

# Down to Earth

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



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## 2019 Legislature in Review

# Landmark Water Rights Ruling Is a Setback for the Rock Creek Mine

by Jim Jensen

In April 2019 a State district court judge reversed the decision of the Montana Department of Natural Resources and Conservation (DNRC) to grant a water use permit for the Rock Creek mine, a silver-copper mine proposed in northwest Montana's Cabinet Mountains. The permit would have allowed the mine operator, Hecla Mining Co., and its subsidiary RC Resources, to carry out major groundwater pumping that the company's own analysis showed would permanently dewater pristine streams in the Cabinet Mountains Wilderness.

According to Earthjustice attorney Katherine O'Brien: "The court's ruling safeguards some of the purest waters in the lower 48 from the destructive impacts threatened by the Rock Creek mine. The ruling also affirms that the State's job is to protect Montana's waters for the benefit of all

Montanans – not to give those waters away to corporate interests without taking a hard look at the impacts."

Judge Kathy Seeley's ruling, issued in response to a lawsuit filed by Earthjustice on behalf of MEIC, Clark Fork Coalition, Rock Creek Alliance, and Earthworks, concluded that the agency violated State law by ignoring evidence that groundwater pumping for the mine would permanently degrade multiple streams classified by the State as Outstanding Resource Waters.

This landmark ruling erases the false narrative that water quality and water quantity are separate under Montana water law, and breathes new life into all Montanans' right to protect clean water in the face of mining's destructive practices. The ruling sent shockwaves through the mining industry and other industrial sectors that have for decades held virtual dominion over DNRC's Water Resources Division.

The Rock Creek mine, which Hecla has proposed for development near Noxon, would extract up to 10,000 tons of ore every day for up to 35 years in an area of undeveloped national forest land, on the doorstep of one of America's first wilderness areas. The mine would harm more than 7,000 acres of primarily public lands in and adjacent to the Cabinet Mountains Wilderness – including irreplaceable habitat for threatened populations of bull trout and grizzly bears.

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Victory!

Cabinet Mountains  
Wilderness. Photo  
by Flickr user Scott  
Butner.



# Smith River: It's the Eleventh Hour

by Derf Johnson

The Montana Department of Environmental Quality (DEQ) recently released a draft environmental impact statement (EIS) for the proposed copper mine on the Smith River. Not unexpectedly, it is filled with more faulty assumptions and erroneous conclusions than can be listed here. As an aside, thanks to all of you who took the time to send in postcards, sign petitions, and submit individual comments to DEQ. MEIC's comments critiquing this document are available on our website, [www.meic.org](http://www.meic.org). The comment deadline for the EIS has now passed. DEQ now has the job of reviewing the comments, producing a final EIS (sometime in late Summer or early Fall), and then issuing or denying the permit (soon after the final EIS is completed). What will DEQ ultimately do? Unbelievably, DEQ has never denied a hardrock mining permit. I know where I'd put my chips.

Most Montanans know that some landscapes are far more precious than the dollar value potentially gained from their exploitation. That some places provide more for our society and collective humanity than the "pick and shovel" or "feller buncher and mill" ever could. And that these places are irreplaceable. The vast majority of Montanans know that the Smith River is one of these places. Montana's rivers are known as the lifeblood for our economy, the source for much of our recreation, and a place for respite and a home for spirituality.

The Smith is often referred to as the crown jewel representing these values.

This begs the question: why do we allow these places to be harmed? The answers are myriad and complex, but the result is often the same. A mix of public apathy, government lethargy and incompetence, and

a permitting scheme that favors industry over environmental protection, almost always leads to the further degradation of Montana's natural environment. Will the story of the Smith River be different?

The Smith has not been immune from poor decision making over the past century. It's suffered everything from dewatering and destruction of its riparian habitat to water pollution runoff, recreational over-use, and now elevated temperature levels and an accompanying outbreak of nuisance algae. A carefully crafted management plan and a dedicated and concerned group of Montanans has alleviated some of these problems, but an incredibly ill-conceived mining operation threatens to undo this work entirely and place the Smith in serious jeopardy.

This story has been told many times before, both in previous issues



MEIC Legislative Assistant Malcolm Gilbert delivering 2,523 public comments on the Black Butte Copper Project to the DEQ.

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# Victory: Zinke Illegally Lifted Coal Moratorium

by Anne Hedges

One of Ryan Zinke's first acts as Secretary of Interior was to revoke an Obama Administration moratorium on the leasing of coal on federal public land. The previous Secretary of Interior, Sally Jewell, had imposed the moratorium until the agency had updated a 1979 analysis of its coal leasing program. The National Environmental Policy Act requires government agencies to analyze and disclose the social, environmental, and economic impacts of proposals prior to approving them. Zinke eliminated the moratorium and the evaluation of the leasing program by administrative order, with no analysis or public involvement (does that sound just like something the current Administration would do?).

MEIC and others immediately challenged Zinke's cavalier action with a lawsuit. In April 2019, a federal court ruled that ZINke had broken the

law when he ended the moratorium and program analysis update by fiat.

The federal government owns 570 million acres of land containing coal, and has existing leases for about 7.4 billion tons. About 40% of the nation's coal comes from federal lands. The coal leasing

program on federal lands has grown significantly since 1979, as has our knowledge of climate change. Jewell's moratorium prevented the leasing of any more coal until the federal government better understood the impacts of the program and had verified it was being adequately compensated for the loss of this public resource. Her announcement was met with cheers from both "fiscal hawks" and those concerned about the changing climate.

But Zinke forced the agency to do an abrupt about-face the moment he entered office. Not only did he end the moratorium, he also issued a directive to expedite coal mining on public lands. Both actions were taken without a shred of analysis or reasoning. Immediately upon the issuance of his decisions, MEIC, the Northern Cheyenne Tribe, and environmental and tribal organizations, represented by Earthjustice attorney, Jenny Harbine, challenged Zinke's actions. The states of California, Washington, and New Mexico joined in the challenge.

Even though the federal judge found that Zinke behaved illegally, it remains unclear how Interior must proceed. Courts frequently rule that agencies failed to follow the law (especially with the Trump Administration), yet they are hesitant to tell agencies how to comply. In this case, the judge did not mandate that the Department of Interior reinstate the moratorium until the analysis of the public land coal leasing program

*continued on page 23*

Victory!

EarthJustice  
Attorney Jenny  
Harbine.



# Solar 'Hot Mic' Case Update: We Won! We Won!

by Brian Fadie

**“No matter how cynical you get, it is impossible to keep up.” – Lily Tomlin**

That is how the judge’s written order began when ruling on MEIC’s legal challenge of the Public Service Commission’s (PSC) disastrous 2017 solar decision. And it only got better from there.

This was the case involving PSC Commissioner Bob Lake (*R-Missoula*) being caught on a ‘hot mic’ saying he knew the Commission had set contract terms so unworkable for solar developers that it “probably took care of the whole thing.” Of course “the whole thing” the PSC took care of, at NorthWestern Energy’s request, was stopping large-scale solar development in Montana. No large-scale projects have been built since.

Now, thanks to MEIC and its partners at Vote Solar, and Cypress Creek Renewables, the door for these projects is re-opened.

To recap, in 2017 NorthWestern Energy attempted to stop independent solar projects by requesting the PSC drastically cut their compensation rate and contract lengths. After the Commission agreed—setting rates for solar energy at less than half of what NorthWestern charges its customers for its existing resources, and reducing contract lengths by 10 years—these projects came to a halt.

The court’s decision to overturn

the Commission’s order restores fairer contract terms for solar developers and, in turn, affords NorthWestern an opportunity to reduce its reliance on costlier and dirtier sources of energy. In the ruling, the court noted that the reduced compensation rates were set “to, effectively, make such renewable energy development economically unfeasible, and thereby eliminate competition.”

Three parts to the ruling were particularly important. First, contract lengths for these solar projects were reset to their previous 25 years. Second, the ruling reinstated the “carbon avoidance value adder,” which is a way to value the non-carbon emitting characteristic of wind, solar, and hydro resources. Third, the court adopted a much more reasonable method for calculating the value solar energy provides to NorthWestern compared to what the company had requested and the PSC had ordered.

These and other provisions of the order combine to give independent solar projects a fairer chance to do business in Montana again, allowing them to create new jobs, tax revenue, and clean energy across the state. 🌿

**Victory!**

Solar panels.





2019  
Legislative Recap

# NorthWestern's Attempted "Shakedown" Fails

by Anne Hedges

NorthWestern Energy's legislative attempt to shakedown its customers was shameful. Fortunately the attempt failed three different times. When MEIC and its allies first read **SB 278** – NorthWestern's first attempt to rob its customers – we all laughed. We thought the idea was too outlandish to be taken seriously. It didn't take long for us to realize we were dead wrong, and that the company was dead serious about trying to force its customers pay for a larger share of the financially risky Colstrip power plant and assume responsibility for much of the plant's nearly \$1 billion liabilities.

Fortunately, after SB 278 was quickly rammed through the Senate Energy Committee, controlled by Sen. Duane Ankney (*R-Colstrip*), it died in the Senate Finance and Claims Committee. Even the bill sponsor, Sen. Tom Richmond (*R-Billings*), who days earlier had sung its praises, changed his tune and said it went too far. But by then the "cat was out of the bag." People from across the state and across the political spectrum were

paying attention, writing newspaper columns, testifying at hearings, and calling their legislators. Former Republican state senator and budget director, Dave Lewis, and current Republican PSC commissioner Roger

Koopman, found themselves on the same side as MEIC and AARP. Political affiliations and previous quarrels were quickly set aside as the second round of the fight began.

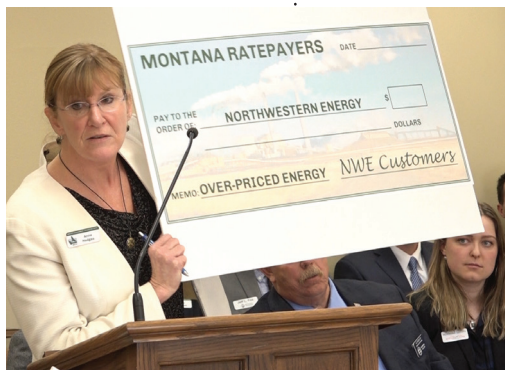
Within days Richmond morphed SB 278 into a new bill, **SB 331**. The group of unusual allies was not only ready – it was growing. No one was fooled by Richmond's legislative slight-of-hand. SB 331 provided more of the same – the ability of NorthWestern to buy more of the Colstrip coal plant and pass off hundreds of millions of dollars of liabilities to its customers with no Public Service Commission oversight. Again, the Republicans on Sen. Ankney's Energy Committee passed the bill without any analysis or hesitation. Democratic senators protested but their minority status left them helpless to stop the bill.

The bill easily passed the first vote on the Senate floor so it was shocking when it failed on the final vote. But NorthWestern wasn't giving up. The bill was quickly resurrected and passed the Senate on a 27 to 22 vote with most Democrats and a growing number of conservative Republicans voting against it.

Then the proponents started to raise a new and truly disingenuous argument. They claimed the bill was really about "saving" the state's electric transmission system. Never mind that the original version of SB 331 contained no provisions on transmission. Never mind that just six months earlier NorthWestern

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Anne Hedges asking the legislature to refuse to give NorthWestern Energy a blank check from consumers.



# MEIC Protects Consumers from Higher Utility Bills

by Anne Hedges

At the 2019 legislative session, MEIC worked quietly to slip an important consumer protection bill through the legislature. **HB 467** by conservation champion, Rep. Denise Hayman (*D-Bozeman*) had little fanfare and no media coverage, yet it could save consumers more than \$100 million dollars. While legislators hotly and a great length debated whether NorthWestern Energy should saddle its customers with more debt related to the Colstrip Power Plant complex, HB 467 authorizes the refinancing of the debt incurred in connection with coal plants and transmission lines. The bill provides a financing mechanism for NorthWestern and Montana Dakota Utilities (MDU) to reduce the interest rate their customers must pay on outstanding debt, and thereby save consumers money.

The bill allows electric utilities to request approval from the Montana Public Service Commission (PSC) to issue rate-payer-backed bonds. After an open process in which the public is allowed to participate, the PSC can approve the issuance of these bonds if it finds that their issuance will save customers money and be in the public interest. Such bonds have a much lower rate of interest than the rate customers are currently paying. The bill simply provides a tool that utilities can voluntarily use, and that the PSC can authorize, modify, or reject, to refinance the amounts utility customers are obligated to keep paying when a

utility has an asset that is no longer in use.

Such assets are called stranded assets – ones that are no longer functional or operating, but for which customers must still pay through their rates. In the case of Colstrip, customers still owe about \$300 million of the \$408 million that the PSC approved when NorthWestern acquired a 30% share of the Colstrip plant in 2008. At that time the PSC obligated

NWE's customers to pay an 8.25% rate of return to NorthWestern, and to keep on paying until 2042. If the plant closes before then, that obligation is likely to remain even though the plant isn't providing

customers with electricity. This process, known as securitization, allows a utility to issue bonds at a lower interest rate (perhaps 2% -3%) to pay off the higher rate debt and save its customers millions of dollars. Securitization could also be used if a transmission line is damaged in a forest fire and needs to be replaced, but the cost of the line isn't paid off.

Securitization is similar to refinancing a home to obtain a lower interest rate. It's unclear if NorthWestern or MDU will ever take advantage of this tool, or if they do, whether MEIC, the PSC, and the Montana Consumer Counsel will agree that the utility should be fully compensated for the remaining costs of a closed power plant. But the tool the bill provides to utilities is an excellent one, and MEIC is happy the legislature agreed. 🐦



2019  
Legislative Recap

*The bill provides a financing mechanism for NorthWestern and Montana Dakota Utilities to reduce the interest rate their customers must pay on outstanding debt, and thereby save consumers money.*





**2019**  
Legislative Recap

# Clean Energy Bills: No Steps Back, But No Steps Forward

by *Brian Fadie*

The 2019 legislative session is in the books and MEIC is happy to report that once again we held the line and did not go backward on clean energy. At all. Victory! Thank you to all MEIC members and allies who helped make this possible.

Conversely, and disappointingly, there were not any major steps forward on clean energy either. However, we know from conversations with wind and solar developers and others that Montana has exceptional and economically competitive renewable energy resources, and as long as we do not put artificial barriers in its way Montana can see significant growth of clean energy generation.

## Clean Energy at the Session

NorthWestern Energy (NWE) created a colossal self-inflicted wound to its reputation when it tried to fleece its customers with the Colstrip blank check bills (see article on page 6). The greedy and shameless nature of its executives was exposed and everyone from legislators to ratepayers learned a little more about how utilities really make money. The more utilities spend the more profit they make, so the more expensive something is the more they want it. The exposure of this dynamic is helpful at a time when those same executives want to build a fleet of new and expensive fracked

gas plants instead of choosing lower cost renewable energy and energy efficiency options.

In previous sessions net metering (i.e., a technique for valuing rooftop solar generation) was a significant and highly contentious issue. Because the Public Service Commission (PSC) is currently considering the net metering issue in NWE's rate case, the legislature did not take the issue up this session. There were still some attacks on rooftop solar. However, these were much milder than in previous sessions. The PSC's decisions on net metering in the rate case – whether helpful or harmful – will set the stage for the issue to rise once again in the 2021 session.

The legislature was a tale of two committees for clean energy bills. The Senate Energy Committee, chaired by Sen. Duane Ankney (*R-Colstrip*), was the place where positive clean energy bills went to die and bills harmful to clean energy were readily passed. Facts, rational arguments, and consistency with supposed ideology, were set aside in favor of promoting and subsidizing fossil fuels while hindering the development of clean energy. Conversely, the House Energy Committee, chaired by Rep. Daniel Zolnikov (*R-Billings*), was thoughtful and took the approach of trying to help all Montanans. It was a place where harmful clean energy bills were rightfully voted



down and bills that would help create clean energy jobs and tax revenue received fair hearings and positive votes. Unfortunately, Rep. Zolnikov cannot run for the House again, while Sen. Ankney has another session remaining.

### A Few Legislative Highlights

While no major positive clean energy bills passed, one small step forward did occur. **HB 267** (Rep. Zolnikov, *R-Billings*) sets in motion a process that should help Montana adopt advanced utility meters (aka smart meters). These meters should help improve the integration of renewable energy and energy efficiency into the grid as well as give utility customers much more information about their energy use. The PSC will now determine whether an opt-out choice should be provided to utility customers if smart meters are adopted. This would allow those who wish to keep their “dumb” meters to do so, helping to address rational concerns about privacy as well as irrational concerns about – and I wish I was kidding – a secret government plot to take control of your refrigerator in order to suppress human population growth.

The bad bill that made it to the governor’s desk was **HB 487** (Rep. Derek Skees, *R-Kalispell*). It would have allowed existing hydroelectric dams, including those that are more than 100 years old, to count toward a utility’s Renewable Portfolio Standard (RPS) obligation. This would be directly contrary to the RPS’ purpose of encouraging new renewable energy facilities. This

exact idea has come up in multiple previous sessions and each time either the legislature or Gov. Bullock has shot it down. Thankfully, Gov. Bullock vetoed this bill once again.

**SB 93** (Sen. Tom Richmond, *R-Billings*) requires solar facilities greater than two megawatts (meaning far larger than rooftop solar) to post decommissioning and remediation bonds so there is money available to clean up their sites when the facility reaches the end of its useful life. This is a good idea. However,



## 2019 Legislative Recap

last session the legislature enacted this requirement only for wind projects. This session only solar projects were targeted. Meanwhile, fossil-fuel power plants do not have this bonding requirement. MEIC opposed SB 93 because all power plants should be required to clean up their sites, not just wind and solar. SB 93 passed and the governor signed it. However, thanks to MEIC and others’ efforts, **HJ 38** also passed, which will initiate an interim study

Workers installing rooftop solar panels.

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## 2019 Legislative Recap

# Coal: A Winner in the Session

by Anne Hedges

The 2019 legislative session was similar to the one in 2017, in that the legislature gave many benefits to coal country that the rest of the state doesn't enjoy, and defeated bills that would have protected

Montanans from the huge liabilities of the cleanup at Colstrip. For example, the 2017 legislature gave millions of dollars in grants to schools in Colstrip, provided low interest loans to private entities investing in Colstrip, approved millions of dollars in grants to coal country for infrastructure, and

more. This year's legislature followed suit. In both sessions the legislature rejected a bill that would have protected Montanans' pocket books by requiring the Colstrip owners to post adequate bonds to cover the extensive clean-up costs at the plant.

One recurring theme this time was the attempt to help the Colstrip power plant owners in a private contract dispute between them and the neighboring Rosebud mine (which provides all the coal for the plant) over the price of the coal. Westmoreland Coal Co., which recently emerged from bankruptcy, owns the Rosebud mine. The contract between the mine and the plant owners terminates at the

end of 2019 and has been the subject of unsuccessful negotiations since 2012.

Two bills tried to tip the balance of that negotiation in favor of the power plant owners.

**SB 252** (Sen. Duane Ankney, *R-Colstrip*) would have exempted the plant owners from Montana's Major Facility Siting Act (MFSA) so they could more easily purchase coal from a different mine. The bill, which easily passed both houses of the legislature, was opposed by MEIC and vetoed by the governor. MFSA permitting takes only 30 days, but provides agencies and the public with important information, in this case about where the coal will come from and about its chemical composition, which matters, both in regard to the cleanup of the waste ash ponds, and because the Colstrip plant was designed specifically to burn Rosebud coal.

The other bill, **HB 487** (Rep. Jim Keane, *D-Butte*) was opposed by MEIC but signed by the governor. It allows NorthWestern Energy or any other company to obtain a low-interest loan from the State to purchase and/or operate the Colstrip plant, and to install the infrastructure needed to transport coal from a different mine. The existing loan program is currently capped at \$10 million per loan, but HB 467 allows the State to loan up to \$50 million for those interested in investing in coal plants.

The Otter Creek coal tracts were again debated in the legislature. The original lease of State land for the proposed Otter Creek coal mine in

*continued on page 18*



Colstrip Power Plant. Photo by Flickr user Wild Earth Guardians.

# Hardrock Mining Laws Escape Change

by Derf Johnson

The laws governing the environmental impacts associated with hardrock mining changed very little during the 2019 legislative session.

**HB 722** (Rep. Steve Gunderson, *R-Libby*) was passed and then signed by Gov. Steve Bullock. This bill reforms the way in which the Montana Department of Environmental Quality is able to transfer permits for mines when the mine's permit has been suspended because of bond inadequacy. The bill is meant to address the disaster at the Montana Tunnels mine, where the current permit holder failed to provide the State with several million dollars in additional bonding needed to address the failing high wall of the mine and the impacts to Clancy Creek. The mine has not operated for several years, and both the mining industry and DEQ believe that it would be beneficial if the permit could be transferred to a new operator

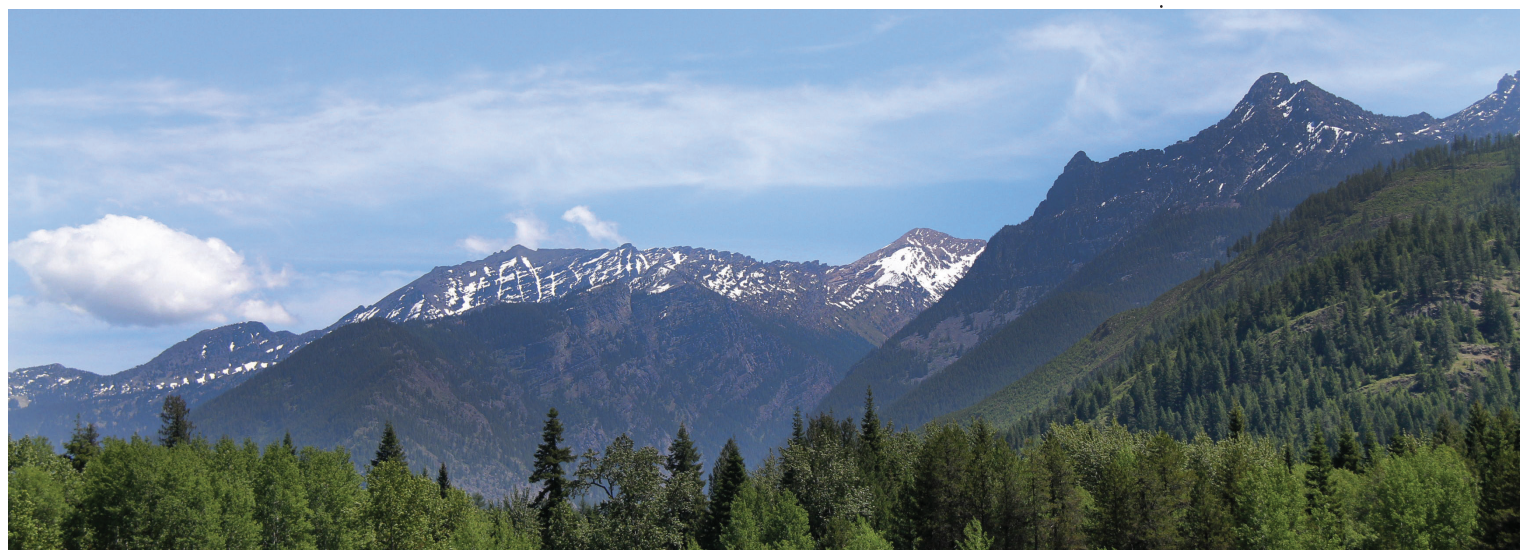
– one who could provide sufficient bonding and continue operating the mine. After a series of amendments were added to the bill, MEIC became neutral on its passage.

Surprisingly, **LC 973** (Sen. Fred Thomas, *R-Stevensville*) was drafted, but never introduced. This bill would have amended the “Bad Actor” provision of Montana’s hardrock mining law to narrow its application and force. The wording was drafted in order to diminish or neutralize the ability of the State to pursue its current case against Phillips S. Baker, the CEO of Hecla Mining, which wants to develop both the Rock Creek and Montanore mines in the Cabinet Mountains Wilderness. Baker was formerly affiliated with Pegasus Gold, the company that declared bankruptcy in the late 1990s and left Montana taxpayers with tens of millions of dollars in clean-up obligations at the Zortman/Landusky mine alone. 🌿



**2019**  
Legislative Recap

Cabinet Mountains  
Wilderness. Photo  
by Flickr user  
USFS.





## 2019 Legislative Recap

Granite Falls,  
Cabinet Mountains  
Wilderness. Photo  
by Flickr user Troy  
Smith.

# Nutrient Pollution Bill Down the Drain

by Derf Johnson

As discussed in the March 2019 issue of *Down to Earth*, Rep. Bill Mercer (*R-Billings*) introduced legislation (**HB 625**) that would have entirely repealed Montana's numeric nutrient water pollution standards. The standards are critical to protecting and restoring Montana's rivers, streams, and lakes, as nutrients are one of the leading causes of water quality impairment. HB 625 passed the Montana House on a 60 to 39 vote, and was sent to the Senate.

Rep. Mercer, an attorney in his "day job" who represented several industry polluters on Montana's Nutrient Pollution Work Group,

introduced the legislation in order to keep an "insurance policy" alive, as he characterized it, in case a federal district court judge in Great Falls issued an order in pending litigation ruling that Montana's nutrient standards variances were illegal. Those variances were designed to give large industry polluters, as well as municipalities, additional time to come into compliance with the standards and avoid penalties (because of economic and engineering considerations).

The federal judge did issue such an order in March 2019, ruling that Montana's variances did not comply with federal law, and ordered the interested parties to participate

in a process trying to agree on a potential compromise proposal. Because of this, and the complexity of the issue, Rep. Mercer ultimately withdrew the legislation from consideration in the Senate.

It is very likely that the 2021 legislature will again consider nutrient standards and variance legislation. 🐦



# 2019 MEIC Legislative Voting Record

MEIC's Legislative Voting Record has been produced after every session of the Montana Legislature since 1974.

MEIC generally chooses second reading votes unless a third reading vote or a vote on an amendment more accurately reflects legislators' positions on an issue. We encourage you to check on how your legislators voted and to talk to them about those votes. Don't forget to thank them when they voted correctly. But please remember that in order to fully evaluate a legislator, you must also consider committee performance, influence on the floor debates, and responsiveness to constituents.

The "**checks**" and "**X's**" in the Voting Record do not represent "yes" or "no" votes; they indicate whether the vote supported or opposed MEIC's position.

## Bill Descriptions

### **A = HJ 4** (Rep. Joe Read, *R-Ronan*).

Asks Congress to take control of coal exports and force Washington State to approve the Millennium Export facility.

**MEIC Position:** *Oppose.*

**Votes used:**

- *Senate: 2nd reading, passed 32 to 18.*
- *House: 2nd reading, passed 73 to 27.*

**Status:** *Passed as a resolution.*

### **B = HB 144** (Rep. Alan Redfield, *R-Livingston*).

Would have eliminated solar and energy conservation tax credits.

**MEIC Position:** *Oppose.*

**Vote used:**

- *House: 2nd reading, passed 56-44.*

**Status:** *Died in the Senate Taxation Committee.*

### **C = SB 252** (Sen. Duane Ankney, *R-Colstrip*).

Would have exempted certain coal-burning plants from the Major Facilities Siting Act.

**MEIC Position:** *Oppose.*

**Votes used:**

- *Senate: 2nd reading, passed 29-20.*
- *House: 2nd reading, passed 69-31.*

**Status:** *Vetoed by Gov. Bullock.*

### **D = SB 329** (Sen. Tom Richmond, *R-Billings*).

Would allow the Land Board to grant a 10-year extension for the Otter Creek coal leases.

**MEIC Position:** *Oppose.*

**Votes used:**

- *Senate: 3rd reading, passed 28-21.*
- *House: 3rd reading, passed 66-31.*

**Status:** *Vetoed by Gov. Bullock.*

### **E = SB 331** (Sen. Tom Richmond, *R-Billings*).

Would have let NorthWestern Energy escape PSC oversight and buy more of Colstrip at the expense of consumers.

**MEIC Position:** *Oppose.*

**Votes used:**

- *Senate: 3rd reading, passed 27-22.*
- *House: 3rd reading, failed 37-60.*

**Status:** *Died in process.*

### **F = HB 22** (Rep. Laurie Bishop, *R-Livingston*).

Originally a good bill, but Sen. Tom Richmond tried (and failed) to hijack it in an attempt to add wording from SB 331.

**MEIC Position:** *Oppose.*

**Vote used:**

- *Senate: Vote to send bill to a "free conference committee," where SB 331 wording could have been added. Legislators knew this vote was to keep the "Colstrip bailout" idea alive. Failed 21-28.*

**Status:** *Died in process.*



**G = HB 597** (Rep. Daniel Zolnikov, *R-Billings*).

A Public Service Commission reform bill that almost became a Colstrip bailout bill, just like SB 331.

**MEIC Position:** *Oppose.*

**Vote used:**

- *House: 2nd reading, vote to send bill to a “free conference committee,” where SB 331 wording could have been added. Legislators knew this vote was to keep the “Colstrip bailout” idea alive. Passed 52-48.*

**Status:** *Signed by the governor without Colstrip bailout language.*

**H = HB 487** (Rep. Derek Skees, *R-Kalispell*).

Would have undermined Montana’s Renewable Portfolio Standard by allowing electricity generated at 100+ year-old dams to count toward standard.

**MEIC Position:** *Oppose.*

**Votes used:**

- *Senate: 3rd reading, passed 31-18.*
- *House: 3rd reading, passed 64-32.*

**Status:** *Vetoed by Governor Bullock.*

**I = HB 513** (Rep. Chris Pope, *R-Bozeman*).

Would have increased the flexibility of utilities in meeting the Community Renewable Energy Project requirement of Renewable Portfolio Standard.

**MEIC Position:** *Support.*

**Vote used:**

- *House: 3rd reading, passed 75-24*

**Status:** *Died in the Senate Energy Committee.*



**Conservation champion Rep. Denise Hayman (D-Bozeman).**

**J = HB 476** (Rep. Jim Keane, *D-Butte*).

Allows the Board of Investments to provide \$50 million loan to purchase coal-fired generating facilities.

**MEIC Position:** *Oppose.*

**Votes used:**

*Senate: 3rd reading, passed 34-15.*

*House: 3rd reading, passed 71-28.*

**Status:** *Signed by Gov. Bullock.*

**K = HB 625** (Rep. Bill Mercer, *R-Billings*).

Would have eliminated the numeric nutrient standards under Montana’s Water Quality Act.

**MEIC Position:** *Oppose.*

**Vote used:**

- *House: 3rd reading, passed 60-39.*

**Status:** *Died in the Senate Natural Resources Committee.*

**L = SB 190** (Sen. Mike Phillips, *D-Missoula*).

Would have required the State to develop a plan to reduce greenhouse gas emissions incrementally.

**MEIC Position:** *Support.*

**Vote used:**

- *Senate: The bill was tabled (killed) in the Senate Energy Committee. This was a motion to move the bill to the Senate floor failed 21-29.*

**Status:** *Died in process.*

**M = SB 199** (Rep. Tom Richmond, *R-Billings*).

Would have increased utility company profits by removing PSC oversight of utility expenses.

**MEIC Position:** *Oppose.*

**Vote used:**

- *Senate: 3rd reading, passed 31-19.*

**Status:** *Died in the House Energy Committee.*

**N = HB 467** (Rep. Denise Hayman, *D-Bozeman*).

Would allow a utility to refinance its debt on assets that are either retired or replaced.

**MEIC Position:** *Support.*

**Vote used:**

- *Senate: 3rd reading, 32-18.*

**Status:** *Signed by Gov. Bullock.*

# 2019 Voting Record: Montana Senate



## 2019 Legislative Recap

MEIC Lead Lobbyist, Anne Hedges

Senator	Town	Score	A	C	D	E	F	H	J	L	M	N
Ankney, Duane	Colstrip	10%	x	x	x	x	x	x	x	x	x	✓
Barrett, Dick	Missoula	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bennett, Bryce	Missoula	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Blasdel, Mark	Kalispell	0%	x	x	x	x	x	x	x	x	x	x
Bogner, Kenneth	Miles City	0%	x	x	x	x	x	x	x	x	x	x
Boland, Carlie	Great Falls	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Brown, Dee	Hungry Horse	40%	x	✓	✓	✓	✓	x	x	x	x	x
Cohenour, Jill	East Helena	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Cuffe, Mike	Eureka	0%	x	x	x	x	x	x	x	x	x	x
Ellis, Janet	Helena	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ellsworth, Jason	Hamilton	20%	x	x	x	x	✓	x	x	x	x	✓
Esp, John	Big Timber	20%	x	x	x	✓	x	x	✓	x	x	x
Fielder, Jennifer	Thompson Falls	50%	x	✓	✓	✓	x	E	E	✓	x	x
Fitzpatrick, Steve	Great Falls	13%	x	E	x	x	E	x	x	x	x	✓
Flowers, Pat	Belgrade	90%	✓	✓	✓	✓	✓	✓	x	✓	✓	✓
Gauthier, Terry	Helena	20%	x	x	x	x	✓	x	x	x	x	✓
Gillespie, Bruce	Ethridge	10%	x	x	x	x	x	x	x	x	x	✓
Gross, Jen	Billings	90%	✓	✓	✓	✓	✓	✓	x	✓	✓	✓
Hinebauch, Steve	Wibaux	20%	x	x	x	x	✓	x	x	x	x	✓
Hoven, Brian	Great Falls	10%	x	x	x	x	x	x	x	x	x	✓
Howard, David	Park City	25%	x	x	E	E	✓	x	x	x	x	✓
Jacobson, Tom	Great Falls	70%	✓	x	✓	✓	✓	x	x	✓	✓	✓
Kary, Doug	Billings	10%	x	x	x	x	✓	x	x	x	x	x
Keenan, Bob	Bigfork	40%	x	✓	x	✓	x	x	✓	x	✓	x
Lang, Mike	Malta	10%	x	x	x	x	✓	x	x	x	x	x
MacDonald, Margie	Billings	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Malek, Sue	Missoula	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
McClafferty, Edie	Butte	90%	✓	✓	✓	✓	✓	✓	✓	✓	x	✓
McConnell, Nate	Missoula	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
McNally, Mary	Billings	90%	✓	✓	✓	✓	✓	✓	x	✓	✓	✓
Olszewski, Albert	Kalispell	10%	x	x	x	x	✓	x	x	x	x	x
Osmundson, Ryan	Buffalo	0%	x	x	x	x	x	x	x	x	x	x
Phillips, Mike	Bozeman	90%	✓	✓	✓	✓	✓	✓	x	✓	✓	✓
Pomnichowski, J.P.	Bozeman	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Regier, Keith	Kalispell	10%	x	x	x	x	x	x	x	x	x	✓
Richmond, Tom	Billings	0%	x	x	x	x	x	x	x	x	x	x
Sales, Scott	Bozeman	0%	x	x	x	x	x	x	x	x	x	x
Salomon, Daniel	Ronan	10%	x	x	x	x	x	x	x	x	x	✓
Sands, Diane	Missoula	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sesso, Jon	Butte	40%	x	x	✓	x	x	x	✓	x	x	✓
Small, Jason	Busby	10%	x	x	x	x	x	x	x	x	x	✓
Smith, Cary	Billings	0%	x	x	x	x	x	x	x	x	x	x
Smith, Frank	Poplar	80%	✓	x	✓	✓	✓	✓	x	✓	✓	✓
Tempel, Russ	Chester	0%	x	x	x	x	x	x	x	x	x	x
Thomas, Fred	Stevensville	10%	x	x	x	x	x	x	x	x	x	✓
Vance, Gordon	Belgrade	0%	x	x	x	x	x	x	x	x	x	x
Vuckovich, Gene	Anaconda	60%	x	✓	x	x	✓	✓	x	✓	✓	✓
Webb, Roger	Billings	10%	x	x	x	x	✓	x	x	x	x	x
Webber, Susan	Browning	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Welborn, Jeffrey	Dillon	0%	x	x	x	x	x	x	x	x	x	x
Senator	Town	Score	A	C	D	E	F	H	J	L	M	N



# 2019 Voting Record: Montana House



## 2019 Legislative Recap

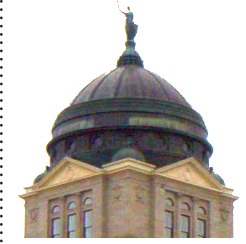
MEIC Lobbyist, Derf Johnson.



Representative	Town	Score	A	B	C	D	E	G	H	I	J	K
Abbott, Kim	Helena	90%	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
Anderson, Fred	Great Falls	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Bachmeier, Jacob	Havre	50%	✗	✓	✗	✗	✓	✗	✓	✓	✗	✓
Bahr, Jade	Billings	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ballance, Nancy	Hamilton	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Bartel, Dan	Lewistown	13%	✗	✗	✗	E	E	✓	✗	✗	✗	✗
Beard, Becky	Elliston	30%	✗	✗	✗	✗	✓	✓	✗	✓	✗	✗
Bedey, David	Hamilton	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Berglee, Seth	Joliet	11%	✗	✗	✗	✗	✓	✗	E	✗	✗	✗
Besette, Barbara	Great Falls	60%	✗	✓	✓	✓	✓	✗	✗	✓	✗	✓
Bishop, Laurie	Livingston	90%	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
Brown, Bob	Thompson Falls	20%	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗
Brown, Zach	Bozeman	90%	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓
Burnett, Tom	Bozeman	20%	✗	✗	✗	✗	✗	✗	✗	✓	✓	✗
Buttrey, Edward	Great Falls	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Caferro, Mary	Helena	80%	✓	✗	✗	✓	✓	✓	✓	✓	✓	✓
Curdy, Willis	Missoula	89%	✓	✓	✓	✓	✓	✗	E	✓	✓	✓
Custer, Geraldine	Forsyth	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Devries, Greg	Jefferson City	20%	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗
Doane, Alan	Bloomfield	20%	✗	✗	✗	✗	✓	✗	✗	✓	✗	✗
Dooling, Julie	Helena	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Dudik, Kimberly	Missoula	90%	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓
Dunn, David	Kalispell	30%	✗	✗	✗	✗	✓	✓	✗	✓	✗	✗
Dunwell, Mary Ann	Helena	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Duram, Neil	Eureka	30%	✗	✗	✗	✗	✓	✓	✗	✓	✗	✗
Farris-Olsen, Robert	Helena	90%	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓
Fern, Dave	Whitefish	60%	✗	✓	✓	✗	✗	✓	✓	✓	✗	✓
Fitzgerald, Ross	Fairfield	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Fleming, Frank	Billings	30%	✗	✗	✗	✗	✓	✓	✗	✓	✗	✗
Fuller, John	Kalispell	10%	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗
Funk, Moffie	Helena	90%	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓
Galt, Wylie	Martinsdale	0%	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Garcia, Rodney	Billings	25%	✗	✓	✗	E	E	✗	✗	✓	✗	✗
Garner, Frank	Kalispell	10%	✗	✗	✗	✗	E	✗	✗	✓	✗	✗
Glimm, Carl	Kila	20%	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗
Greef, Sharon	Florence	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Grubbs, Bruce	Bozeman	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Gunderson, Steve	Libby	10%	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗
Hamilton, Jim	Bozeman	100%	✓	✓	✓	✓	✓	✓	E	✓	✓	✓
Hamlett, Bradley	Cascade	30%	✗	✓	✗	✗	✓	✗	✗	✓	✗	✗
Harvey, Derek	Butte	30%	✗	✓	✗	✗	✓	✗	✗	✗	✗	✓
Hayman, Denise	Bozeman	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Hertz, Greg	Polson	0%	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Holmlund, Kenneth	Miles City	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Hopkins, Mike	Missoula	20%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✓
Jones, Llew	Conrad	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Karjala, Jessica	Billings	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Kassmier, Joshua	Fort Benton	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Keane, Jim	Butte	10%	✗	✓	✗	✗	✗	✗	✗	✗	✗	✗
Kelker, Kathy	Billings	90%	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
Representative	Town	Score	A	B	C	D	E	G	H	I	J	K



# 2019 Voting Record: Montana House



## 2019 Legislative Recap

MEIC Lobbyist,  
Brian Fadie.

Representative	Town	Score	A	B	C	D	E	G	H	I	J	K
Keogh, Connie	Missoula	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Kerr-Carpenter, Emma	Billings	90%	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
Knudsen, Casey	Malta	0%	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
Knudsen, Rhonda	Culbertson	10%	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗
Krautter, Joel	Sidney	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Krotkov, Jasmine	Neihart	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lenz, Dennis	Billings	10%	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗
Loge, Denley	Saint Regis	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Lynch, Ryan	Butte	30%	✗	✓	✗	✗	✓	✗	✗	✗	✗	✓
Mandeville, Forrest	Columbus	30%	✗	✓	✗	✗	✓	✓	✗	✗	✗	✗
Manzella, Theresa	Hamilton	30%	✗	✓	✗	✗	✓	✓	✗	✗	✗	✗
Marler, Marilyn	Missoula	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
McKamey, Wendy	Great Falls	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Mercer, Bill	Billings	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Moore, Frederick	Miles City	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Moore, Terry	Billings	30%	✗	✗	✗	✗	✓	✗	✗	✓	✓	✗
Morigeau, Shane	Missoula	80%	✓	✓	✓	✓	✓	✗	✓	✓	✗	✓
Mortensen, Dale	Billings	17%	✗	✗	✗	✗	✗	✓	E	E	E	E
Noland, Mark	Bigfork	20%	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗
Olsen, Andrea	Missoula	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Peppers, Rae	Lame Deer	70%	✗	✓	✓	✗	✓	✓	✓	✓	✗	✓
Perry, Zac	Hungry Horse	90%	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
Pierson, Gordon	Deer Lodge	20%	✗	✓	✗	✗	✗	✗	✗	✓	✗	✗
Pope, Christopher	Bozeman	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Read, Joe	Ronan	30%	✗	✓	✗	✗	✗	✓	✗	✓	✗	✗
Redfield, Alan	Livingston	10%	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗
Regier, Matt	Columbia Falls	30%	✗	✗	✗	✗	✓	✓	✗	✓	✗	✗
Ricci, Vince	Laurel	30%	✗	✗	✗	✗	✓	✓	✗	✓	✗	✗
Runningwolf, Tyson	Browning	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Ryan, Marilyn	Missoula	90%	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓
Sales, Walt	Manhattan	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Schreiner, Casey	Great Falls	50%	✗	✓	✗	✓	✓	✗	✗	✓	✗	✓
Shaw, Ray	Sheridan	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Sheldon-Galloway, Lola	Great Falls	20%	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗
Skees, Derek	Kalispell	20%	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗
Smith, Bridget	Wolf Point	80%	✓	✓	✓	✗	✓	✗	✓	✓	✓	✓
Stewart-Peregoy, Sharon	Crow Agency	80%	✗	✓	✓	✓	✓	✓	✓	✓	✗	✓
Sullivan, Katie	Missoula	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sweeney, Mark	Philipsburg	50%	✗	✓	✗	✗	✓	✗	✓	✓	✗	✓
Tschida, Brad	Missoula	13%	✗	✗	✗	E	E	✓	✗	✗	✗	✗
Usher, Barry	Billings	20%	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗
Vinton, Sue	Billings	20%	✗	✗	✗	✗	✓	✓	✗	✗	✗	✗
Weatherwax Jr., Marvin	Browning	80%	✓	✓	✗	✓	✓	✓	✗	✓	✓	✓
Webb, Peggy	Billings	20%	✗	✗	✗	✗	✓	✗	✗	✓	✗	✗
Welch, Tom	Dillon	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
White, Kerry	Bozeman	20%	✗	✗	✗	✗	✓	✗	✗	✓	✗	✗
Windy Boy, Jonathan	Box Elder	40%	✗	✓	✗	✗	✗	✓	✓	✓	✗	✗
Winter, Tom	Missoula	90%	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓
Woods, Tom	Bozeman	100%	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Zolnikov, Daniel	Billings	10%	✗	✗	✗	✗	✗	✗	✗	✓	✗	✗
Representative	Town	Score	A	B	C	D	E	G	H	I	J	K



## Coal at Legislature (continued from page 2)

southeastern Montana was good for 10 years. **SB 329** (Sen. Tom Richmond, *R-Billings*) would have doubled the life of those leases. MEIC opposed the bill and thankfully the governor vetoed it.



Rep. Barry Usher (*R-Roundup*) introduced two bills to send more money to coal country. **HB 292** will double the money that goes coal-impacted communities from \$1.6 million to \$3.3 million each year until 2023. MEIC supported the bill because the money can be used to deal with the decline in coal use for coal-dependent communities. The bill was signed by the governor. Usher's other bill, **HB 403**, lowers the tax rate on coal from underground mines and extends that lower rate until 2030. The loss of these taxes will reduce general fund revenue, university revenue, and county revenue by millions of dollars each year. The bill was signed by the governor.

Sen. Richmond also introduced **SB 328**, which was opposed by MEIC. The bill passed the legislature and was signed by the governor. It allows local governments to grant new or expanded surface mines, such as the Rosebud mine, a 50% tax abatement for up to 10 years. It's frustrating when local governments frequently want the State to step in when they don't have sufficient revenue to fund schools and infrastructure, yet they request the authority to lower taxes on coal mines.

MEIC supported two other bills passed and signed by the governor to

help coal country. **SB 264** (Sen. Jason Small, *R-Busby*) requires companies involved in remediation at Colstrip to pay workers the prevailing wage. Higher paid jobs will lead to a more skilled workforce and probably better remediation. The other bill, **SB 191**, introduced by Sen. Ankney, will allow local governments to set aside existing revenue from coal-related taxes in a local trust fund, to be used at a later date. Currently local governments are not allowed to save money for a rainy day. The bill authorizes this type of savings account for coal communities so they can prepare for the transition in energy markets.

Finally, the best coal bill that failed to pass was **SB 336** (Sen. Janet Ellis, *D-Helena*). SB 336 would have required the Department of Environmental Quality to impose adequate bonds on Talen Energy by the end of 2019 for the cleanup of the Colstrip plant's waste ash ponds. Talen is the only owner of the plant that is not regulated by a state utility commission and it has to sell electricity on the open market to cover its expenditures, meaning it is subject to market forces that the regulated utility owners are not. Talen also owns the second largest percentage share of the plant. That means its share of the estimated \$700 million clean-up liability for the coal ash ponds will be huge, but it doesn't have a customer base to help pay those costs, making its ability to pay riskier than the other Colstrip owners. The bill was defeated by Colstrip's Sen. Ankney and other Republicans on the Senate Energy Committee. 🐦

## Rock Creek Mine *(continued from page 2)*

The mine would tunnel under the Cabinet Mountains Wilderness to access underground ore deposits. That process would drain water from wilderness streams, harming bull trout and other native fish that depend on the cold, clean streams to survive. Mining would permanently alter the groundwater system so that the substantial damage to area streams could never be undone.

DNRC, however, intentionally turned a blind eye to these impacts and issued a water use permit for the mine without considering the effects of mining on flows in wilderness streams. The court's ruling invalidates the permit and sends the matter back to the agency for a new evaluation that meets the requirements of State law.

The ruling attracted attention in the investor world where the investment advisor The Motley Fool wrote a critical review of Hecla. Its analysis concluded: "So the setback at Rock Creek is notable because it will clearly be an important mine... but only if it gets built. The same holds true for the nearby Montanore mine, which will likely experience the same environmental and regulatory headwinds that impact Rock Creek. If these two mines don't pan out, Hecla will have a big problem on its hands."

On May 9, 2019, Hecla Mining Co. reported a first-quarter loss of \$25.5 million, after reporting a profit in the same period a year earlier. The company's shares closed at \$2.04. A year ago, they were trading at \$3.97.

The Rock Creek mine faces additional legal challenges, including

a lawsuit by Montana's Department of Environmental Quality (DEQ). The agency has sued to stop Hecla Mining Co., from proceeding with the Rock Creek mine, and the nearby Montanore mine, because Hecla is in violation of the State's "bad actor" mining law. Hecla's CEO, Phillips Baker, formerly served as Vice-President and CFO of Pegasus Gold Corp., which operated and abandoned multiple cyanide heap-leach gold mines across Montana in the 1990s. The "bad actor" law prohibits DEQ from issuing a mining permit to any company whose current executives had previously worked for a company that defaulted on its clean-up obligations at another mine in Montana. 🌿



Entering Cabinet Mountains Wilderness. Photo by Flickr user Troy Smith.

## NWE's Shakedown Failed (cont'd from p. 6)

executives joined other Colstrip owners, renewable energy advocates, regional regulators, transmission experts, and environmental groups in a report concluding that there was no threat to the transmission system and that it was incredibly valuable, and could be used

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*The opponents refused to be silent in the face of NorthWestern's self-serving and nefarious attempt to place a new form of "copper collar" on Montanans.*

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to carry electricity generated by renewable sources, just as it has with Colstrip's. NorthWestern and many regional transmission experts agreed that the transmission system was not in jeopardy of being abandoned. Quite the contrary. It was coveted. But facts did not interfere with NorthWestern's and others' false argument that without Colstrip the Montana transmission system was in jeopardy and that the lights might go out.

When the House Energy Committee held a hearing, the testimony was even more lopsided against the bill. Two current Republican PSC commissioners joined former Republican commissioner Brad Molnar in testifying in opposition. Most of the Democrat and Republican commissioners who had served in the past twenty years declared their opposition to the bill. The legislative telephone lines were lighting up with regular Montanans opposed, and letters to the editor and op-ed pieces poured in to papers across the state. Reporters refused to let backroom deals go unexposed and editorial boards stood up for NorthWestern's 370,000 customers (and exposed Sen. Ankney's attack on journalists). The opponents refused to be silent in the face of NorthWestern's self-serving and nefarious attempt to

place a new form of "copper collar" on Montanans.

The bill was passed by the House Energy Committee with slight amendments and appeared to be headed for passage in the House when, in a completely unexpected move, conservative House Republicans joined Democrats and defeated the bill on third reading by a vote of 62 to 38. The timing of the defeat meant the bill could not be resurrected.

But still NorthWestern was undeterred. Republican leaders held on to three unrelated bills that they believed they could "hijack" and use to revive SB 331. Each day dozens of rumors surfaced about NorthWestern's latest strategy. Amendments were drafted to place SB 331 in the other bills. Democratic House members stood ready to object to any last-minute procedural maneuvers. And the Capitol was full of whispers about what the governor had or had not agreed to. Luckily, after numerous attempts to revive the Colstrip bailout bill (and some frantic days by MEIC lobbyists and its allies), the shakedown was averted. An attempt was made to link Medicaid expansion and the State Historical Society funding to the Colstrip bill. Those attempts failed, and what remained was a clear sense about NorthWestern's true motives. The deceitful and disingenuous way the bills were handled, and the outrageous provisions of the bills, brought disparate interests together in opposition.

But, as they say (or at least did when radio was the principal communications medium), "stay tuned." In the 2021 legislative session, similar attempts might be made again. 🐦

## Clean Energy (continued from page 9)

(if it receives enough post-session votes) of whether all power plants should be required to bond. We think they should.

**HB 144** (Rep. Alan Redfield, *R-Livingston*) was the biggest attack on rooftop solar of the session. It would have eliminated the existing, modest tax credits for installing rooftop solar or certain energy efficiency upgrades. This idea was tried last session in a different bill and Gov. Bullock vetoed it then. Perhaps as a sign of progress, this

session we were able to kill HB 144 before it got that far in the process.

Similarly, **HB 764** (Rep. Denley Loge, *R-Saint Regis*) was an idea also attempted last session. It would have charged electric vehicles a \$100 annual registration fee on top of their current registration fees. MEIC stopped this idea once again. 🌿

## Smith River (continued from page 3)

of *Down to Earth* and in the texts of Montana history. Foreign (in this case Australia-based Sandfire Resources) or out-of-state corporations that see profits to be made convince local communities (in this case White Sulphur Springs) of the project's benefits, and promise environmental stewardship and state-of-the-art technology. Promises made, then broken, and then a permanent scar on the land that will be an ongoing environmental liability for generations to come.

But what could be different this time? The story hasn't been fully written. But we have every ability, and frankly an obligation, to stand up and speak loudly that we want the river protected and the mining permit denied. With enough pressure, there is the possibility that we can make this a first for DEQ, and start to write a new chapter for

Montana. It's certainly possible, but not without you. It's going to take you, your friends, your neighbors, and your acquaintances to become involved and active and mad. 🌿

Smith River.



# Thoughts from the Executive Director

by Jim Jensen

Here are some badly needed doses of good news.

MEIC recently received from the Broadbent Family Foundation a gift of \$100,000 for MEIC's endowment. That is the largest single donation we have ever received.

Bill and Camille Broadbent are long-time MEIC members. They own a ranch near Stanford, MT. Bill has spent many years as a Trustee of the Montana Land Reliance, an organization MEIC founded in the 1970s. His leadership there developed an early financial foundation for MLR, which celebrated



its millionth acre under conservation easement last year.

More good news is that MEIC succeeded in defeating or having vetoed every anti-environment bill at the 2019 legislature. This was no mean feat. In fact, it was so remarkable that it is hard to come up with a sufficient description.

I want to thank all of MEIC's members who made it possible for our lobbying team – Brian Fadie, Malcom Gilbert, Anne Hedges, and Derf Johnson – to win on so many fronts. The most hideous anti-environment bill of the session was NorthWestern Energy's SB 331, absolutely the most blatant corporate power ploy since the Montana Power Co.'s bill to deregulate the electricity industry in the 1990s. We lost that one, but we won on SB 331.

There is more good news. MEIC has won several important lawsuits opposing the Trump Administration's reckless push to mine and burn more fossil fuels in the West. And we were part of a coalition that sued to successfully overturn a water rights permit for mining beneath the Cabinet Mountains Wilderness.

By the way, our litigation successes are to the credit of two powerful nonprofit environmental law firms: Earthjustice and the Western Environmental Law Center. They are wonderful partners and exceptional lawyers.

And now on to the next victory – stopping the proposed Black Butte copper mine in headwaters of the Smith River. 🌿

MEIC Lobbyists:  
Brian Fadie, Jim  
Jensen, Anne  
Hedges, and Derf  
Johnson.



## Coal Moratorium (continued from page 4)

was completed. Instead, he ordered all parties to try and reach an agreement on how Interior should proceed. If the parties fail to agree, each will make a recommendation to the court and the judge will decide.

Zinke's ethically questionable and policy-ignorant reign of terror at Interior is over. It's heartening that courts

are willing to uphold the country's wise laws and democratic institutions. As you know, we are only two years into an administration that will deny, until its last gasp, that the climate is changing and that the burning of coal is a significant factor. So, we will have to keep the political and litigation heat on. 🌿

### MEIC apparel checks all the boxes!

Looks good ✓

Very stylish hats and tees. Trust us. We're authorities.

Does good ✓

When you bop around town in your MEIC shirt or cap, you're a walking advertisement for MEIC, and you are helping us get our name out there!

Feels good ✓

On top of it all, your purchase of a shirt or hat helps pay for MEIC's butt-kickin' work.

**Shirts and Hats are \$20. Call or email Cari to buy one (or more)**

As you've read in this issue of *Down to Earth*, MEIC was at the forefront of this year's legislative session. With your help, MEIC shut down repeated efforts to force dirty energy and outrageous expenses on all Montanans.

THANK YOU for calling legislators, donating money, writing letters to the editor, signing petitions, and all the other ways you stepped up to the plate for Montana's environment. We're super proud of the people who make MEIC's work possible. We hope you're proud of your steadfast advocacy too!



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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# Thank you, Malcolm!

Every legislative session MEIC hires a legislative assistant or intern to help its lobbyists stay on track, to lobby on a few issues, and to learn the legislative “ropes.” We’ve had some great interns over the years, but few measure up to this year’s intern, Malcolm Gilbert. Malcolm is a jack-of-all-trades, and a master of more than a few. He’s been a great ally during a difficult session and really fun to have around the office. He came with great research, writing, and computer skills, and he put those to good use. He worked to keep our members informed all session as he helped MEIC navigate the transition to a new website (a huge relief to those of us less computer savvy) and kept the web site up to date, and he produced all the issues of the **Capitol Monitor**. Our weekly lists of tasks were accomplished because he helped make them happen. But what we valued probably more than anything was his willingness to pitch in and get the job done well – whatever that job was – combined with his sense of humor and passion for MEIC’s issues. The environmental movement in Montana was and is lucky to have him! 🦅

