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**Cowboy Poet Wally McRae at MEIC's  
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# NorthWestern Energy Proposes Buying PPL's Dams

by Anne Hedges

In September 2013, NorthWestern Energy (NWE), Montana's largest electric utility, announced its plan to purchase all the dams in Pennsylvania Power & Light's (PPL) hydro-electric

system. According to numerous reports, PPL was trying to sell all of its Montana generation assets, both the dams and the coal-fired power plants. NWE has prudently chosen to limit its purchase to the dams.

After Montana deregulated the electricity industry in 1997, the Montana Power Co. sold its generation assets – which Montanans had paid for over the decades – to PPL. PPL bought 11 hydro-electric dams around the state, and the Colstrip and Corette coal-fired powerplants. Electricity rates rose immediately, as Montanans paid again so PPL could make money on its investment.

But PPL's return on investment has not fared so well in recent years. Deregulated markets are not as lucrative as they once were. PPL's regulated subsidiaries in

Kentucky, Pennsylvania, and Great Britain are more profitable because there is a guaranteed rate of return for those utility investments. As a result, reports started surfacing in 2012 that PPL was trying to find a way out of Montana.

Currently NWE buys a large portion of its electricity from PPL. Those power contracts expire in 2014. The dams would provide NWE with about 633 megawatts of capacity. However, Kerr Dam, which provides nearly 200 megawatts, is likely to revert to the Salish Kootenai Tribe in 2015. According to NWE's estimates, the remaining 10 dams and one storage reservoir, combined with NWE existing generation assets, would provide all the electricity NWE needs during times of non-peak demand.

The dams won't be cheap. NWE is proposing to pay PPL \$900 million. This is projected to result in an immediate but modest electricity price increase for consumers, followed by longer term price stability. While any increase may sound undesirable, it is significantly better than being exposed to the risk and costs associated with fossil fuel generation. The costs of climate change are very real and significant. Power plants that burn fossil fuels such as coal emit enormous amounts of climate changing pollution. These plants currently do not have to control those emissions, or bear the burden of the true costs to human health and the environment.

The Obama Administration is trying to change that. If fossil-fuel-burning plants are required to control their climate changing emissions, then their electricity will be more expensive compared to other sources such as hydro-electric dams.

NWE emphasized to the Montana Public Service Commission that the hydro-electric assets it wants to buy are "non-carbon emitting" and therefore have a "lower environmental compliance cost risk compared to alternatives." NWE should be commended for its interest in the dams and for not increasing its reliance on climate changing coal-fired generation. While the Montana PSC has become an ideological and unpredictable body, it is expected to eventually approve the purchase.

Then the question for PPL will be: what to do with its dirty outdated coal plants? Stay tuned for that chapter in this long-running saga. ☺

*"NWE emphasized to the Montana Public Service Commission that the hydro-electric assets it wants to buy are 'non-carbon emitting' and therefore have a 'lower environmental compliance cost risk compared to alternatives.'"*

Canyon Ferry Dam.  
Photo by MEIC.



Cover Photo:  
Wally McRae.  
Photo by Molly  
Severtson.



# Federal Court Agrees with MEIC on Coal Waste Regulation

by Anne Hedges

The second largest (by volume) waste stream in the United States – the toxic coal ash and sludge created by coal-burning power plants – has, until now, been unregulated by the federal government. That is about to change, as the result of a lawsuit brought by MEIC and others against the U.S. Environmental Protection Agency (EPA).

Until now, it has been left to the states to do whatever they thought best to regulate the massive quantities of toxic coal sludge and ash generated as a waste product of burning coal. Too often this has resulted in little or no regulation or enforcement of one of the nation’s most problematic waste problems. State regulation has certainly not worked well in Montana, where the Colstrip power plant’s 800 acres of coal waste impoundments have been contaminating ground water for decades. The lack of federal oversight makes it unsurprising that there are hundreds of other sites across the country where coal sludge and ash have contaminated both ground and surface waters, and led to damaging and toxic floods.

Congress first told EPA to analyze, and if necessary regulate, coal waste in the 1980s. Decades later, there are still no regulations. Federal law requires EPA to review, and if necessary revise, all its regulations every three years. EPA has failed to perform that duty for coal waste disposal.

In April 2012, Earthjustice, representing MEIC

and other groups across the country, filed suit against EPA. The groups were tired of waiting for EPA to do its job and protect public health and the environment while ground and surface waters continued to be contaminated.

A.U.S. district court judge in Washington, DC, agreed with environmental groups in a decision issued on October 29, 2013. The court found that EPA has a duty to review its rules every three years and had failed to comply with that requirement in this instance. The court gave EPA 60 days to tell the court how it intends to proceed in this matter and when it will issue coal waste regulations. The court disagreed with EPA’s position that the agency has the discretion to set its own timeframe for reviewing its coal waste regulations.

MEIC will continue to push EPA to finally do something about this waste problem that is harming public health, property rights, and the environment across the country. ☺

*“In April 2012, Earthjustice, representing MEIC and other groups across the country, filed suit against EPA. The groups were tired of waiting for EPA to do its job and protect public health and the environment while ground and surface waters continued to be contaminated.”*

*Coal sludge impoundments that serve the Colstrip coal-fired power plant. Photo by Kestrel Aerial Services, inc.*



# MEIC Lawsuit Results in Release of Public Documents - FINALLY!

by Anne Hedges

It is difficult to be a government “watchdog” if you cannot access government documents. Federal law provides the public with the right to view public documents, and so does the Montana Constitution. These rights are

*“The data it released... show that PPL spent tens of millions of dollars each year for what it called routine capital expenditures.”*

fundamental to the accomplishment of MEIC’s mission. That is why MEIC has always been willing to go to court if necessary to


protect and exercise that right. A past example involved MEIC succeeding in forcing the City of Great Falls to release public documents during the fight over the Highwood Generating Station. Recently MEIC had a similar success.

Years ago, the U.S. Environmental Protection Agency (EPA) had asked Pennsylvania Power & Light (PPL) – a principal owner and the operator of the Colstrip power plant – how much money it had spent on equipment upgrades and maintenance at the plant. MEIC learned of this request while digging through Montana Department of Environmental Quality files in 2010. Shortly thereafter, MEIC requested a copy of PPL’s response from the EPA. But, hard as it

may be to believe, it took three and a half years, and one lawsuit, before MEIC was allowed access to that public document, and could see what the company was hiding.

EPA’s response to MEIC’s request under the federal Freedom of Information Act was slow and frustrating. After two years of stalling and trickling out documents, in April 2012 EPA was finally ready to release the key document. When PPL learned this, it immediately sued EPA to keep the document from the public. MEIC and Sierra Club intervened in that lawsuit to make sure the public’s right to access government documents was well represented.

On November 21, 2013, with the patient mediation assistance of federal judge Susan Ostby, PPL agreed to provide the most important sections of this document to the public. The data released cover the years 1995-2003. They show that PPL spent tens of millions of dollars each year for what it called routine capital expenditures, but, in fact, involved unreviewed and unpermitted equipment changes and upgrades. In 1995, for example, it spent over \$25 million. In 2003 it spent over \$32 million.

Electricity generated from coal is not cheap. And burning coal negatively impacts public health and neighboring property values, and increases climate change pollution. These costs need to be understood in order to determine the best way to change the nation’s existing energy system so that it provides cleaner, healthier, and more affordable energy. Access to these types of documents is essential to making informed decisions about the country’s energy future. 

*The Colstrip power plant. Photo by Anne Hedges.*



## Arch Coal Can't Afford to Mine Otter Creek

by Derf Johnson

Many people believe the U.S. coal industry is in a permanent decline; some go so far as to call it a "death spiral." And Arch Coal is in the eye of the storm. Domestic coal use has declined significantly in recent years. The current prices for natural gas and renewable energy are making coal plants uneconomic. Energy efficiency is increasing. All this means a lower demand in the U.S. for coal. The industry sees its survival resting on exporting coal to overseas markets such as China.


Arch Coal understands this trend and has proposed building a large coal export terminal in Washington State, so that it can send coal mined in Montana's Otter Creek valley to Asian markets. Its plans are meeting heavy resistance, though. Over 200,000 people submitted comments on the proposed terminal, more than on any other project in Washington State history.

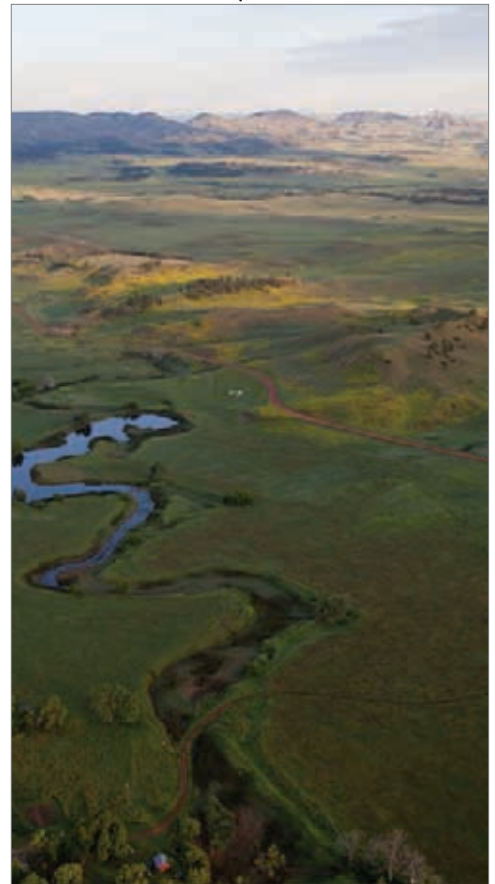
Arch's financial picture is not rosy. In late October 2013, its president and chief executive officer John Eaves said: "So while we are seeing some signs that coal markets are poised to improve, we aren't ready to predict that turnaround will occur.... Arch is not planning on bringing additional volume on until we see a sustained improvement in the market."

In the same conference call, Arch's executive vice-president and chief operating officer Paul Lang said: "I have to be honest, for us to even consider

ramping up or bringing back equipment in any fashion, prices have got to be quite a bit better than what they are today. The numbers just don't support any further volume pick-up."

Arch stock has plummeted from around \$34 per share three years ago to just under \$4 per share now. Montana has a long history with bankrupt companies that cannot or will not pay to clean up their messes. Arch's stock price and its own forecasts fail to provide any assurance that Arch will be able to pay to reclaim the alluvial valley at Otter Creek once mining is finished.

Currently Arch is in the process of collecting a full year's worth of hydrologic data to satisfy the requirements of its mining permit application, a process that will be completed in late Spring 2015. If and when the Montana Department of Environmental Quality decides that Arch's application is complete, the public will then have only a measly two weeks to comment on it. 



The Otter Creek valley. Photo by Kestrel Aerial Services.

## Rosebud Coal Mine Expansion Under Federal Review

by Derf Johnson

The Montana Legislature's seemingly endless efforts to slash and eliminate environmental standards in the name of economic development have finally backfired. The Montana Environmental Policy Act (MEPA) has been so weakened that reviews conducted under it no longer satisfy the requirements of the

federal National Environmental Policy Act. As a result, on at least one project so far – the proposed expansion of the Rosebud coal mine – the federal government has had to step in, in order to assure that the minimum federal air and water quality standards are being met.

SB 233, which passed in the 2011 legislative session, prohibits State agencies from considering any out-of-state environmental impacts of major

*continued on page 11*

MEIC's web site ([www.meic.org](http://www.meic.org)) will continue to have up-to-date information on Otter Creek. Check it frequently so your voice and those of your neighbors and friends are heard.



# PSC's Decision on Energy Efficiency Hurts Ratepayers

by Kyla Maki

On October 22nd, the Montana Public Service Commission (PSC) made an unprecedented ruling that could set efforts to take advantage of energy efficiency savings back by several decades. It refused to allow NorthWestern Energy (NWE) to recover through its future electricity rates some significant already incurred costs associated with its energy

efficiency programs. The case in which the PSC made its ruling was complicated, but the ruling's implications are not. The PSC sent an unmistakable signal to NWE that saving energy

should not be a priority. The PSC's misguided decision has put the future of NWE's energy efficiency programs at serious risk.


If you are a NWE customer, you have probably received coupons in the mail for the purchase of compact fluorescent light bulbs. Coupons for energy efficient light bulbs, and free energy audits, are just two examples of NWE's energy efficiency programs that help home and business owners reduce their energy use and save money.

Montana law requires NWE to acquire energy efficiency as the "least cost resource." In addition to being the lowest cost energy resource available, efficiency programs also help to make expensive new power plants unnecessary, reduce harmful air pollution, and help customers to be able to afford to pay their bills. These are public benefits that flow to everyone on a utility's system, not just to the person buying the light bulbs or receiving the audit.

Saving energy benefits customers, but it comes at a potential financial cost to the utility, because it only earns

revenue when it sells energy. Therefore, NWE's efficiency programs conflict with the utility's financial interests because they encourage customers to "buy" less of NWE's product. To remove this disincentive, a mechanism has been put in place that allows NWE to recover certain costs that are tied to the "lost revenues" resulting from direct energy efficiency savings over a specific time period. NWE must receive the approval of the PSC in order to recover these lost revenues from ratepayers.

Since NWE's lost revenue adjustment was put in place in 2005, every PSC has encouraged the utility to prioritize energy efficiency so that customers would reap numerous financial, social, and environmental benefits. Unfortunately, the current PSC ignored that precedent, and has ruled that it is "skeptical of the status quo" when it comes to allowing lost revenues from verified energy savings. In a PSC work session leading up to the October 22nd order, commissioner Roger Koopman (R-Bozeman) said that using more energy was "not necessarily a bad thing." Other commissioners made several comments criticizing the value and validity of well-established energy efficiency benefits.

A conservative cost-benefit analysis of efficiency programs estimates that NWE's efficiency programs have saved customers over \$78 million in the last five years. These programs cost about \$29 million. For comparison, NWE would have had to spend about \$108 million acquiring the same amount of energy from fossil fuel generation. Even this small investment in efficiency reaps huge benefits for NWE and its customers. Unfortunately, the PSC commissioners let their prejudice against energy efficiency override their common sense. The commissioners tried to portray their decision as looking out for ratepayers, but they did just the opposite by scrutinizing the least costly and most beneficial energy resource. In contrast, the commissioners had no problem allowing NWE to recover potentially millions of dollars of replacement power costs because of the ongoing shutdown of Colstrip Unit 4. 

*"A conservative cost-benefit analysis of efficiency programs estimates that NWE's efficiency programs have saved customers over \$78 million in the last five years."*

Installing energy efficient windows.  
Photo by MEIC.



# Denver Company Wants to “Frack” the Beartooth Front

by Derf Johnson

If the Denver, Colorado-based, Energy Corporation of America (ECA) has its way, the Beartooth Front in southcentral Montana may soon become an oil production field. ECA announced its interest in using hydraulic fracturing (“fracking”) to develop oil and gas resources on the Beartooth Front, and recently opened an office in Billings. ECA is a privately held oil and gas development company founded in 1963. ECA claims to have “significant acreage ... in Montana” and has said it is “looking to actively develop it in the very near future.”

ECA executive John Mork recently told the **Billings Gazette** that “I would love to bring something like the Bakken – maybe something a little more orderly than what is going on in Williston right now – to the area in the Bighorns and other areas in Montana.” The Bakken is the well-known region in eastern Montana and western North Dakota currently experiencing a dramatic increase in oil and gas development due to the use of horizontal drilling coupled with hydraulic fracturing.

The Bakken region, which traditionally relied heavily on farming and ranching for its economy, is now suffering from all of the negative social side effects associated with a major oil boom: stressed social services; underfunded and stretched emergency services and public safety; crowded schools; increased crime rates; a heavy increase in traffic; etc. And the use of fracking in the Bakken region has had major environmental impacts,

including air and water pollution, methane emissions, excessive and wasteful use of water, and disturbances to wildlife from construction of roads and well pads.

According to the Montana Board of Oil and Gas Conservation’s online database, ECA has already fracked a well that is immediately east of the West Rosebud Creek drainage, below the towering Black Butte, and at the headwaters of the Stillwater River.

The company appears to have complied with Montana’s bare-bones disclosure requirements for fracking fluids by posting a list of the ingredients it used at [www.fracfocus.org](http://www.fracfocus.org).

Mork may have underestimated the love that many Montanans have for the Beartooth Front. Already numerous individuals and organizations have raised their voices against its industrialization, and MEIC will watch any developments very closely. ☺

*“ECA executive John Mork recently told the Billings Gazette that “I would love to bring something like the Bakken – maybe something a little more orderly than what is going on in Williston right now – to the area in the Bighorns and other areas in Montana.””*

*The Beartooth Front. Photo by Sara Marino.*



# MEIC Celebrates its 40th Anniversary in Style

by Molly Severtson

## Thanks!

MEIC would like to thank the following individuals and businesses that graciously donated silent auction items to our 40th Anniversary Rendezvous:

- Jim Barrett
- The Base Camp
- Blackfoot River Brewing
- D. Linnell Blank
- Amy Budke
- Crazy Creek Products
- Harold Dramstad
- Sarah Elkins
- Glacier Raft Co.
- Great Divide Ski Area
- Sarah Jaeger
- Lindy Miller
- Montana Ale Works
- Claire O'Connell
- Pan Handler Plus
- Patagonia Outlet Store
- Saunders Jewelry
- Taco del Sol
- Windbag Saloon
- Yellowstone Alpen Guides

More than 200 people turned out for MEIC's 40th Anniversary Rendezvous in September, the biggest crowd for this event in the organization's history! Guests were treated to cowboy poetry, local food, a climate change panel discussion, solar car kits for the kids, and an update on MEIC's important work in Montana. The event was held at the historic Kleffner Ranch in East Helena.

Those who attended also had the unique opportunity to tour the nearby ASARCO lead smelter Superfund site, led by the EPA's state director, Julie DalSoglio. The keynote speaker for the evening was K.C. Golden, senior policy advisor at Climate Solutions in Seattle. An accomplished climate advocate, K.C. received the Heinz Award for Public Policy in 2012.

Also that evening, MEIC unveiled a one-of-a-kind art piece, created specifically for the 40th anniversary by ceramicist Stephen Braun, featuring the state of Montana and various aspects of the environmental issues MEIC has worked on over the last four decades. Another big treat was a presentation of poignant cowboy poetry by Montana's poet "Iariat" Wally McRae, in a rare public appearance.

For many, the event was a time to look back and celebrate the long, successful history of MEIC in protecting clean air and water in Montana. For others, it was a chance to learn more about the organization and all of its accomplishments. For all, it was also a time to look forward to the many challenges still ahead, knowing MEIC will be there as long as needed to protect the clean and healthful environment of our state. ☺

Right: Wilbur Rehmann Jazz Quartet plays for the crowd.

All Photos by Molly Severtson.



Above: Delicious food provided by Benny's Bistro.

Above: Rachel Carroll Rivas and Nava.





Above: Robin Tawney and Jim Jensen.



Above: A selection of MEIC Board and staff from its founding in 1973 through today.



Left: Dr. Paul Smith addresses the crowd on the health impacts of climate change.

Left: K.C. Golden addressing the crowd.



Above: Jim Jensen addresses the crowd during a panel on climate change.



Above: Wally McRae and Art Hayes at the Rendezvous.

## Goodbye to Old Friends, Hello to New Ones

MEIC's most heartfelt thanks go out to Steve Gilbert, Anne Johnson, Tom Steenberg, and Michelle Tafoya, who have retired from MEIC's Board of Directors. Their dedication to strengthening the work of MEIC has been much appreciated and they will be sorely missed.

Happily, MEIC welcomes returning board members Gary

Aitken, Myla Kelly, and Kirwin Werner, as well as new members Joe Biby, Bob Gentry, and Tom Graff. We are looking forward to working with them all to advance MEIC's mission to protect Montana's natural environment for generations to come.

And our thanks go to all the MEIC members who cast their votes in the Board election.

## MEIC Staff Receive Awards

by Kyla Maki

NWEC executive director Sara Patton and Jim Jensen.



On November 8th, the Northwest Energy Coalition (NWEAC) presented MEIC's executive director, Jim Jensen, with its prestigious Headwaters Award. The award recognizes leaders who have made a significant contribution to the Northwest's clean and affordable energy future. In presenting Jim with the award, NWEAC executive director Sara Patton commended him for his leadership on clean energy, and his multi-decade commitment to fighting to protect the environment. NWEAC is a nonprofit organization based in Seattle made up of over 100 environmental, civic, and human service

organizations, as well as progressive utilities and businesses in Montana, Oregon, Washington, and Idaho.

MEIC's clean energy director, Kyla Maki, also received an award for her work on clean energy policy. The Alternative Energy Resources Organization (AERO) gave Kyla its Sustainable Energy Award in October. AERO's executive director said that Kyla received the award because of her tireless work promoting strong building codes, protecting net metering, and advocating energy efficiency in Montana. ☺



## American Environmental Hero Killed in Africa

Bob Anderson, a Livingston native who led the fight to stop a dam on the Yellowstone River, successfully promoted the designation of the Absaroka-Beartooth Wilderness, co-founded the Greater Yellowstone Coalition, served two terms on the Montana Public Service Commission, and was an energy consultant for MEIC, was killed in a rollover vehicle wreck in Tanzania in October. He was 70 and had just finished summiting 19,400-foot Mount Kilimanjaro with his wife Grace two days earlier. She was injured in the crash, but is recovering.

The dam, which would have been called Allenspur, was proposed by the U.S. Army Corps of Engineers to be built just south of Livingston. It would have been 31 miles long and four miles wide, inundating more than 32,000 acres of the Paradise Valley. Because its purpose was to provide irrigation water to eastern Montana, there would probably have been a marina at Emigrant in the Spring and early Summer, and mud flats the rest of the year. Not exactly paradise.

But Anderson rallied opposition to the dam. In Fall 1974, he wrote an insert in the *Livingston Enterprise* newspaper that galvanized opponents. In it he said: "The social, economic, and environmental impacts, though largely undetermined, would be significant . . . . And perhaps most important for this and all future generations of Americans, the dam would destroy one of the last major free-flowing rivers in America." Its defeat was a remarkable victory. But, as you can see from the list above, that was just the beginning for BA, as he was known to his friends.

At the time of his death Anderson was living near Lake Tahoe. He had recently been elected president of the Tahoe Chapter of the Sierra Club and was pressing forward in organizing support for new protections for the lake's renowned purity and sapphire blue color. A leader to the very end.



Photo by Bob Kiesling.



## Coal Mining Update *(continued from page 5)*

projects. SB 233 was an attempt to prevent MEPA analyses from addressing the impacts associated with strip mining huge volumes of Montana coal and exporting it to Asia. But as Lifeng Feng, an environmental activist from China who recently visited Montana, stated: “air pollution knows no boundaries.”

Scientists have shown that air pollution from China’s massive coal-fired power plants takes as little as seven days to travel across the Pacific and contaminate air in North America. What’s more, the climate change impacts from coal mined in Montana and burned in Asia will be significant right here in Montana as well as around the world.

The U.S. Office of Surface Mining (OSM), which oversees Montana’s coal mine regulation program, recognized the inadequacies of MEPA,

and has begun a federal NEPA analysis of a major expansion of the Rosebud Coal mine, which provides coal to the Colstrip power plant. The expansion would allow the mining of coal located under an additional 6,746 acres of land. It is likely that OSM will have to continue reviewing Montana mine proposals as long as Montana law remains weaker than the federal equivalent. ☺



*The Rosebud coal mine. Photo by Kestrel Aerial Services.*

## Signal Peak Seeking to Expand Bull Mountain Mine

*by Derf Johnson*

Montana’s lone underground coal mine, the Bull Mountain mine near Roundup, is seeking to expand, and has recently received a permit from DEQ to do just that. Signal Peak Energy, part owner and operator of the mine (along with a Russian-based, Switzerland headquartered, Cyprus-registered commodities trading firm called Gunvor) is presumably moving forward with the expansion in order to capitalize on what it hopes will be a lucrative export market.

The expansion was approved by DEQ after a cursory review, in spite of the very serious problems identified by the surface owners (the people whose property is directly above the coal mine). Those problems include:

- The proposed expansion would increase the permit area by over 48%. Such a massive expansion should require an environmental impact statement under MEPA.
- The expansion will require a waste disposal

facility. Signal Peak failed to provide any details about the facility.

- Signal Peak and DEQ failed to adequately analyze the major impacts such an expansion would have on the Bull Mountain’s already distressed elk population, in what has traditionally been a popular hunting destination.
- DEQ applied the wrong legal standard to the expansion’s impact on the hydrology in the area.

MEIC is concerned about the mine’s expansion and its impact on area landowners and the environment, and recently filed an appeal with the Montana Board of Environmental Review, challenging the adequacy of the flawed permit that was approved by DEQ. MEIC is represented by the Western Environmental Law Center. ☺



# BPA Transmission Upgrade Will Aid Clean Energy Development

by Kyla Maki


The U.S. Bonneville Power Administration (BPA), a federal power-marketing agency, is proposing to upgrade a portion of the transmission line that extends from Colstrip to the state of Washington. BPA owns the section of the line that runs from Townsend, Montana, to Washington. The upgrade is estimated to cost about \$150 million. The primary purpose of the upgrade is to improve reliability

*“No new transmission lines will need to be built, no new rights of way will be created, and no condemnation will be necessary.”*

and increase transmission capacity for future renewable energy projects. Over 500 megawatts of additional transmission capacity would become available if the upgrade moves forward. Many of the renewable energy projects that would take advantage of that new capacity will be located in Montana.

This transmission upgrade is essential to expanding Montana’s, and the Northwest region’s, renewable energy generation, to meeting clean energy goals, and ultimately to reducing global warming emissions. Currently, the affected public utilities in Montana are already meeting the State’s 15% by 2015 renewable energy standard. Without this upgrade, Montana’s renewable energy development will be at a standstill for the next several years. Upgrading the line will provide a path for Montana renewable energy to reach markets west of the Cascades. The upgrade will also provide an opportunity for wind projects to take advantage of geographic diversity, balancing different wind regimes. For example, electricity generated by wind blowing in the Columbia River gorge area can complement Montana wind energy, because in the gorge the wind is strongest during the day, whereas in Montana the wind is stronger at night.

Most of the upgrading will involve reinforcements to the existing line. No new transmission lines will need to be built, no new rights of way will be created, and no condemnation will be necessary. BPA is proposing to build one new substation underneath the existing transmission line in the existing right of way. The bottom line is that upgrading this line is the least controversial opportunity to put Montana and the region on a cleaner energy path.

Currently, BPA is in the scoping phase of the environmental impact statement (EIS) process. MEIC and several other individuals, organizations, and government officials have submitted comments supporting the upgrade because of the clean energy opportunities that it would create. The agency is reviewing the scoping comments it has received. As the next step, BPA will produce a draft EIS. The final EIS is scheduled for Fall 2015. 



# Hardrock Mining Update

by Jim Jensen

## Black Butte Mine


The Montana Department of Environmental Quality (DEQ) received a record 4,500 comments on the environmental assessment on the exploration expansion of this mine, proposed on Sheep Creek at the headwaters of the fabled Smith River.

Importantly, Montana's Department of Fish, Wildlife, and Parks (DFWP) challenged DEQ's view that the mine will have no impacts on the water quality in Sheep Creek. In a letter to DEQ, DFWP director Jeff Hagener wrote: "This EA is simply too inadequate to provide confidence to the public that the proposed action will not result in significant impacts." MEIC, Montana Trout Unlimited, Earthworks, and other organizations, along with thousands of individuals, expressed similar sentiments.

DEQ is currently reviewing all the comments in preparation for the release of a final decision in January 2014.

## Golden Sunlight Mine

DEQ's review of public comments received on the draft environmental impact statement on

Golden Sunlight mine's proposed new open pit is ongoing. The key question before DEQ director Tracy Stone-Manning is whether to require the pit to be fully reclaimed and backfilled after mining ceases, or to allow another permanent gaping hole to be the legacy of so-called "modern" mining in Montana. 

*Montana's Smith River. Photo by Dylan H. Brown.*



## 'Tis the Season!

Best wishes to you and your family this holiday season! As the year comes to a close, many people choose to make gifts to family, friends, and charitable organizations. Are you tired of buying more and more stuff that others really don't need or want? How about giving the gift of a clean and healthful Montana environment instead? Here's how you can do it:

- **Double your money** – and impact – by responding to MEIC's challenge grant fundraising appeal with a generous gift. MEIC has the exciting opportunity to receive a \$10,000 grant – but only if members like you match it dollar-for-dollar by December 31st.
- **Give an MEIC membership** to friends, family, or co-workers. This gift will keep on giving all year long to protect clean water and air, and healthy landscapes. As you know, members are the heart and soul of MEIC – the larger our numbers, the stronger we are!
- **Join MEIC's monthly giving program!** It's often difficult to give one large gift, so this way you can spread your giving out in smaller amounts over the year. Monthly giving also provides MEIC with a source of predictable income throughout the year.

In this season of giving, won't you please take this opportunity to give back to the rivers and streams, big skies, and wild places that have enriched your lives. Please give as generously as you can. You may use the enclosed postage-paid envelope, donate on-line at our website, [www.meic.org](http://www.meic.org), or call the MEIC office at 406-443-2520.

Thank you for your past and continued support!

## Presidents Letter



by Roger Sullivan

### Becoming a Mentor: Giving the Gift of Ourselves

As I was listening to the evening news on KUFM last week, I thought I recognized the confident voice of the young woman offering a compelling commentary on the public policy intricacies of energy efficiency and renewable energy in Montana. It was MEIC's Clean Energy Program Director Kyla Maki. And not long before, MEIC's Derf Johnson was the featured guest on Brian Kahn's program, "Home Ground Radio," heard on public radio stations across Montana. Derf cogently debated with an industry attorney about the much-needed regulation of the hydraulic

fracking industry, whose activities, among other things, threaten ground water across the country. Derf is a talented young policy advocate and attorney, whose work at MEIC over the last three years has focused primarily on coal, oil, and gas.

As have other environmental groups, the board and staff of MEIC have been discussing for some time the "graying" of our organization and the need to hand a still glowing torch to those that will follow us. Thus it was encouraging to see young families in attendance at our 40th anniversary Rendezvous. And MEIC is fortunate to have Kyla and Derf on staff, who so ably represent the next generation of environmentalists. At the same time, Kyla and Derf are most fortunate to be able to work with our seasoned program leaders, Jim Jensen and Anne Hedges, who serve as inspiring mentors.

Speaking of graying, I've noticed that I've been doing some of that myself. And like MEIC, my law partners and I have realized that the litigation

## Thoughts from the Executive Director



by Jim Jensen

I must say I find it troubling when a political figure uses the public purse for his personal political ends. In this case, it is the attorney general of Montana, Tim Fox.

Fox, who was blessed with a \$50,000 infusion of "dark money" (most likely from the notorious Koch Brothers) at a critical moment in his election campaign last year, is a darling of the Tea Party.

When he fired off a letter in conjunction with a handful of the most entrenched conservative attorneys general in the country this Summer against the BLM's proposed rules to regulate fracking on the public domain, he made his intentions clear. In it he railed against the perceived excesses of the federal government in protecting air and water in the eastern half of the state.

When MEIC asked for his public files to see just how he arrived at this decision, he first delayed and then refused to release the complete files. (At press time, MEIC is weighing a decision to institute litigation to compel their release.)

It is bad enough that he supports water being polluted and air quality diminished on public lands in the West, but as the chief legal officer of the State he should at least obey the Montana Constitution's clear and simple right of the public to examine all public documents in which there is no personal privacy interest at stake. Montana's courts have ruled time and time again that this right is to be obeyed by all government agencies and officials.

But wait....

Now Fox has gone off and hired a very expensive, tall-building Seattle law firm to write a letter on his behalf to the State of Washington's permitting agencies, in which he makes it clear that in his view no environmental impacts of shipping coal to a proposed terminal at Longview should be identified, let alone be considered.



of some of the intractable environmental challenges we have been involved with may outlive us. So we have added some enthusiastic and dedicated young lawyers to our staff. While I have long given lip service to the importance of mentoring, circumstances now require that I give more conscious attention to it. I've learned that the term "mentor" derives from the character Mentor in Homer's *Odyssey*. Mentor was the trusted friend of Odysseus, who placed Mentor in charge of his son and his palace when Odysseus left for the Trojan War. Curiously, Mentor did not acquit himself well during Odysseus' long absence, as Odysseus returned to a household in shambles.

Fortunately for Mentor, through the eons "continuators" have rehabilitated his shabby opening performance so that today mentoring is thought of as a positive personal relationship between a (usually) older and more experienced guide who is committed to helping a less experienced person learn their craft or profession. Simply put, I see mentoring as giving the gift of

yourself—your experiences and insights, gleaned over the course of your life—to a younger person who shares your interests and values, but who lacks the experience to most effectively apply what knowledge they presently have.

Mentoring is by no means limited to office relationships. In fact, the most challenging tasks of our time are out there on and under and above the varied landscapes of our vast and precious state. Many of you reading this have engaged these formidable challenges for years. Perhaps you are experienced in the ways of researching environmental issues, of community organizing, or of communicating. You have much to offer the next generation of concerned Montanans, especially encouragement. So, particularly apt in this season of giving, we should remember that the most precious gift we may have to offer is the gift of ourselves, as mentors. ☺

That is bad enough, but there is more.

Rob McKenna, the lawyer who wrote the letter, is the immediate past attorney general of Washington who was soundly defeated in his run for governor last year. Now he has a typical political influencing job at the big firm, leading its Public Policy Group. That is "DC speak" for lobbying and political influence peddling with big money behind them. I smell a rat.

Why on earth would the Montana AG, whose office is well funded by the Legislature and has many lawyers, need to hire anyone else to write a simple letter? Is our tax money really going to a fat cat Seattle political lawyer to prevent Montana citizens' concerns from being heard?

If this is Fox's approach to fiscal responsibility, I'll "just say no."

Statewide elected officials are by definition politicians. Montanans don't care for them much as a class, so in 1998 they adopted – and continue to overwhelmingly support – term limits for nearly all of them.

Attorney General Fox's behavior does much to confirm the wisdom of this support. ☺

## You're Invited to MEIC's Holiday Party!

**Help MEIC celebrate the season, and 40 years of protecting Montana's water, air, and land, at a gathering of MEIC members and friends.**

**When: Wednesday, December 11th, from 5 p.m. – 7 p.m.**

**Where: The lobby of the historic Placer Hotel, 21 North Last Chance Gulch (on the walking mall next to Taco del Sol) in downtown Helena**

**Join us for good food and drink and lively conversation. If you can bring a dish to share or have any questions contact Sara at 443-2520 or smarino@meic.org.**

**We hope to see you there!**

**MEIC** - a nonprofit environmental advocate

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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 . . ."

*Down to Earth* is  
published quarterly.  
This issue is  
Volume 39, Number 4.



MONTANA ENVIRONMENTAL  
INFORMATION CENTER  
P.O. Box 1184  
Helena, MT 59624

Nonprofit  
Organization  
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## **CHANGE SERVICE REQUESTED**

### **Double your Money**

Do you want your hard-earned dollars to go twice as far? MEIC has received a challenge grant that will match any extra donations we receive before the end of the year.

That means your gift will go twice as far in helping protect Montana's clean water, fresh air, unspoiled landscapes, and unique quality of life.

As you consider your year-end giving, please don't forget Montana's environment. It is MEIC's loyal and committed membership that have allowed us to prevent the tar sands mining mega-loads from steamrolling Montana, to stop the development of two proposed coal-fired power plants, and to fight to protect key environmental laws at the legislature.

But as you read this newsletter, you can see that the threats never stop. We need your help now to protect the world-renowned Smith River from a proposed copper and silver mine, to slow global warming by keeping the Otter Creek valley coal in the ground, and to ensure Montana's wildlife have the space they need to thrive by strengthening the State's Habitat Conservation Plan.

Help match the challenge grant by December 31st by using the enclosed envelope to mail a check, or make your donation online at [www.meic.org](http://www.meic.org), or give us a call at 406-443-2520. Thank you.



*The Sun River scream. Photo by Michael Downey.*