

Down to Earth

Clean & Healthful.
It's your right, our mission.

meic

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER

**DETAILS
INSIDE:**
MEIC's 40th
Anniversary
Rendezvous!

IN THIS ISSUE

- 2 MEIC's 40th Anniversary Rendezvous
- 4 Black Butte Mine
- 5 Montana Coal News
- 7 Renewable Energy Study
- 8 MEIC Board Elections - Please Vote
- 10 Obama's Climate Action Plan
- 12 Residential Energy Code

Save Our Smith, Page 4

Celebrating 40 Years of Advocacy for Montana's Environment

by Anne Hedges

Forty years ago, a group of enthusiastic visionaries came together and decided to form an organization that would work day in and day out to protect Montana's air, water, and land, and the health of those lucky enough to call this beautiful place home. They believed that Montana needed a strong advocate for the environment and public health in the halls of the Capitol, and before State government generally. Little did they know that they would create an organization that would still be going strong forty years later.

Since its founding, MEIC has accomplished

many things. MEIC has protected Montana's air and water quality, has been instrumental in causing the cleanup of contaminated sites, has prevented new cyanide heap-leach mines from being developed, and much, much, more.

But perhaps most

important, MEIC continues to be a voice at the Capitol and before State government for Montana's clean and healthful natural environment, and for people's right to open government and public participation, and for public health and future generations.

At the legislature, MEIC has lobbied for the enactment and preservation of virtually all of Montana's core environmental laws. MEIC has defended Montana's bedrock environmental law, the Montana Environmental Policy Act, which has assisted governments and the public in identifying environmental impacts for decades. MEIC was one of the original forces behind the Montana Subdivision and

"At the legislature, MEIC has played a role in lobbied for the enactment and preservation of virtually all of Montana's core environmental laws. MEIC has defended Montana's bedrock environmental law, the Montana Environmental Policy Act, which has assisted governments and the public in identifying environmental impacts for decades."

MEIC's 40th Anniversary Rendezvous!

Please join us to celebrate 40 years of protecting Montana's clean and healthful environment.

Saturday, September 21, 2013, at the Kleffner Ranch in East Helena, MT.

\$20 for the day's activities, including dinner and two drink tickets.

Buy your tickets by Monday, September 16th. Visit www.meic.org, call (406) 443-2520, or e-mail smarino@meic.org.

Platting Act, which has assisted communities across Montana in land-use planning and the protection of their communities. MEIC also helped to pass the Renewable Energy Standard, which requires some regulated utilities to obtain 15% of their electricity from renewable energy resources. These successes are truly just a small selection of MEIC's accomplishments.

We thank our founders for building an enduring foundation on which MEIC has been able to grow and thrive and continue to accomplish its original mission. ☺



Former MEIC lobbyist George Ochenski (far right) at a bill signing ceremony with Governor Ted Schwinden.

Cover Photo: Montana's Smith River. Photo by DH Brown Photography.

Help Make MEIC's 40th Birthday Even More Special!

by Sara Marino

Back in 1973, as now, MEIC was out in front, working tirelessly to protect Montanans' constitutional right to a clean and healthful environment.

MEIC's four decades have brought about many monumental victories, which have made all the difference for our state's clean air, water, and landscapes. Just to name a few:

- 1975: Coal severance tax raised to 30%; Permanent Coal Trust Fund established.
- 1985: Phosphate detergent ban passed by the Legislature.
- 1998: I-137 passed, banning new cyanide heap-leach gold mines.
- 1999: Supreme Court declares the constitutional right to a clean and healthful environment to be fundamental.
- 2004: I-147 defeated; I-137 remains in effect.
- 2005: Renewable energy standard passed by the Legislature.
- 2007: Roundup coal-fired power plant stopped.

- 2010: Highwood coal-fired power plant stopped.

None of this would have been possible without generous members such as you! You've done so much to protect and preserve our beautiful state for the health and enjoyment of future generations. But, as you know, challenges remain.

That's why we're asking today if you'd consider giving a special gift to MEIC in honor of our 40th Anniversary. Perhaps you'd be willing to become a monthly pledge member, and give \$40 per month to MEIC. Or maybe you'd like to make a one-time gift of \$400, \$4,000, or even \$14,000!

We continue to need your help to confront the challenges we face: attempts to extract natural resources without considering the environmental costs; assaults on clean, renewable energy and energy efficiency; and the biggest threat of all, to which all the others are linked, global climate change.

Please go to our web site (www.meic.org) and click on "Donate Now" to make your special anniversary gift to MEIC today! ☺

40th Anniversary Rendezvous Schedule

- 1:30 PM** Welcome to the Rendezvous! Panel Discussion on Climate Change in Montana
 • Moderated by Jim Jensen, Kleffner Ranch, 305 Montana Highway 518, East Helena
- 3:00 PM** Demonstrations | Tour | Hands-on Activities | Q&A with MEIC Staff
 • Learn more about a variety of topics, from permaculture and solar car kits, to MEIC's work on the Beyond Coal Campaign, Otter Creek, and the Tongue River Railroad, or take a tour of the ASARCO Lead Smelter Superfund Site, led by EPA's Julie DalSoglio
- 5:00 PM** Happy Hour
 • Live music by the Wilbur Rehmann jazz trio, appetizers and drinks, and a silent auction
- 6:00 PM** Local Foods Dinner
 • Including a pig roast, and vegetarian dishes prepared by Benny's Bistro
- 7:00 PM** Special Presentation
 • Cowboy poetry by Wally McRae, Montana's "poet lariat," in a rare public performance
- 7:30 PM** Keynote Address
 • K.C. Golden, Climate Solutions Policy Director and 2012 Heinz Award in Public Policy winner

DEQ Moves Forward on Black Butte Mine Project Expansion

by Derf Johnson

The Montana Department of Environmental Quality has made a preliminary determination that the company hoping to develop the Black Butte copper and silver mine on Sheep Creek, a major headwater tributary of the storied Smith River, should be granted an amendment to its exploration license. The amendment would allow tiny Tintina Resources, Inc. to dig a mile-long, 18-foot-by-18-foot tunnel (producing enough waste to cover 28 football fields one foot deep) to access the ore body for further examination.

“Even though the rock through which the tunnel will go is extremely high in acid-producing chemicals that have consistently been the cause of massive poisoning of streams and rivers in Montana and elsewhere, the State is refusing to prepare an environmental impact statement on the proposal.”

Even though the rock through which the tunnel will go is extremely high in acid-producing chemicals (that have consistently been the cause of massive poisoning of streams and rivers in Montana and elsewhere), the State is refusing to prepare an environmental impact statement (EIS) on the proposal. DEQ has also refused to hold hearings in any cities other than White Sulphur Springs, which is only a few miles from the site

this – even though the Smith River is a jewel in Montana’s crown and is treasured by Montanans throughout the state.

DEQ has failed to properly analyze the impacts of this project, and to require the necessary steps to prevent, rather than remediate, pollution. The agency has taken an “approve now and ask questions later” approach. MEIC believes the law requires that an EIS be prepared for any activity that may significantly affect the environment, in order to eliminate the need for speculation about possible impacts by ensuring that available data is gathered and analyzed prior to the implementation of the proposed action.

A final decision by DEQ is pending as this issue of **Down To Earth** goes to press. ☺



Montana's Smith River. Photo by MEIC.

Montanore Mine Claims Ownership in Question

The developers of the long-proposed Montanore mine beneath the Cabinet Mountains near Libby have received a major blow to their attempt to develop the project. State district court judge James Wheelis recently ruled that Mines Management, Inc. (MMI) did not have valid ownership, title, or control of the claims where the previous owner, Noranda, Inc., had dug a massive tunnel to reach the ore body.

The ruling means that MMI is no longer in compliance with the requirement of the Metal Mines Reclamation

Act that an applicant either own or have the legal right to mine the land for which they are applying.

MEIC has demanded that the DEQ halt all work it is doing on the mine EIS and other permitting activities until the ownership question is fully resolved. It is a very simple request since the law is clear. However, as of this writing, DEQ director Tracy Stone-Manning has refused to act. MEIC may have to go to court to make DEQ obey the law.

Coal News

by Anne Hedges and Derf Johnson

Will DEQ Ever Require Cleanup of Contaminated Groundwater at Colstrip?

Unfortunately, the answer to that question appears to be no (or at least not any time soon).

In 2012 the Montana Department of Environmental Quality (DEQ) and PPL Montana (the second largest owner of the Colstrip plant, and its operator) reached an agreement that required PPL to: characterize the extent of contamination from the leaking Colstrip sludge impoundments; propose a clean-up plan for DEQ's approval; and then actually clean up the contaminated groundwater. The massive system of waste impoundments at the Colstrip coal-fired power plant has been leaking into the groundwater for decades. MEIC and Sierra Club, represented by Earthjustice, filed suit against DEQ because the agreement between DEQ and PPL was severely flawed. For example, it contained no timeframes or clean-up standards. Now it appears as if the requirement to characterize the extent of the contamination was also just "window dressing."

In May 2013, PPL completed a "site characterization" report for one of the three large impoundment areas. Unfortunately the report failed to actually characterize the extent of the contamination at the site. Instead it claimed to show that pumping contaminated groundwater back into the sludge impoundments is reducing the spread of contamination. Unfortunately, that is just not true.

Among its many flaws, the report said that the low levels of bromide indicate that the impoundments are not leaking. But the report ignores the fact that other contaminants such as boron, specific conductance, and sulfate – all indicators that the impoundments are leaking – are extremely high at those same wells. The report also only considered pumping wells for the purpose of determining whether

contamination was spreading. It ignored the vast system of monitoring wells. The pumping of a well can create different chemical characteristics in the extracted water. PPL has hundreds of monitoring wells but failed to use that critical data to define the area of the contamination. The most basic step in site characterization is to define the leading edge of the contamination and determine what direction the contaminated plume is moving. PPL failed to do that as well.

DEQ will never be able to determine if the contaminated groundwater plume is shrinking or growing without this data and more. Contrary to its conclusions, PPL's report actually shows that the contaminated groundwater plume is continuing to spread. MEIC and Sierra Club submitted to DEQ a technical expert's report detailing many of the errors contained in PPL's report, but DEQ is not required to actually respond to the issues raised. Whether DEQ requires additional site characterization remains to be seen. But if it does not even bother to

continued on page 6

Toxic sludge impoundments that serve the Colstrip coal-fired power plant. Photo by Kestrel Aerial Services, Inc.



Coal News (continued from page 5)

require an adequate preliminary analysis, it is certain that if there ever is a final clean-up plan, it will be fundamentally flawed as well.

Is Colstrip a Reliable Electricity Source? Hardly.

One of the primary arguments for the continued operation of the highly polluting Colstrip coal-fired power plant is that its electricity is cheap and reliable. Both of those assertions are proving to be false. The Montana Public Service

Commission has found in recent years that Colstrip Unit 4 is NorthWestern Energy's most expensive, or second most expensive, electricity resource. That's hardly cheap power.

Unit 4 is proving highly unreliable as well. Colstrip has four units that produce electricity. Units 1 and 2 produce roughly half as much as Units 3 and 4. NorthWestern Energy purchased a 30% share in Unit 4 in 2009. Right after that purchase an explosion in Unit 4 put it offline for about six

months. Four years later, in July 2013, after starting Unit 4 up from a scheduled maintenance outage, an essential piece of equipment that had been installed in 1985 broke. NorthWestern said the cost of the repair would be at least \$30 million. Unit 4 will be off-line for another six months.

Having two long-term outages in less than four years undermines the argument that this old plant is a reliable source of electricity. Both outages occurred during the summer months when electricity demand is at a peak and replacement power can be more expensive. No doubt ratepayers and insurance companies will be asked to cover the cost of the repairs. When wind power and energy efficiency are so much cheaper and more reliable as sources of energy, one wonders how much longer Colstrip's owners will attempt to claim that Colstrip is valuable because of its cheap and reliable electricity?

Coal: Black Turning to Red (Ink, that is)

The future of coal as a source of fuel for energy production seems to be becoming more and more uncertain almost by the day. The reasons for the decline in the coal industry's prospects are numerous, but an important factor is that people across the globe are increasingly recognizing the coal industry's enormous water and air pollution problems, and its disproportionate contributions to greenhouse gas emissions. The industry is being forced to acknowledge that the costs of pollution and climate change are real, and that society is no longer willing to pick up the tab, especially when practical, affordable, and clean energy sources exist. Even the Oracle of Omaha, billionaire investor extraordinaire Warren Buffett, recently stated that "coal will gradually decline in importance."

One of the most direct indicators of the coal industry's financial problems can be seen in the stock prices of publicly traded coal companies, which have undergone a precipitous decline in the past few years. For example, the stock of Arch Coal (the Missouri-based coal company proposing to strip mine the Otter Creek valley)

continued on page 11

"One of the primary arguments for the continued operation of the highly polluting Colstrip coal-fired power plant is that its electricity is cheap and reliable. Both of those assertions are proving to be false."

A dragline excavating coal in the Powder River Basin. Photo: Bureau of Land Management.



Legislative Committee Studying Montana's Renewable Energy Standard

by Kyla Maki

Over the next 16 months, the legislature's Energy and Telecommunications Interim Committee (ETIC) will be studying the economic and environmental impacts of Montana's Renewable Energy Standard (RES). The study is the result of SJ 6 – a study resolution – passed during the 2013 session. SJ 6 requires ETIC to examine the economic impacts that the RES has had on utilities, consumers, and jobs. The study will also consider the environmental impacts of the RES, such as whether it lowers carbon dioxide emissions and reduces other air and water pollution.

MEIC supported SJ 6 at the session because it provided an opportunity to substantiate the benefits of the RES with data. The committee's study is also timely because the 2005 law requires regulated utilities to meet 15% of their energy demand with renewable resources by 2015. Regulated utilities are already meeting the 2015 requirement, two years early. This is not surprising because Montana's strong and consistent wind has proven to be a tremendous and inexpensive energy resource. Wind is the primary resource that utilities are using to meet the renewable standard.

Since 2005, utilities have either developed or purchased power from several new renewable energy projects across the state. Eligible renewable projects include (but are not limited to):

- Judith Gap: 150 megawatt (MW) wind facility in Wheatland County
- Diamond Willow: 20 MW wind facility in Fallon County

- Turbull Hydro: 13 MW irrigation canal drop facility in Teton County
- Gordon Butte: 10 MW wind facility in Meagher County
- Spion Kop: 40 MW wind facility in Judith Basin County

Each of these projects generates clean and affordable electricity for customers of Montana's regulated utilities. These projects have also created good paying jobs and infused significant economic investment into rural communities. The ETIC study could provide an opportunity to document these on-the-ground benefits on paper. It is important that the study be based on unbiased data because ETIC is likely, as a result of the study, to recommend changes to the RES to the 2015 legislature.

ETIC's next meeting is September 12th-13th in Harlowton, Montana. The committee will meet every two months thereafter. ☺

"This is not surprising because Montana's strong and consistent wind has proven to be a tremendous and inexpensive energy resource."

Wind towers being erected at the Shawmut Wind Farm, Montana. Photo by the Billings Gazette/ Casey Page.



MEIC's 2013 Board Elections

Cast your ballot today!

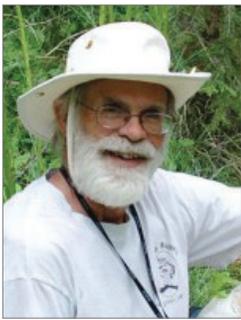
It's time for the annual election of MEIC's Board of Directors election. This year we have three incumbent directors and three new candidates running for election. Please vote using the enclosed postcard. It may seem like a formality, but it is an important part of keeping MEIC a viable and legal organization.

Instructions:

- 1) Only MEIC members can vote; subscribers and business corporations are not eligible.
- 2) Mark a "yes" or "no," or abstain from voting, for each candidate on the enclosed postage-paid card.
- 3) Mail the card back to MEIC in time to arrive by September 30, 2013.

Thank you for your participation.

Gary Aitken, Ovando



I grew up in the soggy Pacific Northwest, falling into rivers and tumbling down snowfields, spent twenty years in Colorado raising sheep and writing computer software, and another twenty telecommuting from Montana. Along the way I've spent a lot of time exploring crazy places by various non-motorized means.

Somewhat of a minimalist, I get pretty pissed off at corporate and personal greed, and would love nothing more than to overturn the 1886 non-ruling by the U.S. Supreme Court that effectively granted "personhood" to corporations.

I have always felt we have an obligation to leave this Earth in better shape than when we arrived, and am disgusted with our record in that regard. In the last forty years we have missed huge opportunities and squandered much of our natural wealth, things which will cost us dearly in the long run. We seem unable to think more than six months ahead.

MEIC is one of the few organizations willing to put its foot down and actually demand that corporations and our elected and appointed officials obey our laws and uphold our constitutional guarantees regarding environmental protections. It has provided the most, and sometimes the only, effective defense of those guarantees for forty years. I would like to help MEIC and Montana citizens forcefully and without compromise re-assert their rights to a clean and healthful environment, one they can pass down to future generations with pride.

Joe Biby, Kalispell



I would enthusiastically welcome an opportunity to serve on the MEIC Board of Directors. The 40-year legacy of MEIC as an organization focused on the preservation of Montana's environmental health inspires me.

Conservation activism and the preservation of biological diversity are my strongest motivations. I have been fortunate to live in the Flathead Valley where we are surrounded by amazing landscapes and abundant clean water.

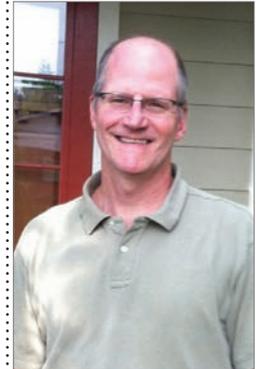
My previous experiences with citizen groups includes board involvement with Citizens for a Better Flathead and the Flathead Lakers organizations. I am currently involved on a steering committee that plays an advisory role for American Rivers, Clark Fork Coalition, Pacific Rivers Council, and American Whitewater.

I am a dedicated proponent of wild places, wild rivers, and connections between people and these landscapes. My seasonal work guiding multi-day river journeys from the Yukon to southern Idaho has cemented a passion in me for the preservation of these places and an appreciation for those who have achieved so much to that end.

Robert Gentry, Missoula

Shortly after accepting employment with the Montana Natural Resource Damage Program in 1996 I became acquainted with MEIC's work. I quickly discovered that if there was a Montana watershed or a mountain that touched my heart, or some aspect of our natural environment essential to healthy biodiversity, MEIC had a hand in advocating for them, for me, and for all of us.

Since 1993 I have practiced law, focusing on environmental protection, preservation, restoration, and enforcement. In 2009 I opened my private environmental, social justice, and civil rights practice. The nomination to serve on MEIC's Board of Directors is a great honor to me and I look forward to the opportunity of providing my assistance to MEIC's outstanding board and staff. Together we can continue to assist our elected representatives to look before they leap, to think before they act, and thereby continue to make real and meaningful our constitutional right to a clean and healthful environment.



Tom Graff, Missoula

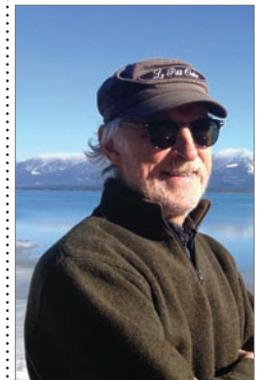
I'm a life-long Montanan, married, and the father of two sons. After teaching for 30 years at Hellgate High School in Missoula, I am now happily retired.

For decades I have remembered Dr. Robert Coles' research into the extraordinary resilience shown by children living in harsh circumstances. In one such study he asked children of different circumstances to draw self-portraits. Many middle-class children drew head-and-shoulder figures to represent themselves.

Indigenous children of the American Southwest, however, essentially drew landscapes, i.e., bushes, rocks, ridges, and perhaps their dwellings. Many drawings didn't even have a representation of a human figure.

My grandchildren, as well as all our children and grandchildren, deserve to have the grand landscapes for adventure and for solace that we've all enjoyed.

I would like to serve on the MEIC Board of Directors to support MEIC's inspiring and exemplary tradition of protecting our waters and our landscapes.



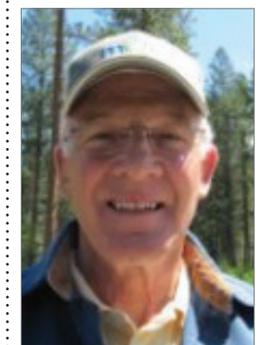
Myla Kelly, Bozeman

Over the past two years, seeing the work that MEIC staff performs on a daily basis to protect Montana's environment makes me honored to be a part of the MEIC Board of Directors. It brings such peace of mind to know we have all those talented individuals following and fighting policies and events that could be detrimental to our environment, while also advocating for positive actions. I would like to continue serving on the Board to assist MEIC in any way that I can to follow our mission of a clean and healthful Montana.



Kirwin Werner, Ronan

My passion for environmental causes began in northern Michigan in the 1970s where I was a co-founder of the Upper Peninsula Environmental Coalition – a group then, as now, contesting the expansion of coal-fired power plants, iron-ore mining, and pollution issues affecting Lake Superior. Since returning to my home state of Montana in 1990, I have been instructing biology courses at Salish Kootenai College and conducting research on the amphibians and reptiles in the state. I am the senior author of the field guide, [Amphibians and Reptiles of Montana](#), published in 2004 by Mountain Press. I am a long-time member of MEIC, and want to work through MEIC to pursue my life-long commitment to helping incorporate natural ecosystem principles into a dysfunctional economic system – be it through example, persuasion, or litigation.



Obama's Climate Action Plan – Good for Montana

by Anne Hedges

President Barack Obama recently made climate change one of the hallmark themes of his second term. In a speech and written action plan he laid out his vision for dealing with climate change. His proposals do not require Congressional approval, which is good because Congress is still debating whether 98% of the

"So the question now is whether we will have the courage to act before it's too late." Pres. Barack Obama in announcing his Climate Action Plan.

scientists are right and human-caused climate change is a problem that needs to be solved. Fortunately, Obama understands that there isn't time to wait for Congress to make up its mind, let alone act. MEIC will do all it can to help him turn his words into action.

The President's Climate Action Plan aims to reduce carbon emissions 17% below the 2005 levels by 2020. It is based on three pillars: the need to reduce carbon pollution; the need to prepare for global warming impacts; and the need for the U.S. to lead international efforts.



President Barack Obama. Photo courtesy of the Whitehouse.

The plan has dozens of initiatives. Almost every initiative is a positive step forward: new and expanded energy efficiency programs; 20% of the federal government's energy to come from

continued on page 15

Keystone XL Pipeline's Future

Pres. Obama's speech differed from his written Climate Action Plan on one important point. His written plan, released prior to his speech, did not address the Keystone XL pipeline. His speech did. He said: "Allowing the Keystone pipeline to be built requires a finding that doing so would be in our nation's interest. ... Our national interest would be served only if this project does not significantly exacerbate the problem of carbon pollution." Unfortunately, that statement could be taken several ways. If he is true to these words, it suggests hope that the federal government will deny the pipeline's permit. Unfortunately, the State Department is letting the pipeline owner, TransCanada, determine what is in the nation's best interest.

The Keystone pipeline will carry oil from the tar sands region in Canada down to the U.S. Gulf Coast where it will be refined and shipped overseas. Development of the tar sands is a climate catastrophe, as the development process releases far more carbon dioxide than for traditional fuels.

The State Department has said that the impact of Keystone pipeline on climate change will be insignificant. EPA found otherwise. The State Department's finding is not surprising in light of the fact that its environmental impact statement (EIS) was written by a company that was paid an undisclosed sum to do so by TransCanada. The EIS consultant claimed to have no ties to any company involved in tar sands development, yet a recent investigation showed that was not true.

Whether Obama will side with TransCanada or future generations remains to be seen. His climate speech underscores the need to make a decision based on the impacts to the climate. The final decision rests on whether he'll believe independent climate scientists or a company that wants to turn a profit at the expense of future generations.

Coal News (continued from page 6)

was trading as high as \$45.99 a share in August 2011, but has dropped to approximately \$4.27 today. Arch Coal was recently referred to by one financial analyst as living “in the land of the walking dead.” The analyst went on to state “recent developments suggest Arch Coal common shareholders will be wiped out in bankruptcy mid-decade.” Does this sound like a business to be trusted by Montana’s citizens with a permit to open the largest proposed coal strip mine in the United States?

As the market for coal dwindles in the United States, coal companies in the U.S. and Montana are hoping to turn to foreign markets to replace the lost demand. However, the export market is a speculative and high-risk endeavor. Increased exports will require greater coal terminal export capacity in the Pacific Northwest, a region that has expressed serious reservations about exporting dirty coal. What’s more, foreign markets (mainly China) are recognizing that burning coal pollutes their air to unconscionable levels. People in China die as much as five years sooner than expected because of air pollution, which comes primarily from coal. China is starting to address its pollution problems, has recently renewed its carbon reduction targets, and is the world’s #1 growth sector for renewable energy. A recent report by multinational investment bank Goldman Sachs underscores the questionable coal export market: “The prospect of weaker demand growth (we believe seaborne demand could peak in 2020) and seaborne prices near marginal production costs suggest that most thermal coal growth projects will struggle to earn a positive return for their owners.” Translation: don’t invest in coal, because you won’t make money.

Another Montana example is Australian based Ambre Energy, which has for the past half-year attempted to negotiate a purchase of full control of the Decker Coal mine in southeastern Montana, in order to export the coal to Asia. In order to purchase 100% of Decker (Ambre currently owns 50%), Ambre needs to raise approximately \$71 million to cover bonding requirements, but

has had to ask for an extension of at least three court-imposed deadlines, as it cannot come up with the cash. What’s more, in May 2012 Ambre apparently initiated talks with the Montana Board of Investments for a \$10 million loan, but it appears that it does not even qualify under the terms of the program.

Meanwhile, some Montana elected officials from both political parties are living in a vacuum with the fictitious notion that coal production is an essential element of a viable long-term economic development plan for Montana. However, the proof is in the financial “pudding,” and the future for coal is dim and declining in Montana and across the world. Tying our economic future to such a “sinking ship” would be a grave mistake. Montana has the ability to implement policies that will thoughtfully transition our energy sources and our exports away from coal and toward clean and renewable energy resources. It will take time, but it is morally and economically necessary. ☺

“Even the Oracle of Omaha, billionaire investor extraordinaire Warren Buffett, recently stated that “coal will gradually decline in importance.”

*The Otter Creek valley.
Photo by Kestrel Aerial
Services.*



Montana is Considering Updating its Residential Energy Code

by Kyla Maki

Every three years, the Building Codes Council of the Montana Department of Labor and Industry (DLI) reviews Montana's residential energy code, which applies to

newly constructed homes, and considers whether to update or make changes to it.

Montana's current residential energy code is, by and large,

a copy of the 2009 International Energy Conservation Code (IECC). The Building Codes Council is now considering whether to incorporate changes from the 2012 IECC. The

"According to the U.S. Department of Energy, the measures in the 2012 energy code could save a homeowner \$4,000 over a 30-year period."

IECC is a national energy code that most states, including Montana, employ as a model for their statewide residential energy codes.

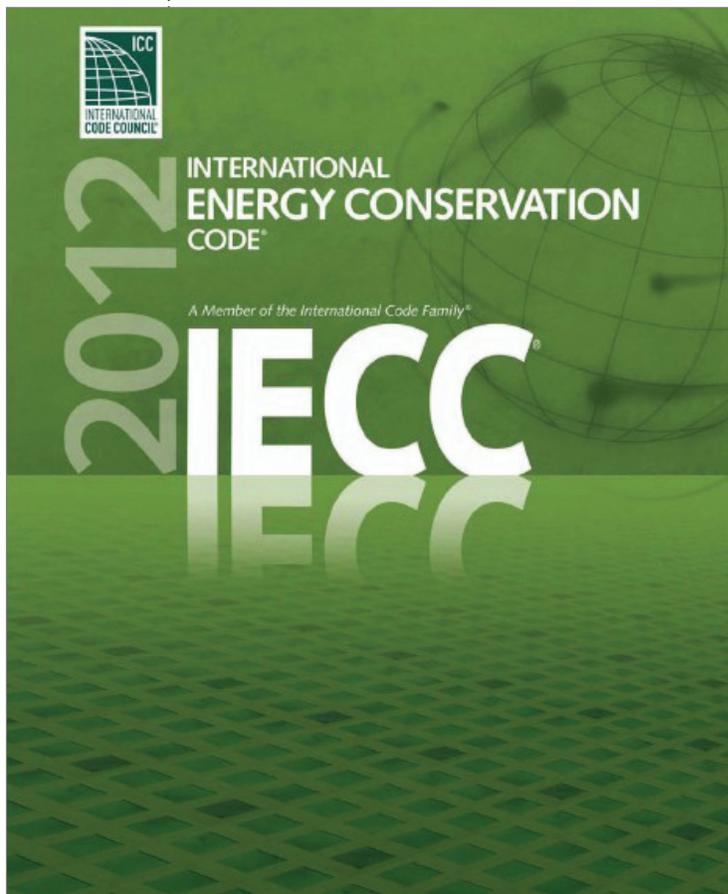
The most significant changes proposed in the 2012 energy code are:

- Mandatory blower door testing;
- 75% of permanent light fixtures must be high efficiency lighting (CFLs or LEDs);
- Increased insulation requirements for above-ground walls;
- Insulation required on corners and headers;
- Increased air sealing requirements; and
- Whole house mechanical ventilation system required.

The 2012 IECC has the potential to save up to 15% more energy than its 2009 predecessor. In fact, each of the measures in the 2012 code works in concert to provide more energy savings than any of the earlier energy codes. Energy savings can also turn into dollar savings. According to the U.S. Department of Energy, the measures in the 2012 energy code could save a homeowner \$4,000 over a 30-year period. Clearly, energy efficiency that is built in to a home at the time of construction can shield homeowners from expensive energy retrofits down the road.

Strengthening the energy code is an essential step towards reducing energy use in residential buildings. Energy savings are not gained, of course, unless builders actually follow the code. For that reason, MEIC is encouraging DLI to adopt the 2012 code, and also to develop strategies to improve code compliance. Lack of energy code enforcement and education has led to low rates of compliance across Montana.

The Building Codes Council will have public hearings in Helena early this Fall to discuss changes to the energy code. Following these hearings, it will develop a proposed rule and begin the formal agency rulemaking process that will most likely be completed by Spring 2014. ☺



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!

I want to help protect Montana's environment by:

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President's Letter



by Roger Sullivan

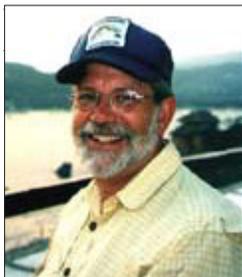
Forty and Forward - with gratitude

In its forty years of existence MEIC has many accomplishments to be proud of, including the seminal 1999 decision of the

Montana Supreme Court, aptly captioned *MEIC v. DEQ*. In that opinion, written by Justice Terry Trieweiler, the Montana Supreme Court recognized that the environmental provisions of the Montana Constitution, which became effective in 1973, were both anticipatory and preventative, and did not require an environmental disaster before they could be enforced. Trieweiler wrote:

"We conclude, based on the eloquent record of the Montana Constitutional Convention that to give effect to the rights guaranteed by Article II, Section 3, and Article IX, Section 1, of the Montana Constitution they must be read together and consideration given to all of the provisions of Article II, Section 1, as well as the preamble to the Montana Constitution. In doing so, we conclude that the delegates' intention was to provide language and protections which are both anticipatory and preventative. The delegates did not intend to merely prohibit that degree of environmental degradation that can be conclusively linked to ill health or physical endangerment. Our constitution does not require that dead fish float on the surface of our state's rivers and streams before its

Thoughts from the Executive Director



by Jim Jensen

As MEIC turns 40, I have been reflecting on our society and politics here in Montana. What I see is troubling and needs to be changed.

It often comes up in social conversation that I work for an environmental advocacy organization. At those times, I use the opening to mention the Montana Constitution and its right to a clean and healthful environment. Disappointingly, few people under 40, and almost no one under 30, has ever heard of it. Many of the youngest are not even aware that the State has its own constitution. As it turns out, civics is not always required in Montana's high schools.

This is a very red flag for me and I hope it is for you, too. If our society is ignorant of this right (and many others), the unrelenting lessons of history tell us we will be likely to lose it.

So, I offer this idea: every environmental and conservation group in Montana should join together in a multi-faceted campaign to cause Montana civics to be required of every high school student. There are corporate interests that persistently work to undermine our rights and have even tried to press for the repeal of the environmental one in particular. And there are local elected officials in many parts of the state who share in this desire. They want jobs and tax revenue at any cost, even though they often use shallow "greenwash" rhetoric to disguise their real views. However, their actions speak louder than their words.

County commissioners, school administrators, mayors, and others line up every session of the legislature to support anti-environment bills. We need to make sure there are negative consequences for them at the ballot box for doing so. This is only possible with an informed electorate, as Thomas Jefferson so sternly, and correctly, admonished us. 

farsighted environmental protections can be invoked.

Since the MEIC decision, Montana environmentalists have frequently relied upon the environmental provisions in our Constitution, but we seldom hear mention of the Preamble, which I think is yet to receive the attention it deserves. It states as follows:

"We the people of Montana grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations do ordain and establish this constitution."

Protecting Montana's environment is demanding and at times exhausting work for our

dedicated staff and volunteers. When I am weary, I turn to sources of inspiration, such as the Preamble and especially the Montana environment itself.

Montana poet Roger Dunsmore, in Earth's Mind, reminds us that coming together in ceremony to celebrate is another way to recharge our collective batteries. Dunsmore quotes from Black Elk:

"When the ceremony was over everybody felt a great deal better, for it had been a day of fun. They were better able now to see the greenness of the world, the wideness of the sacred day, the colors of the earth, and to set these in their minds."

This passage rings especially true to me as MEIC and its members prepare to gather on September 21st to celebrate our 40th anniversary. Please join us in a day of gratitude, celebration, and fun. ☺

Climate Action Plan (continued from page 10)

renewable sources by 2020; improving vehicle fuel economy standards; modernizing the electricity transmission grid; and much, much more.

The most important and therefore most controversial proposal in the plan directs the U.S. Environmental Protection Agency to regulate carbon emissions from existing power plants. EPA has recently struggled to adopt a regulation for new power plants. But the climate crisis was not created by power plants that have yet to be built. It was created by old, dirty plants like Montana's Colstrip and Corette, which together account for over 50% of Montana's carbon emissions.

Forcing dirty old plants to reduce carbon emissions is essential to achieving the 2020 goal. As Obama said: "We limit the amount of toxic chemicals like mercury and sulfur and arsenic in our air or our water, but power plants can still dump unlimited amounts of carbon pollution into the air for free. That's not right, that's not safe, and it needs to stop." He followed his speech with a

formal memo to the EPA administrator directing her to issue final regulations by June 2015.

Although Obama's speech was a good blueprint for action, there was one component that was disconcerting. He called for spending \$8 billion on "advanced fossil energy." This includes throwing money away on carbon sequestration and trying to make dirty fuels clean. This enormous amount of money should instead be spent on advanced efficiency and renewable projects. Trying to make dirty fuels clean is like trying to make a motorized horse and buggy. The federal government should not be cutting the food stamp program at the same time it wastes \$8 billion trying to make fossil fuels as clean as already existing energy sources such as wind and solar.

All in all, though, the president's plan is a step in the right direction. Urgent action is needed. How quickly he is able to translate his words into action will be the key to meaningful change. ☺

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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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