

Down to Earth

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



Smith River Update, page 3

IN THIS ISSUE

- 2 MEIC Fights for Justice for All
- 3 MEIC Defends Smith River
- 4 Victory on Oil and Gas Leases
- 5 MEIC at the PSC
- 6 Coal— on its Way Out
- 7 COVID-19 and Climate Change
- 8 NorthWestern Wants More of Colstrip
- 9 Film Review: *Planet of the Humans*

Cover Photo:
Pearl the dog
cooling off in
an alpine lake
in the Pintler
Mountains.

Many
Montanans are
privileged to
have access
to wide, open
spaces such
as this one in
the Cabinet
Mountains
Wilderness
Area. Photo
by Flickr user
USFS.

MEIC Fights for Justice for ALL

by Anne Hedges

COVID-19 is so harmful and disruptive that it's hard to believe it's being completely overshadowed by current events that cannot and should not be ignored. It was easy for MEIC to adapt to a COVID-19 world. We live in Montana, a state with relatively few cases and wide-open spaces to explore at an appropriate social distance. MEIC staff are as busy as ever. Other than MEIC's weekly webinars, little has changed. We are truly fortunate.

But not everyone is so lucky. It would be tone deaf to ignore the recent events across the country. This is a pivotal moment in U.S. history for so many reasons. A failed response to the COVID-19 crisis turned out to be a catalyst. In just three months nearly 2 million Americans became infected, including healthy individuals as well as those with underlying health conditions. Over 100,000 Americans

have died and the number is rising. Many of the underlying health conditions that make people vulnerable are caused by poverty and social, economic and environmental injustice. Those who already suffer from disparity are being the hardest hit.

So it shouldn't be surprising that a pandemic that is disproportionately impacting those who've suffered the most, combined with centuries of racism, widespread police brutality, and a callous president who thrives on chaos and division, has caused a perfect storm. This storm is as inevitable as increased hurricane strength due to the climate crisis.

While these issues appear to fall outside of MEIC's core mission, in reality, the solution is the same – justice for all. Among other things, everyone deserves to breathe clean air, drink safe water, raise children in a world free from dangerous toxins, and avoid the catastrophic impacts of human-induced climate change. Humans, plants, and animals deserve better than the path we are on. The Trump Administration has weakened over 100 environmental laws, threatening decades of progress on clean air and clean water as well as recent progress on climate change. The resulting increase of harmful or toxic pollution will disproportionately impact communities of color and the impoverished.

continued on page 11



The Smith River Is Worth Suing Over

by Derf Johnson

MEIC has taken the Montana Department of Environmental Quality (DEQ) to court for unlawfully issuing a permit to Australia-based Sandfire Resources that would allow the company to develop a copper mine at the headwaters of the Smith River. For close to a decade MEIC, its members, and supporters have spoken up at public meetings and through written comments, have met with DEQ staff and the governor's office, and have talked with other decision makers and the general public about the terrible proposition that is the Smith River mine. To date, DEQ has only exhibited indifference and disregard for our concerns, which are well-founded and backed up by the facts and the law. Nevertheless, the final decision to approve the mine is completely unacceptable, considering that the agency ostensibly exists to protect the right to a clean and healthful environment guaranteed by Montana's constitution.

DEQ's decision is not surprising, considering that the agency has never denied an operating permit for a hardrock mine. But it is still very disconcerting, considering the gravity of the situation and the extreme threat posed to the Smith River should Sandfire begin blasting and moving earth. The threat posed to the water quality and quantity of Sheep Creek, a headwaters tributary of the Smith River, cannot be overstated. Allowing any mining company to develop a copper mine at

the headwaters of one of Montana's most cherished rivers in an acid-producing ore body is not just a gamble, it's completely reckless, irresponsible, and contrary to the mission of DEQ.



The coalition of landowners, conservationists, environmentalists, and outfitters anticipated that this decision would be made, and have for the past several years submitted a number of expert reports and technical comments on the flawed information being considered by DEQ. The record in front of DEQ at the time of its decision should have led the agency to conclude that the mine could not proceed without seriously compromising the economic and environmental amenities of the Smith River Basin. But DEQ, no stranger to making poor, politically

Floating the
Smith River.
Photo by Gary
Aitken.

continued on page 15

Victory: 150,000 Acres of Public Land Spared from Oil and Gas Development

by Derf Johnson

The Trump Administration's reckless "energy dominance" agenda, which seeks to lease every available piece of public land to the oil, gas, and coal industries for development, was dealt a major setback last month by a federal district court in Great Falls. In a suit brought by MEIC, the court found that 287 oil and gas leases covering close to 150,000 acres of public land in eastern and central Montana

were illegally issued. The judge vacated the leases, preventing the lease holders from moving forward with plans to dig, drill, and pollute.

Victory!

This significant victory will protect Montana's air, water, and climate, for now, and put another barrier in the way of the Administration's "great fossil-fuel sell-off" of the West's public lands and resources.

The leases were originally issued by the U.S. Bureau of Land Management (BLM) in December 2017 and March 2018. MEIC and its partner organizations filed a formal protest with BLM during the leasing process, outlining many concerns about the impact leasing the lands would have on the environment, in violation of the law. At its peril, BLM chose to ignore those comments and proceeded with the leasing, forcing us to go to court.

At issue was BLM's utter failure to analyze, let alone address, the potential impacts the leases would have on Montana's water and on the climate. As part of the leasing process, BLM is required to produce an Environmental Impact Statement that evaluates a project's full scope of potential impacts to the environment, as required under the National Environmental Policy Act (NEPA). Importantly, BLM is required under NEPA to take a "hard look" at potential environmental impacts, including "all foreseeable direct and indirect impacts."

One would think that BLM would have considered the major potential consequences to groundwater quality

continued on page 18



Update on MEIC's Cases at the PSC

by Brian Fadie

2016 "Qualified Facilities" Contract Terms

The Case: The Montana Public Service Commission (PSC) set contract terms for 3-megawatt solar "Qualified Facilities" that reduced contract lengths by 10 years and the value of utility-scale solar energy by 60%, resulting in none of these projects being built since.

Status: MEIC, along with Vote Solar and represented by Earthjustice, appealed the PSC decision in State district court. That court ruled in MEIC's favor in April 2019. NorthWestern Energy and the PSC appealed the decision to the Montana Supreme Court where a hearing was held in February 2020. A final decision could come any day.

2019 "Qualified Facilities" Contract Terms

The Case: Despite the Montana Supreme Court not having ruled yet on the previous "Qualified Facilities" case, a new case has begun at the PSC to set contract terms for these 3-megawatt solar projects. Once again NorthWestern has requested the PSC to greatly reduce the value of utility-scale solar energy.

Status: MEIC, again with Vote Solar and represented by Earthjustice, has intervened and provided expert testimony showing that utility-scale solar provides much more value than NorthWestern claims. A hearing was held before the PSC in May 2020 and a decision is expected later in the Summer.

Community Renewable Energy Projects (CREPs)

The Case: Since 2005, Montana law has required NorthWestern to acquire a small amount of energy from "Community Renewable Energy Projects." The company has never met this requirement, instead choosing to attempt to undermine the law at the legislature and the PSC. This case involves compliance years 2015 and 2016 when the company yet again requested and received waivers from the PSC.

Status: MEIC, represented by Earthjustice, challenged the waivers in State district court and won in August 2019. The court agreed with MEIC that the waivers should not have been granted because NorthWestern did not meet the standard of having taken "all reasonable steps" to purchase electricity from these small renewable energy projects. NorthWestern and the PSC have appealed the decision to the Montana Supreme Court, where the case now sits.

2018 NorthWestern Energy Colstrip Air Toxics Outage

The Case: In Summer 2018, the supposedly reliable Colstrip power plant began emitting toxic air pollution above the limit established by the federal Mercury and Air Toxics Standard. This resulted in Colstrip Units 3&4 being shut down for 77 days and NorthWestern having to purchase replacement electricity on the open market. The company now wants ratepayers to pay for an extra \$8 million for replacement electricity cost, even though NorthWestern and the other plant owners knew there were problems at the plant prior to the emissions violation but chose to do nothing about them.

Status: MEIC, represented by its staff attorney, Derf Johnson, has intervened and filed expert testimony seeking to protect ratepayers from NorthWestern's attempt to wring millions of dollars out of them to pay for the continually breaking down Colstrip power plant. A hearing before the PSC begins June 24th with a decision expected later this Summer.

NorthWestern Energy Colstrip Purchase

The Case: NorthWestern is seeking PSC approval to buy a larger share of the Colstrip power plant's Unit 4 (see article on page 8).

Status: MEIC, represented by Earthjustice, has intervened and is preparing a salvo of expert testimony to demonstrate to the PSC the enormous costs and risks of this proposal. The PSC hearing is scheduled to begin October 19th, with a decision coming in the following months.

Coal – Being Buried by Renewables

by Derf Johnson

Longwall coal mining, a form of underground coal mining that occurs at the Bull Mountain Mine.



It's becoming increasingly clear that coal-fired electricity is an expensive source of energy and one that is diminishing quickly in importance to our energy mix. Even before the slump in energy consumption that has accompanied stay-at-home orders and

tied its economic future to fossil fuel production) encapsulated the moment in time best. He recently stated to the *Financial Times* that “the problem we’ve had is the (economic) data isn’t like riding a bike downhill – it’s like being in an elevator where the cable’s snapped...” Recent economic data from the U.S. Energy Information Administration (EIA) only further bears this out. By May 21st of this year, the U.S. had already had 100 days in which renewables had produced more energy than coal. By comparison, in all of 2019 renewable generation only reached this milestone a total of 38 days.

As a state that produces a relatively large amount of coal for electricity production, Montana is already starting to feel the pinch. Preliminary production numbers from EIA show that in 2020 Montana’s overall coal mine tonnage, compared to 2019, is down close to 20%. Year-to-date electricity production from coal-fired power plants is down a whopping 34%. Meanwhile, renewable energy production, excluding utility-scale hydro, is up by almost 15%.

It’s clear that coal will be eliminated from our energy system sooner than most anticipated, but for now it’s still having enormous impacts on our air, our water, and our climate. Below are some highlights of MEIC’s recent work to hold coal companies and government agencies accountable in the face of relentless attempts by the industry to “dragline” every last ton of coal out of the ground that it can.

continued on page 14

decreased economic activity, the use of coal for generating electricity was in decline due to its rising costs and to the declining costs of cleaner energy sources. In fact, 2019 was the first time in over 130 years that renewable energy outpaced coal production. The reversal of positions was driven in large part by the rapid expansion of utility scale wind and solar generation due to their decreased costs.

Professor Robert W. Godby, the director of the Center of Energy Economics and Public Policy at the University of Wyoming (a state that has

COVID-19 and Climate Change Pose Similar Challenges for Montana

This article is written by two of the lead authors of the Montana Climate Assessment, Cathy Whitlock and Bruce Maxwell. Reprinted with permission.

If we've learned anything from the COVID-19 pandemic, it is the importance of reducing risk and the real cost in terms of lives lost when action is either half-hearted or poorly implemented. In the months ahead, the world hopes to overcome this pandemic, but solving this immediate catastrophe does not address the fact that a more significant and dangerous crisis lies ahead—climate change. What can we learn from this COVID-19 experience that can be applied to the way we attack climate change and motivate action in the coming years? Ankit Mishra (*Forbes Magazine*, 4/15/20) describes three hard-learned lessons from COVID-19 that we apply to climate change in Montana:

Scientific facts matter and need to be taken seriously. We must value science and the warnings of scientists when they make projections about horrific but plausible scenarios. Suppressing critical scientific information leads to a failure to mitigate the problem and amplifies negative consequences. Like COVID-19, increased rates of greenhouse gas emissions will overwhelm our capacity to cope with extreme events (e.g., drought, floods, and wildfires). Climate change will compromise human health; food security and water quality;

agricultural sustainability; and political, economic, and social stability. The ripple effects from climate change depend on how quickly we prepare and respond: what are credible sources of information, what mitigation strategies must be instigated, and how we, as Montanans, can adapt to change? First and foremost, respected scientific assessments, like the 2017 Montana Climate Assessment, need to be regularly updated to address current understanding on topics important to Montana. Broad climate monitoring across Montana is required to provide data necessary for climate-change adaptation. Similarly, technological solutions are needed to develop alternative energy sources, design climate-ready infrastructure, and store carbon. Equally important, we need social science research to understand the human cost.

continued on page 10

Protesters in Helena at the 2019 Climate Strike. Photo by Gary Marshall.



NorthWestern's Costly Move to Buy More of Colstrip

by Anne Hedges

Imagine buying a house and not being allowed to do an inspection. Worse yet, imagine being forced to buy a house sight-unseen and having to pay whatever the buyer asks, regardless of what an appraisal or inspection might show. This is, in essence, the situation presented by NorthWestern Energy in its incessant quest to buy a greater share of the antiquated Colstrip coal-fired power plant. NorthWestern has resisted providing information regarding the prudence of the deal, the price to run the plant, the price of needed repairs,

“NorthWestern is keeping its customers and the PSC in the dark about how much this deal will truly cost. Only the PSC stands in the way of NorthWestern consummating the deal.”



Pollution from Colstrip Power Plant. Photo by Colin Ruggiero.

the cost to clean up the pollution from the ash ponds, or the economic viability of the plant.

For-profit electricity monopolies, such as NorthWestern, are regulated for a reason. These types of monopolies

do not work in the interest of their captive customers; they work in the interest of their shareholders. That's not a criticism, it's a fact. Electricity companies are allowed to be monopolies if, and only if, they are properly regulated to make sure they provide electricity to customers at a reasonable cost. NorthWestern's resistance to full transparency regarding the true cost of buying a greater share in Colstrip prevents that check on its power (forgive the pun) or operations.

NorthWestern tried unsuccessfully in the 2019 Legislative Session to bypass the Montana Public Service Commission's (PSC) oversight and stick its customers with paying for more of the Colstrip plant, regardless of cost. Now, NorthWestern is attempting to bypass the appropriate regulatory safeguards, this time in its dealings in front of the PSC. NorthWestern is keeping its customers and the PSC in the dark about how much this purchase will truly cost. Only the PSC stands in the way of NorthWestern consummating the deal.

Colstrip Units 3 & 4 were designed to generate about 1,500 megawatts of electricity at full output (although their performance has always been below optimum levels). NorthWestern owns a 30% share of Unit 4 (and none of Unit 3). It wants to buy Puget Sound Energy's 25% share of Unit 4. Puget is attempting to offload its shares in the uneconomic plant. Talen Montana, the operator of the plant, and an unregulated 30% owner of Unit

continued on page 12

Planet of the Outdated Information

by Brian Fadie

Let's talk about the new film "Planet of the Humans," the unfortunate attempt at a climate change documentary from director Jeff Gibbs and producer Michael Moore. MEIC members have understandably been asking about it, usually because of its out-of-left-field attacks on renewable energy. Why is the film unfortunate? Because, long story short, it uses such bizarrely outdated information and shallow, coal industry-style arguments to bash renewable energy that its conclusions are left self-undermined and the filmmaker's motivations unclear.

But don't take my word for it - let's start with some reviews.

"We are disheartened and dismayed to report that the film is full of misinformation - so much so that for half a day we removed the film from the site." - *Films for Action* (an organization that usually hosts progressive documentaries on its website for free).

"[The film] is a mess of deceptive and outdated anecdotes, and a succession of ridiculous arguments. It will almost certainly do far more harm than good in the struggle to reduce carbon emissions." - *Inside Climate News* (a Pulitzer Prize winning news outlet).

"The film includes 'various

distortions, half-truths and lies' and that the filmmakers 'have done a grave disservice to us and the planet by



Michael Moore, executive producer of the film *Planet of the Humans*.

promoting climate change inactivist tropes and talking points." - Michael Mann, renowned climate scientist, as reported by *The Guardian* newspaper.

Setting aside the film's strange attacks on climate change activists and environmental organizations, its arguments against renewable energy and electric vehicles are particularly perplexing. Essentially, the filmmakers try to say that renewable energy and electric vehicles are bad, cause more harm than good for the climate, and the only solution to climate change is to reduce the human population and get the remaining humans to stop using

continued on page 16

Covid and Climate *(continued from page 7)*

Delayed response costs lives and hurts the economy. Impacts from COVID-19 occur over days to weeks, whereas those from climate change extend over decades to centuries. Dramatic institutional changes are needed in the next decade to avoid



Grinnell
Glacier, Glacier
National Park,
2009. Photo
by Lindsey
Bengtson.

projected impacts due to warming. The less we do now, the more overwhelming will be the consequences later. Will we accept the gravity of climate change and the negative, possibly irreversible, effects before it's too late? The response of South Korea to COVID-19 shows

the power of open information, public participation, and rapid response, and contrasts with countries that suppressed information and delayed action. Delaying our response to climate change will result in massive economic harm, with estimated global incomes dropping by 23% by the end of the century. Imagine losing three months of your annual salary with no hope of recovery!

Coordinated policy and planning measures are required at all levels. In the face of any crisis, the ultimate role of government is to facilitate appropriate action. COVID-19 has engaged leaders at all levels, and we've seen positive outcomes from timely directives. However, climate-change leadership at global, national, state, and local levels is poorly coordinated or lacking. In Montana, the Montana Climate Solutions Council has developed proposals for adaptation planning, mitigation strategies, and technological investment. Unfortunately, motivation to address climate change is tied to the cost of fossil fuels; as long as they are cheap, little will get done. Required actions include carbon fee and dividend legislation; investments in clean power, battery storage, and carbon-capture technologies; incentives for low-carbon buildings and online training for green-economy jobs; and broad educational efforts especially for the generation inheriting this problem.

Although the COVID-19 crisis was not of Montana's making, we have risen to the challenge and responded in ways that no one could imagine. We can learn from this experience to prepare

for climate change. First, timely and accurate scientific information relevant to Montana is essential; fortunately, our state has the expertise to address this need. Second, our emergency and health services must be ready to protect public health in the face of multiple and changing threats related to extreme heat, wildfire smoke, and vector-borne diseases. Third, communities must increase their resilience to natural disasters, and government, assisted by non-profits and the private sector, should lead this effort. Fourth, as individuals and organizations, we can greatly reduce carbon consumption by limiting unnecessary travel and waste and increasing energy and water efficiency in our day-to-day lives. Climate change demands that each of us examine the cost of our actions and choices, and that everyone does their fair share. Finally, COVID-19 reminds

us that Montana's extraordinary natural resources, including our clean air and water, are essential for human survival and well-being; they should be protected at all cost. 🌿

Cathy Whitlock is Regents Professor of Earth Sciences and Bruce Maxwell is Director of the Montana Institute on Ecosystems at Montana State University. Both are authors of the 2017 Montana Climate Assessment and serve on the Montana Climate Solutions Council.



MEIC for Justice (continued from page 2)

Everyone has a right to a “clean and healthful” environment, regardless of race, creed, or socio-economic status. MEIC can't solve most of the problems in the world, but we will continue to fight for justice for all in our small corner of it, regardless of the pandemic or the current corpocracy. MEIC staff may work at home but our productivity has been unimpaired. There is so much to do. Too much at times, but we try. New or expanded coal and hardrock mines keep being permitted. Deadlines for cases involving coal and clean energy before the Public Service Commission must be met. We will rise to the challenge and continue fighting

for justice. We ALL deserve nothing less.

Finally, while MEIC works on environmental justice, we encourage you to also support groups whose core mission is the advancement of social and racial justice (such as Montana Racial Equity Project, Indian People's Action, ACLU of Montana, and Montana Human Rights Network). Take a moment and seek out media (books, podcasts, blog posts) created by Indigenous people, Black Americans, and other people of color. Please join us in committing to listening, learning, and doing better. 🌿

Colstrip (continued from page 8)

3, recently and unexpectedly said it wants to buy half of the share Puget is selling. If that happens, which is still

“What seems apparent is that NorthWestern wants to continue to reap the inflated profits of its existing share of the Colstrip plant for decades to come.”

uncertain, it would leave NorthWestern with a 42.5% share in Colstrip Unit 4. Either way, the details of NorthWestern’s and Talen’s proposals are unclear at best.

What seems apparent is that NorthWestern wants to continue to reap the inflated profits of its existing share of the Colstrip plant for decades to come. NorthWestern can only collect those profits from its customers if the plant keeps operating. Most of the other owners have near-term financial exit dates from the plant. NorthWestern has implied that its proposal to buy additional shares in Colstrip Unit 4 would give it more say in decisions about the plant’s retirement. But NorthWestern’s proposal would unacceptably shift the risk of the purchase to customers while not disclosing to them the full costs to operate the plant.

Already, NorthWestern has advocated for the PSC to approve the deal regardless of whether the application contains the legally required information. First, NorthWestern asked that the PSC exclude from its consideration crucial information regarding the costs to operate, maintain, repair, and clean up the plant. Then NorthWestern failed to provide critical

application material required under the law. The PSC initially said the application was incomplete and the statutory nine-month review time would not start until NorthWestern had submitted the additional information. But, after NorthWestern objected, the PSC reversed its own decision without meaningful explanation, ruling instead that no additional information was required and that the nine-month review period was already ticking.

This haste prevents adequate time for the intervening parties (such as MEIC and the Montana Consumer Counsel) to scrutinize the deal. We cannot adequately review essential cost information prior to asking questions of the company. A similar proceeding in Washington State to allow Puget to sell its share of Unit 4 is slated to take many months longer and will allow all parties to ask questions of the utility throughout the duration of the proceeding. In contrast, the PSC will only allow intervening parties two separate opportunities totaling 7 weeks to ask NorthWestern questions about the deal, and intends to more or less wrap up the case before the November election. If NorthWestern is not required to provide the necessary information, regulators and consumers will be left in the dark.

What’s equally distressing is that NorthWestern is using the extraordinary process called “pre-approval” to obtain authorization to buy more of Colstrip. Traditionally, a utility spends the money to buy a power plant first and

it then bears the risk of the purchase until a regulatory body, after rigorous review, approves it being paid for by the utility's customers. This helps ensure that the company and its shareholders are making prudent investments and not putting customers on the hook for an uneconomic decision. The pre-approval process means a utility can shift the risk of purchasing a power plant directly to its customers. However, in this instance, the situation is even worse. NorthWestern is advocating that its customers bear this risk without even being allowed to see all of the critical cost and liability information about an expensive and aging plant that is nearing the end of its lifespan and the other owners have voiced plans to exit. NorthWestern has not provided to the public information to fully reveal:

- the cost of coal, which is the biggest expense at Colstrip, and how that cost will increase over time;
- the other costs incurred to operate the plant on a daily basis, and the expected costs necessary to continue operating the plant in the future; and
- the cost of needed repairs at the plant such as the \$20 million superheater for the boiler.

Pre-approval could allow NorthWestern to charge customers for these costs, regardless of their necessity and pricing, for decades.

These details are particularly

important because the costs to run the plant are rising. NorthWestern is the only utility in the nation seeking to buy more coal-burning generating plants. Conversely, one of the Colstrip owners, Avista, recently said that it wants to exit Colstrip in 2025 and replace its electricity with cheaper pumped hydro and Montana wind generation. Other owners have set similar exit dates and replacement power goals after analyzing the cost of Colstrip compared to other electricity resources, such as renewables. Hundreds of Montanans and the PSC's own consultant questioned the prudence of NorthWestern's failure to analyze the cost of replacing Colstrip with less expensive and cleaner energy sources in the company's resource planning process. Now that lack of information is leaving the PSC blind to potentially cheaper alternatives to Colstrip.

Ultimately, if the PSC approves NorthWestern's application to purchase more of Colstrip, Montanans will be stuck paying a high price for filthy power for decades to come. 🐦

Colstrip
Power Plant.
Photo by Colin
Ruggiero.



Coal is Being Buried *(cont'd. from page 6)*

Combined, the coal mine expansions MEIC is fighting amount to approximately 200 million tons of coal, or 400 million tons of carbon dioxide, the equivalent emissions of about 82 million cars on the road for a year.

Spring Creek Coal Mine

Montana's largest coal mine was recently purchased by the Navajo Transitional Energy Company (NTEC). The purchase of the mine was a terrible economic decision. Just this past April, approximately 75 employees were let go due to decreased coal demand. And this year (2020), Spring Creek will also lose half of the tonnage it sells to one of its largest customers, the Centralia coal-fired power plant in Washington, as one of that plant's two identical units is slated for closure by the end of the year.

Since it's Montana's largest coal mine, MEIC is very concerned about the climate implications of the mine expanding into an additional 72 million tons of coal and continuing to operate. We secured a preliminary victory in challenging the expansion in U.S. District Court because of our concerns, but that victory was placed on hold due to the bankruptcy of the previous owner, Cloud Peak Energy. Now that NTEC has purchased the mine and Cloud Peak has left bankruptcy, the litigation will proceed.

Bull Mountain Coal Mine

The scandal-ridden Bull Mountain coal mine, Montana's only underground coal mine, is located north of Billings

near Roundup. Almost all of the coal is exported by Signal Peak, the owner of the Bull Mountain mine, which makes the economic prospects for the mine even more tenuous, with fierce international competition and a shrinking demand.

Unfortunately, the Bull Mountain mine has had major, irreversible impacts on the water quality and quantity of the Bull Mountains, where water is in very short supply. The Montana Department of Environmental Quality (DEQ) has failed to protect the water, and so MEIC is challenging its water quality permitting decisions before the Montana Board of Environmental Review. A hearing on the matter is scheduled for mid-August.

MEIC is also appealing to the 9th Circuit Court of Appeals a recent federal court decision regarding the climate change impacts associated with the Bull Mountain mine. The purpose of the appeal is to obtain more clarity on the responsibilities of the U.S. Office of Surface Mining in analyzing and permitting mines in the face of climate change.

Rosebud Coal Mine

The Rosebud coal mine is Montana's second largest. At the beginning of the year, approximately one-third of the demand for Rosebud coal was eliminated because its sole customer, the Colstrip coal-fired power plant, retired its Units 1 & 2. Nevertheless, the mine is intent on expanding its permitted area, and at the time of this writing just recently broke ground into Area F, a massive expansion of the mine.

If permitted, the Area F expansion would have irreparable impacts to water quality and water quantity in an entirely new tributary that the mine has never operated in before. DEQ failed to conduct any analysis of the significant cumulative impacts associated with the expansion. MEIC has challenged the decision before the Montana Board of

Environmental Review. We are also pursuing a challenge of the expansion in federal court. Finally, MEIC is involved in the litigation and permitting of water pollution discharge permits for the Rosebud Mine's current operations as well as the Area F expansion. 🌿

Smith River *(continued from page 3)*

driven decisions that later come to haunt Montana in the form of environmental liabilities and taxpayer costs, once again chose to make the wrong decision.

MEIC and its allies have been dogged in this fight from the start. During the exploration phase, MEIC even took DEQ to court for illegally issuing an amendment to the exploration permit that would have allowed the construction of a mile long, 16' wide by 16' high tunnel to mine under Sheep Creek. The amendment posed serious threats to Sheep Creek, was approved after an incredibly limited analysis, and was obviously non-compliant with the law. The mining company recognized the serious flaws and withdrew its amendment application. With a little luck, the facts, and the law on our side, we can win again.

The current lawsuit was filed in State Court in Meagher County. A preliminary schedule has not yet been set. MEIC is joined in the litigation by Montana Trout Unlimited, national Trout Unlimited, Earthworks, and American Rivers. We are represented by the non-profit law firm Earthjustice, which has provided critical legal support in the fight to protect the Smith.

Litigating DEQ's indefensible decision will not be cheap. It will cost a good portion of the time of MEIC staff, our attorneys, and experts to refine our claims and prosecute our case. Please consider donating to our fight at www.meic.org, so that we can indeed Save Our Smith. 🌿

Boats tied at camp on the Smith River. Photo by Malcolm Gilbert.



Outdated Information *(cont'd. from page 9)*

energy. So, let's take a look at some of the film's renewable energy arguments.

Claim: Solar Panels are Really Inefficient

The film attempts to establish this as fact by showing a utility representative describing one of their solar farms as having panels with less than 8% efficiency for converting sunlight into electricity. Curiously unmentioned is that the example solar facility was built in 2008, a lifetime ago in solar technology (or most electronics for that matter). Today's solar panels generally have 19% to 22% efficiency, a fact that can be determined after about two minutes of Internet searching or a call to any solar installer.

Using 2008 solar technology to claim panels today are inefficient is like claiming iPhones today are terrible based on the version that came out in 2008.

Claim: Solar Panels Don't Last Long

The film claims solar panels only last 10 years, justifying this with undated footage of conversations at a solar business expo. This is once again obviously and bizarrely outdated information. Solar panels are now built to last 25 to 30 years, with an industry standard warranty of at least 20 years. Similarly, wind turbines are built to last 20 to 25 years. Most panels and turbines can continue to produce longer than this as well, just with some degradation



in their efficiencies.

This information is very easily accessible, if one wanted to find it.

Claim: Wind and Solar Generation, and Electric Vehicles Cause More Carbon Pollution than They Reduce

It is natural to ask whether the use of wind turbines, solar panels, and electric vehicles saves more carbon than is emitted during manufacturing and operation, which is why researchers have already asked and answered the question.

A 2016 study published in *Nature Communications* found that solar panels do in fact pay their energy “debt” caused in manufacturing. Further, the U.S. Department of Energy’s National Renewable Energy Laboratory has found that “life cycle greenhouse gas emissions from solar, wind, and nuclear technologies are considerably lower and less variable than emissions from technologies powered by combustion-based natural gas and coal.” Additionally, in March 2020, researchers at Radboud University in the Netherlands found that operating electric vehicles today emits less greenhouse gas than gas vehicles in areas representing 95% of the world’s electricity demand. This math will only improve as the electric grid continues to get cleaner.

Claim: Biomass is a BIG Problem and Therefore All Renewables Are Bad (apparently)

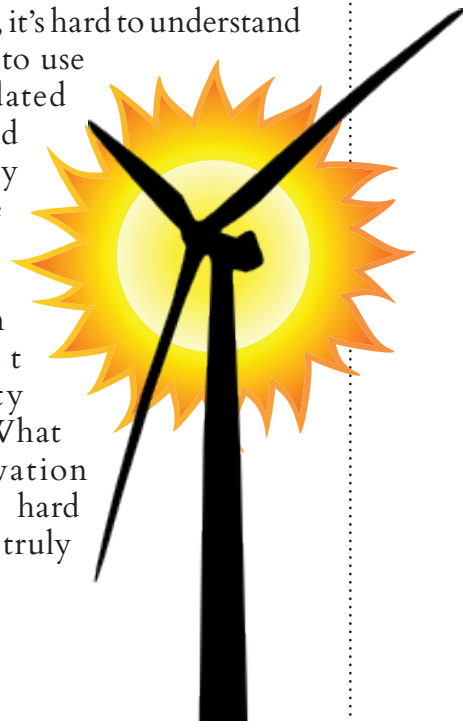
This is one of the more truly inexplicable choices by the filmmakers.

Using biomass for electricity generation has a lot of environmental problems and no clear path to being

deployable at large scale around the country. That’s why there is no serious push to use it to produce a significant percentage of our electricity demand. It currently sits at less than 2% of electricity generation in the United States and no one, anywhere, is seriously advocating for it to be much, if any, larger than this. Yet the film devotes such a tremendous amount of attention and ire to biomass that a viewer might think it’s a technology being heavily pushed to aid in the climate fight. This is simply not the case, a fact that once again could and should have been easily discovered by the filmmakers. Instead, they use this ‘biomass is bad’ as seemingly their main buttress for their argument that renewables are bad.

What Was The Point of This, Guys?

Often in situations where documentaries miss their mark you might say that the filmmakers were well intentioned, but that is not clear here. If they wanted to have a conversation-advancing debate about how to solve the climate crisis, it’s hard to understand why they chose to use obviously outdated information and not talk to energy or climate experts. Instead, their film has sown confusion and doubt based on faulty information. What was the motivation to do that? It’s hard to say, but it’s truly unfortunate. 🐦

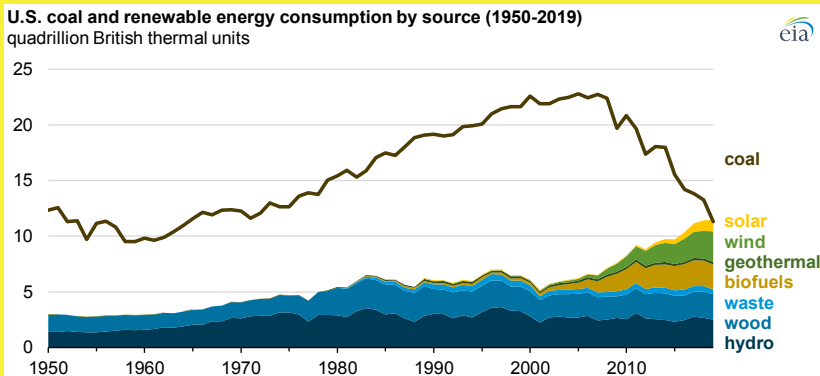


**News
Flash!**

U.S. Renewables Outstrip Coal for First Time Since 19th Century

According to the U.S. Energy Information Administration's (EIA) *Monthly Energy Review*, in 2019 U.S. annual energy consumption from renewable sources exceeded consumption from coal. This is the first time that's happened since the late 1800s

when wood stopped powering steamships and trains. For more information, see the report at: <https://www.eia.gov>.



Source: US Energy Information Administration

Oil and Gas (continued from page 4)

associated with hydraulic fracturing, especially considering the numerous examples from across the U.S. involving water contamination associated with the practice. Instead, BLM pointed to irrelevant and non-responsive sections of the record that did not address MEIC's concerns. Similarly, BLM failed to actually take a "hard look" at the major climate change implications associated with leasing the lands in question.

Brian Morris, the chief judge for the U.S. District Court in Montana, and a former law clerk for conservative U.S. Supreme Court Justice William

Rehnquist, was fairly direct in highlighting BLM's obfuscation in his order, writing: "A weatherman proves unhelpful if he says "it's going to be windy tomorrow" when asked if it will rain. BLM proves just as unresponsive [to MEIC's concerns] ..."

MEIC was joined in the litigation by individual landowners directly impacted by oil and gas development, and by the environmental organization WildEarth Guardians. We were represented by Earthjustice and the Western Environmental Law Center. MEIC will vigorously defend this victory moving forward. 🌿

President's Column

by Kathy Juedeman

In this time of Coronavirus, many of us have quietly reconfirmed our shared value of protecting this earth of ours, in Montana. I'm sure there will be other things to learn, but what I hold in my heart is this: my time outside, under clear Montana skies, next to clean waters, were a saving grace in the Spring of 2020.



We have a remarkable resource in our access to wild spaces. My lovely hikes in Montana's fresh air have become priceless memories of this stay-at-home time. I've watched boaters and fishermen glide down the various waterways, enjoying the luxury of Montana's clean waters. Friends have shared that getting out into the back country has been particularly memorable, recognizing that these times outside lift our spirits. Finding the first wildflower of the season, taking a walk with little ones, cross-country skiing through new snow, or spotting a wolf in the distance can be awe inspiring. The trails are close at hand, the water's edge is an easy drive, and these outings are possible to accomplish safely, and many times without seeing another soul.

As the world slowed, for these brief weeks our wild friends stepped

out to say hello. I'm sure you noticed it too. I have seen a great variety of songbirds this Spring. Bald eagles are soaring overhead, and pelicans have returned again to the Missouri. My husband out on a walk one afternoon saw some badgers and some wild turkeys. The Helena paper reported a moose lounging on Mount Helena, close to town. I have seen foxes close to our ranch house, and the herds of Pronghorn seem larger than in recent times.

MEIC staff have continued their work through the pandemic, working from home, always focused on the issues that are most important to Montana's environment. In this issue of *Down to Earth*, look for progress on the important work that our team has accomplished. MEIC weaves together my love for the outdoors with my sense of responsibility for protecting the Montana that I love, and gives me a way to take positive action, by my active support of MEIC. Thank you for joining me in this important work of protecting and enhancing Montana for future generations.

I have been so grateful to live in Montana this Spring, and been grateful every day for the jewel we have in Montana. For our friends who aren't here, think of the snow-capped mountains, green meadows, clear streams, and sounds of wildlife, and be comforted. 🌿

MEIC - a nonprofit environmental advocate

Mailing Address:
P.O. Box 1184
Helena, MT 59624

Telephone: (406) 443-2520

Web site: www.meic.org

E-mail: meic@meic.org

Board of Directors

President: Kathy Juedeman, Helena

Vice-President: Kim Wilson, Helena

Secretary: Dustin Leftridge, Kalispell

Treasurer: John Rundquist, Helena

Gary Aitken, Ovando
Bruce Bender, Missoula
Charles Besançon, Missoula
Gusty Clarke, Chicago
Malcolm Gilbert, Helena
Steve Gilbert, Helena
Neal Ullman, Helena

Staff

Brian Fadie, Clean Energy Program Director/Lobbyist, bfadie@meic.org

Mel Griffin, Special Projects, mgriffin@meic.org

Anne Hedges, Deputy Director/Lobbyist, ahedges@meic.org

James Jensen, Executive Director/Lobbyist, jjensen@meic.org

Derf Johnson, Staff Attorney/Lobbyist, djohnson@meic.org

Cari Kimball, Development Director, ckimball@meic.org

Adam McLane, Business Manager, mclane@meic.org



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

Nonprofit
Organization
U.S. Postage
PAID
Helena, MT
Permit No. 132

CHANGE SERVICE REQUESTED

We're sorry to say...

...that MEIC's Solstice & Father's Day Ice Cream Social has been cancelled.

While some COVID-19 restrictions are being lifted in Montana, MEIC wants you, our members, to be safe and healthy. Even though it would be outdoors, a gathering of this size is not yet appropriate.

We look forward to spending time with you at future MEIC events!

