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NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



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Montanans Fight the Smith River Mine

by Derf Johnson

Following a premature decision by the Montana Department of Environmental Quality (DEQ) to declare Tintina's permit application to develop its Balck Butte mine on the Smith River "complete," DEQ began the environmental impact statement (EIS) process required under the Montana Environmental Policy Act. The EIS is supposed to determine the major environmental and social impacts that may occur should the Smith River mine be permitted.

Helena. Hundreds of Montanans attended the meetings, with the vast majority of people who provided testimony opposing the Smith River mine. People from all walks of life, including landowners, outfitters, ranchers, boaters, and anglers came out in support of protecting the Smith River.


Additionally, DEQ accepted written comments during the scoping period. Amazingly, over 10,000 people from across Montana and the United States spoke up about the project, with the vast majority opposing the mine. MEIC has its members and supporters to

thank for working to make sure DEQ takes the EIS process seriously.

Now, DEQ is in the process of compiling the comments, and preparing a response to each of the unique issues that were raised. Of great importance is that DEQ must be willing to examine the full project that Tintina intends to develop, which includes thousands of acres of additional mineral leases, several additional water bodies, and a highly increased likelihood of impacts to the Smith River.

Once the scoping process is completed, a contractor hired by DEQ will prepare and issue a draft EIS, which will trigger another round of public hearings and a public

comment period. This is likely to take place in mid-2018.

We know we've asked a lot of you over the past several years, but we need you to continue to be engaged during the EIS process. MEIC will make sure to publicize the next steps in the process via its e-mail list, its website, and through social media. 



Protesters at the Capitol during DEQ's scoping hearing for the Black Butte Copper Project. Photo by Bonnie Gestring.

In the initial phase of the EIS process, DEQ was required to conduct "scoping." The scoping process determines the full range of issues and topics that DEQ will study in the EIS. DEQ held four public meetings, in Great Falls, White Sulphur Springs, Livingston, and

Troy Mine Pollution is a Legacy of the New CEO of the Smith River Mine

by Jim Jensen

On November 29, 2017, MEIC and other environmental groups, through their attorneys at the Western Environmental Law Center sent Hecla Mining Co. a notice of intent to sue over continuing water pollution at its Troy mine in northwestern Montana. The copper and silver mine, closed since 2015, contributes toxic mining pollution at a rate of hundreds of gallons per minute to Lake Creek, according to the Montana Department of Environmental Quality's (DEQ) own files.

DEQ has previously designated Lake Creek as impaired, concluding that "the major source identified for nitrite plus nitrate in this water body segment appears to be the Troy mine." Water samples taken between 2005 and 2011 identified exceedances of water quality standards for copper and lead in Lake Creek below the tailings impoundment. Sampling upstream of the impoundment did not find detectable concentrations of lead or copper. Among the substances the mine and tailings impoundment are discharging are nitrite plus nitrate, copper, zinc, antimony, arsenic, lead, cadmium, uranium, iron, manganese, and dissolved solids.

This ongoing, unpermitted mine pollution is a legacy of John Shanahan, the former CEO of the mine. Shanahan is now the CEO of Tintina Resources, the company that tells Montanans not to worry about the likely pollution from its proposed Black Butte mine on a major tributary of the Smith River.

MEIC believes that this situation at the Troy Mine should be a red flag for people

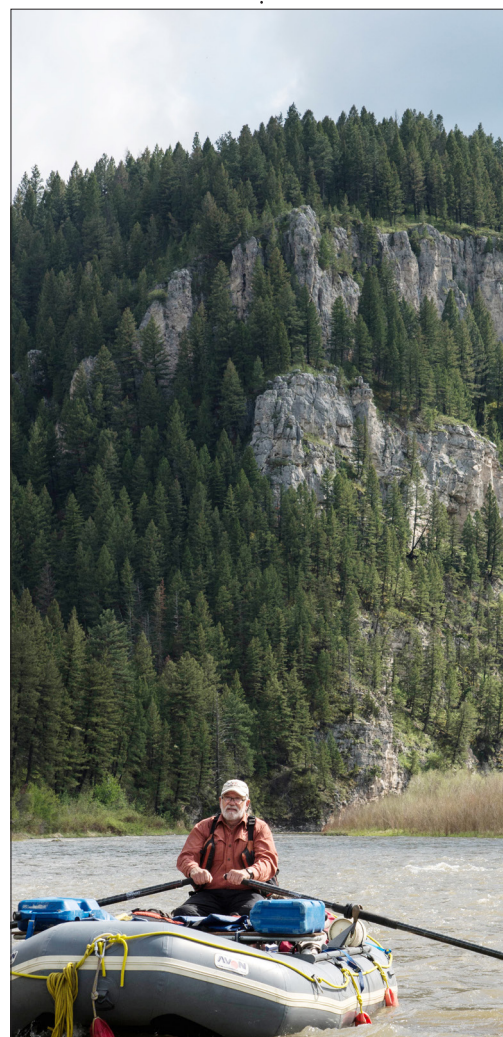
who are concerned about the likelihood of the Tintina project resulting in acid mine contamination of the treasured Smith River – especially given Shanahan's record at Troy.

In MEIC's legal filing, Andrew Hawley with the Western Environmental Law Center noted that polluted water has seeped from the unlined tailings impoundment at the Troy mine into Lake Creek every day for the last five years, and every day for many years before that. MEIC strongly believes that it shouldn't have to go to court to force action on this obvious source of illegal pollution. That should be DEQ's job.

The groups believe that a negotiated settlement of these numerous violations, codified in a court-approved consent decree, would be preferable to protracted litigation. However, if DEQ and Hecla refuse to take adequate action to reverse the ongoing water pollution problem at the Troy mine, the groups will have no choice but to file suit at the expiration of the 60-day waiting period.

A copy of the notice of intent to sue is available at www.meic.org.

MEIC executive director Jim Jensen on the Smith River. Photo by D.H. Brown Photography.



MEIC and Others Seek Enforcement of Montana's "Bad Actor" Mining Law

by Jim Jensen

In October 2017 a coalition of environmental groups including MEIC called on the Montana Department of Environmental Quality (DEQ) to enforce the "bad actor" provisions of the State's metal mining law. The groups asked DEQ to suspend authorizations for two massive hardrock mining projects proposed in northwest Montana's Cabinet Mountains, beneath the Cabinet Mountains Wilderness.

In their letter to DEQ, the coalition asked the agency to suspend State permits for Hecla Mining Co.'s proposed Rock Creek and Montanore mines because Hecla's president and CEO is a former top official of Pegasus Gold, which owned the notorious Zortman/Landusky, Basin Creek, and Beal Mountain mines. Acid mine drainage and toxic metals from those mines have polluted streams and groundwater, threatened a vital native trout fishery, and contaminated

sacred sites of the Fort Belknap Gros Ventre and Assiniboiné Tribes.

As many Montanans will recall, Pegasus' 1998 bankruptcy left the State of Montana, the U.S. Bureau of Land Management, and the U.S. EPA to bear the burden of tens of millions of dollars of reclamation costs. As of January 2017, public agencies had spent more than \$74 million on reclamation and water treatment at Zortman/Landusky alone, and costs continue to mount because water treatment will be required in perpetuity. Let's be clear; that means that taxpayers will have to pay forever.

Stung by the State's experience with Pegasus, Montana lawmakers in 2001 expanded the "bad actor" provisions of the Metal Mine Reclamation Act to prohibit individuals whose former companies failed to complete required mine reclamation from undertaking, even if they were now working for a different mining company, new mining projects in the state –

unless they pay DEQ back, with interest, for reclamation carried out at public expense, and rectify any remaining reclamation failures at their old mines.

Yet DEQ has issued permits allowing Hecla, the company now run by former Pegasus vice president and chief financial officer Phillips S. Baker, Jr., to develop new mines on sensitive lands in the Cabinet Mountains. Hecla's wholly-owned subsidiaries hold an exploration license for the Rock Creek mine near Noxon. and an

Backpackers in the Cabinet Mountains. Photo by Katherine O'Brien.



operating permit for the Montanore mine near Libby. The proposed mines would inflict substantial and irreversible damage on water quality, wildlife, and wilderness values in the Cabinet Mountains Wilderness and surrounding public and private lands.

"Pegasus desecrated the land, water, and sacred sites of the Fort Belknap Gros Ventre and Assiniboine Tribes and then disappeared into bankruptcy," said Fort Belknap Community Council president Mark Azure when the letter was delivered. "It would be a great injustice to let the former leadership of Pegasus profit from new mining ventures in Montana while the Tribes continue to suffer from the devastating pollution Pegasus left behind at the Zortman/Landusky mines." Azure sent DEQ a letter supporting the coalition's enforcement request.

In their letter to DEQ, MEIC, Earthworks, Clark Fork Coalition, Rock Creek Alliance, and Save Our Cabinets called on DEQ to enforce State law by suspending Hecla's permits for the Rock Creek and Montanore mines within 60 days.


The Rock Creek and Montanore mines threaten to inflict serious and irreversible impacts on one of the nation's original wilderness areas and the invaluable water and wildlife resources found there. The Cabinet Mountains Wilderness, where the mines would be located, boasts some of the purest waters in the lower 48 states and harbors important populations of threatened bull trout and grizzly bears, which are protected by the federal Endangered Species Act. If constructed, the mines are predicted to: drain water from wilderness streams, reducing flows for more than 1,000 years; pollute the Clark Fork River and tributaries that provide critical habitat for bull trout; and threaten higher levels of human-caused mortality for the precariously small population of grizzly bears in the Cabinet Mountains. The Montanore mine alone would generate up to 120 million tons of mining waste, which would be stored in perpetuity on the doorstep of the wilderness.

Citing the substantial threats to grizzly bears, bull trout, and wilderness waters, in May 2017 a U.S. District Court in Montana ruled that the authorizations for the Montanore mine issued

by the U.S. Fish and Wildlife Service and U.S. Forest Service violated the Endangered Species Act, the Clean Water Act, and other federal laws. In addition, DEQ has determined that full development of the Montanore mine would violate State water quality laws and has withheld authorization for Hecla's subsidiary to advance that project past its initial exploration phase. Nevertheless, Hecla continues to pursue federal and State permits for the project.

For the Rock Creek mine, the U.S. Fish and Wildlife Service is preparing a new analysis of the project under the Endangered Species Act. The U.S. Forest Service recently issued a final environmental impact statement and proposed record of decision approving the project, which has drawn formal objections from environmental groups.

Despite the serious threats Hecla's proposals pose to threatened wildlife, clean water, and wilderness values, Sen. Steve Daines (R-MT) and Rep. Greg Gianforte (R-MT) have pressed federal officials to prioritize approvals for both mines. In a September 2017 letter to Interior secretary Ryan Zinke and Agriculture secretary Sonny Perdue, Daines and Gianforte pledged to personally assist Hecla in advancing its projects, including through "legislative vehicles."

Earthjustice attorneys Katherine O'Brien, Timothy Preso, and Aurora Jahnke are representing the coalition. 

"The Rock Creek and Montanore mines threaten to inflict serious and irreversible impacts on one of the nation's original wilderness areas and the invaluable water and wildlife resources found there."

*Cabinet Mountains
Wilderness.*



MEIC Challenges NorthWestern Energy's Procrastination on Renewables


by Brian Fadie

To help ensure that communities across the state benefit from renewable energy development, Montana's Renewable Energy Standard requires NorthWestern Energy (NWE) and Montana-Dakota Utilities to cumulatively acquire 75 megawatts of Community Renewable Energy Projects (CREPs). Eligible projects must generate clean and renewable energy, be less than 25 megawatts in size, and have a local owner component, thereby ensuring that multiple projects will be built and multiple communities will benefit.

Montana-Dakota Utilities is in compliance with the CREPs requirement, but NWE is not. In fact, the company has only obtained 25 of its required 65 megawatts, meaning it has 40 more to go. For reference, this would be equal to the output of NWE's second largest wind farm, Spion Kop. The last CREP-eligible project it acquired was in 2013. Every year since then the company has asked for and received a waiver from the Public Service Commission (PSC) to keep it from having to pay an approximately \$1.1 million fine. No one has seriously challenged the company's waiver request... until now.

MEIC, and the Northwest Energy Coalition, represented by Earthjustice, are saying "enough is enough." It's time for NWE to comply. We have intervened before the PSC to oppose this year's waiver request, and make sure that either

the remaining 40 megawatts of clean, local energy are built or that the company starts paying the fine, which would go toward bill assistance for low-income Montanans.

Montana's Renewable Energy Standard exists, in part, because of MEIC's efforts. Passed by the legislature in 2005, MEIC staff worked intensely on both its drafting and the lobbying effort to enact it. The CREPs provision is the last piece of that legislation that has yet to be complied with. It was as true then as it is now that renewable energy projects put clean energy onto the electricity grid while also creating local economic benefits. In fact, the CREPs that have been built on NWE's system so far have resulted in over \$41 million in local investments. Seeing the CREPs obligation fulfilled will mean even more of these investments in Montana communities – and even more clean energy. 



MEIC Is Suing for Solar

by Brian Fadie

In July 2017, the Montana Public Service Commission (PSC) issued a disastrous order regarding the contract terms for solar projects. MEIC and others asked the PSC to reconsider its decision. The order affected projects that were seeking to benefit from the provisions of the federal Public Utilities Regulatory Policy Act (PURPA), the primary purpose of which is to encourage alternative energy production. In November 2017, the PSC issued a final order on the matter. While minor changes were made, they were not enough to allow solar projects to continue to be developed. And they were not enough to be in compliance with State and federal laws, which require these projects be encouraged, not killed. This decision is clearly illegal, and unwise, so MEIC is taking the PSC to court.

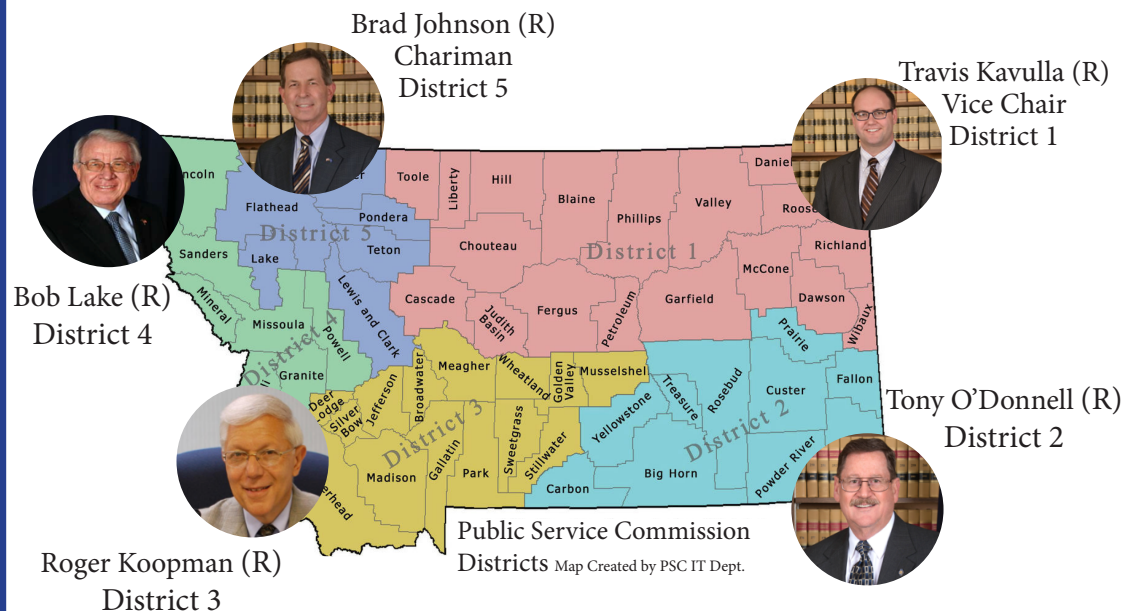
MEIC, in partnership with the national solar advocacy group Vote Solar, and represented by Earthjustice, will file the lawsuit against the PSC in State district court. The groups will argue that the Commission is violating State law by reducing contract lengths to 15 years (from 25) for these solar projects. Montana law unambiguously says the PSC must set contracts lengths that "enhance the economic feasibility" of these facilities. The PSC's ten-year reduction in terms clearly harms these projects' economic feasibility, especially when combined with the

more than 50% reduction in the compensation rate that was also ordered by the PSC.

Previously, these solar projects had been compensated at an average rate of \$66 per megawatt hour of electricity produced. But in the final order this was reduced to \$28 per megawatt hour. The approval of this reduction occurred in large part because the commissioners severely undercalculated how much value solar projects bring to the grid. MEIC will be challenging this part of the decision as well.

This Summer six of these types of solar projects came online across the state under grandfathered terms set before this PSC ruling.

There are five elected Public Service Commissioners. They are elected to represent districts, as show on the map.



These were the first utility-scale solar projects in Montana and a testament to the opportunity that awaits the state on the solar side of the clean energy equation. Because wind projects also utilize PURPA, the PSC ruling hurts them as well. It is critical that MEIC and its partners prevail and force the PSC to adopt fair and encouraging terms for these projects. ☺

Colstrip's Largest Owner May End Its Involvement in the Plant

by Anne Hedges

In September 2017, Puget Sound Energy (Puget) – the owner of the largest share of the Colstrip coal-fired power plant – agreed that the plant had only 10 more years in its “remaining useful life.” Puget agreed with MEIC last year that it would close the two smaller units (#1 and #2) of the plant in 2022. Now Puget is agreeing that the larger units (#3 and #4) will only be useful until 2027. If Washington regulators approve the Puget settlement agreement this month, Puget will be the first Colstrip owner to admit that the end of the plant’s useful life is before 2030.

The two larger units at Colstrip are owned by six different companies, most on the West Coast. Oregon law requires its utilities to depreciate their interests in Colstrip by 2030 – which is essentially

the same as saying the plant will not be useful after that date.

Spokane-based Avista Energy also owns a portion of unit 3 and 4. It sells Colstrip electricity to customers in Washington and Idaho. Last month Washington regulators and over 100 members of the public, including MEIC’s staff, listened as Avista said the Colstrip plant would be useful until 2037. After Avista’s presentation, however, scores of people told the regulators that Avista must end its reliance on Colstrip by 2025. Only one person agreed with Avista’s end date for the plant.

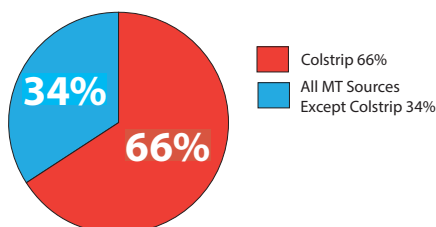
As if Avista’s plan to run the plant until 2037 wasn’t enough of an outlier, NorthWestern Energy’s (NWE) plan for Colstrip is even more absurd. When NWE bought a 30% share of unit 4 in 2009 it projected the plant would run into the mid-2040s. NWE has not adjusted that schedule even though the other owners have done so.

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Colstrip's Pollution by the Numbers

Supporters of the Colstrip coal-fired power plant claim in their written materials “the four stacks at the plant do NOT emit smoke. It is actually water vapor condensation, the same as when we exhale in cold weather.” That’s simply false. In an effort to set the record straight, here are the most recent numbers for some of the most dangerous pollutants emitted by the Colstrip plant taken from the reports the plant operator has submitted to government agencies.

Average Greenhouse Gas Emissions 2010-2016



Colstrip's Toxic Releases in 2015 (pounds per year)

Chemical	Air Pollution	Disposed on Land
Antimony Compounds	150	9,930
Arsenic Compounds	340	27,800
Barium Compounds	72,400	9,200,000
Beryllium Compounds	20	9,610
Chromium Compounds	495	91,500
Cobalt Compounds	60	27,800
Copper Compounds	2,042	158,600
Dichloromethane	147,000	0
Ethylbenzene	320	0
Ethylene Glycol	0	6,000
Hydrochloric Acid	26,000	0
Hydrogen Fluoride	18,000	0
Lead Compounds	802	92,100
Manganese Compounds	3,410	1,710,000
Mercury Compounds	140	1,290
Napthalene	200	0
Nickel Compounds	485	48,300
Polycyclic Aromatic Compounds	90	0
Selenium Compounds	1,450	13,400
Thallium Compounds	1,251	20,600
Vanadium Compounds	2,562	173,400
Zinc Compounds	1,561	83,700

Rosebud Mine Owner - On the Brink of Bankruptcy?

by Anne Hedges

The Rosebud coal mine is the sole source of fuel for the Colstrip power plant. It is the second largest coal mine in Montana and one of the largest in the nation. The mine is owned by Western Energy Co., which, in turn, is owned by Westmoreland Coal Co. Westmoreland also operates two other coal mines in Montana as well as numerous others around the country.

Earlier this year a financial analyst wrote that Westmoreland would likely declare bankruptcy by the end of 2017. While the analysis behind the statement seemed credible, it was hard to fathom when Westmoreland's stock was around \$10.66 a share. But things have changed.

In late November 2017, Westmoreland's stock hit a 52-week low – an ominous sign in the financial world. The per-share value has dropped 40% in the last month and 93% in the last year.

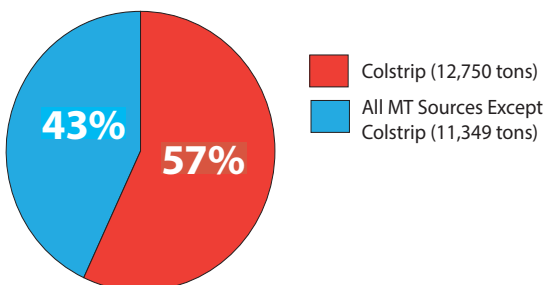
All of that leads to a few obvious questions. Are Westmoreland's Montana mines adequately bonded? Is the company in compliance with the State's water quality laws? What will happen to Montana's environment if Westmoreland declares bankruptcy? What obligations could it potentially shirk in the bankruptcy proceedings? Will Colstrip owners, such as NorthWestern Energy, have to pay more for coal as a result of the bankruptcy? If so, what could that do to NorthWestern customers' electricity bills?

The rapid decline in Westmoreland's stock value combined with recent coal industry bankruptcies by industry giants Arch Coal and Peabody, should raise red flags for Montana regulators. The Rosebud mine is relying on a 1999 water pollution discharge permit that expired in 2004. It was inadequate when it was issued, yet when DEQ finally renewed it in 2012 and again

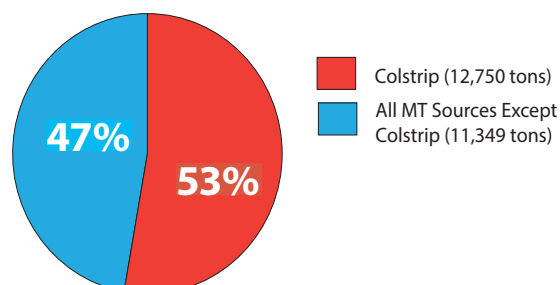
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Emissions from Colstrip Power Plant.

2016 Sulfur Dioxide Emissions (tons per year)



2016 Nitrogen Dioxide Emissions (tons per year)



MEIC Taking on the Trump Administration in Court

by Anne Hedges

One of the most effective ways to fight the horrifying, anti-environment efforts of the Trump Administration is to sue. Currently MEIC has a number of lawsuits that seek to protect public lands and the climate from terribly ill-advised federal government decisions to allow unbridled fossil fuel development on Montana's federal land.

#1-Coal leasing moratorium. MEIC is challenging Secretary of Interior Ryan Zinke's edict to end the coal leasing moratorium. The Department of Interior under President Obama decided to update the coal leasing program on federal lands, which had not been done since the early 1980s. A lot has changed since then, particularly knowledge of fossil-fuel-burning's impact on the global climate. The Department of Interior placed a moratorium on most coal leasing on public lands until its analysis was complete. Zinke, a long-time opponent of protecting public land from resource extraction, immediately ended the analysis and lifted the moratorium. Earthjustice is representing MEIC and others in federal district court in Montana. The Northern Cheyenne Tribe, and the states of California, New Mexico, Washington and New York have filed similar suits.

#2-Methane emissions from oil and gas production. Methane emissions are a huge source of climate changing pollution. For years MEIC challenged the U.S. Bureau of Land Management's failure to limit methane waste from oil and gas development on federal land. Finally, the Obama Administration adopted a rule to require oil and gas companies to control methane waste. The oil and gas industry sued. MEIC and others intervened in the case to defend the rule, in anticipation of the Trump Administration reversing the Obama policies. That's exactly what occurred. Since that time the Trump Administration, and oil and gas

developers, have tried every trick in the book to overturn this rule. Fortunately, the courts have rebuffed the shenanigans to repeal or delay it. The Trump Administration is now trying to postpone the implementation of the rule while it rewrites it. MEIC and its allies, represented by the Western Environmental Law Center, will continue to fight any weakening of this critical climate protection rule.

#3-Resource management plans for federal lands. MEIC joined forces with interests across the nation to challenge the federal government's approval of management plans that would open up nearly all federal land in Montana and Wyoming's Powder River Basin to leasing for coal mining, and oil and gas development. The plans were adopted even though the agency failed to consider climate impacts from the mining and burning of 117 billion tons of coal, and the development of 17,000 oil and gas wells. The federal court in Great Falls held a hearing on the case in November 2017. MEIC is represented by the Western Environmental Law Center.

#4-EPA approval of Montana's State Implementation Plan. Prior to the 2016 presidential election MEIC was negotiating with the U.S. Environmental Protection Agency to settle a lawsuit over EPA's approval of the Montana's clean air program. EPA is only supposed to approve a state program if it is at least as stringent as the federal government's air pollution permitting rules for major sources of pollution. Montana's program is a far cry from meeting that standard because it puts large polluters in charge of deciding whether they need air pollution permits without telling the State or the public how they reached that decision or about the changes that they will make at their facilities. This lack of transparency was a primary reason MEIC challenged the Colstrip air pollution permit, a challenge that resulted in the agreement to close two of the units at the coal plant by 2022. MEIC is represented

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Colstrip Ownership *(continued from page 8)*

That means that when the other owners decide to close Colstrip long before 2045, NWE will have no choice but to go along with the majority. As a result, NWE's customers will be forced to continue to pay for a plant that is no longer being used. That's simply not fair to future customers and is the main reason why utility regulators want utilities to accurately estimate the remaining useful life of their assets.

Even Montana's attorney general, Tim Fox, submitted testimony to Washington regulators

saying that 2027 was the appropriate estimate for the remaining life of Colstrip in order to ensure "intergenerational equity." That is a term that is used frequently in other states and means that future generations shouldn't be saddled with costs incurred by previous generations when they receive no benefit from the investments. When NWE files its scheduled rate case next year it will be interesting to see if Fox is as interested in intergenerational equity for Montanans as he said he was for Washingtonians. ☺

Rosebud Mine *(continued from page 9)*

in 2014, it was so deficient that a court threw the permit out at MEIC's request, and told DEQ and Western Energy to go back and do it right. That court decision was 18 months ago and still no new pollution discharge permit has been issued. According to DEQ data, water bodies in the area are already polluted, yet an adequate pollution discharge permit doesn't seem to be on the horizon.

Perhaps most concerning of all is that Western Energy is seeking not one, not two, but three permits for large expansions at the mine that will allow the mine and the Colstrip power plant to continue operating for more than 30 years – despite the fact that two of the four power plant units are closing in 2022. MEIC is in the process of appealing one of those expansion permits. The federal government says that it will release a draft permit for another of those expansion proposals any day. The third expansion is in the preliminary stages of the permitting process, but it is the largest of the three.

DEQ and the federal government should not issue any new expansion permits to Western Energy or its parent company, Westmoreland, until DEQ has answered all of the questions raised above, and is assured that all bonds are up to date and would be adequate in the case of bankruptcy, that the existing water pollution in the area is cleaned up, and that a legally adequate water pollution discharge permit is issued. Until then, DEQ should put any work on expansion permits on hold and prepare for bankruptcy court. ☺

Nitrogen Dioxide = 25,500,000 Pounds
 Beryllium = 20 Pounds Barium = 72,400 Pounds
 Copper = 2,042 Pounds Manganese = 3,410 Pounds
 Nickel = 485 Pounds Zinc = 1,561 Pounds
Sulfuric Acid = 79,000 Pounds
 Mercury = 140 Pounds Hydrochloric Acid = 26,000 Pounds
 Vanadium = 2,562 Pounds Ethylbenzene = 320 Pounds
 Thallium = 1,251 Pounds Naphthalene = 200 Pounds
Dichloromethane = 147,000 Pounds
 Hydrogen Fluoride = 18,000 Pounds
 Cobalt = 60 Pounds Selenium = 1,450 Pounds
 Chromium = 495 Pounds Antimony = 150 Pounds
Sulfur Dioxide = 16,114,000 Pounds
 Arsenic = 340 Pounds Lead = 802 Pounds
 Polycyclic Aromatics = 90 Pounds

TOXIC. COLSTRIP.
 (IT'S NOT JUST STEAM.)

0 Pounds
CLEAN. WIND POWER.
 (IT'S NOT EVEN STEAM.)

Air Pollution from the Colstrip coal-fired station in Colstrip, Montana. Data from 2015 Toxic Release Inventory. SO2 and NO2 Data based on MT DEQ Emissions Data.

Clean Energy Targeted at Montana's Special Legislative Session

by Brian Fadie

Due to a budget shortfall caused by lower than expected tax revenue and a historically costly wildfire season, the Montana legislature met for a special session on November 14-15, 2017, in Helena. This was only the second special session in the last 10 years.

While the legislature was supposed to focus on fixing the State's budget problems, some legislators saw the session as an opportunity to wage an ideological war against clean energy or otherwise reduce energy conservation programs that actually save the State (and consumers) money.

HB 7, sponsored by Rep. Alan Redfield (*R-Livingston*), tried to eliminate a list of tax credits he didn't like, including ones that encourage Montanans to invest in clean energy.

The purpose of Redfield's bill was not to generate revenue and nor was it a principled stand against tax credits. The bill originally contained a repeal of tax credits for the wealthy that are significant in size and would have meaningfully helped fill the budget gap. If raising revenue or

a stand against tax credits were the goal, then those credits would have remained in the bill, but they did not. The bill was drafted hastily and the sponsor did not realize they were included. When it came to his attention, these credits were amended out of the bill. What remained was an attack on those things the sponsor and others ideologically oppose, specifically clean energy programs.

MEIC lobbied against this bill and would like to thank all of its members and supporters who responded to the e-mail action alert. HB 7 rightfully died in the House thanks in part to our collective efforts.

This was not, however, the only bill that impacted clean energy.

HB 6, sponsored by Rep. Nancy Balance (*R-Hamilton*), reduced the Alternative Energy Revolving Loan program by \$1.2 million and the State's energy conservation fund by \$450,000. The loan program helps Montanans save money on their utility bills by investing in clean energy, while the conservation fund helps the State save money through energy efficiency upgrades. Reducing funding for both of these programs, rather than addressing the budget's fundamental revenue problems, was unfortunate and shortsighted. HB 6 passed and was signed by Gov. Steve Bullock.

Overall, given the "pressure cooker" atmosphere and penchant for vote trading during a special session, Montana's clean energy landscape escaped relatively unscathed. ☺



Taking on Trump *(continued from page 10)*

by George Hays, who represented MEIC in the Colstrip Clean Air Act litigation as well as in the Round Power Plant litigation. This case is now before the federal 9th Circuit Court of Appeals.

It's likely that MEIC will have a lot more to do, including more litigation, before Scott Pruitt, Ryan Zinke, and Donald Trump are done with their climate-denying, scorched-earth approach to public lands and environmental protection. ☺

Giant Slaughterhouse Proposed near Great Falls

by Anne Hedges

Residents just outside of Great Falls, Montana, believed they were living in an area zoned for agriculture. They thought that meant farms, the usual livestock, agricultural equipment on the dirt roads, and wide-open spaces. They received a rude awakening in October 2017 when they learned that a huge slaughterhouse and rendering plant was proposed in their area. They were shocked to learn that the Cascade County Commission had changed the zoning regulations earlier in the year to allow this type of industrial operation in their agriculturally zoned area. It remains unclear who made the request to the County for the radical change in its zoning rules, as there were no supporters or opponents during the public comment period for the change. However, one thing is certain; people in the area are now very rightfully concerned.

While a normal-sized slaughterhouse might be considered appropriate in an agriculturally zoned area, the proposed slaughterhouse on the outskirts of town is anything but normal. The official name of the project sounds benign – Madison Food Park, LLC. – but the proposal hardly matches the name.

First, while the information submitted to the County to obtain a special use permit was cursory at best, what was provided shows the

massive scale of the project. The slaughterhouse and rendering plant will handle cattle, pigs, and chickens. It will produce 102,995 pounds of solid waste per day (that's 51 tons per day) that will be treated in enormous on-site lagoons adjacent to creeks that flow into the Missouri River. It will require 3.5 million gallons of ground water each day (the equivalent of 5 Olympic sized swimming pools a day) that will be pumped from an underground aquifer that serves many other users. It is proposed to have about 400 trucks per day coming in and out of the plant Monday through Friday, as well as the thousands of employees who will be coming and going to the property. A rail spur is also proposed that may require condemnation of private property. And the company says it is also planning a cheese factory, milk processing plant, distillery, and more for the property.

Equally troubling is the fact that the proposal is shrouded in secrecy. The County made a dramatic change in its zoning rules to accommodate this industrial operation. This type of facility had previously not been allowed in an agriculturally zoned area. The community wasn't warned that a multi-species slaughterhouse, rendering plant, and secondary production facility was waiting in the wings and dependent on the changes to the agricultural zoning laws. The County staff simply copied the

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A public meeting on the proposal held by Great Falls Area Concerned Citizens drew a huge crowd on Dec. 5, 2017.



Slaughterhouse *(continued from page 13)*

new zoning language directly from an unsigned note it received that contained no address, name, or other identifying information. The staff then pushed the language change through the process. There were no proponents at any of the public hearings yet the County made changes that allowed an industrial operation to avoid having to go through a more rigorous zoning change process.

It remains unclear who is proposing the facility and who is providing financial backing. The application to the County said that Friesen Foods, LLC purchased the land and is the developer. Friesen is a large privately held Canadian corporation. The property for the

facility is actually titled to Madison Food Park, LLC, a new Montana corporation. This raises questions about whether the livestock and grain that will be processed at the facility would even be locally sourced.

There are simply too many questions, too great an impact, and nowhere near enough answers to allow a project of this scale to proceed. The applicant told the County it will supplement the information in the application, so the public hearing on the proposal has not yet been held. Until the applicant provides more details on sewage, water quantity and quality, odor control, traffic, the rail spur, and much, much more, this proposal itself should be "sent to the slaughter house."

Long-time Polebridge resident and champion of the North Fork, John Frederick, Jr., passed away on November 15, 2017. He was 74. He will be missed.

Below: The late John Frederick, a tireless conservation hero of the North Fork of the Flathead, assists in MEIC's first-ever legal action. MEIC successfully prevented oil and gas development in the North Fork. From left to right: Jim Jensen, John Frederick, Jon Heberling, and Roger Sullivan.



Thoughts from the Executive Director

by Jim Jensen



Montana's so-called environmental protection agencies nearly always serve the desires of industrial polluters, instead of protecting our state's air, water, and soil. This is true regardless of the party of the

governor. It is a never-ending story – one that makes MEIC's agency watchdog role critical to ensure the proper enforcement of Montana's environmental protection laws.

You can read in this issue of **Down to Earth** of three examples where the Montana Department of Environmental Quality (DEQ) has failed to trigger the "bad actor" protections in state law regarding two hardrock mines, Montanore and Rock Creek, both proposing to mine under the Cabinet Mountains Wilderness. The third instance is the complete failure to require the Troy mine to treat the waste water that it is discharging into Lake Creek. A fourth DEQ failure led to our lawsuit to protect ranchers in the Bull Mountains near Roundup from the particularly insidious form of coal mining, called long-wall mining, being used by Signal Peak Energy.

Finally, there is the Public Service Commission's recent ruling intended to kill

all new renewable energy development in Montana. We are going to court to undo the PSC's ignominious decision. This is an "open mic" affair exposed by MEIC's Renewable Energy Program director, Brian Fadie.

But, it gets even worse. In the just-concluded legislative special session, the legislature, at the request of the Department of Natural Resources and Conservation, eliminated all funding for the Flathead Basin Commission. The FBC is an incredibly effective, though very small, agency that has done wonders in protecting the entire Flathead River watershed from threats both large and small. Of particular interest recently is its unflinching advocacy in fighting against invasive aquatic species. You can read more in former MEIC lobbyist George Ochenski's recent **Missoulian** column on our website.

It seems to me that it might be time to have a serious public discussion about changing the make-up of some State agencies. Perhaps the directors should be elected, or have to stand for a vote of confidence after serving two years. I'm sure there are lots of ideas that are worthy of discussion. The current situation simply does not give Montanans an effective method of holding them accountable, other than litigation.

Which reminds me of Mark Twain's sage advice in The Czar's Soliloquy: "... the true patriotism, the only rational patriotism, is loyalty to the Nation ALL the time, loyalty to the Government when it deserves it."

Montana's natural resource agencies do not deserve it.

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 . . ."

Goodbye to Old Friends and Hello to New Ones

MEIC's most heartfelt thanks go out to Hannah Gimpel, who has retired from MEIC's Board of Directors.

Happily, MEIC welcomes both returning and new board members Bruce Bender, Charles Besançon, Alexis Bonogofsky, Lowell Chandler, Gusty Clarke, Greg Findley, Bob Gentry, Greg Lind, Erica Rosenberg and Jennifer Swearingen. We look 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.



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Double Your Money!

As 2017 comes to a close, we can't help but reflect on some of the devastation the country has faced – extreme fires, floods, mass shootings, and the Trump Administration's undermining of environmental protections at every turn.

What we can be thankful for is clean water to drink, fresh air to breathe, unspoiled landscapes, and the unique quality of life that Montana offers. That is what we must never stop working to protect, whether we live in Montana or feel a connection to it.

As you consider your year-end giving, we hope protecting Montana's environment will be at the top of your list. We need your help now as we work in the coming year to save our beloved Smith River from a proposed underground copper mine, hold "bad actors" responsible for polluting Montana, combat climate change, promote clean energy, and more.

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. Go to www.meic.org and use your credit or debit card to make your special contribution. Thank you.