+	+	+	+	-	+	+	+
Pierson, Gordon	Deer Lodge	67%	-	+	-	+	+	+	+	+	-	+	+	-
Pomnichowski, JP	Bozeman	100%	+	+	+	+	+	+	+	+	+	+	+	+
Price, Jean	Great Falls	92%	+	+	+	+	+	+	+	+	-	+	+	+
Randall, Lee	Broadus	0%	-	-	-	-	-	-	-	-	-	-	-	-
Redfield, Alan	Livingston	0%	-	-	-	-	-	-	-	-	-	-	-	-
Regier, Keith	Kalispell	0%	-	-	-	-	-	-	-	-	-	-	-	-
Reichner, Scott	Bigfork	17%	-	+	-	-	-	-	-	-	-	+	-	-
Salomon, Daniel	Ronan	17%	-	+	-	-	-	-	-	-	-	-	-	+
Schreiner, Casey	Great Falls	83%	+	+	-	+	+	+	+	+	-	+	+	+
Schwaderer, Nicholas	Superior	8%	-	-	-	-	-	-	-	-	-	+	-	-
Shaw, Ray	Sheridan	8%	-	-	-	-	-	-	+	-	-	-	-	-
Smith, Cary	Billings	0%	-	-	-	-	-	-	-	-	-	-	-	-
Smith, Bridget	Wolf Point	67%	+	+	+	+	-	-	+	+	-	+	-	+
Squires, Carolyn	Missoula	100%	+	+	+	+	+	+	+	+	E	+	+	+
Steenberg, Tom	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Swanson, Kathy	Anaconda	100%	+	+	+	+	+	+	+	+	+	+	+	+
Vance, Gordon	Bozeman	0%	-	-	-	-	-	-	-	-	-	-	-	-
Wagoner, Kirk	Montana City	0%	-	-	-	-	-	-	-	-	-	-	-	-
Warburton, Wendy	Havre	0%	-	-	-	-	-	-	-	-	E	-	-	-
Washburn, Ted	Bozeman	0%	-	-	-	-	-	-	-	-	-	-	-	-
Welborn, Jeffrey	Dillon	8%	-	-	-	-	-	-	-	-	-	+	-	-
White, Kerry	Bozeman	0%	-	-	-	-	-	-	-	-	-	-	-	-
Whitford, Lea	Cut Bank	100%	+	+	+	+	+	+	+	+	+	+	+	+
Williams, Kathleen	Bozeman	100%	+	+	+	+	+	+	+	+	+	+	+	+
Wilmer, Franke	Bozeman	100%	+	+	+	+	+	+	+	+	+	+	+	+
Wilson, Nancy	Missoula	100%	+	+	+	+	+	+	+	+	+	+	+	+
Woods, Tom	Bozeman	100%	+	+	+	+	+	+	+	+	+	+	+	+
Zolnikov, Daniel	Billings	8%	-	-	-	-	-	-	-	-	-	+	-	-

Copper, Silver, and Gold Return

by Jim Jensen

Montana is facing a resurgence of new metal mining proposals. Each of them threatens important water bodies and wildlife species. It is possible the recent precipitous fall in world market prices for these commodities will delay these projects. Regardless, Montana will now or in the future find itself at a crossroads between the mistakes of the recent poisonous past or a future based on harmony with nature.

The Black Butte Project

The Black Butte project north of White Sulphur Springs is the newest proposal. This underground copper and silver mine would be

“The Black Butte project north of White Sulphur Springs is the newest proposal. This ... mine would be developed on Sheep Creek, a major tributary of the world renowned Smith River.”

developed on Sheep Creek, a major tributary of the world-renowned Smith River. The ore is found in highly reactive sulphuric rock, which makes acidic water creation and pollution unavoidable.

Black Butte is owned by Tintina Resources, Inc., a Vancouver, BC, based company. Its stock is traded

on the Toronto Stock Exchange. The proposed mine has garnered considerable press attention recently because of the company’s application to amend its “exploration” permit to dig an 18-foot diameter, nearly mile long, tunnel into what it claims to be “the third highest grade copper deposit under development in North America.” This massive excavation will take at least a year and a half and will result in a substantial amount of waste rock being moved to the surface.



A(nother) sweetheart deal for the mining industry vetoed

The Montana Mining Association got “sweetheart” legislation passed by the 2013 Legislature that would have benefitted the Black Butte project. Fortunately, it was vetoed by the Governor. SB 347 (Sen. Chas Vincent, R-Libby) would have prohibited DEQ from considering the flow or volume of water when deciding if a mine is degrading a water body. That’s right, the bill’s sole objective was to allow mining companies to divert any amount of water from a stream without taking water quality into consideration. Of course, Tintina’s spokesman claims that the company will comply with all laws. But, as is always the case, the mining industry is at the same time trying to eliminate

pollution control laws. In his testimony, Sen. Vincent explicitly named the Black Butte mine (along with Montanore and the coal mine proposed on Otter Creek) as the mines his bill was intended to benefit.

It is worth remembering that the Montana Mining Association gave the W.R. Grace Co.’s mine in Vincent’s home town its highest award for successful reclamation, just months before Grace’s poisoning of the community with asbestos was exposed by the *Seattle Post-Intelligencer*. And now this industry wants to further degrade our rivers, lakes and streams. It seems that based on its sordid history, the Montana Mining Association should simply be ignored.

Acid Mine Drainage: A Primer

The productivity of the Smith River watershed or any other trout stream is dependent on the relative acidity or alkalinity of the water, a measure known as pH. Pure water has a pH of 7.0, which is considered neutral.

The lower the pH value of the water, the more acidic it is. Metals tend to dissolve and mobilize into the food chain in acidic water. When these waters pass through waste rock and tailings, metals are leached out and can travel long distances, contaminating streams and groundwater. Compounding this problem is the presence of a bacterium called *Thiobacillus Ferrooxidans* that thrives in low pH water. It is a catalyst for an up to six-fold increase in acidification. The coupling of acid

mine drainage with high concentrations of heavy metals is hardrock mining's most serious threat to Montana's waters.

Both insects and trout are very sensitive to acidity. For example, when the pH of a stream drops to 6.0 stoneflies cannot survive. When it drops below 5.0, caddis flies, mayflies and other food sources disappear. When the pH drops even lower, a stream's lower life forms such as plankton and crustaceans are killed, leaving the stream sterile. This means no more fish. When trout are eliminated, it spells the end of the healthy and sustainable recreation industry, including outfitters, guides, cooks, shuttle operators and other services provided to anglers, thereby destroying a multi-million dollar industry.

The State Department of Environmental Quality, an agency that has never denied a permit for a large mine, is conducting an environmental assessment (EA) on the application. The EA will be open for public comment this Summer.

The Montanore Project

The long-dormant Montanore mine proposal near Libby is one of two proposed copper and silver mines targeting an ore body beneath the Cabinet Mountains Wilderness. (The other is the Rock Creek project proposed to mine from the west side of the range.) This project poses serious threats with water quality, to grizzly bears, and to adjacent private property owners.

The Montanore project was plagued with water quality violations during its exploration period in the late 1980s and early 1990s. The State tried to keep the violations secret, but MEIC successfully sued under the Montana Constitution's right-to-know provision to overturn the law that kept the public in the dark.

Even so, the project received an operating permit in 1993 after an environmental impact statement was prepared. But its then-owner, Noranda Minerals Corp., did not proceed with the project because of low commodity prices. In 2002 Noranda walked away from the project and relinquished its permit. The Montanore property

was acquired in 2006 by Mines Management, Inc., of Spokane. MMI is now in the process of trying to re-permit the mine.

The U.S. Forest Service and DEQ are preparing a new environmental impact statement for the mine that is scheduled to be released for public comment this Summer.

Another Pit at Golden Sunlight?

The Golden Sunlight mine near Whitehall is now seeking permission to expand its operations to include another, albeit smaller, open pit.

This mine is in very chemically reactive rock that causes acid mine drainage. As with the existing mine pit, DEQ contemplates perpetual treatment for the poisoned water. Of course, no one knows what perpetual means nor how to provide financial certainty that taxpayers will not have to foot the bill after mining ceases.

MEIC is closely following the permitting process and believes that based on the experience at the first pit mining should not be allowed below the water table, thereby preventing the perpetual poisoning of the ground water and reducing the future risk to the nearby, and down-gradient Jefferson River.

Perhaps the precipitous crash in gold prices will make this proposal go away. It would be a good thing. ☺

Is the Otter Creek Mine in Trouble?

by Anne Hedges

Is Arch Coal up a creek without a paddle? Based on its plummeting stock price, and an important legal defeat involving one of its eastern mountaintop mines, one can only wonder how Arch Coal can pull off the Otter Creek mine, the nation's largest proposed strip mine. Its shoddy permit application to the Montana Department of Environmental Quality (DEQ) for the Otter Creek mine might just be an indication of the company's inability to get the job done.

In December 2012, in the waning days of Gov. Schweitzer's "coal cowboy" administration, a number of decisions were made that prematurely moved Arch Coal's Otter Creek mine proposal forward.

First, in late December, DEQ declared Arch Coal's application "administratively complete" even though the application was obviously and blatantly incomplete. That DEQ decision set in motion two series of hearings and comment periods, one for the permit and another for the environmental impact statement (EIS). MEIC members and many other people across the state submitted hundreds of comments on both the environmental review and the permit application. MEIC and its allies, including Northern Cheyenne tribal members, also requested a site visit and an "informal conference." An informal conference is a hearing in which members of the public are allowed to detail their concerns with the permit application. Both the hearing and the site visit are provided for by law.

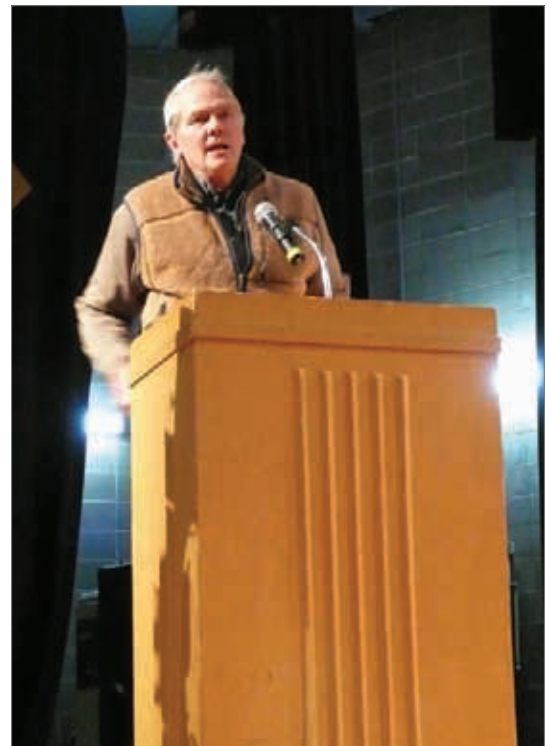
Arch Coal agreed to lead a site visit on the morning of March 21, 2013. DEQ set the date for the informal conference hearing for that afternoon in nearby Ashland. But at the last second Arch Coal cancelled the site visit for environmental groups and tribal members and instead took DEQ's new director and staff on a private tour

of the mine site. That afternoon, at the informal conference, MEIC and its members, experts, and allies, gave DEQ an earful about the plethora of deficiencies in the permit application. Area ranchers, Native Americans, hydrologists, wildlife experts, and many more, spent over three hours listing their concerns about the inadequacy of, and information missing from, the permit application.

It turns out DEQ was listening. In mid-April 2013, DEQ issued a stinging 41-page technical critique of Arch Coal's application. The deficiency letter from DEQ makes one wonder if the permit application was more of a test of what Arch could get away with than an honest effort to meet the requirements of the law. The application was riddled with gaps of information, erroneous references, incomplete data collection, and misstatements of state and federal law.

Fortunately, DEQ wasn't buying it. DEQ sent Arch Coal back to the drawing board on a wide range of issues, including fish and wildlife monitoring plans, baseline hydrology data, alluvial valley designation and data collection, ownership

"MEIC members ... across the state submitted hundreds of comments on both the environmental review and the permit application."



MEIC Board member Steve Gilbert testifying at a recent DEQ hearing on Otter Creek.

and control disclosure, surface and ground water hydrology, baseline vegetation studies, reclamation plans, cultural resource mitigation plans, agricultural production in the area, and much, much more.

Just to give one small example of how Arch Coal attempted to redefine its obligations under the law: in the application, Arch made the following statement regarding



the requirement that post-mining graded slopes must approximate the pre-mining natural slopes in the area. It said it would comply with this requirement, “to the extent practicable consistent with material availability and minimization of erosion.” These words are not in the law; they represent Arch’s attempt to qualify its legal obligations. That does not sound like a company that intends to comply with its constitutional obligation to reclaim all the land it disturbs by the taking of natural resources.

This example, literally, is just one of hundreds of flaws that DEQ identified in Arch Coal’s application. Now it is Arch’s turn to provide missing information, fix errors, correct misstatements, and actually say how it will protect natural, cultural, and social resources in the area of the proposed mine. While the State had strict time limits for its response to Arch Coal’s original application, there is no timeframe by which Arch must respond. The ball is in Arch’s court. When it responds, DEQ will once again review the application for technical deficiencies, and Arch will have an opportunity to respond. That process will continue until DEQ determines the application is technically sufficient.

In addition to prematurely determining that Arch Coal’s application was complete last December, DEQ also signed a fundamentally flawed agreement with Arch in the last two weeks of the Schweitzer Administration. That agreement

is an attempt to require DEQ to issue a final EIS by November 2013 and a final permit decision by the end of 2013. This means DEQ would have had to analyze and decide on the largest proposed coal mine in the country within one year, when a permit review of this magnitude usually takes many years to complete. Considering the overwhelming number of significant flaws in the first application, and Arch Coal’s declining financial health, that end-of-this-year timeframe now seems more like a pipe dream than reality.

When DEQ finds the permit technically sufficient, the public will only have two weeks to submit comments and objections. At about the same time DEQ will finish the draft EIS, which will have a 30-60 day public comment period. Whenever DEQ determines that application acceptable, the public will need to be ready to voice its concerns quickly and thoroughly. MEIC will be monitoring this process very closely, and will keep you informed so you can participate when needed.

Stay tuned. ☺

Site of the proposed Otter Creek coal strip mine. Photo by Kestrel Aerial Services, Inc.

“In addition to prematurely determining that Arch Coal’s application was complete last December, DEQ also signed a fundamentally flawed agreement with Arch in the last two weeks of the Schweitzer Administration. That agreement ... means DEQ would have had to analyze and decide on the largest proposed coal mine in the country within one year, when a permit review of this magnitude usually takes many years to complete.”

Why the Otter Creek Coal Mine Will Never be Developed

Vanessa Braided Hair is a Northern Cheyenne tribal member and is organizing tribal members to oppose the development of the proposed Otter Creek coal mine and the Tongue River Railroad in southeastern Montana. She is also a wildlands firefighter and descendant of Northern Cheyenne Otter Creek homesteaders. She lives on the Northern Cheyenne Reservation in southeastern Montana.



by Vanessa Braided Hair

A news station in Billings, Montana, recently aired an interview with Arch Coal representative Mike Rowlands in which he stated that

the Otter Creek coal mine, proposed for southeastern Montana, would be in operation by the end of the decade. I'm here to tell Mr. Rowlands and Arch Coal that the Otter Creek mine will never be built. Here's why.

Arch Coal understands money. What Arch Coal doesn't understand is community. It doesn't understand history. It doesn't understand the Cheyenne people whose ancestors fought and died for the land that they are proposing to destroy. And it doesn't understand the fierceness with which the people, both Indian and non-Indian, in southeastern Montana love the land.

This is why not one dragline will rip the coal from the earth and not one dynamite blast will loosen the precious topsoil. It is why not one rail

car will be loaded with coal and why not one toxic orange cloud will pass over someone's house or the Tongue River. It is why not one burial site will be dug up and why not one elk will be displaced. It is why our water

will continue to run clean and plentiful and our wildlife will continue to roam free.

This is why the proposed Otter Creek mine in southeastern Montana will never be built.

How Arch Coal Treats the Northern Cheyenne Community

I, along with hundreds of Northern Cheyenne tribal members, have attended all of the recent public hearings that were held on the proposed Otter Creek coal mine and on the Tongue River Railroad. These hearings were held to gather public input on the proposed coal mine, and the associated infrastructure that is needed to haul the coal out of southeastern Montana and to the West Coast for export to Asia.

Standard procedure for Arch Coal representatives was to sit in the back of the room, checking their phones and looking at their watches. Many times, they would walk out in the middle of someone's testimony. Mike Rowlands, head of Arch Coal in Montana, spoke to us for one minute.

One minute about a coal mine that will impact my people for generations. This is all he thought we deserved, apparently.

Not once did Arch tell my community why we should support their efforts to build a massive coal mine on our borders. Not once did they tell us why we should bear the burden of the air, water, and environmental pollution that will occur.

You know why they don't do that? Because they don't have to. To them, this mine is a done deal. The permit is a detail, a step in the process. A process rigged for one outcome. They don't care if the Northern Cheyenne community supports them.

Well, I guess they did say they were just here to open a coal mine.

Fighting Back

By now, we have given Arch Coal and the State of Montana thousands of reasons why we are against this mine. Those thousands of reasons are people, individuals and families, who are coming to public hearings, group meetings, signing petitions and getting involved.

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In November 2012, Cheyenne tribal members turned out in force at public hearings to oppose the Tongue River Railroad.

In December 2012, we attended coal export public hearings in Spokane and Seattle to oppose the development of any coal export terminals in the Northwest and support our brothers and sisters from the Northwest tribal nations who are fighting to protect their land and treaty rights.

In January 2013, over 100 Northern Cheyenne peacefully took over a public hearing hosted by the Montana Department of Environmental Quality. We did not do this lightly. The scoping hearings were meant to gather public comments on the Otter Creek mine. However, instead of a hearing, they wanted to have an open house where people were prevented from speaking in public to their community. Instead of people giving their opinions to the agency staff and their fellow community members, they would talk to a microphone in a corner. In Cheyenne country, we speak to people, not machines.

In February 2013, we submitted detailed scoping comments to the Montana Department of Environmental Quality on the proposed mine. Over 250 Cheyennes helped write and develop these comments.

In March 2013, 250 Cheyennes and our allies from the Southern Cheyenne, Three Affiliated Tribes, Oglala Lakota Nation, and Yakama Nation gathered in Lame Deer to oppose any development of the Otter Creek and Tongue River valleys. This will not be a one-time event. On March 24th through 30th, a group of us travelled to Henry Red Cloud's Renewable Energy Center on Pine Ridge Reservation in South Dakota to learn how to install solar photovoltaic systems.

We will continue to come together with our friends and allies until this mine is no longer an option in any generation. We will fight this at every



step. More and more people join us every day. We will not tire. We have been fighting for this land for hundreds of years and will continue to do so.

Protecting Otter Creek and Tongue River Valleys for Future Generations

Montana politicians who support the Otter Creek mine and Arch Coal are on the wrong side of history and the wrong side of the people. Since Montana's leaders will not stand up for the people, the people will stand up and lead the politicians. Politicians like Senators Max Baucus and Jon Tester understand the importance of protecting the North Fork of the Flathead River from coal mining, but not the lifeblood of southeastern Montana, the Tongue River. Why is protecting the Flathead River more important than the Tongue River?

We will not let it become a sacrifice zone for energy exports. We have already moved beyond the paradigms forced on us by the coal companies. This message is for Arch Coal and all other mining companies that want to dig up our homeland. We will not only stop the Otter Creek coal mine, we will pursue renewable, distributed energy, and find real, sustainable solutions for our people. ☺

Northern Cheyenne tribal members gather to oppose the proposed Otter Creek coal mine. Photo by Alexis Bonogofsky.

President's Letter



by Roger Sullivan

What has Happened to the Environmental Movement?

First, on behalf of the MEIC board and our MEIC members I want to express our deep appreciation to the staff of

MEIC. They did an amazing job this legislative session! They appeared at countless hearings, always making thoughtful and compelling presentations on behalf of environmental stewardship and sound public policy. As you know, the majority in the House and Senate often ignored this input. Fortunately, Governor Bullock has had the wisdom, and indeed courage, to issue either amendatory or outright vetoes of a number of the bad bills that made it to his desk.

Forty years ago MEIC was formed for the purpose of protecting and advancing in the legislature the newly forged right of all Montanans to a clean and healthful environment. Montanans had included this right in the new Montana Constitution, which voters approved in 1972.

An article in the April 15, 2013, issue of the *The New Yorker*, entitled "When the Earth Moved," by Nicholas Lemann, looks back at these heady times for the environmental movement. Lemann, the dean of Columbia's Graduate School of Journalism, uses the first Earth Day, April 22, 1970, as a sort of lens through which to examine the environmental movement over the course of the ensuing forty years. Since this roughly overlaps with the genesis and subsequent history of MEIC, I found it interesting to compare notes.

According to Lemann: "Earth Day had consequences: it led to the Clean Air Act of 1970, the Clean Water Act of 1972, the Endangered Species Act of 1973, and to the creation, just eight months after the event of the Environment Protection Agency." Here in Montana, this litany of accomplishments was paralleled by passage of similar legislation in the early 1970s. Against this backdrop, Lemann notes the paucity of protective environmental legislation in recent years. Again, our experience here in Montana closely parallels the experience at the national level.

So, what happened to the environmental movement? Relying on a new book by Adam Rome, *The Genius of Earth Day: How a 1970 Teach-in Unexpectedly Made the First Green Generation*, Lemann notes that early on the environmental movement that spawned the first Earth Day was

Thoughts from the Executive Director



by Jim Jensen

On Earth Day, April 22, 2013, the nation and Montana received a wonderful gift: Max Baucus announced that he had decided to retire from the U.S.

Senate. One *Washington Post* headline shouted: "Baucus Retires, a Grateful Nation Cheers." And so did I.

It is truly impossible to calculate the harm that Baucus caused to the United States with his deciding vote in 2001 on what are known as "the Bush tax cuts." We cannot know when, or even if, our economy will recover from this

fiscally insane policy.

Two years ago Baucus was the one Democrat on the Senate Environment and Public Works Committee to vote against global warming legislation, while offering no alternative.

And, of course, Baucus has worked to undermine the U.S. Environmental Protection Agency's ability to prevent mercury pollution from coal-fired power plants under the Clean Air Act. He also attempted to exempt the mining industry from the Superfund toxic waste clean-up law. And has voted (fortunately, unsuccessfully) against every attempt to prevent the U.S. Department of the Interior from issuing any more patents to federal land

educational, locally controlled, and mass-participatory. Since then, the environmental movement has become increasingly institutionalized and ensuing efforts have been “more top down and more directive.” Lemann mentions the Environmental Defense Fund to illustrate this point.

Since the mid-1980s, EDF has been seen as advocating an accommodationist direction for the environmental movement, attempting to work out deals with big business. In the Summer of 2006, EDF and allies of a similar ilk began the push to pass a “cap-and-trade” system of tradable permits for carbon emissions. Hundreds of millions of dollars were spent in the effort to pass the cap-and-trade bill. It was fourteen hundred pages long! Although it passed in the House of Representatives, in the face of grassroots opposition that articulated its numerous flaws, it unraveled in the Senate. But again, it raises the question as to just what has happened to the environmental movement?

One answer that resonates with me was provided by Theda Skocpol, a Harvard professor and author of a report on the failure of the cap-and-trade bill. According to Skocpol the interests behind the failed cap-and-trade bill directed their money chiefly to the inside game in Washington, and failed to enlist the grassroots. If they had, they would have heard from

concerned citizens and ordinary consumers that the proposal simply didn’t make sense. However, the large corporate and nonprofit organizations behind the cap-and-trade bill were insulated from these grassroots voices.

The curative is not to entirely ignore national politics; rather, there is the need for both public interest environmental organizations that have a presence in Washington, DC, and for state organizations such as MEIC that work on the very real issues of climate change at the state legislative level and in communities across the state. According to Skocpol, this re-democratizing of the environmental movement would create the political context for a more fair solution to the climate crisis we face.

Meanwhile, “back at the ranch” here in Montana, unlike some large national environmental organizations, MEIC has worked hard over the last forty years to stay true to its roots—you and your environmental concerns. Perhaps for that reason, what has happened to the environmental movement in Montana is that it has had many accomplishments over the last forty years, just not very many recently in the legislative arena. As we celebrate MEIC’s fortieth year, we will be celebrating some of these accomplishments, as well as doing the organizing necessary to meet the enormous challenges that now confront us. **Forty and Forward!** ☺

to mining companies for a pittance under the 1872 Mining Law.

In 40 years he has not succeeded in passing one wilderness bill, nor has he been a leader on anything else to protect Montana’s natural resources for the future. He is currently touting his attempt to protect the North Fork of the Flathead River from mining on the Canadian side, while aggressively promoting the Keystone XL pipeline and the mining of the Otter Creek coal tracts in the headwaters of the beautiful, wildlife rich, and unspoiled Tongue River valley. I guess none of his financial handlers have any interest in eastern Montana.

The “O’BaucusCare” insurance and pharmaceutical industry protection act, masquerading as health care reform, may permanently relegate the U.S. to second-class-

nation status, as its toll on enterprises large and small becomes a reality. Every other industrial country has a universal health care system, creating for them a competitive advantage over the U.S. in the world market for goods and services. “O’BaucusCare” is currently supported by only 25% of Americans. And Baucus even now has the audacity to attack the Obama administration for creating a “train wreck” with the law.

He simply cannot lead. I’ve never known a politician so afraid of his shadow. As one former staffer was quoted in the *Washington Post*: “His guiding principle has been to get re-elected, not to lead and to educate.”

Lastly, I fear that he will implement his threat to stay active in public affairs after moving to Bozeman when his term ends. That would perpetuate a tragedy. ☺

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MEIC’s purpose is to protect Montana’s clean and healthful environment. The words “clean and healthful” are taken from the Montana Constitution, Article II, section 3 - Inalienable Rights, which begins: “All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment . . .”

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Visit **www.bit.ly/MEIC40** for details

Suggestions for Board Nominees Wanted

This is the time of year when MEIC's Board of Directors seeks suggestions for prospective Board candidates from you, our members. Any suggested names will be considered for nomination based on the needs the Board has for specific skills and geographic representation at this time. If you know of a current MEIC member, including yourself, who you believe should be considered for nomination, please send the member's name, telephone number, address, and e-mail address to the MEIC office by June 1st. Thank you!

