

# Down to Earth

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**meic**

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



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Cover Photo:  
Cabinet  
Mountains  
Wilderness.  
Photo by Flickr  
user Troy Smith.

## Victory: Hecla Mining and its CEO Are Determined to be “Bad Actors”

by Jim Jensen

**P**hillips S. Baker, Jr., a major figure in the mining industry, has been designated a “bad actor” by the Montana Department of Environmental Quality (DEQ). Baker is the current president and CEO of Hecla Mining, the company proposing to develop the Montanore and Rock Creek mines in northwest Montana beneath the Cabinet Mountains Wilderness Area. Hecla also owns the Troy Mine. Baker is also the current chairman of the National Mining Association.

In letters sent on March 29, 2018, to Hecla and Baker, DEQ director Tom Livers notified them, pursuant to an investigation conducted

by the agency, that they were in violation of the “bad actor” provision of Montana’s Metal Mines Reclamation Act. The letter gave them 30 days to respond as to how they would come into compliance.

A common practice of irresponsible mining companies and their executives is to declare bankruptcy and leave messes created by their mining activities behind for the public to reclaim at public expense. Often they just rename their companies or go to work for others to evade the existing State law that prohibited miners with outstanding reclamation responsibilities from receiving new mining permits. In response to such behavior, the “bad actor” law was passed by

the Montana legislature in 1999 and signed into law by then Gov. Judy Martz. In response to the bankruptcy of the Pegasus Gold Corp. the law was strengthened in 2001. It has been unchanged ever since.

DEQ correctly determined that the “bad actor” designation prohibits Hecla from receiving any new mining permits while Baker is head of the company or until he and/or Hecla reimburse the State for the costs it incurred in cleaning up at Baker’s former employer’s now abandoned mines in Montana. Those include the Zortman/Landusky, Beal Mountain, Montana Tunnels, and Basin Creek mines.

Baker was the chief financial officer of Pegasus Gold, and on the Board of Directors of all of its Montana subsidiaries, when Pegasus went bankrupt and left millions of dollars of reclamation costs to be borne by Montana



2001 Montana legislature “Bad Actor” bill signing

Left to Right: Bonnie Gestring, Earthworks; Anne Hedges, MEIC; John Wilson, TU; Tom Beck, Governor’s Chief of Staff; Judy Martz, Governor; Jan Sensibaugh, DEQ Director; Pat Judge, MEIC; Michelle Reinhart, MEIC

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# Victory: MEIC Forces BLM to Re-do Resource Management Plans

by Derf Johnson


A very important legal victory for MEIC and a coalition of environmental organizations occurred in March 2018. Federal judge Brian Morris (of the District of Montana in Great Falls) ruled that plans developed by the U.S. Bureau of Land Management (BLM) for Montana and Wyoming, which continued to allow unfettered development of coal, oil, and gas, were unlawful. Specifically, the court found that BLM's Resource Management Plans (RMPs) failed to consider alternatives that would reduce the impacts to air, land, water, wildlife, and the climate by reducing the extent of development of fossil fuels.

The ruling recognized that RMPs are not simply a paper exercise, but rather important planning documents that determine how public lands are managed, and protected for future generations. The RMPs in question were for the Miles City, Montana, and Buffalo, Wyoming, BLM field offices. They were approved in September 2015, and made 15 million acres of public mineral rights and 10 million acres of public land (with the remainder of federal mineral rights being on private land) available for oil and gas drilling, and coal mining, in the Powder River Basin (PRB). The RMPs would have allowed up to 10 billion tons of coal to be mined and 18,000 new oil and gas wells to be drilled, including over 6,000 wells on federal land.

The order from Judge Morris is especially important as the PRB coalfields produce more than 40% of the nation's coal. Requiring an evaluation of climate impacts from the exploitation of fossil fuels in the PRB could have a significant bearing on the volume of greenhouse gas emissions in the United States.

In his decision, Judge Morris stated that "BLM cannot acknowledge

that climate change concerns defined, in part, the scope of the RMP revision while simultaneously foreclosing consideration of alternatives that would reduce the amount of available coal." He ordered BLM to produce a supplemental environmental impact statement to review the climate change impacts and to consider options for the amount of coal the government will make available for mining. Morris also called on BLM to do a better accounting of carbon and methane pollution impacts from coal, oil, and gas, both in the planning process, when the resources are developed, and also "downstream" when the resources are ultimately burned in power plants or otherwise used.

The skilled attorneys at the Western Environmental Law Center deserve all the credit, and serious praise, for bringing this important legal victory to fruition. 

*"The ruling recognized that RMPs are not simply a paper exercise, but rather important planning documents that determine how public lands are managed and protected for future generations."*

*Coal mining operation.*





## Victory: BLM's Methane Waste Rule Back in Force After Court Decision

by Anne Hedges

**O**n February 22, 2018, a U.S. District Court ruled in favor of MEIC and other organizations and some states in an important victory for the climate and the protection of public lands. The court prevented Interior Secretary Ryan Zinke from delaying the implementation of the Bureau of Land Management's (BLM) rule limiting methane waste. The rule was adopted by the Obama Administration to replace a 30-year-old one, and finally required oil and gas developers to limit methane waste when they drill on public lands. Methane is a very potent greenhouse gas that is often leaked and flared in the drilling for and piping of oil and gas.


The plaintiffs filed the lawsuit in December 2017 to prevent Zinke from delaying the implementation of the rule. This marks the fourth unsuccessful attempt by the Trump Administration to scuttle the BLM methane waste rule.

About \$330 million worth of methane gas is wasted every year. Wasting the gas robs taxpayers of royalties from federal lands

and increases climate pollution. If the rule is delayed and eventually eliminated, it is estimated that taxpayers would lose about \$800 million in royalties over the next decade alone – and that doesn't even address the impacts from climate change caused by this increase in methane emissions.

Even before receiving comments on the rule, Zinke told a federal court that he would delay its implementation. BLM then conducted a lightning-fast sham public process to approve the delay. Not surprisingly, BLM largely ignored the public's concerns. The 2018 court decision found that BLM failed to follow the law and was highly selective in its consideration of public comments.

Not surprisingly, Zinke is hell-bent on eliminating this rule. Just before the court decision, BLM proposed officially to permanently rescind the rule. If Zinke and BLM ignore public input in support of the rule as expected, those changes to the rule will by BLM's own admission significantly reduce natural gas production, valued at up to \$824 million, because so much waste will again be allowed. Rescinding the rule will also return methane waste controls to a level that even BLM admits is ineffective.

Whatever steps Zinke takes next to allow his buddies in the oil and gas industry to steal from taxpayers and allow unmitigated greenhouse gas emissions to enter the atmosphere will be challenged as before. Western Environmental Law Center represented MEIC and the other groups in this litigation and has represented MEIC for almost a decade in its quest to prevent the waste of methane gas. 

*Natural Gas Flaring.*





# Ballot Initiative Filed to Prevent Permanent Pollution from New Mines

by Derf Johnson

In February 2018, MEIC and a coalition of environmental organizations, ranchers, and outdoor recreationists filed the initial paperwork with the State of Montana for a ballot initiative. The measure, if passed, would ensure that new hardrock mines in Montana do not produce pollution from acid mine drainage, and contaminants such as arsenic, lead, and mercury, that requires treatment forever. The initiative has cleared the initial review by the Secretary of State, and is now being reviewed by the Attorney General. Once its wording is approved, which will likely happen by late April, the coalition will have until June 22nd to gather the required number

of signatures to qualify the initiative for the statewide ballot.

The initiative would require any new hardrock mine in Montana to show, through clear and convincing evidence, that the reclamation plan required in the operating permit is sufficient to avoid the need for permanent treatment of polluted water. Perpetual pollution, primarily associated with acid mine drainage, has been the “death sentence” for several of Montana’s rivers and streams. It also is impossible to stop, meaning that water treatment is required for thousands of years, if not longer. Because mining companies come and go, this time frame often means that the State of Montana ends up paying for the perpetual water treatment.

As an example, the mining waste left behind at the Zortman/Landusky mine has cost Montana taxpayers \$32 million to clean up, and will cost Montanans \$2-3 million annually to permanently treat the contaminated water. This sort of environmental disaster, and the resulting “black hole” of spending for taxpayers, can be prevented through careful planning and by requiring mining companies to show through strong evidence, before they receive permits, that their proposed projects will not cause perpetual pollution. The language in the ballot initiative will assure that places such as Montana’s iconic Smith River and the Paradise Valley, a gateway to Yellowstone National Park, will not



*Acid mine drainage in Beartrap Creek.*



*Grantie Lake in the Cabinet Mountains. Photo by Flickr user Troy Smith.*

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## New Montana Wind Project a Game Changer

by Brian Fadie

It's not often one can celebrate something happening at NorthWestern Energy (NWE) – Montana's principal electricity and natural gas utility). However, there were two recent renewable energy developments at the utility that deserve recognition, both in terms of the larger benefits of renewables over fossil fuels and in reducing energy costs to consumers. In short, while voluntary efforts by NWE to meaningfully increase its renewable energy supply are still desired, progress is being made.

First, NWE signed a contract to buy electricity from a new 80-megawatt wind project called South Peak, to be located east of Great Falls. As a sign of how much the cost of wind energy has declined, the price agreed to was \$21.66 per megawatt-hour

(MWh). Electricity from this wind project will cost one-third as much for NWE customers as the incredibly expensive and dirty coal-fired electricity coming from Colstrip (\$74/MWh). Furthermore, this wind power will be less than half the cost of electricity from the existing hydroelectric dams (\$56/MWh) and even cheaper than the utility's contracts for purchases on the open energy market (\$21.77/MWh). Put simply, this ultra-low-cost wind energy is a game changer, providing a glimpse into the incredible value Montana's wind resource can provide to both in-state and out-of-state customers. And while it took a federal law to prompt this deal, hopefully the win-win result will guide the utility's decisions going forward.

Second, NWE recently announced plans

*continued on page 12*

## Stand Up for Clean Energy on April 18th!

On April 18, 2018, NorthWestern Energy will be hosting a first-of-its-kind public meeting in Butte, Montana, regarding the creation of its next 20-year resource plan. This plan is an important document that informs decisions by the utility about where it will obtain energy in the future. The plan also influences regulatory decisions. This meeting will be a high-impact opportunity to make a statement that the utility should plan for a transition away from coal and toward clean energy!

Previously, meetings regarding this plan were entirely closed-door, invitation-only affairs, but thanks largely to MEIC's advocacy this particular meeting will be open to the public.

**When: Wednesday, April 18, 2018 from 9 AM to Noon.**

**Where: NorthWestern Energy Butte Office, 11 E. Park Street, Butte, MT 59701**

**For more information contact Brian Fadie, at 406-443-2520 or [bfadie@meic.org](mailto:bfadie@meic.org)**



*Solar Rally in Helena. Photo by Alex Tenenbaum.*



# Smith River Mine: Not Dead Yet

by Derf Johnson

## Tintina Is Now Sandfire

Recently Tintina Resources (the applicant for a permit to develop the Smith River copper mine) changed its name to Sandfire Resources America, Inc., to reflect the fact that Sandfire Resources, an Australian mining corporation, controls the vast majority of its shares. The change reflects the incredibly fluid nature of mining projects, where ownership can change hands repeatedly even before a project is permitted. It also highlights the fact that promises made upfront on a proposed project by well-intentioned mine employees are not necessarily honored by the new owners.

## Update on Permitting Process

Following a somewhat tense scoping process last year, the Montana Department of Environmental Quality (DEQ) has now responded to the myriad issues raised during both the public hearings and in the written concerns that were submitted. The full scoping report can be found on DEQ's website at <http://deq.mt.gov/Land/hardrock/tintinamines>. It details what DEQ deems to be the most important and relevant issues to be evaluated.

After producing the scoping report, DEQ evaluated the one-year period in which it is required to complete the environmental impact statement (EIS) under the Montana Hardrock Mining Act. It concluded that the time frame would be

practically impossible to meet. MEIC and its coalition partners agree. Typically, a thorough and fair EIS process takes two years or more; a one-year time frame will lead to an inadequate and incomplete final document.

Unfortunately, DEQ must abide by the one-year time frame unless Sandfire agrees to an extension of the process. Initial statements from Sandfire suggest that it knows the one-year time frame is unworkable, but it would still like DEQ to try to adhere to that time frame as best as it can.

DEQ is currently aiming to produce a draft EIS that would be available sometime this Fall for the public to review. Once the draft has gone through a public comment period and public meetings, DEQ is planning on setting the schedule for the final EIS. DEQ is also currently evaluating Sandfire's applications for air quality and surface water discharge permits.

MEIC will continue to update its members as the process moves along, so stay tuned.

*Rally to Save Our  
Smith River at the  
Montana State  
Capitol.*





# Westmoreland Coal's Downward Spiral

by Derf Johnson and Anne Hedges

**W**estmoreland Coal Co., the owner and operator of the Rosebud, Absaloka, and Savage coal strip mines in Montana, is teetering on the edge of serious financial distress. Its current stock price is hovering around 24 cents a share, a drop of more than 99% from its high in July 2014 of \$43.09. According to a research brief entitled *Westmoreland Coal is in Trouble*, produced by the Institute for Energy Economics and Financial Analysis in February 2018, Westmoreland has more than \$1.6 billion in debt. This debt burden, according to S&P Global Ratings, gives it an extremely low credit rating of CCC, and warned last year of possible default.

could easily take a back seat to other creditors.

Consequently, the Montana Department of Environmental Quality (DEQ) should proceed very cautiously on two major mine expansions proposed by Westmoreland at the Rosebud coal mine (see box on page 13). The Rosebud mine is the sole supplier of coal to the Colstrip coal-fired power plant, and is currently the most expensive coal mined in the Powder River Basin.

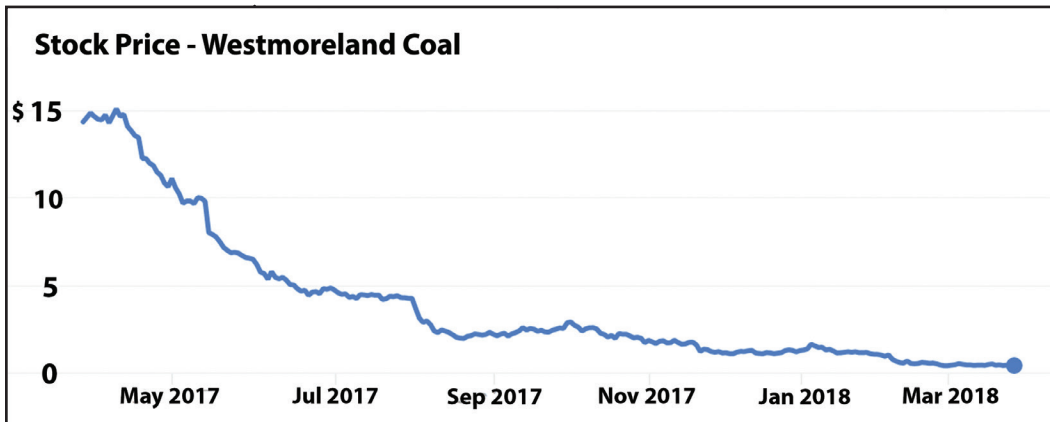
These expansions are especially problematic and should be looked at skeptically considering that the Rosebud mine has only two customers, the Colstrip coal-fired power plant and a very small nearby plant that burns waste coal. Colstrip Units 1 and 2 represent approximately one-third of its generating capacity, and will close no later

than 2022, and possibly earlier. What's more, Puget Sound Energy, the owner of the largest share of the Colstrip plant, has laid the groundwork for the closure of Units 3 and 4 sometime around 2027. Adding to the momentum for closure of the entire plant, in late March 2018 Avista, another owner of the plant, proposed adopting the same date

for depreciating its investment in Colstrip, also saying that the end of the plant's useful life is 2027.

With Westmoreland on the ropes, and its future being so uncertain, DEQ must ensure that there is sufficient bonding to guarantee adequate reclamation, not only in the proposed expansion areas, but also in the areas that have already been strip-mined. Montana must also plan for the time in the not-too-distant future when coal mining ceases to exist. It will not happen overnight,

*continued on page 13*



A default by Westmoreland could have significant implications for Montana. Thankfully, unlike Wyoming, Montana does not allow self-bonding, but rather requires actual financial assurances. However, Montana's history of reclamation bonding is pathetic, and so it is more than likely that Westmoreland's current bonds would be insufficient to satisfy the full requirements of reclamation. What's more, if Westmoreland were to go into bankruptcy, environmental reclamation and enforcement requirements



# It's Time to Plan for Life Beyond Colstrip

by Anne Hedges

**W**hile the Colstrip power plant's ownership structure may be complicated, the need and rationale for the retirement of the plant is simple. It all boils down to climate impacts and money. The owners of the plant want to make money. The customers of the utilities that own the plant want to pay as little as possible for their electricity and they don't want their source of electricity to drive up the costs they pay for climate change impacts (e.g., firefighting costs, health care impacts, ocean acidification, rising sea levels, and recreation and agricultural economic impacts). No one wants to pay more money than necessary and that is what makes the closure of Colstrip inevitable.

Last year, Puget Sound Energy agreed to fully depreciate its investment in the Colstrip plant by 2027. In March 2018, Avista, another owner, agreed to do the same thing in a settlement before the Washington Utilities and Transportation Commission (WUTC). Neither Colstrip owner wants to pay for something that is no longer used (it's the same as not wanting to continue paying on a car loan on a car you no longer own). Both of these owners have also agreed to pay a total of \$13 million to help the Colstrip community with the post-closure transition. In fact, all Colstrip owners except NorthWestern Energy, Montana's principal utility, have begun to set the stage for an exit from Colstrip.

However, West Coast customers are not satisfied with their utilities agreeing to exit Colstrip as far in the future as the late 2020s. In February 2018, MEIC staff joined about 400 utility customers before the WUTC to discuss the real and hidden costs of Colstrip electricity. MEIC staff testified about the cost of cleaning up the pollution at Colstrip and the potential for replacing its electricity with clean

energy from Montana. Washington customers strongly demanded that Washington-based utilities end their use of Colstrip electricity by 2025. They simply don't want to pay for something that is expensive and harmful.

The closure of Colstrip is complicated. There is a lot of planning required to close a 2,200 megawatt power plant and replace its electricity with cheaper, cleaner power (not to mention the challenge of cleaning up the toxic waste at the plant and the related coal mine). Each month that passes sees more examples of coal-fired power plants retiring and being replaced by cleaner energy sources. These examples can help create a roadmap for Montana. Montana is lucky that the plant will not shut down overnight, as some plants do, but will instead close in stages. Two of the four units of the plant will shut down no later than July 2022. The other two-thirds of the plant will likely be retired in stages over the next decade or less. There is a lot of work to be done before then to make sure that the existing transmission system is put to good use, that plant workers have replacement jobs, and that Montana continues to earn revenue from energy production such as wind- and solar-generated electricity.

Two very important initiatives are currently underway that will help ease the transition from coal-based electricity to cleaner energy. First, the U.S. Bonneville Power Administration (BPA), which operates the transmission system and much of the hydro-electric system in the Pacific Northwest, and

*Colstrip Power Plant.*



*continued on page 12*

## Zinke - the Oil and Gas Industry's Santa Claus

by Anne Hedges

Secretary of the Interior, Ryan Zinke, just can't seem to give away public lands to the fossil fuel industry fast enough. In recent months, the U.S. Bureau of Land Management (BLM), an agency in the Department of Interior, has been on a mission to lease hundreds of thousands of acres of public lands in Montana for oil and gas development with little or no consideration of groundwater or climate change impacts.



Department of Interior  
Secretary Ryan Zinke  
with a Santa hat  
added.

Barring some dramatic about-face by Zinke, by June 2018 BLM is on track to start leasing about 500 parcels on over 200,000 acres of public lands for oil and gas

development in just six short months. Zinke recently relented on leasing some parcels near Livingston and the Beartooth Front, but he has shown no signs of letting up on his assault on public lands across the rest of the state.

Oil and gas development can cause serious harm to ground and surface water quality, and it can result in the release of methane, a potent greenhouse gas. These impacts are well-known, which is why BLM is required to consider them in the environmental review process. But so far BLM has refused to consider these impacts despite MEIC and others repeatedly pointing out the potential dangers during the decision-making process.

MEIC will continue to work with the Western Environmental Law Center, WildEarth Guardians, and others to force Zinke's BLM to follow the law and to consider the very real damage that oil and gas development can have on water resources and the climate. 🌱

## Ballot Initiative *(continued from page 5)*

suffer environmental destruction from poorly planned and operated mines.

A coalition of organizations and individuals is pushing for passage of the ballot initiative, with more joining the effort weekly. Among the supporting organizations are: MEIC; Trout Unlimited; Earthworks; American Rivers; Clark Fork Coalition; Fishing Outfitters Association of Montana; Gallatin River Task Force; Greater Yellowstone Coalition; Montana Conservation Voters; Montana Public Interest Research Group; and Park County Environmental Council.

Qualifying this initiative for the ballot, and passing it, will require "all hands on deck."

Once it is approved for signature gathering, the coalition will desperately need your volunteer time, your signature, and your donations in order to qualify and pass the initiative and assure that the State of Montana does not approve another hardrock mine that will require perpetual water treatment.

Donations, which are not tax-deductible, can be made to the ballot measure committee: YES for Responsible Mining, P.O. Box 1524, Great Falls, MT 59403. With your donation, please include information about your employer and occupation, as that is required by state law to be reported. 🌱



## “Bad Actor” *(continued from page 2)*

taxpayers. To date, the state has shelled out \$32 million and is burdened with an additional \$2 million or so per year in perpetual water pollution treatment costs.

DEQ’s action was taken six months after several environmental organizations including MEIC notified the agency that they would sue DEQ if it did not enforce the “bad actor” law against Baker and Hecla.

In response to DEQ’s letters, Hecla has sued the agency, arguing that all of the Montana mining projects are actually owned by subsidiary companies and not within

Baker’s authority as Hecla CEO. They also claim that the law does not apply to Baker, and therefore to Hecla, because he did not make the decisions about exactly how to mine at the Pegasus properties.

The groups that initiated this action are seeking to intervene in Hecla’s lawsuit. They are MEIC, Save Our Cabinets, Rock Creek Alliance, Clark Fork Coalition, Earthworks, and Montana Conservation Voters. 🌱

## Save the Date!

**Mark your calendars. MEIC’s Rendezvous will occur on the evening of September 15th. It will be a chance for you to help us celebrate the successes you have made possible, and for you to stay informed on the environmental challenges ahead.**

- **When: Saturday, September 15, 2018**
- **Where: The Public House, 130 E. Broadway, Missoula**

**Plan to join MEIC’s staff and Board members, and other members and friends, for an evening of food, drinks, insider information, and fun!**



Jim Jensen speaking at MEIC’s 2013 Rendezvous.

## Wind Project *(continued from page 6)*

to purchase the 9.7 megawatt Two Dot wind project located west of Harlowton. This decision looks as if it was also prompted by a legal requirement, in this case Montana's visionary Renewable Portfolio Standard. Regardless, bringing this project in-house for the utility is a great addition, one that recognizes the benefits of renewable energy for customers. Wind (and solar) projects burn no fuel, meaning they have no fuel costs, a feature that reduces both operating costs and exposure to volatile energy markets. Further, renewable energy projects produce no pollution, meaning they create none of the often-massive cleanup costs that fossil-fuel power plants have. And while wind and solar projects require the same transmission lines, they do not need risky and expensive new pipelines the way natural gas plants often do. As NWE's own 2013 Long-Term Resource

Plan stated: "Installation of significant new natural-gas fired generation anywhere in the NorthWestern service territory will likely require pipeline capacity upgrades or interruptible pipeline service with diesel fuel backup." Wind- and solar-generated electricity simply does not require this infrastructure.

The path forward is clear: renewable energy is the cheapest, least risk, and cleanest resource for NWE's customers. The South Peak and Two Dot projects, no matter what prompted their acquisition, help move the utility down that path, which is progress worth celebrating. Hopefully, someday soon NWE will voluntarily acquire these kinds of low-cost, high-value, renewable energy resources and the party can truly get started. Then NWE's customers can really pop the cork on the first bottle of champagne. ☺

## Colstrip *(continued from page 9)*

Montana's governor Steve Bullock, teamed up to create a blue-ribbon committee to develop a plan for a changing energy system, and to find ways to encourage clean energy development in Montana. The committee is comprised of representatives from utilities and utility commissions in Montana and across the Pacific Northwest, renewable energy developers, clean energy advocates, and many, many more. The committee's task is to create a report by late June 2018 that outlines a path to clean energy development in Montana. The four primary committees, comprising scores of experts, are diligently working to develop that plan. MEIC staff members are engaged in this process and are encouraged that it will ultimately provide the road map necessary to unleash Montana's renewable energy potential.

Second, Montana's governor and attorney general have worked with Puget Sound Energy to create a task force of Colstrip community leaders and State agencies to determine how best to spend the \$10 million transition fund provided by Puget Sound Energy. This task force will develop a community transition plan by the end of 2018 that addresses the hurdles of changing from a coal-based community to a more diversified economy.

There is a lot of help needed for the Colstrip area to make the transition from coal, and so far Colstrip has received far more help than other communities with natural resource-based economies. Montana will be much better off if it can develop a detailed plan for how to attract clean energy industries that will generate jobs and tax revenue. If it doesn't, developers will go elsewhere and Montana will be the loser. ☺



## Westmoreland Coal *(continued from page 8)*

but within the decade the vast majority of coal plants that the Montana mines supply will be retired or converted to natural gas, and clean energy will be supplying an ever-increasing share of the nation's electricity needs. 🌱



*MEIC held a public meeting in Missoula on the Area F expansion.*

### **Westmoreland's Rosebud Montana Mine Wants to Expand... A LOT**

Westmoreland is proposing two massive expansions at the Rosebud mine that would supply the Colstrip plant with coal until about 2050, assuming that it is still in operation until then. Colstrip Units 1 and 2 will close in 2022. After that, the Colstrip plant will only need about 6.2 million tons of coal a year for Units 3 and 4. Despite this, Westmoreland wants to expand the mineable area of the Rosebud mine to encompass another 217 million tons of coal.

- The Area F expansion contains approximately 70 million tons of coal. DEQ and the federal government just finished accepting public comments on a draft environmental impact statement. MEIC and its allies held a very successful public meeting in Missoula in February 2018 to collect comments. The impressive testimony from experts and concerned Montanans was submitted to DEQ and the federal government. A quick decision by the federal government approving the mine expansion is anticipated, as Interior Secretary Ryan Zinke already accidentally announced the approval of the mine expansion the day before Christmas, despite the fact that the draft environmental impact statement had not even been issued then. He had to retract the statement.

- Westmoreland is also proposing another huge expansion in Area B, known as Amendment 5 (AM5). AM5 would allow the mining of another 104-147 million tons of coal. The application for that expansion recently received a "completeness determination" from DEQ. DEQ is accepting public comments until April 27, 2018, on the issues the public believes it should consider in the environmental review for area B.



## President's Letter

by Bob Gentry



In the current political climate, I find myself more and more expecting environmental and public land decisions by the federal government to be governed mainly by the principle of willful ignorance and negligence in the service of greed and privatization. My own disappointment and outrage with each new policy announcement or regulatory change reminds me that I have not accepted this phenomenon at all. Through its generous membership and extraordinary staff, all of us together in MEIC have certainly not done so either.


Against this difficult background, MEIC's mission and resolve have only been clarified, strengthened, and become more essential. As demonstrated by the results of our efforts set forth in this issue of **Down to Earth**, MEIC's membership and staff continue to effectively advocate for our constitutional right to a clean and healthful environment,

and for meaningful public participation in government decisions.

MEIC remains the organization that provides reliable and legally supported science-based advocacy for a livable world for ourselves, for future generations, for healthy ecosystems, and for all life on our planet. We know that human-induced climate change is ongoing and accelerating. We understand the science underlying this process. We know that slowing, stopping, and reversing this catastrophe is within our power if we act together. We know that energy, climate, and ecosystem sustainability is possible within our lifetimes and that they are inextricably tied together.

But during these hard times, we also know that resilience abides within the healthy natural processes of our planet. Together at MEIC, we take steps every day to support the resilience of our planet's natural processes and successfully advocate for environmentally sustainable government decision making.

MEIC is effective because of the generosity and compassion of its members and the extraordinary skills and knowledge of its staff. While there is no end in sight to the folly of current federal environmental actions, I remain confident that through our efforts we may forestall the worst outcomes of such ill-considered decisions. And through our advocacy we may continue to effect meaningful positive changes in destructive environmental decisions, policies, regulations, and law, and significantly shift the momentum toward sustainability and a clean and healthful environment for us all.

I thank you for your support of our joint endeavor that is MEIC. To support a resilient MEIC and its work in this difficult time, I encourage you all to seriously consider increasing your financial support of MEIC when you renew your membership, by becoming a major donor if you can, and by participating in our planned giving program. 

**Together we are making a difference.**

***Please consider making a special gift to MEIC today.***

[www.meic.org/support-us/](http://www.meic.org/support-us/)

*"MEIC remains the organization that provides reliable and legally supported science-based advocacy for a livable world for ourselves, for future generations, for healthy ecosystems, and for all life on our planet."*



# Thoughts from the Executive Director

by Jim Jensen



## Civics Matter

For quite a while now I have been decrying the general ignorance of our society concerning civics. For example, I have many times asked high school students in advanced placement classes whether they have read the Montana Constitution. Only four students have even known that states have constitutions, let alone knowing about Montana's right to a clean and healthful environment. And these are our best students! If we don't know our rights, we will not be able to keep them.

This situation is no accident. But it can be corrected.


Today nearly a third of Americans cannot name a single branch of government, and almost 40% are unable to cite a right guaranteed by the First Amendment of the Constitution. Thus it is no wonder that the

most outspoken leaders sounding the alarm are from our legal system.

When she retired from the U.S. Supreme Court, Sandra Day O'Connor started an Internet-based civics education program. Now, Supreme Court justice Sonia Sotomayor is touring the country – 38 states so far – promoting civic competence, a noble trait that used to be a bedrock part of American education and a point of pride among one's peers. It certainly was among mine.

But now, only a handful of states even require proficiency in civics and government as a condition of high school graduation. The American educational system, with its Right Wing-driven fear of engaging in confrontational topics and its corporate-driven emphasis on STEM (Science, Technology, Engineering, and Math), has failed a generation – or more – of students. What good is science when the majority of citizens cannot understand its teachings or act on its findings?

"No one is born a citizen," Sotomayor said while in Seattle. "You have to be taught what that means."

She is absolutely right. Let's get to it. Now. 



**MEIC** - a nonprofit  
environmental advocate

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*President Barack Obama meets with Appeals Court Judge Sonia Sotomayor, the nominee to replace retiring Supreme Court Justice David Souter, and Vice-President Joseph Biden, prior to an announcement in the East Room, May 26, 2009. Photo credit: Presidential Library.*



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### **Three Cheers for You!**

Over the past two months, MEIC and its allies have seen some glimmers of light in these otherwise dark times. We have had three very important victories that will help protect the climate, and Montana's clean water, landscapes, and wilderness areas. We wanted to thank YOU, our members and supporters, for the support you gave us that made these wins possible. Without your support, we couldn't have done it.

There remains a long road ahead, but it is always important to stop and savor victories when they occur.



**You can read about all the victories in this issue of *Down to Earth*:**  
**on page 2: Hecla Mining and its CEO Are Determined to be "Bad Actors"**  
**on page 3: MEIC Climate Victory on BLM Resource Management Plans**  
**on page 4: BLM's Methane Waste Rule Back in Force After Court Decision**

***Let's work together to keep this winning streak going!***