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NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



**"We must accept finite disappointment,  
but never lose infinite hope."** *-Martin Luther King, Jr.*

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# Now is Not the Time to Hide Under the Covers

by Anne Hedges

Now that the election results have had a chance to sink in, here are some quick thoughts on what they may mean for the environment.

First, this wasn't a referendum on climate change or environmental protection. It was a referendum on the political establishment that doesn't represent the average person. It was a rejection of too much political correctness. It was a cry for help. We should heed those concerns but realize the election had nothing to do with people's commitment to environmental protection.

Second, Montanans believe in human-caused climate change and the nation is even more alarmed. Even if the polls are as error-ridden as the election predictions, the numbers

are still overwhelming. People strongly believe in the need to take action. This isn't some margin of error difference. People know that the climate is changing and it's costing us billions, harming people directly, and jeopardizing national security. None of that changed with this election.

Third, let's be realistic about why people are angry. People are pissed off that their wages have stagnated yet the cost of living has steadily risen. They're mad that politicians have allowed companies to outsource jobs to other countries at the expense of U.S. workers. They've had it with the obnoxious behavior of Congress. The divide between the haves and have-nots has increased and people are willing to follow someone with a media megaphone who's willing to call "BS" on the status quo – regardless of who that person is.

People are not angry that the U.S. is addressing climate change. Even in Montana, 65% of Montanans are in favor of "developing a strategy to meet the goals of the EPA's Clean Power Plan, reducing air pollution from coal plants." Even more people – 68% – favor "establishing a state plan to address climate change, reduce carbon pollution, and encourage the development of clean, renewable energy." This election did nothing to change these numbers. Montanans want to find a path forward, not continue to look in the rearview mirror. Even in Florida, which voted for Trump by a large margin, people voted resoundingly against an anti-solar initiative.

Fourth, despair isn't the solution. Keep in mind that Montanans and a majority of

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Cover Photo: MEIC Lobbyists from left to right: Brain Fadie, Jim Jensen, Anne Hedges, and Derf Johnson.

Judith Gap Wind Farm.



# Smith River Update

by Derf Johnson

Tintina Resources – the company that is proposing to develop a massive copper mine on Sheep Creek, an important tributary of the world-renowned Smith River – is continuing its media blitz across Montana with billboards, Facebook advertising, and newspaper columns. It is attempting to persuade the Montana public that digging a big hole in the ground into acidic rock at the headwaters of the Smith is a good idea. Thankfully, Montanans do not appear to be buying it. According to recent public opinion polls conducted on behalf of MEIC and Montana Conservation Voters Education Fund, approximately 64% of Montanans oppose the Smith River mine with 48% strongly opposed.

This opposition is now being recognized by some elected officials. The Helena City Commission recently passed a resolution expressing skepticism about the mine, and requesting that the Montana Department of Environmental Quality (DEQ) not permit the mine until Tintina demonstrates with absolute certainty that the mine will not impact the water quality and unique environmental attributes of the Smith River watershed.

Tintina doesn't appear to be getting the message, and is not backing down. It is continuing to pursue an operating permit for the mine. In mid-September Tintina submitted additional information to DEQ, in response to the agency's 62-page deficiency letter. This recent submittal consisted of thousands of pages of technical information that needs to receive intense expert scrutiny. Unfortunately, the law only gives DEQ 30 days to review the new application materials.

At this point, there's no expectation, even from Tintina, that DEQ will be able to go through the reams of data and information within 30 days and develop an accurate evaluation of the contents. (As an aside, this 30-day requirement in the law is just another example of the Montana Legislature's perverse obsession with attacking

environmental protections, even when the affected industries don't need the changes.) But more to the point, it appears that DEQ will be reviewing the application materials from Tintina for another month or so, probably making a completeness decision by the end of December.

Tintina is facing two new issues affecting its potential mining operation and the



public lands involved. First, it appears the Montana Department of Natural Resources and Conservation considers the land and minerals underneath Sheep Creek to be publicly owned, meaning that in order for Tintina to actually encroach upon this property, as it proposes in its application, it would need a lease from the State and would have to enter into a mineral royalty agreement. Contrary to what Tintina has been saying, the mine is not located entirely on private land.

Second, Montana Trout Unlimited recently filed a request with the Helena-Lewis and Clark National Forest to withdraw from mining the federal lands that surround Tintina's proposal. While this request wouldn't impact the current application, Tintina has used the potential for expansion as a way to attract investors. Tintina has already acquired more than 500 federal mining claims covering 10,000 acres in the Smith River basin. ☺

*Sunset on the Smith River.  
Photo by Gary Aitken.*

# How Bad Will the 2017 Montana Legislative Session Be? Really Bad.

by Anne Hedges

For months most of us have said: “I’ll be glad when this is over.” Now the old adage rings true – be careful what you wish for.

*“Fortunately, while the numbers have changed slightly, some of the environment’s worst enemies have been either term-limited or moved to the Montana House of Representatives, or both.”*

There’s no getting around it, the elections at the national level were very dismal for the environment (and a lot of other issues).

In Montana, Gov. Steve Bullock fought off a challenge from a self-financed billionaire whose primary campaign platform was to save Colstrip from evil environmentalists. Apparently Montanans weren’t buying what Gianforte was selling.

Montana State Capitol.



## Montana Elections by the Numbers

The top five elected officials in the state, who make up the State Land Board, went from a 4-1 Democratic majority to a 4-1 Republican majority. The Land Board approves the “big ticket” management decisions for the 5.2 million acres of State school trust land scattered across the state. Day-to-day management of these lands remains with the Department of Natural Resources and Conservation. DNRC already favors natural resource extraction and development. It’s hard to see how these new Land Board members could change management decisions to be more in favor of extraction, especially when they have an obligation as trustees of the Trust to manage the land for present and future generations. The agency and previous land boards have always favored short-term revenue over long-term benefits. The Land Board must also approve purchases of land by the Montana Department of Fish, Wildlife, and Parks “involving more than 100 acres or \$100,000 in value.” Generally, Republicans don’t favor the government purchasing or managing more land, so these decisions could be jeopardized.

In the Montana Legislature, very little changed. The Senate’s Republican to Democratic split went from 29-21 in 2015 to 32-18 now. Last session the Senate had enough “pro-resource-extraction-at-any-cost” senators on both sides of the political aisle that it was nearly impossible to defend existing environmental laws, let alone improve them. Fortunately, while the numbers have changed slightly, some of the environment’s worst enemies have been either term-limited or moved to the Montana House of Representatives, or both. (Term limits don’t mean much when an anti-environment legislator like Jim Keane (D-Butte) can continually move from one house to the other for as long as he wishes.) While we expect little change in the attitudes toward the environment of the

*continued on page 10*

## MEIC Challenges Rosebud Coal Mine Expansion

by Derf Johnson

The Rosebud coal strip mine provides all of the coal for the Colstrip coal-fired power plant via a conveyor and truck transportation system. It has been producing coal for the plant since the 1970s. Due to decades of coal strip mining at the site (begun long before the Colstrip plant was constructed), the local streams in the area have been dramatically degraded by dewatering and coal-mine-related pollution, nearly destroying their ecological integrity and the ability of neighboring and downstream landowners to beneficially use the water in the streams.

Unfortunately, the Montana Department of Environmental Quality appears to tacitly accept the destruction of prairie streams by coal mining,

and has continued to allow the mine to expand even when it has evidence that the streams do not meet water quality standards. In January 2016, MEIC, represented by the Western Environmental Law Center, appealed DEQ's approval of the most recent proposal to expand the Rosebud mine, because of the mine's ongoing devastation to the water resources in the area. In DEQ's analysis of the impacts to the local streams, it did not follow proper protocols for determining stream health, and attempted to constrain its analysis by reducing the size of the impacted area that needed to be evaluated.

On November 15, 2016, MEIC's appeal was heard by the Montana Board of Environmental Review. The Board is likely to make a decision on the appeal by the end of the year. ☺

## Moving One Step Closer to Cleanup of Colstrip Coal Ash Pollution - or Not.

by Anne Hedges

There are two essential steps to cleaning up the Colstrip power plant's massive coal ash ponds. The first was taken in the settlement with the plant owners of MEIC's lawsuit. It requires coal ash waste be disposed of in dry form instead of as a liquid (which leaks contaminants into the ground water). The second step is for the Montana Department of Environmental Quality (DEQ) to adopt effective clean-up plans for each of the three waste disposal areas at the plant.

The clean-up plan for one of those areas was recently released for public comment. It addresses the plant site ponds that have been contaminating the ground water in the town of Colstrip for decades. However, DEQ's proposed plan falls short of what is minimally necessary for at least three reasons.

First, the plan relies heavily on a document called the "Master Plan." Unfortunately, the

Master Plan is not a public document and the public has no idea what it contains or whether it will be effective or enforceable.

Second, the plan says that the cleanup of pollutants such as boron will be 77% to 100% complete by 2065, when current State employees are long-gone (and most of us are dead).

Third, there is no mention of long-term guaranteed water replacement for the city of Colstrip. The Colstrip plant owners have been providing water for the city residents since the ground water contamination was discovered. Water is pumped 30 miles from the Yellowstone River to the plant. If the plant is shut down, or no longer needs water from the river, the city will be without a water source. DEQ's plan fails to guarantee long-term clean water for the city residents; instead it just says that if the water is still contaminated in 2065 DEQ will implement "institutional" controls to restrict or control the use of the water. ☺

## Natural Gas: a Bridge to the Past

by Brian Fadie

Montana and the nation are finally moving beyond coal. However, similar to the waves of dirty coal plants proposed in the past, Montana now face a new wave of fossil fuel-fired power plants that



*Oil drilling rig.*

threatens to wipe out the gains made from retiring coal.

This new wave is one of “natural” gas-fired power plants, and NorthWestern Energy, Montana’s largest utility, wants to build a lot of them. In fact, NorthWestern’s latest long-term plan has the company scheduled to more than double its fossil fuel-based generating capacity.

### “Natural” Gas: A Bridge No Longer Needed

Some might be saying: “I thought I heard gas was not as bad as coal and was needed as a bridge fuel until renewable energy could come online.” Indeed, many people once thought this way. But over the last decade two major

developments have occurred.

First, research into the life-cycle impacts of the gas extraction process, pipeline transmission, and combustion has revealed far greater climate impacts than previously assumed.

Second, the cost of clean energy sources such as wind and solar has decreased much faster than anticipated. Today, energy generated from the sun, wind, and water, as well as energy efficiency and storage technologies, are increasingly cost-effective and ready to meet Montana’s and the nation’s energy needs.

In other words, the natural gas “bridge” is no longer prudent or needed.

### Methane: A Climate “Super Polluter”

While the word “natural” has become associated with the type of gas that is burned for electricity, this does not mean it is good. Many gases and elements found in nature, such as carbon dioxide or lead, are quite toxic to humans and the environment if they are artificially introduced in large quantities.

The primary component of the gas burned to generate electricity is methane (CH<sub>4</sub>). The Union of Concerned Scientists reports methane is 86 times more potent as a greenhouse gas than carbon dioxide over its first 20 years in the atmosphere (it starts to lose some potency after that). The U.S. Environmental Protection Agency reports: “pound for pound, the comparative impact of CH<sub>4</sub> on climate change is more than 25 times greater than CO<sub>2</sub> over a 100-year period.”

Methane is leaked and vented during the gas extraction process (a.k.a., fracking) and also when it is transported via pipelines from gas fields to power plants. And a lot of methane is leaked.

Gas still generates very high volumes of carbon dioxide emissions when it is burned for electricity. While carbon dioxide emissions from coal are extremely high, gas generates about

40% - 50% of that amount when it is burned. Compare this to the zero emissions produced by clean energy technologies and the choice is clear.

### Clean Energy Technologies are Ready Today

Gas used to be called a “bridge” fuel because it was uncertain how long it would take the cost of wind, solar, and energy storage technologies to decrease to the point they could be deployed cost effectively *en masse*.

But like other transformative technologies that were once said to be too expensive to ever become ubiquitous, such as cell phones and laptop computers, the costs of clean energy technologies did come down. They came down hard and fast – much harder and faster than anyone predicted.

The U.S. Department of Energy reports that since 2008 the cost of utility-scale solar energy has decreased 64%, while wind energy is down 41% and lithium-ion batteries are down 73%. Looking to the future, every forecast expects these technologies to become cheaper and more efficient in both the short and long-term. In fact, here in Montana they are already cheaper than fossil fuel-based sources of electricity.

From 2009-2015, the average cost of electricity from the Judith Gap wind farm in

Montana was half the cost of Colstrip’s coal-fired energy (\$32.11/megawatt-hour vs. \$64.55). After energy efficiency, wind is the cheapest source of electricity for NorthWestern customers by a long shot.

### The Choice is Clear

With the rise of economical energy storage options such as lithium-ion batteries and pumped water facilities, and an increasing ability to integrate large amounts of clean energy into the overall energy system thanks to wind and solar energy forecasting, the future can now be clearly seen.

According to the American Wind Energy Association, eight states are currently producing more than 15% of their electricity from wind alone (Idaho, Iowa, Colorado, Minnesota, Oklahoma, North Dakota, South Dakota, and Kansas). On the economics side, Iowa-based utility MidAmerican Energy announced in August 2016 plans to build the nation’s largest wind energy project with no increase in customer rates or financial assistance from the state.

The future has arrived. Clean energy technologies are reliable, cost-effective, and just plain better ways to generate electricity than fossil fuels.

That gas bridge? It only leads to the past. ☺

## Goodbye, and a Fresh Hello, to Old Friends

MEIC’s most heartfelt thanks go out to Stephanie Kowals and Bob Ream, who have retired from MEIC’s Board of Directors. Their dedication and commitment to strengthening the work of MEIC has been appreciated and will be missed.

Happily, MEIC welcomes returning board members Erin Farris-Olsen, Steve Gilbert, Dustin Leftridge, John Rundquist, and Kim Wilson. We are looking forward to working with them all to advance MEIC’s mission to protect Montana’s natural environment for generations to come.

***Thank you to all the MEIC members who cast their votes in the election.***

## Your Chance to Win... and Help Montana's Environment!

Invest in Montana's future! Here's your chance to participate in a special event: the 2016 Montana Futures Raffle. The 2017 legislative session will be here soon, and the Montana Futures Raffle is the main source of funding for MEIC's lobbying efforts. Supporting MEIC is one of the best ways you can affect Montana's environmental policies.

MEIC will be working on many critical issues such as challenging attempts to put the Smith River mine on a fast track ... expanding clean energy solutions while thwarting proposals to roll them back ... preventing efforts to increase the use of dirty coal ... promoting a healthy future for Montana's families ... and protecting the Montana Constitution's fundamental right to a clean and healthful environment.

MEIC needs to be at the Capitol presenting a strong voice for the environment, as it has been every session since 1974. YOU can help!

### Here's how it works:

If you have purchased raffle tickets in the past, you'll notice something new. We decided it was time for a change and have lowered the cost per raffle ticket, allowing more people to join in the fun, while keeping our top quality prizes. We have one grand prize, and four fantastic prize packages.

**Tickets are just \$25 each - or 5 for \$100. That's one extra chance to win for free!**

The drawing will be held on January 2, 2017, and we will contact you to let you know if you won a prize. You do not need to be present to win.

Buying raffle tickets makes us all winners - you, MEIC, and Montana's environment. Send in the form on page 9 today!

## Grand Prize!

**Grand Prize Value: \$1,295**

The 2016 Imperial 6 Inflatable SUP donated by NRS. The Imperial is NRS's most versatile all-around board for fitness paddling, touring, or light river running. Take it anywhere - it inflates to a rock-hard 15 psi for performance that rivals a hard board, then rolls up compactly when deflated for easy transport and storage. Includes pump, interchangeable fins, and carry/storage backpack.



**Thank you to all the raffle prize donors!  
We appreciate their generosity, and hope you will support them when you can.**

**Gear Up!**

**Prize Package Value: \$607**



- CamelBak All Clear Water Purifier donated by The Base Camp Helena: Value \$99
- His & Hers Torrentshell jackets donated by Patagonia

Dillon: Value \$258

- Two Original Camp Chairs donated by Crazy Creek: Value \$100
- Gift certificate donated by Rocky Mountain Outfitter: Value \$150

**Ski-Stay-Ski**

**Prize Package Value: \$373**

- Two adult lift tickets donated by Bridger Bowl: Value \$114
- Gift certificate donated by Montana Ale Works: Value \$50
- Cross Country ski passes donated by Bohart Ranch: Value \$60
- Overnight stay donated by The Lark Hotel: Value \$149



**A Night in the Queen City**

**Prize Package Value: \$385**

- Swag donated by the Blackfoot River Brewery: Value \$170
- Movie and popcorn tickets for 2 donated by the Myrna Loy Center: Value \$25
- Gift certificate donated by Benny's Bistro: Value \$50
- Overnight stay donated by the Sanders B & B: Value \$140



**It's What's for Dinner**

**Prize Package Value: \$500**

- 30 pounds of delicious Montana beef donated by Art Hayes, Jr.: Value \$300
- Messer-meister seven-piece knife set with hardwood storage block donated by The Pan Handler: Value \$200

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**Purchase Tickets by December 31st.**  
 Sorry, ticket purchases are not tax-deductible.

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**Or call us at (406) 443-2520.**

## 2017 Legislative Session... *(continued from page 4)*

Senate Republicans, the Senate Democrats are likely to be stronger on environmental issues, particularly with the addition of pro-environment former House member, now Sen. Margie MacDonald (D-Billings).

The House of Representatives is a different story. Some of the worst anti-environment, pro-extraction senators moved to the House, so even though the House remains 59 Republicans and 41 Democrats, it is likely to be more of a challenge to defend existing environmental protections in that body.

The biggest saving grace for environmental and public health protections this session will probably be Gov. Bullock's veto pen. Both the House and Senate have a sufficient number of pro-environment legislators that gubernatorial vetoes are likely to be upheld. That will put incredible pressure on Gov. Bullock. With the newly emboldened anti-environment rhetoric this election season, it is possible that Bullock might just need to borrow the veto branding iron of former Gov. Brian Schweitzer.

### **The Issues**

Energy and mining issues are likely to be the top environmental issues at this legislative session. The messages during this election season were almost exclusively about the closure of the Colstrip plant and the war on coal. More of the same is likely during the session. Gianforte's nearly single-issue campaign focused on saving the Colstrip plant. The fact that Colstrip was the third highest greenhouse gas polluter in the nation in 2015 was completely ignored. The legislature is likely to do the same, ignore – and even vociferously deny – climate change. And similar to last session, legislators will probably try to punish those involved in setting a timeline for closure of Colstrip Units 1 & 2. Such an effort will only harm Montana and create a hostile business environment for

clean energy companies that want to replace the electricity from Colstrip.

The Interim Energy and Telecommunications Committee has already drafted seven bills to address the "problem" of Colstrip's closure. One of those bills is a good idea and long overdue, analyzing how to protect employee pensions in the wake of shifting natural resource economies. The other bills badly miss the mark. They are an attempt to punish the owners of Colstrip for agreeing to close the smaller two units at the plant. This punitive approach will harm Montana. Colstrip's owners are largely West Coast utilities that will have to replace the plant's electricity from some other sources. The customers of those utilities want electricity from lower carbon, or carbon free, sources. This election didn't change that demand. Montana is rich in low-cost, renewable resources such as wind. Montana's wind blows when West Coast utilities face their highest demands for power. Montana should encourage those utilities to invest in Montana wind. Punishing these companies for deciding to close an old, inefficient, highly polluting, coal plant will not encourage such investment. It will do the opposite and scare the companies away. Montana workers and taxpayers would be the losers.

Clean energy development will also be an important topic this session. Public opinion polls show that Montanans love energy efficiency. They love wind and solar. Legislators on the interim committee recommended several bills to allow governments and schools to install bigger renewable energy systems on public buildings to reduce their electricity bills. The committee also supported a bill to "grandfather" in the rate that existing customers receive for the electricity generated by their rooftop solar systems. Unfortunately, there is likely to be an even greater number of bills intended to limit net-metering, weaken the State's Renewable

Energy Standard, eliminate the requirement that utilities obtain some of their electricity from smaller-scale renewable energy projects, make building gas plants easier, and more. This legislature is more likely than not to move the state backwards, not forwards.

Mining is also likely to be a hot topic. There are two principal types of mines in Montana, hardrock mines, such as the one proposed at the headwaters of the Smith River, and coal mines. Montana's 2017 Legislature will undoubtedly attempt to weaken water and air quality protections, and other regulatory laws, to make it easier to permit both types of mines. The specifics of those proposals are still unclear, but pro-mining forces have always shown a desire to weaken Montana's environmental safeguards so the industries can maximize their short-term profits. Even Gov. Bullock signed two bills last session to weaken water quality protections for coal mines, particularly for the now abandoned Otter Creek mine proposal. He will be under even more pressure to sign

other anti-clean air and water bills this time around.

While the crystal ball may be a bit cloudy, there is no doubt that President-elect Donald Trump's victory will embolden those in Montana who want to undermine basic environmental and public health protections. But polling data

confirm that Montanans want clean energy and action on climate change. The polling numbers are overwhelming, regardless of political affiliation. Legislators must hear, in no uncertain terms, that there is strong support for action on climate change.

There is a lot you can do to help. Please sign up to receive alerts from MEIC, and visit our website often so that you can be up-to-date on how to help. Plan on attending at least one hearing this session and insist that legislators protect our life-support systems. Call or meet with your legislators. Take a friend with you, and ask the legislators to move Montana forward. Attend one of three planned Lobby Days and



*Climate Change  
Rally at State  
Capitol, 2011*

learn how to most effectively have your voice heard during the session. We need you now, more than ever. It's time for all of us to stand up and be counted. ☺

# A Federal Agency is Blocking Montana Renewable Energy Development

by Anne Hedges

Should the federal government impose a roadblock to clean energy development in Montana? Should it squash Montana wind energy development by imposing an extra charge that ensures Montana wind can't compete in out-of-state electricity markets?

You may think that's what could happen in a President-elect Trump Administration, but it's already happening right now.

A little known federal agency – the

Bonneville Power Administration (BPA) – controls about 15,000 miles of electric transmission lines in the Pacific Northwest, including some lines west of the continental divide in Montana. For years this federal agency has imposed two fees (i.e., a double charge) on any company wanting to transmit electricity over one 70-mile stretch of transmission line in Montana to elsewhere in the Pacific Northwest. The transmission system is supposed to be regional, but for antiquated and largely unknown reasons transmission over this short section of transmission line to other areas on BPA's network is subject to two charges. The double charge makes Montana's world-class wind resource less competitive in out-of-state electricity markets that want clean energy.

In fact, that section of line is largely unused due to this additional charge. Nearly 200 megawatts of transmission capacity is just sitting idle on this stretch of line. (For reference the Judith Gap wind farm is 135 megawatts in size and NorthWestern Energy's interest in the Colstrip plant is about 200 megawatts). The double charge is stifling wind development in Montana. It's time to do something about

it – and we are. MEIC and Sierra Club, represented by Earthjustice, are formally asking BPA to eliminate this double charge. Our success is critical to moving forward with clean energy development in Montana.

The residents in populous Oregon, Washington, and California want cleaner energy. Montana happens to have the second best wind resource in the nation and could help meet that demand. Wind developers want to build wind farms in Montana and send the electricity they generate west, but they have to use the existing transmission system to do so. Unfortunately, the double charge makes doing so uneconomic and prevents it from happening.

For years Renewable Northwest, a coalition of renewable energy developers and clean energy advocates, has tried to persuade BPA to eliminate this double charge on Montana wind. But West Coast utilities have argued for keeping it. Their shallow arguments make it appear that they just want to prevent competition from lower cost resources. BPA has repeatedly agreed with the utilities and effectively barred Montana wind from competing with other generation sources. As a result, nearly 200 megawatts of transmission capacity that could otherwise support Montana wind development remains unused. That does nothing but hurt consumers on the West Coast, and economic development in Montana. The biggest loser in all this, of course, is the environment.

Building new transmission lines in Montana is difficult-to-impossible, given concerns about private property rights and the use of eminent domain powers. But, at the very least, existing transmission lines should be put to full use. Montana's outstanding wind resource can provide West Coast consumers with the clean energy they demand, but only if the market is fair. With this case, MEIC and its allies are hoping to bring about that result. 

*"The residents in populous Oregon, Washington, and California want cleaner energy. Montana happens to have the second best wind resource in the nation and could help meet that demand."*

# Montana Board of Oil and Gas Fails to Do its Job

by Derf Johnson

It's only reasonable, and legally required, that Montana's water resources should be adequately protected. It's also reasonable and legally required that, if water is to be polluted by toxics, the source of the contamination should be identified and controlled. Unfortunately, the Montana Board of Oil and Gas Conservation (Board) doesn't agree. Instead, it chose secrecy over public disclosure, and damaged the constitutional right of all Montanans to a clean and healthful environment.

This past Summer, MEIC and a coalition of landowners, public health professionals, and environmental organizations filed a petition with the Board requesting that it update its regulations concerning hydraulic fracturing, or fracking. The request asked for two simple things: that the public and adjacent landowners should be notified of a fracking operation

before it begins, so that they can test their water; and that the absurd trade secret exemption currently in the regulations should be repealed.

The Board held a hearing in Billings in September 2016, at which it considered the petition. Many speakers encouraged the Board to adopt the rules; only one individual, representing the Montana Petroleum Association, spoke in opposition. The Board quickly voted unanimously to reject the petition, thus failing to protect the public from dangerous chemicals. The decision wasn't unexpected, considering that the Board is a "captive" of the industry it is supposed to regulate. But the decision was, nonetheless, a disappointment for those who care about Montana's land, water, and people.

So we're stuck with the status quo. Landowners and water users will remain in the dark about fracking operations that could contaminate their water. They won't have the opportunity to conduct baseline testing. And if a company decides to use one or many of the over 700 chemicals, many of them carcinogenic, in its fracking operations, and doesn't want to disclose chemical information, it isn't required to. This is done under the guise of the formula being a "trade secret," with no independent verification as to whether the claim is legitimate.

What might be most absurd about the Board's decision is that the petition merely requested changes that would have mirrored existing regulations in Wyoming, a state that "carries the water" for industry if ever there was one. ☺

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*"If a company decides to use one or many of the over 700 chemicals, many of them carcinogenic, in its fracking operations, and doesn't want to disclose chemical information, it isn't required to."*

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Oil fracking rig. Photo by Tony Branum

## Now is Not the Time... *(continued from page 2)*

the nation are with us. That's not to say this will be easy. It won't. There will be terrible, disheartening times ahead and massive fights loom over the future of energy. But we know how to fight – and we will fight. Our children, the world around us, and present and future generations depend on us to step up to the challenge.

While a peaceful transition of power is essential, our nation was built on dissent, not apathy. The energy economy is already changing rapidly with little help from the federal government. States have been the test tubes for effective climate policy (think of net metering, renewable energy standards, clean vehicle standards, etc.), not the federal government. That hasn't changed.

The transition to clean energy will continue because it makes environmental and economic sense. We will lose some ground, species across the planet will disappear, and human suffering will increase. But that should make us stand together and fight even harder for what we know is right. And a part of that means taking care of those people that are disadvantaged because of a changing energy economy.

MEIC and millions of others will continue to work to make sure we have a just transition to clean, reliable, more affordable energy. Montanans and Americans are with us and the world depends on it, regardless of who is in the White House. 🌱

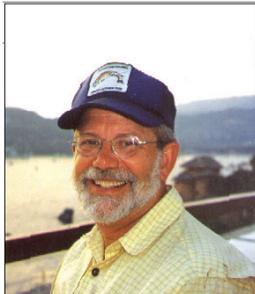
### Available Now! MEIC Specialty License Plate

Help protect Montana's clean air and water by choosing an MEIC license plate! With an initial extra cost of \$40, and an annual renewal extra cost of \$20, it's an easy way to support our important work. Your donation is tax-deductible, and will be used to protect your right to a clean and healthful environment.

MEIC's specialty plate was released on July 31, 2016, and should be at your local MVD office. You don't have to wait for your current plates to expire. Simply bring your old plates in and be one of the first to purchase and show off our design! Note: the new MEIC license plate may not be in stock yet in your county, but you can order one from your local MVD today.



## Thoughts from the Executive Director



by Jim Jensen

There is simply no way to paint a rosy picture of the U.S. presidential election of 2016. Historically it mirrors the 1933 election of Adolf Hitler in Germany

that brought the Third Reich into complete power. Hitler had preyed on the fears of the unemployed after the end of World War I in 1918. Insecurities among the masses offered the demagogue fertile political soil in which to propagate the nationalist government.

Hitler and Italy's Fascist leader Benito Mussolini married their respective industrial corporate sectors with the government to control their citizens. They made scapegoats of specific minorities as the cause of their countries' ills – Jews, Gypsies, homosexuals. Today, Donald Trump is doing exactly the same

thing with Mexicans, Muslims, and scientists.

Trump's appointment of Stephen Bannon, one of this country's most dedicated ultra-right-wing nationalists and a supporter of white supremacy ideologies, mirrors Hitler's appointment of Joseph Goebbels as his chief of propaganda (now called chief policy strategist). The messenger is the message.

Things are marginally better in Montana. The attempt by the Koch Brothers to buy the Montana Supreme Court failed. And moderate Gov. Steve Bullock was re-elected over someone who believes his ancestors played with dinosaurs. The legislature is nearly the same as it was two years ago. But the State Land Board is now controlled by a 4-1 majority of corporate lackeys.

Our way forward is going to be fraught with hideous federal actions. We must count on what a good friend of mine, who is a student of Nazi history, said to me: "I'm hoping the political losers at this stage are more resistant" than the Germans were in 1933. ☺

### You're Invited!

We want to thank YOU – our members – for giving MEIC the support we needed to realize so many victories for Montana's clean water, air, and land this year. Please join us at our annual Holiday Party as we gather to celebrate members like you, our successes, and to gear up for the considerable challenges ahead.

**When:** Wednesday,  
December 14th from 5 p.m.  
– 7 p.m.

**Where:** Free Ceramics  
Studio, 650 Logan Street,  
Helena

**What:** Appetizers,  
Drinks, Holiday Cheer!



**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 . . ."

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## **CHANGE SERVICE REQUESTED**

# Double Your Money!

From protecting the Otter Creek valley from a proposed coal mine and railroad, to securing a closure date for part of Montana's biggest polluter, the Colstrip Power Plant, to making sure NorthWestern Energy customers didn't pay for that polluter's mistakes – 2016 has been a year of success for MEIC and Montana's environment. And then the election happened.

These victories, and more, are now facing unprecedented threats. President-elect Trump will be appointing to the Environmental Protection Agency, the Interior Department, and the Energy Department people who will constantly be trying to overturn our state-level victories. That means a strong MEIC presence will be more necessary than ever.

As you consider your year-end giving, I hope protecting Montana's environment will be at the top of your list. We need your help now to prepare for the 2017 Legislative Session, to protect our world-renowned Smith River from a proposed copper mine, and to address climate change risks and find solutions, including increasing the use of energy conservation and efficiency.

The best part is that your hard earned dollars will 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. Use the enclosed envelope, or your credit card at [www.meic.org](http://www.meic.org), to make your special contribution. Thank you.



*Flathead River*