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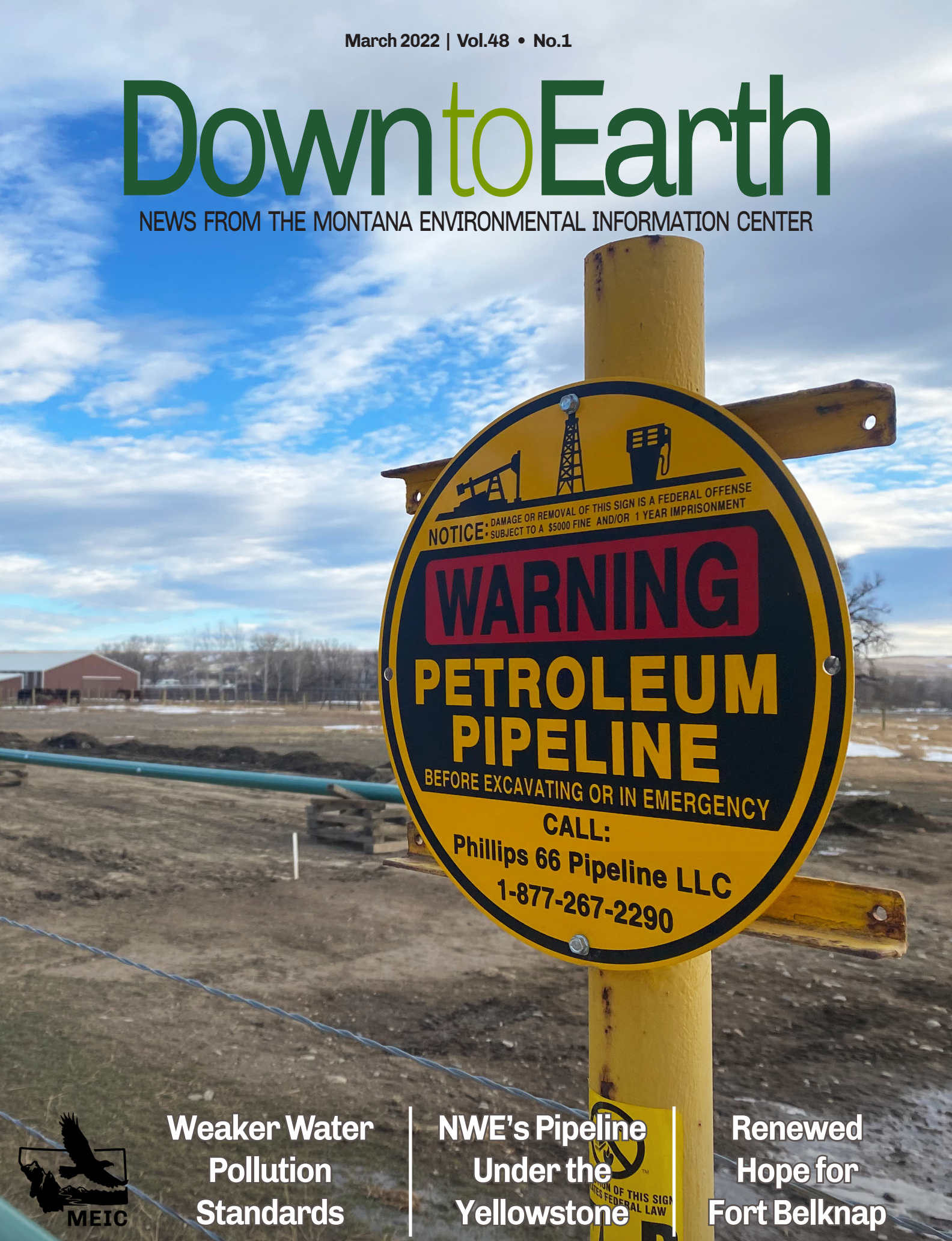
Down to Earth

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



MEIC

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Crews began burying a methane gas pipeline near Laurel in January. Photo by Carah Ronan.

MEIC is a nonprofit environmental advocate whose purpose is to protect Montana's clean and healthful environment.

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From a Board Member

by Steve Gilbert

In this and future issues of Down to Earth, *we'll be featuring pieces from all of our board members so you can get to know the extraordinary people who guide MEIC.*

The first Smith River trip I guided was around 1980. The last one I guided was in about 2000. During that same period, I was also a part owner of a Helena-based environmental consulting company. A significant part of the consulting work concerned remediating streams negatively affected by hardrock mines. We worked on several mine sites in Montana and South Dakota.

In the pre-mine permitting phase of development of all of these mines, Montanans were promised that only the best technology currently available would be used. "Trust us, we love that stream and a day of fishing, too," the mine companies would say. The script for the Black Butte Mine developers is the same one used at Zortman-Landusky, Beal Mountain, Golden Sunlight…and and and. "Trust us," they say.

Well, guess what? One after another, those "best technologies" failed. You and I, our children and grandchildren, will be paying for remediation in perpetuity because Montana Department of Environmental Quality (DEQ) and a long line of governors swallowed the bait of empty promises, including the "jobs for Montanans" story.

In spite of what the Black Butte developers and DEQ promise, there is tremendous risk associated with the Smith River Mine project. A quick look at the history of mining in Montana will show that there is momentum in permitting. Once a mine is permitted, it's like the developers have a foot in the door and a free pass from DEQ to expand operations. Every shovelful of earth puts the water quality and fishery in the Smith at greater risk.

After all the failed promises, I'll trust only that mining operations will pollute the Smith River, DEQ and the governor will hand out permits like candy at a parade, and the company will sneak back to Australia and Canada while they're getting filthy rich off of Montana resources.

Over the last 40 years, the Smith River has had its ups and downs, as have fisheries everywhere do, in part, to the vagaries of climate change. But with careful stewardship and **NO MINE**, the Smith will continue to provide high quality recreation and income for thousands of people in perpetuity.

It's so nice to think of the Smith flowing clean and sweet with a big trout contemplating the golden stonefly I just dropped into the eddy line below that boulder. That's the kind of forever I hope for, and with **MEIC**, Earthjustice, Trout Unlimited and many other organizations and thoughtful people fighting for the Smith, there is hope.

I've been an **MEIC** board member for many years, and it has been very interesting, educational and sometimes very challenging. I learned a lot about our environment and the many ways it is under constant threat. I thank our lucky stars for the selfless Democrats and Republicans in 1972 who, through the development of Montana's Constitution, gave us the right to a clean and healthful environment. Guarding that right is the focus of **MEIC** and for that I am ever thankful, as should all Montanans be.

Before the pollution and mining nastiness occurs, the Smith will continue to brighten days for thousands of us and will forever if we can stop the greed driving the mine development.

Steve Gilbert has been a Montana resident since 1967. For 43 of those years, he worked as a biological consultant, 25 of which he was part-owner and president of an environmental consulting company that specialized in wildlife, aquatics/fisheries, soils, vegetation, forestry, range and hydrology. Steve is a strong environmental advocate and served on the board of MEIC for four different terms . He was chosen as the recipient of the MEIC Community Activist of the Year award in 2003 and received the MEIC Conservationist of the Year award in 2017.

Victory

Another Court Says Rosebud Mine Expansion Was Illegal

by Anne Hedges

The Rosebud Coal Mine is a large strip mine in sourheastern Montana that provides all of the coal to the Colstrip power plant. **MEIC** and our members have opposed a large expansion of the mine, known as Area F, since it was first proposed back in 2011. Since then, we have argued that the Montana Department of Environmental Quality (DEQ) and the U.S. Department of Interior's Office of Surface Mining (OSM) have consistently failed to consider the damage the mine and power plant cause to area waters, wildlife, and the climate. After years and years of advocacy, in February of this year, a federal magistrate in Billings agreed and recommended that federal Judge Susan Watters find the expansion to be illegal.

If fully permitted, the Area F expansion would add 6,500 acres to the mine, the equivalent of about 5,000 football fields. This area is projected to provide the power plant with an additional 71 million tons of coal that, if mined and burned, would result in approximately 140 million tons of greenhouse gases being emitted into the atmosphere. The Colstrip plant currently burns about 6 million tons of coal from the Rosebud Mine each year, and so Area F coal alone could add an additional 11-12 years of operating fuel for the plant.

In order to downplay the environmental impacts associated with the expansion, DEQ and OSM put their "thumbs on the scale" in the 2019 joint environmental impact statement (FEIS). The FEIS calculated the economic benefits associated with the mine expansion, but failed to consider the economic and environmental impacts that burning the coal would have on the climate and water resources. **MEIC**, Indian People's Action, 350 Montana, Sierra Club, and WildEarth Guardians challenged the FEIS in federal court. Luckily, we had the outstanding legal services of Shiloh Hernandez, formerly with the Western Environmental Law Center and now with Earthjustice.

The judge rightfully found the three-sentence conclusion in the FEIS on cumulative impacts to surface waters to be insufficient. The FEIS confusingly stated that impacts would "range from minor to major," while also listing multiple actions that would impact surface waters. The court also rejected OSM's argument that a DEQ permitting analysis released after the FEIS was completed was sufficient to satisfy the legal obligations of OSM under the National Environmental Policy Act. Finally, the court rejected the government's argument that it did not have to analyze the impacts of the additional greenhouse gasses that would result from burning the coal at the power plant.

The FEIS listed the continued operation of the Colstrip plant as a major benefit of the mine expansion, yet the government argued throughout the legal proceedings that the power plant's impacts to water resources and the climate did not have to be considered or that their cursory analysis was satisfactory. The judge rejected this argument, pointing out that the mine owner, Westmoreland Coal Co., had made inconsistent statements regarding whether the power plant should even be considered in the economic analysis associated with a mine expansion.

The absurd dichotomy in Westmoreland's argument is this: in one forum, it says that the damages caused by the power plant should not be considered in the mine expansion because the plant would continue to operate by acquiring coal from another mine. Elsewhere, Westmoreland contradicts that by claiming that the Colstrip plant would have to shut down if the mine is unable to extract Area F coal. (As an aside, the FEIS said that even without Area F coal, the mine has sufficient coal to provide the plant with fuel until 2030.) While Westmoreland and government agencies can't seem to get their stories straight, the law is clear that the impacts of the power plant must be considered in the environmental analysis for the mine expansion.

This is an important victory for our climate and for water resources in the arid eastern part of the state. We await Judge Watters' final decision on the magistrate's recommendation.

The Mad Rush to Weaken Montana Water Quality Standards

by Derf Johnson

In January, **MEIC** worked with UMW and Zuzulock Environmental Services/Northern Plains Resource Council to host a live webinar. You can watch the recording of this event on MEIC's YouTube page or scan this QR code with your smartphone's camera.

Clean rivers aren't always at the top of our minds in the middle of winter, but due to some very consequential policy discussions and a current rulemaking process by the Montana Department of Environmental Quality (DEQ), it has become one of **MEIC**'s top priorities. DEQ and a number of stakeholders are steeped in a working group and series of three rulemakings that will implement **SB 358**, the Montana Legislature's directive to DEQ to revise the nutrient pollution regulations for Montana's waterways. (For more information on nutrient pollution and the regulatory "rollback," see the story in the Dec. 2021 issue of *Down to Earth*.) These rulemakings may prove critical in determining the future of Montana's clean water and the ecological integrity of our streams and rivers.

SB 358 required DEQ to have adopted regulations implementing the bill by March 1 of this year. That has proven very challenging. The biggest problem with implementing – really, rolling back – the rules has been that non-point sources are not adequately brought into the regulatory scheme. A major impetus for the passage of SB 358 was that the regulatory burden was increasingly falling on point source polluters, such as industrial plants and municipal facilities, while non-point sources continued to cause a large share of the pollution. However, it currently appears that the new narrative standards will provide a free pass to both point and non-point source polluters, which is a rollback from the status quo and will leave Montana's rivers and streams in bad shape.

All is not lost. First, there are serious questions about whether SB 358 and its rulemaking processes comply with the federal Clean Water Act. Any rule that is ultimately adopted by DEQ must be approved by the U.S. Environmental Protection Agency, which has been keenly monitoring the proceedings. In addition, Upper Missouri Waterkeeper (UMW) has filed a 60-day notice at the EPA, requesting that the agency reject Montana's pollution rollback.

Second, the first round of proposed rules was characterized by DEQ as a "framework," largely to comply with the March 1 deadline. There will be at least two additional rulemakings, during which **MEIC** and the public will have the opportunity to provide additional comments and speak up for clean water. We will be sure to tell you about the deadlines and public hearing dates, as well as provide talking points on the proposed rules.

MEIC has been proud to work with a broad coalition of like-minded organizations on this issue, including UMW, Northern Plains Resource Council, Clark Fork Coalition, Montana Trout Unlimited, and others. These partners have been invaluable in generating technical and public comments, submitting opinions to news outlets, and holding DEQ accountable.

DEQ Finally Heeds Tribal Concerns about Mining at Zortman-Landusky

Stakeholders tour the Zortman water treatment plant in September 2021. Photo by Katy Spence, **MEIC**.

by Derf Johnson

Last September, at the invitation of the Fort Belknap Indian Community (FBIC), **MEIC**'s Katy Spence and I joined a number of Tribal members, conservation organizations, and staff from the Montana Department of Environmental Quality (DEQ), to tour the defunct Zortman-Landusky mine site in the Little Rockies of north-central Montana. Much has been written about the travesty of the Zortman-Landusky mining complex (see the story in the Sept. 2021 issue of *Down to Earth*). We saw the mine site and the environmental problems it is causing firsthand. That provided the necessary context and scale to more fully understand the devastation that Pegasus wrought on the Little Rockies and on the FBIC. Tribal members and resource managers shared their concerns and asked questions of DEQ, providing a human face to the devastation. The sheer scale of damage to the land was shocking, as was seeing the water treatment plants that will forever need to treat the contaminated water in the area at public expense.

This experience further solidified **MEIC**'s strong opposition to a proposed mining venture that is attempting to conduct exploration activities right smack dab in the center of the reclamation area of the Zortman-Landusky mines. Over the past year, a company known as Blue Arc has submitted a series of applications to DEQ seeking a permit to conduct mining exploration activities. Unfortunately, its first application was approved by DEQ and is awaiting a bond to be posted before exploration can begin. However, the FBIC, **MEIC**, and a number of environmental group partners have challenged the permit in court, and will continue to litigate our concerns with the permit should the bond be posted.

The fourth and latest proposal by Blue Arc that would allow the company to conduct exploration raises a number of concerns, including the possibility of damaging ongoing reclamation activities, exacerbating the already extensive problems associated with acid mine drainage, and impacting cultural resources. Up to this point, DEQ's process on Blue Arc's mining proposals has been unremarkable. That is to say, the review has been largely formulaic. In this instance, I expected the usual from DEQ – that it would issue a draft permit, conduct the requisite (though incomplete)

environmental analysis, and accept comments before approving the permit.

Remarkably, instead of a rubber stamp, DEQ decided to produce a full environmental impact statement to more adequately assess the potential environmental harm associated with any mine exploration in the Little Rockies. Let's give credit where credit is due – DEQ deserves recognition for this decision. Notably, Tribal members spoke passionately at a public hearing about the exploration permit, voicing concerns about further mining in a place that is incredibly important for the social fabric and cultural underpinnings of their Tribe. DEQ listened this time, recognizing that the project posed serious concerns for the Tribe and the environment. We hope this represents a new approach for DEQ to actually listen to impacted Tribes.

In response to criticism from Luke Ployhar, one of the permittees, FBIC President Jeffrey Stiffarm submitted a statement to state newspapers. In it, Stiffarm explained the importance of the Little Rockies and the dangers of further mining. While we recommend reading the entire statement, here is an excerpt:

The legacy of gold mining in the Little Rockies has been devastating to our people from both cultural and environmental perspectives. Therefore, our tribes have steadfastly resisted more mining ever since federal agents and gold-mining interests took the "Grinnell Notch" portion of the lands in the Little Rockies, promised to us in our solemn treaties with the United States in 1896, under express threat of starving our families and children if we did not agree to the land cession.

This grim history is recounted in numerous contemporaneous Congressional reports. But despite that deadly threat, only 37 Gros Ventres consented to the 1896 cession. This was because our land, and especially our mountains, are the foundation of our cultural practices. The Little Rockies are home to many of our sacred sites and cultural ceremonies. They are the place we go to fast, to pray, to engage in spiritual communion.

We endured the grave injustice of the loss of the Grinnell Notch, which was sliced and diced in various private land transactions thereafter. One such transaction resulted in Ployhar being able to pay a substantial sum of money for a property roughly 20 years ago, easily outbidding our poor tribes. He now seeks to explore gold mining on the property notwithstanding near universal local opposition to his proposals.

Happily, Gov. Greg Gianforte's Administration and the Montana Department of Environmental Quality have heard our concerns and pledged to follow Montana's environmental laws requiring deeper professional analysis of Ployhar's proposals. This is a major change from past mining permitting in the area, where tribal concerns were ignored and proper methods of identification of cultural sites were not followed.

The Laurel Generating Station's Unsafe Pipeline

by Anne Hedges

News is scarce regarding how NorthWestern Energy intends to proceed with its proposed methane-fired electricity-generating plant on the northern bank of the Yellowstone River near Laurel, MT. NorthWestern recently renamed the facility the "Yellowstone County Generating Station," but the name change doesn't change the facts. NorthWestern still needs the City of Laurel to rezone the property to heavy industrial, and yet it has not reapplied to the city after withdrawing its rezoning application late last year. Currently, most of the focus is on the pipeline that will carry the gas from Wyoming to Laurel, the location and construction of which raise a number of serious concerns:

1. The proposed pipeline will need to be placed under the Yellowstone River in order to reach the proposed plant site on the northern bank. The placement of the pipeline drill site on the southern bank creates serious safety concerns, according to an expert geomorphologist. The borehole (the entry point from which the pipeline will be drilled under the river) is in the floodplain and is only 175 feet from the southern bank of the river. Over time, the bank, borehole location, and adjacent land is likely to be eroded by the river. NorthWestern intends to use horizontal directional drilling at that location to put the pipeline deep enough below the river bed. The pipeline will travel 2,029 feet under the river to reach the northern side.

   A bridge just upstream of the proposed site creates a narrow, fast-moving channel. After the water gushes under the bridge, it is prevented from moving to the north by riprap and other armor that has been added to that bank to prevent erosion. Thus, the southern bank already suffers from serious erosion, endangering a nearby residential neighborhood. The river has migrated south over 1,000 feet in the last few decades.

2. NorthWestern has further harmed the integrity of the floodplain on the southern side of the river by cutting down dozens of old cottonwoods and other mature trees. These trees had helped stabilize the southern bank for generations. In addition to removing much of the floodplain's natural armor, NorthWestern's pipeline may interfere with a drainway channel that brings flood water back to the Yellowstone River during high water events.

3. Placing the borehole for the pipeline at a depth of only 4 feet creates serious safety concerns. Future highwater or flooding in the area could damage the pipeline and cause an explosion or release fuel into the river. This location is near the area where an Exxon pipeline was exposed and ruptured after a flood event in 2011, damaging water quality and property downstream.

   NorthWestern must receive a floodplain permit

Crews began burying a methane gas pipeline near Laurel in January. Photo by Carah Ronan.

from Yellowstone County to complete this work. It originally proposed placing the pipeline under Riverside Park in Laurel. Instead of rubber-stamping NorthWestern's proposed easement under the public park, the Laurel City Council and the public asked many questions regarding safety. Rather than addressing the City's and community's concerns, NorthWestern pulled the plug on that public process and moved the pipeline next to a residential neighborhood in the floodplain, a location that did not require an easement from the City. It does, however, require a County Floodplain permit. The County initially approved the permit but was forced to withdraw its approval after neighboring landowners filed a legal appeal of the decision on the grounds that they had not been notified of the change in location as the law requires. In late January 2022, NorthWestern was forced to resubmit its application, after notifying the neighbors.

The day after the close of the public comment period, the County Floodplain Administrator approved the permit without addressing some of the most serious concerns raised by an independent expert geomorphologist or the neighbors. Consequently, the neighbors appealed the decision to the Yellowstone County Commission, which will hold a public hearing on the appeal on March 29.

Finally, though all these concerns are troubling enough, they become even more disturbing when considered in tandem with the conclusion of a January 2022 report from a pipeline expert. He found that the actual pipeline design is dangerous. NorthWestern intended to place an 8-inch pipeline in a 12-inch casing. The expert found that this design increases the "likelihood of rapid and unpredictable corrosion attached to the 8-inch pipe causing its failure, even rupture." The expert concluded that this design is "the most dangerous of safety approaches." NorthWestern now says that it will remove the casing after the pipeline is placed; the County must make this a mandatory requirement to protect nearby and downstream property owners.

For those interested in attending the Yellowstone County Commission hearing, it will be held on Tuesday, March 29, at 9:30 a.m. in the Stillwater Building, 3rd Floor, 316 N. 26th Street, Room 3108, Billings.

Montana's Do-Nothing Plan Will Prolong Hazy Skies

by Anne Hedges

Have you ever hiked in a wilderness area or visited Glacier or Yellowstone National Park and wished that the air was clearer, so you could better enjoy the view? Such views are one of the things that we love about Montana: big, clear skies that allow us to see forever.

Unfortunately, Montanans are all too familiar with hazy air. Increasingly, smoke-filled skies ruin our summers and drive people indoors or to emergency rooms. Winter inversions in mountain valleys can cause some of the worst air quality we experience all year. There's not much we can do to prevent winter inversions, or mega-forest fires (other than reverse course on the climate crisis), so when there is an opportunity to limit harmful pollution and haze, we should embrace it. Instead, the Montana Department of Environmental Quality (DEQ) is proposing to kick the can down the road and let people breathe polluted air and live with hazy skies for another 10 years.

Amendments to the federal Clean Air Act approved in 1990 required the U.S. Environmental Protection Agency (EPA) to improve air quality in national parks and wilderness areas. The goal is to decrease air pollution in these national treasures so visitors can better appreciate them and, in so doing, reduce the emissions of harmful air pollutants such as sulfur dioxide, nitrogen oxides, and volatile organic compounds.

Every 10 years, DEQ must propose a plan to reduce air pollution and the resulting haze caused by the state's largest industrial polluters. The National Parks and Conservation Association (NPCA) analyzed the industries that cause the most haze-forming pollution in Montana and, to no one's surprise, found that the electricity-generating sector accounts for 72% of Montana's haze-forming and polluting emissions.

As the agency delegated to enforce the Clean Air Act in Montana, DEQ must determine if there are cost-effective ways for Colstrip, cement kilns, refineries, and other large industrial operations to reduce their emissions of the pollutants that contribute to haze. It's a golden opportunity to clean up the air. Unfortunately, but unsurprisingly, DEQ is proposing to require exactly nothing of these major industrial sources in this year's plan – no additional controls, regardless of whether the controls are cost-effective.

A hazy day at Glacier National Park. **MEIC** worked with NPCA and PCEC to host a live webinar about Regional Haze. Watch this event on **MEIC**'s YouTube page or scan this QR code with your smartphone's camera.

Other states, including Texas of all places, have established a dollar figure for what constitutes cost-effective pollution controls. Contrary to recent news articles in Montana, the closure of some coal plants does not help Montana meet its requirements. In fact, many of the pollution control measures that DEQ discarded would have been acceptable to states such as Texas. Instead, DEQ has decided that there is no such thing as a cost-effective measure, meaning no facilities need to decrease pollution at all. This decision means that, without further controls, close to 30,000 tons of sulfur dioxide and nitrogen oxides will continue to be released into the air for the next decade.

DEQ is taking public comments on its do-nothing plan until March 21, 2022 and will hold a public hearing on Friday, March 18. If you would like to tell DEQ that doing nothing is not acceptable, healthful, or legal, please visit www.meic.org/action-center to learn more, watch a video, and send comments to DEQ.

After DEQ considers the public comments, it will adjust the plan – or not – and then submit it to EPA for final approval. If DEQ ignores public concerns and its legal obligations, the public will have an opportunity at that time to tell EPA to reject DEQ's plan and require it to follow the law.

EPA Moves to Reverse Trump-Era Mercury Rule

by Anne Hedges

The science is indisputable. Mercury and other toxins are harmful to people and wildlife. The good news is that technology exists to limit these emissions to safer levels. The bad news is that regulations have not been consistent in the past few decades, especially at differing levels of government.

While Montana adopted a rule limiting mercury emissions from coal plants in 2010 – two years before the federal government required such limits – the Montana rule does not limit emissions of other hazardous air pollutants. The federal 2012 Mercury and Air Toxics Standard (MATS) rule limits emissions of mercury as well as additional toxins such as hydrogen chloride, selenium, arsenic, chromium, cobalt, nickel, hydrogen cyanide, beryllium, and cadmium. It's hard to imagine anyone arguing that it is not "appropriate and necessary" to limit emissions of these harmful substances, yet the U.S. Environmental Protection Agency (EPA) under former President Trump reversed the MATS rule in 2020.

Prior to EPA's 2012 adoption of MATS, coal-fired power plants were the largest industrial source of mercury and air toxins in the nation. Under the Trump Administration, EPA said it was no longer "necessary and appropriate" to limit mercury and other toxic emissions from coal plants and that the cost to clean up the air was too high for the polluting industries to have to pay. In making this decision, EPA eliminated the legal underpinnings of the MATS rule for coal-fired power plants, despite the fact that power plants across the U.S. had already installed the needed pollution control technology and were meeting the MATS emissions limits.

In 2020, Earthjustice challenged that Trump era decision on behalf of **MEIC** and other organizations. Earthjustice also represented **MEIC** and other organizations in challenging a different provision in the Trump era rule that allowed coal-fired power plants to disregard toxic air pollution limits upon startup regardless of emissions or how frequently a plant started and restarted operations.

On his first day in office, President Biden issued an executive order directing EPA to revise the rules for toxic air pollution from large coal- and oil-fired power plants. In January 2022, EPA finally released draft rules to reinstate the standard that it is "necessary and appropriate" to limit mercury and air toxics from power plants. EPA is asking for public input on ways to strengthen the MATS rule, and will accept public comments until April 11. You can comment on these proposed rules at www.meic.org/action-center.

It is important to note that re-establishing the "appropriate and necessary" standard to limit toxic pollutants is not enough to protect public health and the environment. Both the Montana rule and EPA's MATS rule need to be improved. Power plants should limit their air pollution all day, every day, regardless of whether they are just starting up or are shutting down operations. The plant owners should not be allowed to impose the costs of their pollution on society in the form of increased cancer, cardiovascular disease, heart attacks, and neurological impairment.

The Biden EPA is on the right path, but the public may need to push it across the finish line as it is certain to run into opposition from the coal industry.

Clear Laws for Clean Cars

by Ian Lund

The Montana Legislature's Transportation Interim Committee is studying electric vehicles (EVs) this year. Its goal is to make EV owners help pay for highways and other vehicle infrastructure. Currently, Montana's gas tax provides almost all the funding for maintaining our transportation infrastructure. Since EV drivers do not buy gas, they do not pay into the transportation fund. A common means of making up this difference is imposing higher registration fees on EVs. Thirty states have EV registration fees, ranging from a $50 fee in Colorado to an unusually high $235 fee in Michigan. The median EV annual fee is $120.

Here's the real issue with transportation funding though: the gas tax, and therefore most of Montana's money to maintain its roads, is tied to fuel consumption. The tax is levied per gallon pumped. As vehicle efficiency increases, total gallons of gas pumped decrease, even as vehicle miles traveled increase – 1.6% per year according to the Montana Department of Transportation (MDT). The result? Gas tax revenue is failing to keep up with inflation.

EV registration fees cannot solve the growing gap between gas tax revenue and funding to maintain our roads and bridges. With fewer than 2,000 EVs in Montana, they constitute less than 1% of all vehicles driven in the state. Even an unheard-of $500 EV registration fee would bring in less than $1 million annually, a far cry from what is needed to keep pace with rising transportation infrastructure costs.

The Transportation Committee is considering other ways to make EVs pay, such as a tax on miles traveled and on electricity used to recharge EVs. These would be complicated and expensive to implement, so registration fees remain the most expedient solution.

According to MDT, the average Montanan pays $156 annually in gas taxes. However, most people that drive light-duty or efficient hybrid vehicles pay much less, while drivers of heavier and less-efficient vehicles pay more. The current system encourages vehicle efficiency. **MEIC** supports a fair EV registration fee that reflects the benefits EVs provide to our transportation system without discouraging their adoption.

The Transportation Committee's foray into EV policy brought up more EV issues than just the fees. NorthWestern Energy and auto industry representatives testified that Montana's EV laws had a chilling effect on the EV charging landscape.

Good EV law should do two things. First, it should create a predictable and attractive regulatory environment for EV tech companies, such as EVgo and Chargepoint, who sell and manage charging services.

Second, it should activate public utilities' (i.e., NorthWestern) natural interest to sell electricity and add to its rate base by allowing them to develop EV charging programs and pass those costs on to their customers. EV law should prescribe clear public benefits that utility investments ought to provide and should require the Public Service Commission to review and approve these programs. Programs could include at-home charging rebates, investments in public charging stations, or investments in stations for underserved communities. Current EV law in Montana prohibits utilities from doing any of this.

Montana's current electric vehicle law also discourages private investment in EV charging at businesses because it does not allow a reasonable profit for companies that want to install EV infrastructure and sell electricity to EV drivers. **MEIC** recommends allowing reasonable markups on resold electricity for EV charging in order to create a business case for public charging installations.

Nuclear Power:
Brave New World or *Deja Vu*?

by Anne Hedges

Nuclear power today is a complicated topic. For the last few decades, sky-high costs and concerns over safety, waste disposal, and uranium mining have stalled the development of new nuclear power plants. Recently, supporters of nuclear-powered electricity generation have been touting smaller, potentially safer, operationally flexible, plants that can produce electricity with no greenhouse gas emissions. These small-scale reactors have many across the political spectrum pointing to them as the solution to our climate and energy problems. But are they?

These "new" nuclear technologies are often referred to as next generation, advanced nuclear, micro-reactors, mini-reactors, small-scale nuclear reactors (SMRs), and Generation IV. Here is a list of some of the projects that have been proposed:

- Bill Gates and PacifiCorp's 345-megawatt Natrium sodium fast reactor in Wyoming will supposedly be operational by the late 2020s, with the federal government footing 50% of the projected $4 billion cost.

- NuScale's $6 billion, 77-megawatt light-water SMR at the Idaho National Lab, whose promoters claim that its test facility will be completed in the late 2020s with commercial development sometime thereafter.

- Colorado's Oklo Power 1.5-megawatt fast reactor design, which was just denied a license application by federal regulators over unanswered safety issues.

All of these technologies use some form of uranium, and none have any long-term off-site storage plans. Concerns about radiation from nuclear reactors always cause permitting delays. Large, sometimes gigantic, cost overruns are also the rule, rather than the exception. These issues and others lead many experts to doubt that this technology could be available in time to meet decarbonization needs.

Last year, the promise of this new technology caused the Montana Legislature to repeal a 1978 citizens' initiative that established state-based safeguards for nuclear energy development and a requirement for a public vote before a nuclear project could move forward (**HB 278**, Rep. Derek Skees, R-Kalispell). The Legislature also passed a bill to study this technology to find out if it could replace the Colstrip coal-fired power plant (**SJ 3**, Sen. Terry Gauthier, R-Helena).

In January 2022, the Legislature's Energy and Telecommunications Interim Committee heard from three speakers about this new technology. A former Nuclear Regulatory commissioner, who oversaw the licensure of 20 nuclear reactors, was not optimistic.

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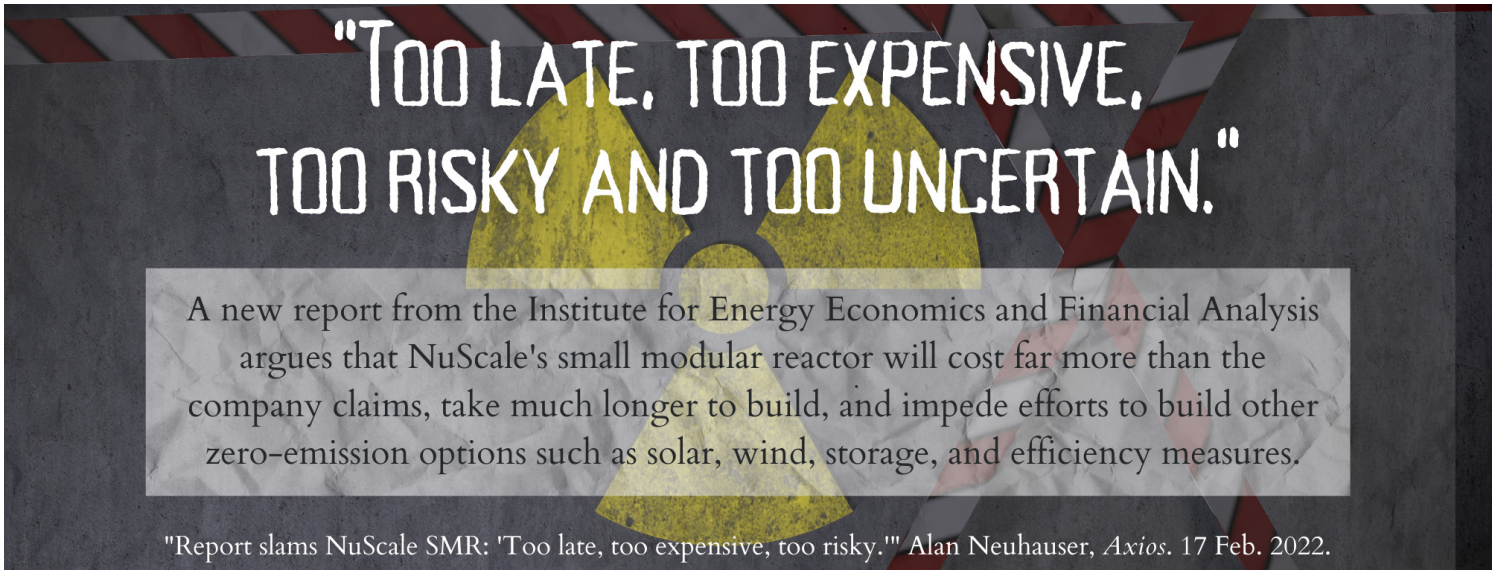
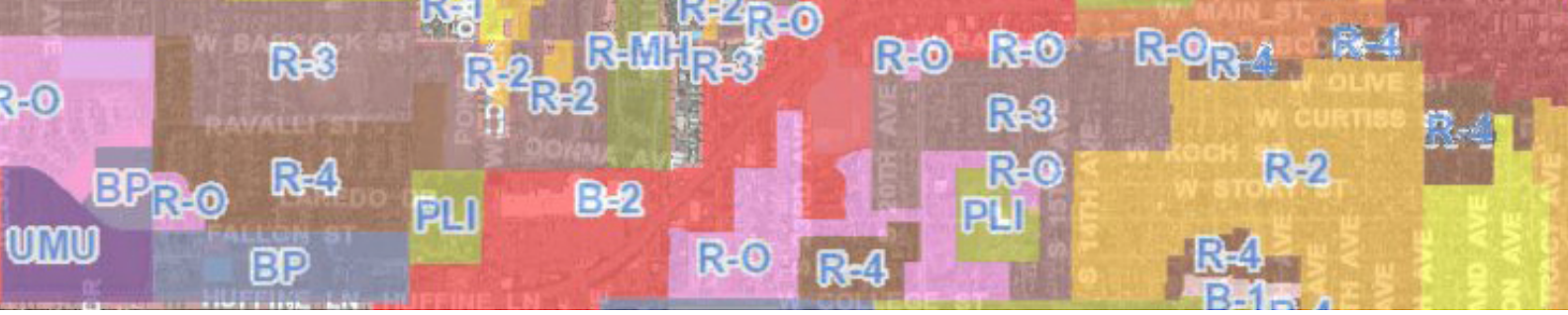




Why Land Use Matters 101

by Cari Kimball

When **MEIC** was formed in 1973 to give a voice to Montana's environment at the State legislature, one of the organization's priorities was establishing and defending sensible land use planning and zoning measures that also provided environmental protections. At their most basic level, land use laws are intended to protect public health, safety, and the general welfare of our communities, though it doesn't always work out that way.

Good zoning measures can reduce traffic congestion, prevent wildlife habitat fragmentation, protect irreplaceable agricultural soils, and limit septic systems' contributions to nutrient pollution in our waters. Mixed-use, higher-density zoning in Montana towns and cities has the potential to foster walkability and affordable public transportation options, while saving taxpayers money on infrastructure costs with, for example, fewer sewer mains, water mains, and roads to build and maintain. All told, land use laws have huge implications for our day-to-day quality of life and even our ability to wean ourselves off fossil fuels.

Ideally, planning and zoning laws reduce conflict between individuals in a community and prevent them being a nuisance to one another. For example, a distractingly noisy widget factory sited beside an elementary school would probably degrade the learning environment for kids.

Unfortunately, exclusionary zoning has also been used in discriminatory ways to prevent people of color or lower incomes from living in the same neighborhoods as white or wealthier people. For example, in the 1910s, local and federal officials across the U.S. began to promote zoning ordinances that would reserve certain neighborhoods for single-family homes, which were often only affordable for white people because of discriminatory lending practices. This also prevented the construction of more affordable apartments or denser developments in those neighborhoods. During the same era, many residences also had deeds that prohibited occupancy by people of color. Today's less exclusionary zoning practices are driving skyrocketing real estate prices through creation of large minimum lot sizes and single family residential zones that often require lots of space for parking multiple vehicles.

Zoning, however, can also have very important benefits. Several of **MEIC**'s victories have hinged on zoning. In 2010, the Montana Supreme Court ruled in favor of **MEIC** and partners to block construction of the coal-fired Highwood Generating Station in Cascade County. The rationale was that the area was zoned for agricultural use, and an authorization to construct a coal plant would have required changing the zoning to heavy industrial use, eliminating agricultural potential and ultimately constituting illegal spot zoning. In today's fights, zoning could prevent opencut mines from draining neighboring wells and disrupting neighbors with constant noise and dust. Zoning could prevent a proposed methane gas plant from poisoning airsheds, damaging rivers and watersheds, and creating constant noise and hazards for nearby neighbors. Land use laws have the potential to make or break our access to a clean and healthful environment.

During the 2021 Legislative Session, we saw several attempts to minimize the influence local communities can have on local land uses, and generally to shrink or dilute Montana's land use laws. Thankfully, the worst ideas were rejected. However, we anticipate more of the same at the 2023 session. Too many legislators in Montana trust corporate real estate developers and mining industry magnates to make better decisions

Bozeman is one of the fastest-growing "micropolitan" areas in the U.S.

about public health, safety, and the general public welfare than actual members of our community. They subscribe to a belief that immediate profit potential determines the highest and best use of land.

But Montanans know first-hand how the Copper King model of governance worked: what's best for short-term corporate profits is rarely what's best for Montanans. Indeed, before people of European descent came to this part of the world and applied their values about the "best" way to use land, Indigenous people were living in relationship with the land, developing lifeways and land uses based on extensive knowledge. We would do well to better incorporate more traditional knowledge into modern land use practices.

That's why **MEIC** will continue to fight for land use protections that promote sustainable, diverse, thriving communities for all people and ecosystems, not toxic wastelands and soulless suburban sprawl that benefits only the wealthy few.

If you're interested in land use issues and want to be involved, contact **MEIC** Campaigns and Advocacy Director Melissa Nootz at mnootz@meic.org.

32 Organizations Ask NorthWestern's Board for a Measurable Decarbonization Plan

by Anne Hedges

In March, 32 organizations from across Montana sent a letter to NorthWestern Energy's Board of Directors requesting they direct the utility to develop an actionable and impactful decarbonization plan. NorthWestern's largest financial investors have raised concerns about companies that fail to plan for a lower carbon future. NorthWestern has recently received poor environment and social ratings of its environmental, social, and governance (ESG) scores from risk analysts such as Moody's.

The letter implored the Board of Directors to "adopt a meaningful climate strategy that will make it more resilient and prepared for the clean energy future," which would include developing measurable benchmarks along its path toward decarbonization.

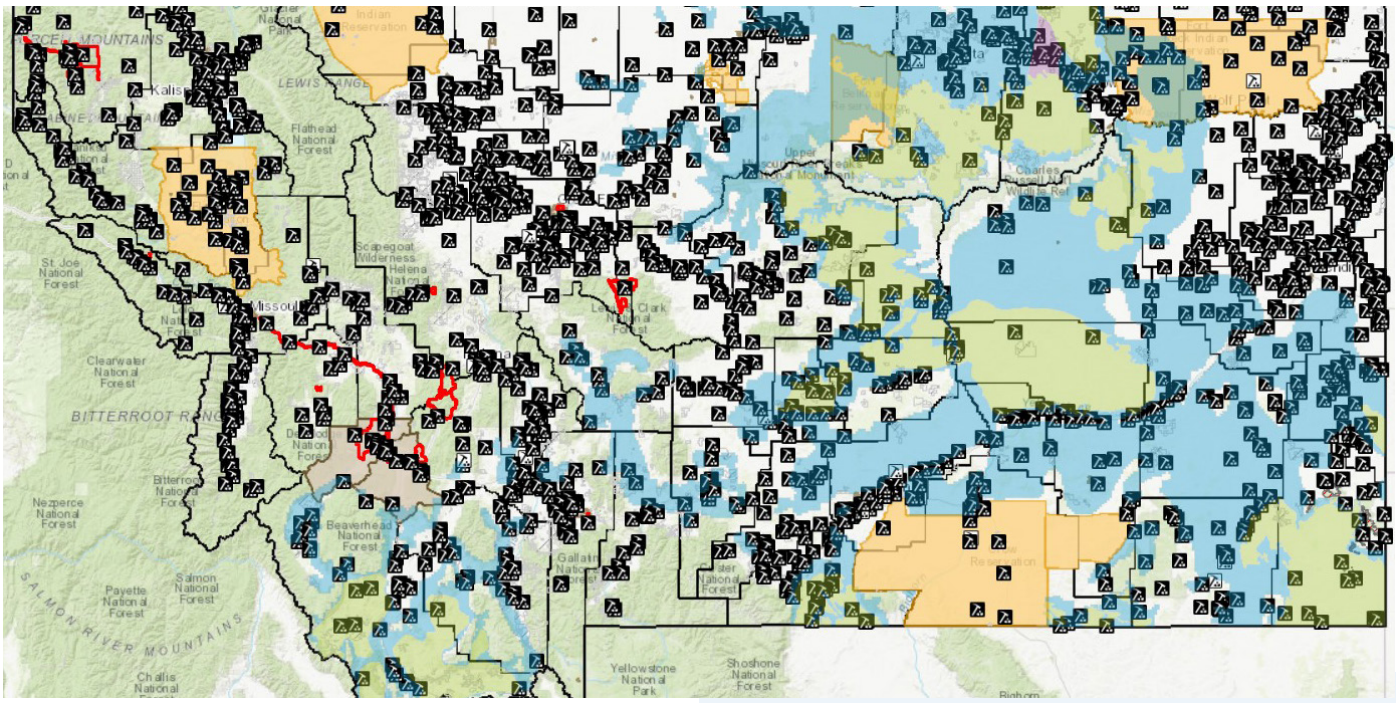
MEIC signed the letter along with other groups including public consumer advocates, health care professionals, consultants, and more.

The same day the letter was sent, NorthWestern released a statement announcing its goal to be net zero in carbon emissions by 2050. While a noteworthy first step, NorthWestern remains a decade behind other utilities in the region that have planned for and are currently decarbonizing.

In fact, NorthWestern's net zero goal calls for building more fossil fuel pipelines and generation facilities until 2035 and omits important benchmarks for emission reductions. NorthWestern's proposed approach would move the utility in exactly the wrong direction and is in opposition to the goals of its largest investors. Increased fossil fuel dependency also means increased costs for customers, more expensive stranded assets, and a failure to decarbonize according to the latest scientific research.

As NorthWestern Energy gears up to begin the next Resource Procurement Plan process, stay tuned to **MEIC**'s action alerts for updates about how you can get involved. You can also sign up for alerts from NorthWestern Energy on their website: www.northwesternenergy.com/about-us/gas-electric/electric-supply-resource-procurement-plan.

Opencut Rulemaking in Progress



Montana DEQ has an interactive online map of opencut mines at deq.mt.gov/mining/Programs/opencut.

by Anne Hedges

The 2021 Legislature gutted the law dealing with opencut mines (aka gravel pits). These operations can harm communities' and neighboring landowners' water quality and quantity, as well as destroy peace and quiet. Large mines create dust from heavy truck traffic and can seriously diminish neighboring property values. Montana Department of Environmental Quality (DEQ) supported the bill because it would become easier to permit facilities despite the bill's disastrous implications for people who live next to or near a proposed operation.

DEQ is now drafting rules to implement the new law and is ignoring the concerns of neighboring residents in favor of developers. Currently, the proposed rules interfere with the State's obligation to guarantee the public's constitutional right to participate, inform adjacent landowners about what is being permitted near their homes, ensure that all lands be reclaimed, and guarantee a right to a clean and healthful environment for all Montanans. The rules will make an already disastrous state reclamation program even worse. Currently:

- Nearly 800 opencut operations have expired reclamation dates as of this writing,
- 169 opencut mine operators report that they are still mining despite having an expired reclamation date in their permits, and
- nearly 30 operations have canceled, expired or forfeited bonds.

The proposed rules address none of these problems. Instead, the rules would eliminate DEQ's consideration of water-related issues when issuing an opencut permit. DEQ and mine developers disingenuously argue that if the members of the public are concerned about water issues, they can get involved when DEQ issues a water discharge permit. But most water discharge permits for opencut mines are "general permits," meaning there is no public comment period. Currently DEQ has no plans to ensure that the public has the opportunity to comment on proposed opencut operations that may impact their water and their daily lives.

Join **MEIC**'s action alert list at www.meic.org/take-action/ so you can provide comments on this unfair and unconstitutional process when DEQ issues a draft rule for public comment in the coming months.

Inside MEIC:
The State of the Organization

Following their first year as co-directors, Anne Hedges and Cari Kimball sat down to discuss some of MEIC's biggest victories, challenges, and changes. This conversation is part of a new audio series and has been edited for clarity.

Anne: So Cari, it's been a year in which you've been the Executive Director and the two of us have been co-directors. I love being in charge of policy. It's super, super fun. But can you talk about where you think **MEIC** is and what's happened in the past year since you've taken over?

Cari: One of the more exciting things that happened in 2021, on top of all the stuff going on in the world and to some degree because of all that stuff, **MEIC** added two new staff positions. The positions are really fulfilling needs that we as an organization had identified even three and four years ago about how we need a stronger and more robust environmental movement in the state of Montana. We need our environmental organizations that have different areas of expertise and issue areas to be working in collaboration and coordination. We created a Communications and Engagement Director position – that Katy Spence is fabulously fulfilling now – in January of '21. In March of '21, we had a Campaigns and Advocacy Director join our crew – Melissa Nootz, who's similarly wonderful. The two of them have absolutely elevated the work that **MEIC** is doing.

We've always been a grassroots, membership-based organization, but my perception is that our historic strength has been more in policy expertise, legal expertise, and understanding the nitty gritty of environmental laws in the state. While membership and grassroots advocacy has always been a part of our work, we're dedicating a little bit more energy and resources to that arm of our organization. I think it has the potential to pay dividends. It's already increasing our membership number. I know it has already had an impact to increase our number of first time donors that we had in '21, which also increases our number of membership households across the state. [For] fundraising, that's fantastic, and in terms of the influence and ability we have to impact the environmental advocacy happening in the state, we're going to have more ability to make an influence.

We also had four new board members join who are bringing fresh perspectives, and we're really grateful for their leadership alongside the leadership of some long-standing members and board members who continue to provide institutional knowledge and the foundation that **MEIC** has enjoyed.

Anne: Agreed. What a great year 2021 was for **MEIC**. It really feels like everything gelled. We were able to bring on the resources that the movement as a whole, not just **MEIC**, needs. So, well done.

You can listen to the full conversation by scanning the QR code below with your smartphone's camera or visiting www.meic.org/inside-meic. Future conversations will cover topics such as the history of Colstrip, NorthWestern Energy oversight, and the role of justice work at environmental nonprofits.

Transmission: A Key to a Clean Energy Future

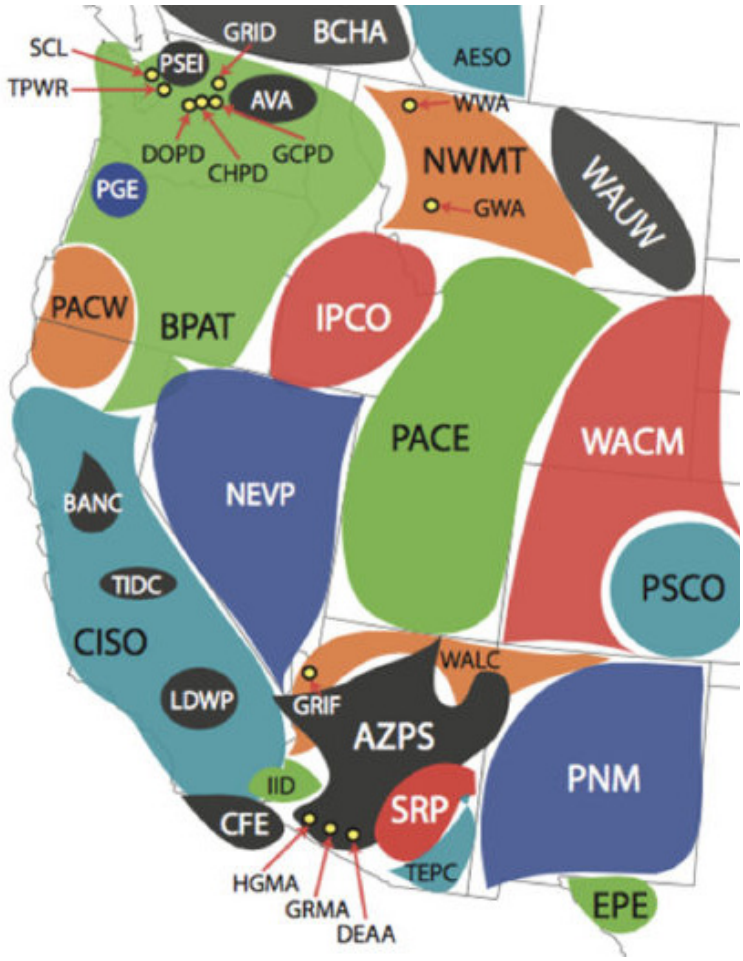
by Ian Lund

The transition to clean energy as our principal source of electricity depends upon our ability to build and deliver it. Building clean energy resources is easy, but delivery is hard.

We move electricity around on two types of wires: transmission lines and distribution lines. Transmission lines are the highways of the electric grid, while distribution lines are like the roads that lead to your driveway. The lines can only carry so much electricity at a time, and energizing them beyond their rated capacity can damage them. The limited capacity of transmission lines needs to be addressed before we can power the world with clean energy.

Renewable energy is predictably inconsistent: where the sun shines and when the wind blows will not always be at the place electricity is needed. Contrary to many naysayers, this will be a feature, not a bug, of our future energy system. Many people should be able to use clean energy produced in entirely different states at different times. For example, when the sun is shining in California and Nevada, they will produce more solar energy than they can use and export that to neighboring states. And when the wind blows across the Northern Plains, Montanans can send the excess wind power to Washington and Oregon. If all these regions are connected properly through the transmission system, balancing demand for energy with the intermittent supply of renewables becomes a lot easier.

The importance of this relationship is being demonstrated right now between Washington and Montana. Washington has more ambitious climate goals than Montana and has long eyed our windy plains as a means of decarbonizing their electricity supply. Puget Sound Energy (PSE), a Washington-based utility, owned a share of the now-closed Colstrip Units 1 and 2, but they owned more than the generation capacity; PSE owns the right to transmit energy on the lines leaving Colstrip. When they reach Townsend, the lines become the property of the Bonneville Power Administration. Bonneville moves power to PSE's customers in Washington. Since the Colstrip units



closed, PSE will use its share of transmission capacity to import electricity from a new wind farm being built north of Colstrip. However, PSE will have a difficult time procuring more wind energy from Montana without either additional transmission capacity or the closure of more Colstrip units to free up space on the existing transmission system.

It's not easy to build new transmission. These projects are very expensive and complicated. Financing and siting lines is challenging because the benefits of new projects accrue only to the generators (e.g., a wind farm) and the off-takers (the customers on the other end of the line). The politics are similar to building a freeway through a town without any on- or off-ramps; communities often resist large transmission lines crossing their land if they won't get any energy.

Transmission planning in the West happens mostly within the boundaries of a specific balancing area. The West has 38 such areas (*see graphic*). NorthWestern

Energy's service territory, labeled NWMT on the map, is one such balancing area.

What we need is a way to plan regional transmission projects that aligns the supply of potential renewable energy with the demand. There's actually a term for this: regional transmission organization (RTO). RTOs are nonprofit, independent coordinating entities that direct the operation of the transmission system across their service territory on behalf of their member utilities. RTOs are common in the eastern U.S. but do not exist in the West, save for the California Independent System Operator. Their chief task is making sure the electric system is managed efficiently; specifically, they work to balance electricity supply and demand on a regional scale, as opposed to each utility performing this task within the limited constraints of its own service territory. RTO formation is voluntary for groups of large utilities that share transmission resources.

One thing we're watching closely at **MEIC** is the West's incremental progress towards RTO formation. A Department of Energy-commissioned study released in July 2021 found that establishing an RTO in the West would create more than $2 billion in benefits to the region by 2030, much of which would be as savings to ratepayers.

The concept has already been proven in Montana. In June 2021, NorthWestern Energy joined the Western Energy Imbalance Market, which allows utilities across the region to trade energy on a short-term basis based on when it was most economical to do so. In the last six months, NorthWestern and its customers received $5.87 million in benefits from participating in the market. By pooling their resources, utilities can save on costs, better utilize renewable energy, and reduce their need for operating reserves. **MEIC** supports RTO formation, building more transmission, and other steps to modernize the way we manage energy in the West.

Nuclear *(continued from page 13)*

Even the optimistic pro-industry speakers admitted that, even under the best case scenario, these reactors won't be ready for commercial development until the end of the decade, and there is still no long-term off-site waste storage option. In the coming months, the committee will hear from experts about the immense financial commitments this technology requires to become commercially available. The high price tags of these facilities are widely expected to be their Achilles' heel.

A new report released in February 2022 by the Institute for Energy Economics and Financial Analysis (IEEFA) focused on the financial viability of NuScale's proposed SMR technology. The report concluded that this first-of-its-kind design is risky in multiple ways. For starters, this kind of device has never been built, operated, or tested, and this project is already years behind schedule and way over budget. Seven municipalities in Utah pulled out of the project last year due to its then-current $6 billion price tag. IEEFA critiqued NuScale's optimistic construction cost, building time horizon, operation costs, and claims about operational flexibility to meet changing energy demands. It concluded that NuScale's estimates for all four of these areas were erroneous, out-of-date, unsupported, and exceedingly expensive compared to renewable energy technology combined with electricity storage.

A recent letter from a former head of the U.K.'s Radiation Risk Committee and the three former heads of nuclear regulation in German, France, and the U.S. stated that while climate change is an impending disaster, "the reality is nuclear is neither clean, safe or smart; but [rather] a very complex technology with the potential to cause significant harm. Nuclear isn't cheap, but extremely costly," and "nuclear is just not part of any feasible strategy that could counter climate change."

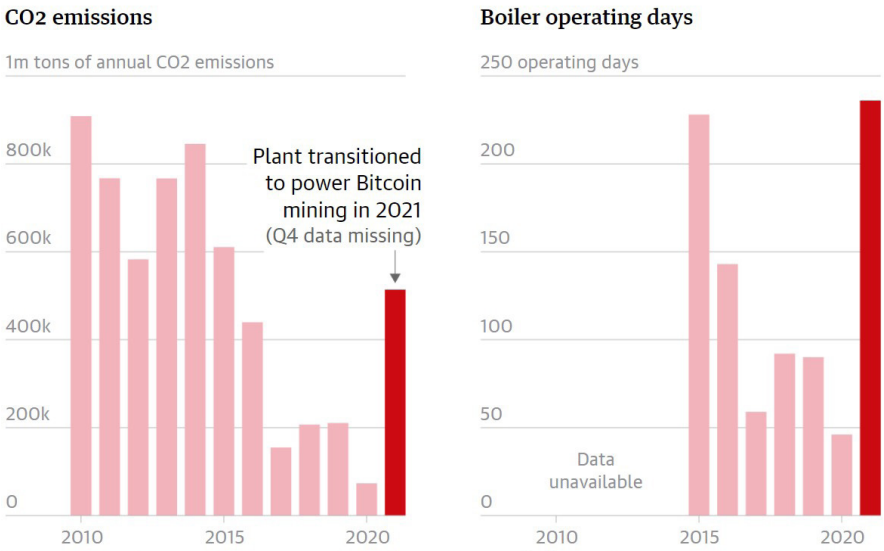
Many advocates of this proposed new era of nuclear technology have a sincere interest in rapid decarbonization of world electricity generation and hope that this will be a silver bullet. However, the more we learn, the more we are concerned that this emerging technology isn't a silver bullet but instead a poisoned dart that could delay affordable and meaningful action on climate change until it's too late.

Crypto Mining Ourselves into a Hole

by Ian Lund

Cryptocurrency mining facilities tend to crop up in areas with cool climates and cheap electricity. Like data centers, which are used to store information in the "cloud," these buildings contain little else besides computers running 24/7 and HVAC systems to prevent overheating. They use incredible amounts of energy — mining a single bitcoin uses as much energy as an average household uses in 13 years. Given that one bitcoin is currently worth $37,000, it's a clear injustice to prioritize the wealth of a few speculators over the energy needs of the many. Cheap energy in, funny money out.

As Hardin plant powered Bitcoin mining, emissions spiked



Guardian graphic. Sources: Emissions from EPA, boiler activity compiled by the Montana Environmental Information Center from reports submitted to the Montana Department of Environmental Quality.

Why make this business **MEIC**'s business? Crypto mines' voracious demand for electricity is prolonging the life of fossil fuel generation plants. Specifically, crypto mines are buying or plugging into uneconomic, slated-to-close coal plants. Montana's own Hardin Generating Station is a prime example of this trend — Meant to close in 2020, Hardin was bought by Marathon, a Bitcoin mining company, and today trades record-level coal-burning for digital money at great profit and great cost to our environment. It's worth noting that other than a few jobs to maintain their operations, these facilities provide no value to local communities or the state of Montana.

Crypto mining advocates are quick to point out that the industry is working on "greening up" its electricity supply through renewable power purchase agreements or renewable energy credit offsets. However, renewable procurement does not occur in a vacuum. There is a finite amount of renewable development that can occur annually due to limited sites, interconnection constraints, and developer funds and capacity. Why should that clean energy go towards crypto get-rich-quick schemes rather than powering homes and businesses that provide value to Montanans?

So what's **MEIC**'s game plan? Given that the costs of hosting and supplying electricity to crypto mines in Montana demonstrably outweigh the benefits, we are considering proposing policies to address the impacts of crypto mining. Many countries around the world, such as China, have outright banned mining for various reasons. No U.S. state has introduced regulations to slow development. Montana has an opportunity to lead the way in protecting its inhabitants and energy system from the undue burden of hosting crypto mining facilities.

We have identified four potential tiers of regulation, from most stringent to least.

1. Ban large-scale crypto mining. This would solve the problem but will also create the most opposition.
2. Impose a tax on every unit of cryptocurrency produced at a facility or on every kilowatt hour of electricity used. Energy usage might be easier to track and enforce.
3. Mandate using renewable energy. Require that large-scale crypto mines procure their energy from renewable sources. This would still hamper the clean energy transition due to opportunity cost, but at least it protects clean air.
4. Promote efficiency. Work within existing crypto structures to promote more energy efficient approaches to mining various currencies.

Since it appears that cryptocurrency may be more than a passing fad, stay tuned for future action alerts.

150 Years is Too Long to Wait for Federal Mining Reform

by Derf Johnson

The 1872 Mining Law is one of the worst, if not the worst, federal law on the books concerning environmental and natural resources on public lands. Passed 150 years ago, it still governs the development of hardrock mines on federal lands, but it does not provide for royalties or require a comprehensive system to evaluate, permit, develop, and reclaim hardrock mines on those lands. It was passed at a time when environmental considerations were nil, and mining technology was primitive. (see the story in the Dec. 2021 issue of *Down to Earth*). Unfortunately, legislative reform of this relic has proven all but impossible, and the current Congress appears unwilling to consider any of the much-needed changes. Sen. Catherine Cortez Masto of Nevada and Sen. Joe Manchin of West Virginia appear to be among the stumbling blocks in getting 51 votes.

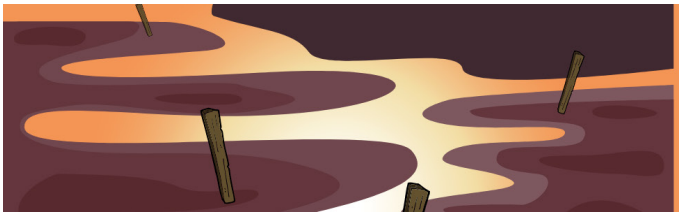
However, even without full legislative reform, there is the potential for some relatively significant changes to the rules implementing the 1872 General Mining Act at the Department of Interior (DOI) and Bureau of Land Management (BLM). Last fall, **MEIC** partnered with a number of sovereign Tribes and nations, Indigenous organizations, and environmental and conservation organizations in petitioning DOI for a rulemaking to modernize the agency's rules. DOI and BLM are now considering this petition. Among the main updates requested are that the rules:

- Establish meaningful Tribal consultation, Indigenous resource protections, and systems that seek to achieve the free, prior, and informed consent from impacted communities,
- Prevent the unnecessary or undue degradation of lands and waters impacted by hardrock mining operations through waste management disposal requirements and water protections,
- Increase consideration of climate change-related impacts on public resources and how these changes should govern the regulation of hardrock mines,
- Implement a more thorough process for regulating the management and storage of waste if a mining operation utilizes tailings dams.

These changes could not come at a more important time for our public lands and hardrock mining. Just last month, the Biden Administration released a set of principles for the reform of hardrock mining on federal lands. It stated: "There is a growing need for responsibly sourced critical minerals to meet our climate, infrastructure, and global competitiveness goals." This set of principles was followed by a DOI announcement that it would establish an Interagency Working Group to "lead an Administration effort on legislative and regulatory reform of mine permitting and oversight."

Without a doubt, changes are coming for mining on federal lands. They will not be the comprehensive legislative changes that many of us who care about clean air and water would like to see, but these changes will be significant nonetheless. It is critical that Tribal communities, environmental organizations, and public lands advocates have a voice and a vote at the table.

Be prepared in the very near future to speak up and speak out for the protection of clean air, clean water, and wild landscapes in Montana from the extreme impacts of hardrock mining. Considering how long the 1872 General Mining Act has remained on the books, it may be a great long while before we have another opportunity.



How To Be an Advocate

Participating in Montana Public Processes

We've always been impressed with MEIC members' knowledge and drive when it comes to participating in public, usually governmental, processes. Whether you're a frequent writer of letters to the editor, send petitions to legislators, or regularly take to the podium for public comment, there are many ways to get involved and elevate your advocacy to the next level.

Familiarize yourself with the governing bodies in your area.

No matter where you live in Montana, you're under the jurisdiction of more than a handful of governing entities. We all live in House and Senate districts. City dwellers are also governed by a city council and a county commission, and rural county dwellers have to live with the decisions of the same commission. MEIC's website has a feature that lets you see your federal and state elected officials, but there are other resources you can use to learn who governs you. Websites such as Ballotpedia and Who Governs Me have information about elected officials, and the Montana Association of Counties has a full state directory of county officials.

To keep track of what's happening at the local level, become familiar with your city and county government websites. Many post meeting agendas and minutes in addition to listing their boards and committees.

Sign up for notifications and watch for public notices.

One of the toughest things about getting started in public advocacy is getting tuned in. Some agencies, such as the Montana Department of Environmental Quality, have newsletters and/or issue alert emails that you can sign up for. County and city bodies may rely on public notices in local newspapers but should have information available on their websites or even specific government bulletin boards.

Note important dates, including opportunities for public input.

Montana's Constitution guarantees the right of public participation before an elected legislative body can vote on an item, which often takes the form of a public comment period and/or a public hearing. During some executive branch administrative processes, such as rulemakings, there are also opportunities to submit comments. These processes are required by law to be announced with notice and last for a specific period of time. The notice and comment timeline often varies at city, county, and state levels. Most public meetings also have a general comment period so the public can give comments about issues not on the agenda, but under the jurisdiction of the decision makers for a particular meeting.

Submit a public comment

Writing a public comment can be as simple or complex as you have time and energy for. Unless you are writing detailed technical comments, the most important thing to remember is that public officials are busy. State your stance on the issue clearly, back it up with a few relevant points, and sincerely thank them in as few words as possible. The easier it is for officials to quickly gather your stance, the more likely they will read and consider your whole message.

Testify at a hearing

Many public processes include a public hearing at the end of the legislative process. A good practice is to prepare to give three minutes of comments (though we've seen testimony as short as one minute). Thank the body of people you're addressing, state and spell your name, share your address (if it's required), and give your comments. We'll write another article in the future going into more detail about writing public comments and testifying.

Here are some boards, committees, and councils your community may have:

- Tree board
- Police commission
- Planning board
- Zoning commission
- Conservation board
- Weed board
- School boards
- Urban renewal agency
- Cemetery board
- Parks and trails committee
- Public library board
- Public hospital board
- Fire service area board
- Elections advisory committee

Write a letter to the editor (LTE) or opinion editorial (Op-Ed).

Now that you're well-versed on the issue you've been following, share that information with your community. Letters to the editor are shorter, often about 200-300 words. Many are posted on the publication's website and social media, even if they're not printed in the paper. Op-eds can be longer. Most newspapers in Montana accept up to 700 words, but check your local paper's restrictions before you begin. Op-eds are best written from an expert or stakeholder perspective and are generally less likely to be published in the bigger newspapers, so keep that in mind when you're writing.

Tell your neighbors, friends, and family members about the issue.

The world is run by those who show up. Invest in the causes you believe in by sharing them with the people around you and explaining why they should care and participate too. Showing up to meetings makes a difference and can change policy outcomes! Invite your friends to join you.

Get your issue on the public radar.

If you have an issue of concern in your area and would like to bring it to the attention of the relevant governing entity, find out how – some commissions require several weeks' notice to get on an agenda, whereas others are open to new business for the next meeting. Asking the assistant to the executive branch's mayor or city manager can be a great way to get the inside scoop on how to get your issue heard. Request a meeting or phone call with your local elected official to discuss the issue, ask what they are doing to address it, and bring the issue to the entire elected body during the general public comment period of a regular meeting. With state agencies, the best messenger may not be an individual. In these cases, organizations such as MEIC can help you navigate murky political waters and complicated processes to choose the best next step.

Join a board or run for office.

One of the most impactful ways you can make change in your community is to join one of the advisory or governing bodies in your area or consider running for a local office, such as city council. A lot of people believe they are not qualified to run for office, which leaves the positions open for people who actually aren't. Many counties and municipalities list open positions for boards and committees when they become available and will direct you to the application process. After you apply for an open seat, reach out to the decision-makers to tell them why you want to serve your community and ask for their support. Do some research, talk with current officials, and believe in yourself!

Two Smiths in a Day

Steve Gilbert on the Missouri River.

by Steve Gilbert

In honor of Steve's final term as an MEIC board member, we're reprinting a story he shared in 2015 in our Smith River Defender *newsletter.*

Montana's Smith River is beautiful from head to toe, from its Belt, Little Belt, and Castle Mountains origins to its confluence with the Missouri River between Ulm and Great Falls. The roughly 60-mile-long stretch of the Smith most commonly floated or paddled reaches from mountains to plains and passes through a spectacular limestone canyon. Lots of people love this float, and floating permits are getting harder and harder to come by.

I consider myself lucky to have spent seemingly countless days and nights beginning in about 1980 along the river from the put-in at Camp Baker to the take-out at Eden Bridge. I've also been lucky to have seen the river many different ways. I guided fly fishers on the standard 4-night, 5-day floats for about 20 years. I've been on many similar floats with family and friends, and have been there in rain, snow, and sun in every month from April through October. There's something wonderful about every trip down that river regardless of the weather. It is a very special place to thousands of people.

Some of the more memorable Smith trips are the ones I've made in a canoe with a variety of longtime paddling friends. We've paddled it in tandem and solo canoes, on leisurely 4-day and 5-day trips, and on quicker 1, 2, and 3-day trips. Of those trips, two stand out in my memory.

One was in early June 1996. A friend and I spent the night at Camp Baker and after a no-rush breakfast, launched at about 8:00 a.m. River flows, as I recall, were neither too high nor too low, somewhere between 600 and 800 cubic feet per second ... comfortable paddling flows. We didn't push hard and traded ends of the canoe occasionally. We had lunch in the sun at the Fraunhoffer Boat Camp, and then paddled on to Eden Bridge, arriving there sometime between 3:00 and 4:00 in the afternoon, about 7 or 8 hours on the water. It seemed very smooth and fun, and I recall joking that we could have done it twice that day if we had planned for it.

story continues on pg. 26

In Memory of Michaelynn

Michaelynn Hawk spoke at an event hosted by the Social Justice Fund Northwest. Photo via Jonathan Bishop, Social Justice Fund Northwest.

by Cari Kimball

This year, Montana is mourning the loss of yet another vital leader with the passing of Michaelynn Hawk. A member of the Crow Tribe, mother of six, and longtime leader of Indian People's Action, she passed away from cancer in February. Family, friends, and colleagues remember Michaelynn for her heartfelt, resolute advocacy for a more just and equitable Montana. From addressing the disproportionate harms to Indigenous communities from toxic mining pollution and oil pipelines to policing to inequitable healthcare access, her work touched the lives of so many.

"I knew her as a fierce, unwavering fighter for people," remarked Mijo Lee of the Social Justice Fund Northwest, an organization that awarded Michaelynn its Jeannette Rankin Award in honor of her activism.

MEIC's staff will particularly miss the steadfast energy Michaelynn brought to Montana's environmental advocacy scene. She could often be found working in the background to organize support for good policies and forestall bad ones. Michaelynn's persistent, under-the-radar coalition building was crucial to success in fighting against fossil fuel interests. That was especially the case when she skillfully coordinated a network of activists in opposition to the Keystone XL pipeline. Disinclined to seek the spotlight, Michaelynn's actions stemmed from her love of her community rather than ego.

MEIC's Anne Hedges reflected on one of her experiences working with Michaelynn at the Capitol to stop a legislative proposal related to the Colstrip power complex in 2015: *Michaelynn's keen sense of justice made her an exceptional advocate. She persuasively noted the bill's benefits flowing to Colstrip's wealthy corporate owners while unfairly burdening neighboring Tribes as well as low-income Montanans with unaffordable energy bills. Her research led to the creation of graphics, fact sheets, and arguments that eventually won the day and protected air quality for the Northern Cheyenne and Crow. She was dogged and tireless in her desire to help the less fortunate and oppressed.*

Her life's work for healthier air, water, land, and a life-sustaining climate inspired **MEIC** to award Michaelynn our Conservationist of the Year award in 2019. We are grateful to have celebrated her contributions during her lifetime and grieve the loss of future opportunities to join with her in advocacy for environmental justice. Our hearts are with her family and community members who are most keenly feeling this loss.

Meet Ian Lund

Hello readers! It's an honor and a privilege to join the **MEIC** team as the Clean Energy Advocate. A little about me: I grew up in New England and spent the last seven years studying environmental and energy policy in the brave little state of Vermont. I earned a bachelor's degree in Environmental Policy and Sustainable Development at the University of Vermont in 2018, then a Masters of Energy Regulation and Law from Vermont Law School in 2021. In the interim, I worked for a solar company, helping Vermonters through the clean energy transition by installing rooftop and community solar, air-source heat pumps, battery storage, and EV-chargers.

I'm humbled and thrilled to help the many talented and knowledgeable people in Montana leverage policy and action to accelerate the clean energy transition in Big Sky country. I'm excited to work not only on renewable energy development, but on issues such as energy efficiency and demand response, regional system integration, utility governance, and resource planning.

Two Smiths *(continued from page 24)*

And so the next year, we did just that. In late May 1997, we checked in with river rangers at Camp Baker to explain our plan to leave very early in the morning and paddle the 60 miles twice, each launch with a separate permit. We were up at 3:15 a.m. and were on the water at 4:10 a.m. It was as dark as the inside of a cow and our little headlamps were worthless. River flows that day were almost uncomfortably high, between 1,400 and 1,650 cfs. Somehow we put the sound of rushing water out of our minds and concentrated on staying upright and afloat in spite of not being able to see anything. We reached Rock Creek Boat Camp and the first streaks of dawn a little after 5:00 a.m., about 9 1/2 miles from the put-in. We waved at yawning friends emerging from their tents at Parker Flat around 7:30 a.m. and saw them again at Ridgetop during our second run.

Throughout the day, we stopped every hour for five to ten minutes to stretch, eat, drink, and swap ends of the canoe.

Our first trip to Eden Bridge ended at 10:30 a.m., 6 hours and 20 minutes for the 60 miles. A friend shuttled us back to Camp Baker, we launched again at 1:30 p.m. We were off the water the second time at 8:30 p.m., so our two 60-mile trips took 13 hours and 20 minutes. We celebrated briefly, and then drove back home to Helena.

Fortunately, neither of us has seriously contemplated a repeat of this double, but we continue to apply for permits and one way or another seem to find a way to enjoy the magic of the Smith River's water and canyon at least once a year.

If we can put the threat of a mine on Sheep Creek, an important tributary of the Smith to rest, the Smith, just as we have known it, should make people smile forever.

To learn how you can help protect the Smith, sign up to receive the Smith River Defender *on www.saveoursmith.org.*

Mom Guilt

by Cari Kimball

I'm writing this on my couch next to my gently snoring preschooler, Ruby. She is home sick. Again. The tenth day out of the past 30 that my husband and I have cobbled together sick and vacation leave to stay home with her. I'm building a multi-layered parfait of guilt – for not contributing adequately to MEIC, for pickling Ruby's brain with another hour of "electronic babysitter" (aka *PBS Kids*) while I jump on Zoom meetings, and also for knowing that too many families lack the privileges of sick leave and accommodating employers. Amy Westervelt eloquently described this phenomenon in her essay in "All We Can Save" (10/10 recommend this book!), writing, "I'm reminded of parenthood and its requirement of endless trade-offs, thousands of choices between short-term and long-term benefits. Do I leave my kid sleeping during an unexpected nap, and take advantage of a free hour of work time, but deal with the consequences later when he's up until 10…?"

The baselayer of my guilt parfait is anguish about the state of the world that we're passing down to Ruby's generation and future generations. Because of climate change and other forces of inequity, Ruby's world will be increasingly characterized by extinction, drought and flooding, cataclysmic wildfire and weather events that in turn will prompt crop failures, famine, human conflict, displacement, and generalized suffering. In Montana, smoke from increasingly severe wildfires will impact air quality, exacerbating asthma and other respiratory diseases in the young and elderly. Even if Ruby's relative privilege shields her from the worst, most immediate climate chaos impacts, I'm worried about what it will mean for our shared humanity in a world with so much suffering.

Sometimes the magnitude of these problems and my grief about our broken world overwhelm me. I feel keenly aware that our days on this planet together may be limited, and I'm tempted to pack our ragtag crew into our truck to go live in the woods. Again, Westervelt's words resonate: "Every day I have to choose between what's best for my own kids — probably more undistracted time with their mother — and what's best for everyone's kids — doing everything I can to ensure a livable planet… And for a lot of those hours when I'm worried about humanity, I am shushing or ignoring the little humans who are in my direct charge."

I may not be making Westervelt-level contributions to fighting climate change, but I can do my part. Running away from these challenges would be an abdication of responsibility when the stakes couldn't be higher. Westervelt's essay also reminds me that the true nature of our world is one of interconnectedness across political differences, generations, species, etc. When times get tough, it's best to turn toward my community, to do what I can to improve it, and bring it along, and work within it to imagine and create a more sustainable and connective future, one that is less characterized by human suffering, isolation, and impossible choices. It takes a village to raise a child, and it takes a whole lot of villages to save a planet.

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To learn more about how you can make a lasting impact, contact Cari Kimball, Executive Director, at (406) 443-2520 or ckimball@meic.org