

Down to Earth

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER

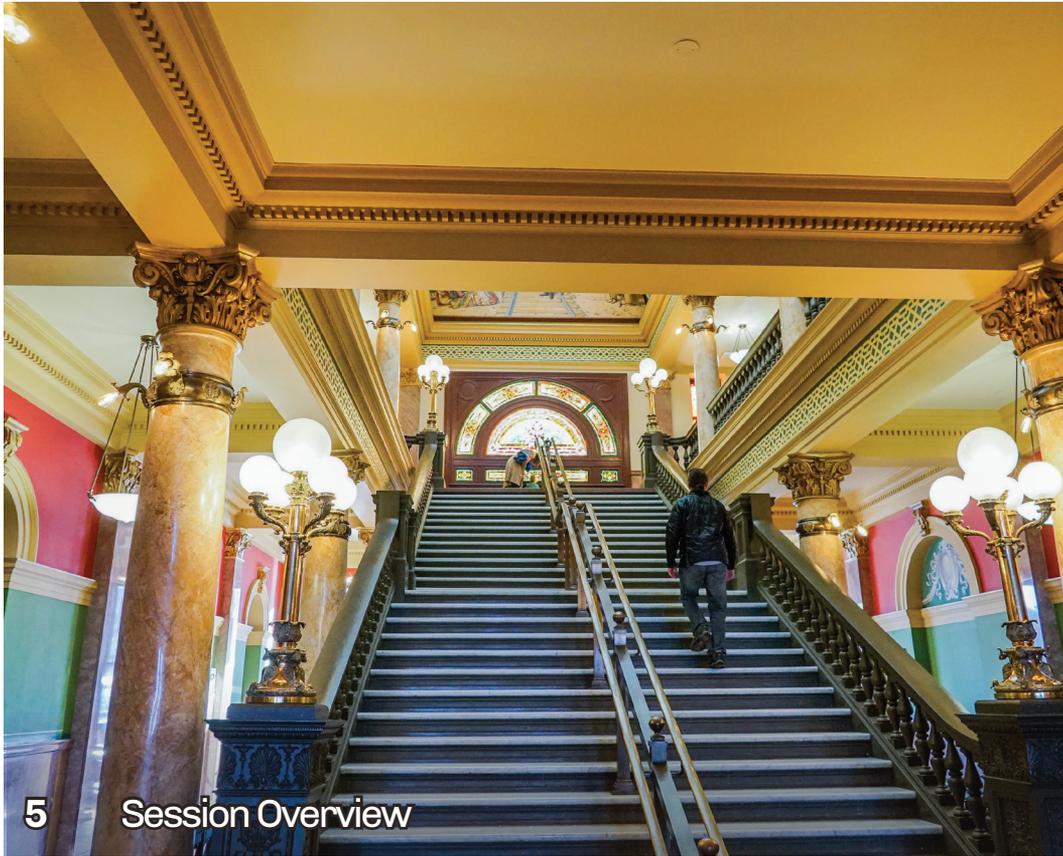


**After the
Legislative Dust
Settles**

**Victory in
Laurel – for
Now**

**NWE:
Gouging
Customers**

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Cover photo:
Malcolm's MEIC hat is on the Rio de las Vueltas in the shadow of El Chaltén in Santa Cruz Province, Argentina. Photo by Malcolm Gilbert.

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 Bruce Bender

For this and future issues of Down to Earth, we will feature voices of all of our board members so you can get to know the extraordinary people who guide MEIC.

This fall, **MEIC** will be celebrating its 50th anniversary. During the last half-century, **MEIC** has stopped toxic mining projects and helped pass and defend strong pollution control laws. It has advocated for the transition from dirty coal to clean energy. The strong membership of thousands of Montanans has allowed **MEIC** to remain independent and to fight for what is right.

This past Legislative Session only reinforces the key role that **MEIC** plays in protecting Montana's environment. **MEIC** is a bright light in the efforts to protect our right to a clean environment, and my time on the Board of Directors put me in a unique position to support that mission.

When I retired from my job at the City of Missoula, my friend John Rundquist encouraged me to join **MEIC**'s Board of Directors. As I approach the end of my term now, I'm looking back on my five years of time on the Board.

This was my first experience being on a nonprofit board, and I have worked with nearly 20 Board members during that time. Their generosity and commitment to **MEIC** has inspired and impressed me. Their backgrounds are diverse, but their cause to protect our environment is the common link.

Similarly, **MEIC**'s staff has been exceptionally dedicated to protecting our air and water and working toward a transition to clean energy. Their competence and efficacy in defending our rights to a clean and healthful environment have benefited all Montanans.

MEIC's mission to mitigate climate change especially resonated with me. I have supported **MEIC**'s efforts to contest NorthWestern Energy's plans to expand its use of fossil fuels, including acquiring more of the Colstrip coal-fired power plant and construction of methane gas plants. When necessary, **MEIC** has taken legal action against NorthWestern Energy. **MEIC** has also been

involved in litigating the expansion of the sprawling Rosebud Coal Mine and the corrupt Signal Peak mining operation that supplies coal to overseas customers. It is critical that **MEIC** continues to be a leader in the efforts to reduce fossil fuel usage for energy production.

During my term, the Board worked intensively to achieve a smooth transition from Director Jim Jensen's retirement to creating Co-Director positions filled by Cari Kimball and Anne Hedges, recognizing Anne's key leadership and Cari's energy and experience. The Board also supported their efforts to expand the staff to meet critical needs such as communication and land use policy and worked on moving salaries closer to market levels. I feel proud of the work we did during the last five years I was on **MEIC**'s Board.

I leave the Board excited about new staff members who have expanded the reach of **MEIC** and the necessary support to carry on. Montana is very fortunate to have **MEIC** and the service it provides. 🌿

Bruce Bender was born and raised in a farming area outside Miles City. He graduated from MSU in Chemical Engineering and worked for the City of Helena for five years and for the City of Missoula for 32 years. Now that he's retired, Bruce works to mitigate the effects of climate change and protect wonderful open places: the rivers and lakes, wilderness areas, wildlife, and our opportunities to enjoy them.



Victory

Yellowstone County Generating Station on Hold



by Anne Hedges

In early April, a Yellowstone County judge ruled that the Montana Department of Environmental Quality (DEQ) had failed to comply with the law when it conducted a cursory environmental analysis of the impacts of a methane gas-fired power plant near Laurel. At issue was DEQ's air pollution permit for NorthWestern Energy's proposed 175-megawatt gas plant on the banks of the Yellowstone River. DEQ was required to disclose the impacts of the project so the public could understand and comment on impacts to air quality, water, climate, the river corridor, neighboring landowners, public safety, and more. Unfortunately, DEQ ignored public concerns and failed to properly analyze a number of impacts the plant will have on the neighboring community and the environment.

In his decision, the judge found that DEQ ignored very significant impacts that the plant would have on the climate and neighboring landowners. As required by previous Montana Supreme Court decisions, when a state agency fails to analyze and disclose such impacts to the public, the permit is voided until the agency conducts a proper analysis and allows the public to provide the agency with feedback regarding the impacts.

The people who live near the proposed power plant – many of whom are part of the Thiel Road Coalition – are rightfully concerned about how it will impact their lives, health, businesses, property, and the Yellowstone River. The power plant will be extremely loud, light up the night sky along the banks of the river, pump toxic pollutants into the air, and add 770,000 tons of greenhouse gases annually to an already-saturated atmosphere (an amount equivalent to

the annual emissions of 167,327 vehicles). Yet, DEQ refused to analyze them or disclose the impacts that will occur.

Montana's summers are already becoming hotter and drier, harming agriculture, resulting in catastrophic wildfires that impair public health and ruin tourist economies, and destroying habitat and fisheries. DEQ's failure to consider these significant impacts results in real world harm.

The judge issued a very narrow decision. He ruled that the 2011 amendments to the Montana Environmental Policy Act (MEPA) did not prohibit the state from considering climate impacts within Montana's borders as the agency had argued. Instead he said the plain language of MEPA still required the state to analyze climate impacts when conducting environmental analyses, but it limited those analyses to those impacts that are happening within the state. He said that he did not need to determine whether the 2011 amendments were constitutional since climate change needed to be considered according to the plain language of the statute.

NorthWestern appealed the decision, but DEQ has not yet. Both appear to be waiting for legislation to pass that is intended to exempt DEQ from having to consider climate as a part of the environment (see article on pg. 8). The only thing that is certain is that the court will need to determine whether our right to a clean and healthful environment includes a right to a healthy climate. It's hard to fathom a reasonable argument in which the climate is not considered to be a part of our environment and thereby protected under Montana's Constitution. 🌿



The 2023 Session: Foul Air, Dirtier Water, an Unstable Climate, and More Sprawl

by Anne Hedges

A question: What do you get when you combine a disdain for science, a bully mentality, and a hostility toward anyone outside of your inner circle?

Answer: The 2023 Legislature.

We knew it was going to be bad. While it could have been worse, it was still terrible. Did the majority party knock on doors during the election and ask their constituents if they wanted more sprawl, increased pollution, dead fish floating on the surface of streams, foul air, increased forest fires, more intense droughts, and less public oversight of government activities? Even if that is not what legislators heard when they knocked on doors during the election, it's what Montanans are going to get from the legislative "Pigpen" that occupied the Capitol for far too long this winter.

There were glimmers of sanity throughout the session that were easily overlooked due to the chaos and venom that was swirling through the halls of the Capitol. For instance, Sen. Janet Ellis, (D-Helena) was able to overwhelmingly pass a bill to establish timelines for public information requests of state agencies (see article on pg. 13). The public cannot hold government accountable if it cannot see what the government is doing. Montanans' Constitutional rights to know and participate are foundational to our democracy, and this new law will help implement those rights. **HB 188** by Rep. Gary Perry (R-Colstrip) was amended after **MEIC** requested it be changed to permanently fund coal communities with coal tax trust fund dollars to help those communities deal with the decline of coal mining and transition to new economies.

Many bad bills failed, too. No Constitutional amendments garnered enough support to be put on the ballot. NorthWestern Energy's power grab to gain control of the electric transmission system went down in flames. Sen. Steve Fitzpatrick (R-Great Falls) once again failed in his attempt to expand takings law and force the government to pay whenever it protects public health, the environment, or communities. Net metering is still intact despite NorthWestern's repeated attacks. A proposal to expand the exempt well law was defeated. Proposals failed that would have made environmental nonprofit groups disclose their membership and lose their nonprofit status if they challenge agency decisions in court. Punitive proposals to tax wind energy development never made it out of committee, and bills to make it harder for local governments to adopt and rely on growth policies were deep-sixed. And many bills were amended to decrease or eliminate their impact on the environment.

The articles in this issue largely describe the losses that were suffered and the challenges environmental protection faces going forward. The Legislature's denial of the climate crisis is perhaps the most troubling and will require the greatest efforts to overcome. The late Bob Campbell, visionary author of Montanans' Constitutional right to a clean and healthful environment, would roll over in his grave if he learned that the Legislature arbitrarily declared that a healthy environment doesn't include a healthy climate. **MEIC** and all of our partners, supporters and members, will make sure that Bob can rest in peace knowing that Montanans' Constitutional rights include the right to a safe, healthy, and livable climate. 🌿

NorthWestern Energy Secures Title of Montana Supervillain During Rate Case



by Anne Hedges

How much should electricity bills increase for residences and small businesses? 11%? 18%? A whopping 28%? It seems every time we turn around, NorthWestern Energy wants to raise our rates even higher.

The Public Service Commission (PSC) is currently deciding the size of Montanans' electric rate increase after holding a two-week hearing in April. Each day of the hearing, members of the public gave the PSC an earful about the hardship that higher electricity bills are causing and the harm that would result if rates go even higher. Reminiscent of every movie supervillain, NorthWestern executives have no shame about harming those who are already struggling to pay their electricity bills.

Last summer, NorthWestern Energy asked the PSC to approve a 25% rate increase for residential customers and small businesses. By October, NorthWestern had convinced the PSC to allow it to increase customers' bills by 11% on an interim basis while the larger increase was considered. Over the winter, public anger at that increase was palpable; what they didn't know is that the 11% increase was just a stepping stone to far higher rates.

In a surprise announcement the week before the hearing, NorthWestern said it had reached a deal with large industrial customers (refineries, cement kilns, etc.), Walmart, and the Montana Consumer Counsel. The settlement proved the old saying that if you aren't at the table, you are on the menu. While the settlement was extremely vague on details, it was quite clear on who NorthWestern thought should bear the

burden of financing its mismanaged utility. And while NorthWestern's announcement of the settlement claimed that residential customers and small businesses would see an 18% rate increase, it failed to tell the whole story.

At the end of a frustrating first day of the hearing, MEIC's attorney, Jenny Harbine with Earthjustice, requested NorthWestern provide a spreadsheet showing how much rates would increase under the settlement for each customer class compared to customer rates before rate case. The PSC agreed to her request. Despite its reluctance, NorthWestern provided those figures the next morning, which showed that the real increase for the average Montanans would be 28%. The 18% figure was just the amount above the interim increase the PSC approved in October.

Long story short, the settlement was great – for the settling parties. Large industrial customers would see no rate increase, and Walmart would see a small one. The lion's share of the rate increase would be shouldered by residential customers and small businesses. At one point in the hearing, Commissioner Randy Pinocci asked a witness whether it was fair to impose such a large increase on customers and no increase on Exxon Mobil, despite the oil and gas company's record profits over the last several years.

This is the largest rate increase in memory, yet the Commissioners did not ask a single question of NorthWestern's CEO. When Dr. Steve Running, climate scientist and Nobel Laureate, spoke about the need for NorthWestern to consider the climate crisis in its resource portfolio, the Commissioners peppered

story continues on pg. 26

NorthWestern's IRP is as Bad as We Expected (But Who's Surprised?)

by Anne Hedges

After stalling its release last fall, NorthWestern Energy finally released its latest Integrated Resource Plan (IRP) in late April. If the draft plan wasn't bad enough, the final plan is a difficult-to-decipher but thinly veiled attempt to gouge Montana electricity customers, ignore the climate crisis while pretending to have a meaningful greenhouse gas reduction goal, and make the company's shareholders rich. NorthWestern's desire is to become the only utility in the country trying to increase its reliance on expensive and outdated coal technology by acquiring a larger share of the expensive Colstrip plant. Let's just say, the monopoly utility somehow managed to limbo under our very low expectations.

While NorthWestern clearly tried to hide the ball regarding its intentions for meeting customers' electricity needs for the next 20 years, a few things are clear: NorthWestern only wants more fossil fuels (both coal and methane gas); it has no intention of reducing carbon emissions for at least a decade; it doesn't actually want renewable energy; it wants to continue to contemplate whether it should someday engage in energy efficiency and other demand-side management strategies; it continues to misrepresent the state of storage technology; it failed to disclose the serious risks facing the coal industry and the Colstrip plant in particular; and it failed to consider game-changing new federal programs when it comes to the cost of clean energy compared to fossil fuels.

Once again, NorthWestern has refused to consider

combining storage with renewable energy, instead considering each separately as if they are unable to complement each other. It didn't consider the impacts of proposed rules that would require coal to pay its true cost (see article on pg. 24) or how much coal prices will increase when the contract with the mine adjacent to the Colstrip plant needs to be renegotiated at the end of 2025. While NorthWestern acknowledges, finally, that the future of the Colstrip plant is uncertain, it failed to consider how acquiring a bigger share of the plant from Avista would increase the risk to customers from relying even more heavily on the aging plant. It also didn't mention the increased cost of coal ash maintenance and cleanup from that larger share.

The list goes on. While **MEIC** and others spend the next couple of months analyzing this IRP, we will keep you informed of what we find. The Montana Public Service Commission (PSC) will accept public comment on the plan in coming months. Watch your email inbox and our website.

During NorthWestern's previous IRP process, Montanans showed up to the PSC's public hearings in droves to express their displeasure with NorthWestern's continued schemes to invest in expensive, polluting fossil fuels – and it had an impact. This round should be no different.

The PSC is required to hold at least two public hearings so you, the public, can weigh in on this incredibly important process. We expect these hearings to be held in the late summer or fall. Contact the PSC to request a hearing in your area: pschelp@mt.gov. 🐦



Yellowstone County Generating Station will help deliver reliable, affordable energy for Montana

The 175-megawatt Yellowstone County Generating Station, which is currently under construction south of Laurel, will generate energy on-demand to respond quickly to changes in customer energy demand, and provide cost-effective, reliable and environmentally responsible energy.

Q: Why is NorthWestern Energy building a natural

Q: Why not add more wind or solar instead of gas-fired generation?

A: While NorthWestern would earn more money adding renewable infrastructure, building an equivalent amount of capacity would be significantly more costly for our customers. Using recent data we estimate we would need to add more than \$2 billion of wind and more than

NorthWestern Energy's recent mailers include misleading responses to reasonable criticism of its plan to double down on fossil fuels.

The Legislature's Last Minute Attacks on Constitutional Protections



by Anne Hedges

Late in the session, two bills were introduced to amend the Montana Environmental Policy Act (MEPA). MEPA directly implements Montana's Constitutional right to participate in government decision-making and the right to a clean and healthful environment. Often referred to as "The People's Law," MEPA is frequently the only opportunity the public has to learn about proposed projects and to provide information and feedback to a state agency before it makes a decision to approve or deny the project.

Together, **SB 557** (Sen. Mark Noland, R-Big Fork) and **HB 971** (Rep. Josh Kassmier, R-Fort Benton) require state agencies to ignore climate change in environmental analyses, chill public involvement, eliminate opportunities to hold agencies accountable, and create a pay-to-play system to access the judiciary. MEPA is the only state law that requires state agencies to analyze and disclose the cumulative impacts of projects or government decisions that may affect public health, fish, wildlife, cultural and historic resources, water, air, agriculture, and the economy.

SB 557 was introduced on a Monday, scheduled for a hearing late on Tuesday, and heard in an 8 am "public" hearing on Wednesday; it was no surprise that **MEIC** was the only opponent who was able to testify against the bill in the Senate. But that was nothing compared to the record-breaking speed of HB 971. Both the House and the Senate suspended their rules

to introduce HB 971 on a Friday afternoon weeks after the deadline. The bill hearing was scheduled on Friday evening and the hearing was held on Monday afternoon. Despite inadequate public notice, more than 65 people testified against the bill at the hearing, led by Tribes and neighbors of NorthWestern's misguided methane gas plant near Laurel. Only a handful of industry and union representatives supported it. The Senate hearing was similar. Despite only being given one day's notice, scores of people from across the state testified against it. The deck was stacked, but people came out to defend their constitutional rights.

Under SB 557, if agencies such as the Montana Departments of Environmental Quality or Fish, Wildlife & Parks, fail to comply with MEPA, the public would face overwhelming financial penalties to go to court in order to require agencies to follow the law. SB 557 prevents agencies from considering climate impacts when analyzing the environmental, social, and economic impacts of proposed projects. It requires someone challenging a MEPA decision to file an injunction against the project and post a bond – a burden that likely interferes with their constitutional right to seek judicial redress. It requires the challenger to pay the agency to provide "the administrative record" in order for the court to have a record of the agency's rationale for making the decision. And it limits a person's legal claims to those issues that it raised in comments on the agency's draft decision even if the final decision and analysis differ significantly from the

draft. While the bill was even more objectionable as introduced, the final product remains a direct attack on the public's right to oversee government.

HB 971, as introduced, held a gun to the head of the judicial branch. It originally said that if the Montana Supreme Court ever ruled that state agencies had to consider the climate impacts of projects in environmental reviews, then all coal, hardrock, and opencut mining permits would be exempt from MEPA. That provision was removed on the House floor. What remained was a prohibition against all state agencies, including the Montana Department of Environmental Quality (DEQ) from considering climate change when approving projects that could impact the environment.

HB 971 is intended to overturn a Yellowstone County judge's decision that DEQ had failed to disclose the climate impacts and harm to the neighbors' quality of life when it issued an air permit for NorthWestern Energy's Yellowstone County Generating Station (YCGS). YCGS is a 175-megawatt methane plant on the banks of the Yellowstone River near Laurel (see article on pg. 4).

Climate change is already having profound environmental, social, and economic impacts on Montana, and those impacts are projected to get worse and more expensive:

- Montanans have faced record floods, devastating droughts, impaired health, and lost economic opportunities due to wildfires and smoke.
- The Montana Climate Assessment, authored and compiled by some of Montana's leading climate scientists, showed that these impacts will increase in intensity and harm to public health, agriculture, water resources, and more.
- A Montana Farmers Union study showed a potential \$736 million impact in coming decades to Montana's agricultural sector due to projected changes in temperature and precipitation.
- Montana's outdoor economy could lose more than \$1 billion dollars over time due to climate impacts from such things as wildfires, drought, and changes in precipitation and temperatures, according to economist Dr. Thomas Power.

Both bills are intended to stop environmental groups from challenging agency decisions in court. But



Steve Krum was one of several Laurel residents who testified multiple times against the bad MEPA bills.

MEPA decisions have been challenged by a wide array of Tribal interests, individuals, and organizations across the political spectrum. The Northern Cheyenne Tribe, the Assiniboine and Gros Ventre Tribes, and the Fort Belknap Community Council have challenged various state agency MEPA decisions in an effort to protect water quality. Conservative organizations including United Property Owners of Montana, Park County Stockgrowers Association, and Citizens for Balanced Use have challenged MEPA decisions in an effort to protect property rights. Agricultural interests, such as the Tongue River Water Users Association, have challenged MEPA decisions to protect agriculture's access to clean water. The conservative Jefferson County challenged a MEPA decision to protect area residents from a perceived threat due to a transmission line. The list goes on. All sides of the political spectrum want an opportunity to hold agencies accountable when they perceive those agencies interfering with their rights.

While the immediate future of robust environmental analysis under MEPA is murky, a rigorous defense of MEPA and its importance in protecting Montanans' fundamental rights is not. **MEIC** will work with our partners, members, and allies to defend our right to know what government officials are doing, to guarantee that our members and the public have a voice in the process, and to protect our right to a clean and healthful environment despite whatever o polluters and their cronies in the Legislature throw at us. 🌿

Clean Energy at the Legislature: Not Good, But It Could Have Been Worse

by Ian Lund

2023 was a tough session for energy lobbyists in Montana. The Republican supermajority was committed to thwarting any energy progressivism and rolling back the few climate-friendly policies the state does have. While a dozen bad bills got through, three bills were defeated that would have been terrible for clean energy in the state.

Clean Energy Survives

Despite attacks from pro-fossil fuel legislators, wind projects and rooftop solar made it through the session relatively unscathed. Two bills, **SB 97** (Sen. Keith Regier, R-Kalispell) and **HB 454** (Rep. Gary Parry, R-Colstrip), tried to increase taxes on large-scale wind projects tenfold. Legislators wisely tabled these bills in the Senate and House Taxation Committees once it became clear that raising taxes on wind would effectively kill the industry and the revenue it produces for eastern Montana counties and agricultural producers. Raising taxes might increase revenue in the short term, but it could cost the state significant revenue in the long term if new projects do not get built.

Rooftop solar also survived an attack. Rep. Josh Kassmier (R-Fort Benton) carried several bad energy bills, including **HB 643**. This bill would have directed NorthWestern Energy to “study” the costs of the rooftop solar net-metering program and ask the Public Service Commission (PSC) to make a special rate class for solar customers that would effectively eliminate the benefits of the program. In a memorable hearing, Republican PSC Commissioner Randy Pinocci (speaking in his personal capacity) and former Republican House Energy Committee chair Derek Skees spoke against the bill, decrying NorthWestern’s attempt to sideline a low-cost energy resource while asserting a need to build new power plants.

Another big win this session was killing **SB 353** (Sen. Walt Sales, R-Manhattan), NorthWestern’s “Right of First Refusal” for transmission projects bill. This bill would have meant that whenever any

developer tried to build a new transmission line to move clean energy to market, NorthWestern would be allowed to build and operate the line instead, only letting merchant transmission developers build and operate the line if NorthWestern refused. This would have greatly increased the costs to ratepayers by taking a competitive sector and handing it to a monopoly utility on a silver platter. Hats off to the Senate Energy Committee for voting that bill down.

Wins for clean energy end there, unfortunately. **SB 399** (Sen. Christopher Pope, D-Bozeman) would have established a framework for developers to build community solar projects. Despite extensive support from developers, climate groups, and Montana residents, this bill was tabled in committee.

Electric Vehicles Taxed

Electric vehicles (EVs), despite being a small fraction of cars on the road today, took an inordinate amount of the Legislature’s time as it tried to find a way to over-tax them for using the road system. Rep. Denley Loge (R-St. Regis) brought two bills, **HB 60** and **HB 55**, that will increase the cost of EV ownership for Montanans. **HB 60** adds an extra \$130 annual fee to existing registration fees for EVs, with an even higher additional fee of \$190 for electric trucks. This fee supposedly replaces the gas tax revenue that EV drivers don’t pay because they don’t buy gasoline. Although such EV fees are not unusual in the U.S., Montana’s is relatively high, especially for heavier vehicles.

Recognizing that Montana hosts more than a million tourists each year, some of whom will drive EVs, Rep. Loge sought to capture lost gas tax revenue from this group with **HB 55**. This bill establishes a 3¢ EV charging tax on public charging stations. The problem with a charging tax, however, is that it would mostly be paid for by Montana EV drivers who already pay high annual fees on top of existing registration fees. Rep. Loge’s original solution to this “problem” was having the Montana Department of Transportation (MDT) remit the tax to Montana drivers. This tax collection

and remission program would have cost more than \$2 million, not netting revenue for about five years.

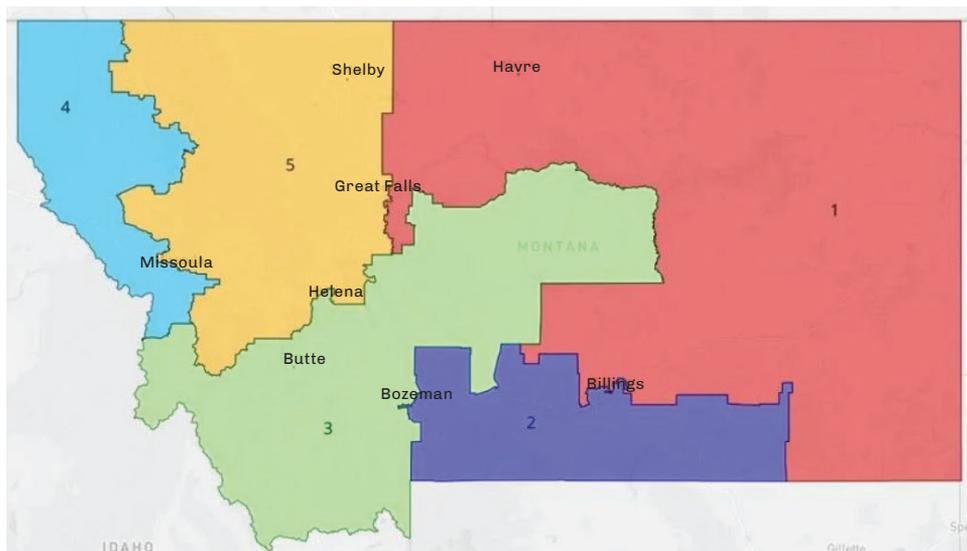
Ultimately, the Legislature decided that it would just be easier to tax EV drivers twice. Instead of MDT administering and remitting the tax to Montanans, NorthWestern Energy's lobbyist-turned-legislator, Rep. John Fitzpatrick (R-Anaconda) amended HB 55 to make utilities the tax collector through electric meters and eliminate the provision that protects Montana EV drivers from double-taxation. Additionally, his amendment gives utilities 0.25¢ of the 3¢ tax for every kilowatt-hour of EV charging for their trouble. Once again, the Legislature catered to its favorite customer-gouging monopoly utility.

Death to Local Control

In addition to undermining local control by passing **SB 208** and **SB 228** (see article on pg. 12), the Legislature also passed **HB 241** (Rep. Josh Kassmier, R-Fort Benton). HB 241 demonstrates how far the 2023 Legislature was willing to go to discourage clean energy. In 2022, the Montana Department of Labor and Industry passed new building codes that allow self-governing cities to voluntarily adopt a "solar-ready" building code. Under the new rules, local governments could require that new construction be designed and built in such a way that adding solar and EV charging stations would be a cheap, convenient, and efficient option for building owners. Despite the low cost and ease of implementation, the Legislature killed this new local government option that could save homeowners thousands of dollars over time.

The Legislature Does NorthWestern's Bidding

Rep. Josh Kassmier (R-Fort Benton) again did the bidding of fossil fuel interests by carrying **HB 220** on behalf of NorthWestern Energy. This bill creates



SB 109 establishes new PSC districts and cut every major Montana city into more than one district.

a special interim committee to suggest revisions to energy resource planning and acquisition laws despite the recent overhaul of the law and the PSC's adoption of implementing rules in late 2022. The 12-person committee will be made up of four Republicans, two Democrats, two utility representatives, one PSC representative, one Consumer Counsel advocate, one independent power producer, and one environmental organization. NorthWestern Energy will surely be using this committee to tee up more legislation in 2025 that decreases oversight of its resource supply planning and decisions regarding new power plants. **HB 284** (Rep. Jerry Schillinger, R-Circle) reinstates "preapproval," the process by which a utility can put power plants into the rate base before they are built and operating.

Public Service Commission

Finally, **SB 109** (Sen. Keith Regier, R-Kalispell) gerrymanders the PSC districts to all but ensure Republican control of the Commission. The bill splits every city into at least two different PSC districts in an attempt to water down the democratic base in most cities and provide more power to rural areas. One district covers all of southwestern Montana and continues northeast, far beyond the Great Falls area.

story continues on pg. 13

The Legislature Undermines Local Control for the Fossil Fuel Industry

by Anne Hedges

Three bills stand out this session for their direct attacks on local governments' authority to keep communities safe and healthy in the face of fossil fuel interests. Two bills prohibit local governments from limiting the use of petroleum products and gas, and the other deals with cryptocurrency and its voracious energy demand and its impacts in residential areas.

Propping Up Methane

Methane gas, often referred to as “natural” gas, is only natural when it remains underground. Once the gas is brought to the surface, the methane poses a risk to the health and safety of those living in the vicinity of gas systems. Methane is a highly volatile substance that warms the climate and releases harmful pollutants when it leaks or when it is combusted. Years of government data shows methane gas pipelines that carry gas from the oil field to our homes leak, often causing serious accidents and deaths each year. NorthWestern Energy's gas infrastructure is no exception. NorthWestern has 4,900 miles of gas pipelines across Montana, which leak at a rate of 9.7 leaks per 100 miles of pipelines. That is 475 leakages in the system, according to NorthWestern's recent report to investors.

Pipeline leakages are extremely dangerous. The Pipeline and Hazardous Materials Safety Administration keeps track of such incidents across the nation. Over the last 20 years, there have been more than 12,000 incidents resulting in the destruction of property and during that time more than 1,300 people have been injured or killed due to gas system accidents. Montana is no exception: in 2009, there was a methane gas leak in Bozeman that resulted in a deadly explosion.

The gas system also creates many harmful pollutants, exposure to which can cause asthma, lung infections, cardiovascular issues, and learning disabilities. These chemicals are regulated on the federal level because of their harmful impact on public health. Unfortunately, these pollutants are not regulated at the residential level unless state or local governments choose to do

so. That's why many communities across the country are prohibiting new development from having gas hookups. The national debate is in regards to the use of gas appliances in new buildings, but the Montana Legislature took it to the next level.

SB 228 by Sen. Jason Small (R-Busby) is breathtaking in its scope. The bill makes it illegal for local governments to “prohibit the purchase or use of petroleum fuels or the installation or use of any machinery, vehicles, vessels, tools, facilities, appliances, or equipment that burn or transport petroleum fuels.” In other words, local governments cannot limit the location of any company or operation that uses oil, gas, diesel, kerosene, propane or dozens of other petroleum-based chemicals. Local governments will have no say in the location of methane gas power plants or petroleum refineries, tank farms, gas stations, pipelines, trucks, etc. Local governments' hands will be tied even if a potentially dangerous operation wants to locate near a daycare or school.

SB 208, also by Sen. Small, prohibits the Department of Labor and Industry from including any language in the state building codes that bans or limits the use of any energy resources, e.g., methane gas. This bill also denies local governments any power to “prohibit or impede the connection” of any fossil fuel infrastructure in their jurisdictions. This precludes cities and counties from addressing the concerns of their constituents who want to take meaningful action on greenhouse gas emissions through stretch codes or regulations.

Cryptocurrency Unregulated

The other bill that undermines local control to the benefit of the fossil fuel industry deals with cryptocurrency operations and their voracious appetite for electricity to run their souped-up computers, known as miners. **SB 178** (Sen. Daniel Zolnikov, R-Billings) will prevent the taxation of cryptocurrency as well as prevent local governments from enacting regulations to protect residents from the noise and operation of existing cryptocurrency facilities in residential areas, even if the operation expands. 🐦

SB 232: A Good Step Towards Government Accountability

by Derf Johnson

MEIC frequently uses Montana's Constitution and laws in order to effect positive change. Beyond the Constitutional right to a clean and healthful environment, Montanans are also guaranteed the right to participate in governmental decision-making and to inspect government documents. These rights are part and parcel to MEIC's work in holding the government and industry accountable for impacts to our environment.

MEIC has successfully used Montana's robust "right to know" law on countless occasions, and is one of the lead organizations in defending and championing this right. However, one of the major problems associated with this constitutional right (and corresponding set of statutes) is that, until recently, the government did not have to provide public documents by an established deadline. Instead, the government had to provide documents in a "timely" manner, an ambiguous and subjective term which often led to large delays in receiving critical information that would have, for example, assisted the public in better understanding a potential permit approval in advance of a comment deadline or public hearing.

Thankfully, Sen. Janet Ellis (D-Helena) recognized this problem and brought forth SB 232, a bi-partisan

change to Montana's right-to-know law that received overwhelming support and that requires the executive agencies of Montana government comply with deadlines when they receive information requests (five days for easy requests, 60 days for more complex requests). This accountability tool will help to assure that Montanans receive information within a time period that is appropriate and useful.



More often than not, the timely receipt of public documents is a critical component of public engagement and understanding; a delay in access to documents diminishes our right to know and participate.

MEIC would like to thank Sen. Ellis for her tireless work in getting this legislation passed, as well as her decades of work on behalf of Montana, our Constitution, and our environment. 🌿

Clean Energy Bills *(continued from pg. 11)*

Good Study Bills That Died

Unfortunately, two good interim study resolutions failed to make it across the finish line. HJ 36, (Rep. Steve Galloway, R-Great Falls) requested an interim committee study emerging energy markets that are developing in the Western U.S. as well as the transmission system that is needed to carry power from Montana to other states. This bill was strongly supported by MEIC because developing energy markets are crucial to decarbonizing the electricity system. The bill failed when the Senate adjourned the session before it had a hearing. The second resolution, HJ 40 (Rep.

Dave Fern, D-Columbia Falls), was defeated despite unanimous support from the PSC. The resolution requested an interim legislative committee study the impact that cryptocurrency has on the energy system and how the state could minimize those impacts during times of peak energy demand. Nearly all types of cryptocurrency operations require enormous amounts of electricity to run the machines, which can be a significant problem when electricity supplies are tight, causing higher energy costs for residential and commercial businesses. Hopefully, both issues will still be studied by an interim committee. 🌿

MEIC Goes to Court to Protect Northwest Montana Water from Selenium Pollution

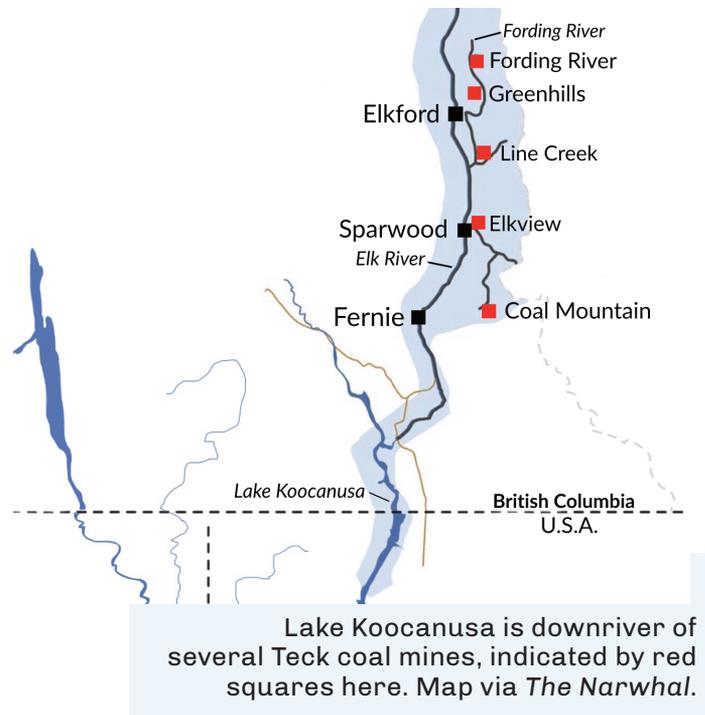
by Derf Johnson

Massive metallurgical coal strip mines in British Columbia's Elk Valley, owned and operated by Teck Coal, are causing pollution runoff from the mine sites into adjacent waterways, including dangerous levels of selenium. Ultimately, this pollution enters the Kootenai River, which flows into Montana and forms Lake Koocanusa. Over the past decade, selenium levels in the Kootenai River and Lake Koocanusa have continued to rise, impacting Montana's world-class fishery. The Bullock Administration recognized the problem, and its Board of Environmental Review (BER) conducted a rulemaking which established a site-specific selenium standard of 0.8 micrograms per liter for Lake Koocanusa in an attempt to address the problem. These rules were the product of a multi-year effort among state agencies, Tribes, and local organizations, and finalized in December 2020.

Enter Gov. Greg Gianforte.

Gov. Gianforte appointed a majority of the newest members of BER, who overwhelmingly represented current and former industry lobbyists and employees (fox, meet hen). The new BER responded to a Teck Coal petition to throw out the standard by conducting a short process known as a "stringency review," where the rule is compared to federal standards to determine if it is more stringent. If so, the state must justify that increased stringency. The Montana Department of Environmental Quality (DEQ) – even with a Gianforte-appointed director – strongly disagreed with the attempt to roll back selenium standards and opposed the change throughout the BER process. Nevertheless, BER sided with Teck, ruling that the selenium standards were invalid and DEQ had to conduct a new rulemaking. Setting aside the serious, substantive problems associated with this BER ruling, it was also well outside BER's jurisdiction and statutory authority to order DEQ to revise the selenium rule because the 2021 Legislature passed a bill by Sen. Duane Ankney that eliminated BER's authority to make rules.

In fact, the order issued by BER went so far as to prompt DEQ to file a lawsuit in Montana District



Court against BER for ordering it to revise the standard. DEQ is essentially arguing (correctly) that it alone has the jurisdiction and authority to conduct a rulemaking, and cannot be ordered by BER to do so. To rephrase, what we have is an administrative body, which serves administratively under the DEQ, being sued by its own department. An executive agency of Gov. Gianforte suing a Gianforte-appointed board. What a cluster.

Unfortunately, DEQ has only challenged the authority of the BER to order DEQ to conduct a rulemaking, not the underlying finding by BER that the site-specific selenium standard was more stringent than federal law. Based upon this failure, **MEIC** and our partners have also taken BER to court to challenge both BER's faulty directive to DEQ and BER's determination that Montana's selenium standard is more stringent than federal law.

Importantly, the U.S. Environmental Protection Agency (EPA) has established a national selenium standard of 1.5 micrograms per liter that states must comply with in order to protect beneficial uses of waterways. However, EPA also recognized that the one-size-fits-all standard would not be appropriate

story continues on pg. 26

Coal Mining's Last Gasp at the Legislature?



Image via NBC Montana.

by Derf Johnson

As the United States and the world continue to shift to cleaner, more affordable energy sources, Montana policy-makers continue to live in a vacuum, seemingly immune to external realities that challenge their assumption that coal will continue to be a linchpin for decades. But this is contrary to reality, both here in Montana and around the world. Case in point: according to recently released numbers by the U.S. Energy Information Administration, renewable energy has now surpassed coal in terms of electricity generation. Coal-fired generation accounted for 20% of the electricity generation in 2022, a stark decline from 23% in 2021, while renewable energy rose to 21% of the overall electricity mix. These significant changes all occurred before major, landmark changes to electricity production kick in under the Inflation Reduction Act. All credible projections continue to show an exponential growth in renewables and a long-term, structural decline in coal.

Meanwhile, in the Montana Legislature, the coal lobby continues to exert a disproportionate influence at the expense of our environment, agriculture, and a clean energy economy. In particular, the coal industry successfully pushed three bills through the Legislature that attempt to weaken water quality, environmental protections, and citizen accountability for an industry in free-fall. These changes may buy a few more hours for an industry that is on life support but ultimately will not change the trajectory of the energy industry. Unfortunately, they will likely leave lasting damage as the coal industry goes into the sunset.

The most problematic bill, **HB 576** (Rep. Rhonda Knudsen, R-Culbertson) weakens the requirement for coal mining operations to protect water quality outside of the permit boundary. The legislation would purportedly allow for coal mines to violate water

quality standards, provided that they don't cause a "long term or permanent exceedance" of water quality standards. Conveniently, "long term" is not defined, and the coal industry is undoubtedly going to argue for a dramatically extenuated timeline in which they can violate the law without repercussion. The bill also attempts to require that water quality standards are tied to a pre-mining "baseline" of water quality standards, but then goes on to exempt the government from having to actually establish the baseline in advance of issuing a permit. It defies common sense (and likely federal law) to tie pollution standards to a baseline water quality standard and then not actually require that the baseline be established.

Not to be outdone, Sen. Steve Fitzpatrick (R-Great Falls) successfully passed **SB 392**, "loser pays" legislation in coal mining permit appeals. Billed as legislation that inserts "fairness" into the permit appeals process, the legislation is anything but. If a party (e.g., non-profit, landowner, etc.) should lose a legal challenge against a coal company, the party would potentially be required to pay the attorneys' fees of the adverse party. While this may seem like an issue of fairness on its face, this legislation actually means to prevent any legal challenges from being brought against coal companies for their bad behavior. This is because the legal fees that coal companies could accrue in potentially defending an environmental suit could be very significant, and a small nonprofit (such as **MEIC**) or landowners would likely be unwilling to take on the significant risk in having to pay a massive attorneys' fee bill from a team of expensive, high-priced lawyers and experts, should they lose (even on a technicality). Thankfully, this legislation conflicts with federal law and is unlikely to be approved by the U.S. Office of Surface Mining.

Finally, Rep. Gary Parry (R-Colstrip) passed **HB**
story continues on pg. 21



Sustainable Communities and the 2023 Legislature

by Ann Schwend

Montana's accelerated growth spurred a record number of bills at the 2023 Legislative Session. Unfortunately, the primary focus was how to build more homes quickly, not sustainably. **MEIC's** work on sustainable communities means we lobbied on bills that don't seem to have an overt connection to environmental issues on the surface, but their implications are significant for water resources, energy efficiency, habitat, and climate impacts. (Learn more about this connection in the article on pg. 22.)

Many bills this session focused on the idea that if the government gets out of the way (regulatory reforms) then developers can build large custom homes at will and free up less expensive homes for everyone else. This concept of "trickle-down housing" does little to solve the crisis that Montana is currently facing. The gap between affordable homes and median wages just doesn't line up; with median household incomes in Montana around \$57,000 and median home prices in many of Montana's cities exceeding \$400,000, housing is unaffordable for most Montana residents. Not only that, but the number of people moving to Montana is not slowing down.

Skirting Subdivision Environmental Reviews

Proponents for expediting development advocated to greatly reduce, eliminate, or outsource local or state agency oversight of subdivision review to purportedly reduce bottlenecks and address the housing crunch. While there is always room for improvement, expanding the loopholes (**HB 642**, Rep. Casey Knudsen, R-Malta) or exemptions for family transfer (**SB 158**, Sen.

Jason Ellsworth, R-Hamilton), or exempting more development from environmental review (**SB 152**, Sen. Forrest Mandeville, R-Columbus) doesn't guarantee home affordability. Fortunately, **HB 642** did not pass, but the other bills have been signed by the Governor. Truly affordable homes are built within proximity to regulated public services (e.g., sewer, water, existing roads), where residents can readily access community amenities, not on one-acre parcels in subdivisions outside of town.

Zoning Reforms

Another popular approach was zoning reform, particularly in fast-growing municipalities. Zoning reform can have huge impacts on where and how housing is built and can mean the difference between climate-friendly infill utilizing existing infrastructure or climate-damaging sprawl relying on septic systems and individual wells, which increases the strain on electricity, habitat, and water resources.

A number of bills targeted increased density in urban areas, including allowing accessory dwelling units (ADUs), multifamily housing, or mixed-use developments. As an environmental organization, **MEIC's** priority is to discourage unsustainable sprawl which has significant environmental impacts (see article on pg. 22). **MEIC** supported some of these bills, but it was difficult to find a comfortable balance between supporting zoning reform that would allow increased density near existing public utilities and overriding local decision-making.

Comprehensive Planning

The Montana Land Use Planning Act (**SB 382**, Sen. Forrest Mandeville, R-Columbus) was one of the



biggest bills of the session in regard to changing land use planning processes. This bill is the result of a self-selected interim working group, led by the League of Cities and Towns with input from the Local Government Interim Committee. It excluded participation by environmental interests which resulted in a number of serious flaws in the bill. The concept behind the bill is to fundamentally change the way communities approach the planning process, trying to create a robust public process at the outset and then treat zoning and subdivision review as an administrative process after the community has identified appropriate growth densities, types, and locations. **MEIC** supported the bill when it was first introduced; however, as the bill wove its way through legislative committees, counties were exempted. This meant that the bill no longer applied to those areas most subject to sprawl and that would most benefit from increased planning. This and other problematic sections regarding public notice and participation during the subdivision review phases raised serious concerns. Despite attempts to amend it, the bill passed, and select cities will have up to five years to comply, so there will be time and, hopefully, room for improvement.

Paving the Way for Housing

“Affordable housing” was the most common reason cited by those supporting pro-development bills. If a bill could be loosely tied to affordable housing, it was a free-for-all. In the end, the number of bills passed that will directly or indirectly reduce the cost to homeowners or renters was woefully disappointing, with most of the remaining ideas piled into **HB 819** (Rep. Paul Green, R-Hardin) like an overloaded wagon as everyone scrambled to leave town in the last few moments of the session. While some of the individual pieces that were strapped onto HB 819 may be helpful to increase the supply of housing, few of the original affordability provisions were included in the final bill.

HB 825 (Rep. Mike Hopkins, R-Missoula),

the Montana Home Ownership Means Economic Security (HOMES) bill, was a failed attempt by the Governor to provide \$200 million in targeted infrastructure investments. Eventually, HB 819 was amended to incorporate \$107 million for infrastructure and a minimum density requirement of 10 units per acre. HB 819 also made \$56 million dollars available through newly established Community Reinvestment Organizations as revolving loans for down payment assistance on deed-restricted properties for low-to-moderate income households. Finally, there was a bipartisan effort that added \$50 million into the Coal Trust Multi-family Homes Program to support affordable housing projects.

There were a number of bills introduced to provide loans, tax rebates, or credits to support existing and new housing developments. Many of these had affordability criteria, either in terms of income or property tax rebates for owners to rent at below market rates; however, none of these bills made it across the finish line. There were a couple of unsuccessful attempts at workforce housing incentives or expanding the elderly homeowner tax credits; these bills would have been helpful, but unfortunately nothing was passed that would have invested some of the budget surplus to community organizations working to build and maintain long term affordable homes. Economically stable and successful communities need a range of housing options to accommodate a suite of needs.

Hopefully, the interim will provide more opportunities to examine the causes of Montana’s housing challenges rather than a scattershot approach to developing solutions to a multi-symptomatic problem. Montana needs more homes in environmentally appropriate areas with adequate infrastructure and in a moderate price range. Effective solutions will require a multifaceted approach rather than just “cutting red tape,” enacting zoning reform, and weakening subdivision review requirements. 🌿

2023 MEIC Voting Scorecard

MEIC's Legislative Voting Record has provided objective, factual information about the most important environmental legislation of all members of the Montana Senate and House of Representatives for every session since 1974. This year's legislative scorecard includes critical votes on

fossil fuels, land use planning, water quality, climate change, environmental policy, and clean energy.

For more information about each legislator's votes and the 17 bills we scored, visit our website: www.meic.org/bill-tracker/#/legislators/statescorecard

VOTES SCORED

HB 170: Repeal the State Energy Policy

MEIC position: Oppose

Votes used:

House - 3rd Reading Passed, 1/23/2023

Senate - 3rd Reading Concurred, 3/15/2023

HB 211: Cut the public out of the subdivision review process

MEIC position: Oppose

Votes used:

House - 2nd Reading Passed, 1/30/2023

Senate - 2nd Reading Concurred, 3/28/2023

HB 220: Establish a partisan committee on "energy resource planning and acquisition"

MEIC position: Oppose

Votes used:

House - 2nd Reading Passed, 3/27/2023

Senate - 2nd Reading Concurred as Amended, 4/18/2023

HB 241: Ban solar- and EV-ready building codes

MEIC position: Oppose

Votes used:

Senate - 3rd Reading Concurred, 4/18/2023

House - 2nd Reading Senate Amendments Concurred, 4/27/2023

HB 284: Legalize NorthWestern's ability to have power plants pre-approved by the PSC

MEIC position: Oppose

Vote used:

House - 3rd Reading Passed as Amended by Senate, 4/14/2023

HB 576: Weaken water protections for Montana coal mines

MEIC position: Oppose

Votes used:

House - 2nd Reading Free Conference Committee Report Adopted, 4/28/2023

Senate - 2nd Reading Free Conference Committee Report Adopted, 4/29/2023

HB 656: Allow coal mine expansions with limited environmental analysis and no public review

MEIC position: Oppose

Votes used:

House - 3rd Reading Passed, 3/2/2023

Senate - 2nd Reading Motion to Amend Failed, 4/17/2023

HB 971: Prohibit DEQ from considering climate impacts

MEIC position: Oppose

Votes used:

House - 2nd Reading Passed as Amended, 4/21/2023

Senate - 2nd Reading Concurred as Amended, 4/27/2023

SB 109 - Create gerrymandered PSC districts

MEIC position: Oppose

Votes used:

Senate - 2nd Reading Passed, 3/2/2023

House - 2nd Reading Concurred, 4/14/2023

SB 158: Add more exemptions to the Subdivision Law

MEIC position: Oppose

Votes used:

Senate - 3rd Reading Passed, 1/25/2023

House - 2nd Reading Concurred, 4/5/2023

SB 208: Prohibit local governments from protecting public health and the climate through building codes

MEIC position: Oppose

Votes used:

Senate - 2nd Reading Passed, 3/1/2023

House - 3rd Reading Concurred, 4/13/2023

SB 228: Prohibit local governments from protecting public health, safety, and the climate by regulating methane gas infrastructure

MEIC position: Oppose

Votes used:

Senate - 3rd Reading Passed, 3/2/2023

House - 3rd Reading Concurred, 4/13/2023

SB 240: Eliminate environmental assessments for certain subdivisions

MEIC position: Oppose

Votes used:

Senate - 2nd Reading Passed, 2/22/2023

House - 2nd Reading Concurred, 4/5/2023

SB 285: Exempt developments from evaluating water impacts

MEIC position: Oppose

Votes used:

House - 2nd Reading Concurred as Amended, 4/4/2023

Senate - 3rd Reading Passed as Amended by House, 5/1/2023

SB 392: Restricting access to justice in the court system

MEIC position: Oppose

Votes used:

Senate - 2nd Reading Passed, 2/28/2023

House - 3rd Reading Concurred, 4/18/2023

SB 524: Tax nonprofits for holding government accountable through litigation

MEIC position: Oppose

Vote used:

Senate - 2nd Reading Motion to Amend Failed, 4/3/2023

SB 557: Weaken MEPA and impose a "pay to play" system

MEIC position: Oppose

Votes used:

House - 3rd Reading Concurred, 4/24/2023

Senate - 2nd Reading House Amendments Concurred, 4/26/2023



How did your legislators do?



Senator	Town	Score
Bartel, Dan	Lewistown	0%
Beard, Becky	Elliston	0%
Bogner, Kenneth	Miles City	0%
Boldman, Ellie	Missoula	88%
Brown, Bob	Trout Creek	0%
Cuffe, Mike	Eureka	6%
Curdy, Willis	Missoula	100%
Dunwell, Mary	Helena	100%
Ellis, Janet	Helena	100%
Ellsworth, Jason	Hamilton	0%
Emrich, Daniel	Great Falls	0%
Esp, John	Big Timber	6%
Fitzpatrick, Steve	Great Falls	0%
Flowers, Pat	Belgrade	88%
Fox, Mike	Hays	94%
Friedel, Chris	Billings	0%
Fuller, John	Kalispell	0%
Gillespie, Bruce	Ethridge	12%
Glimm, Carl	Kila	0%
Gross, Jen	Billings	100%
Hayman, Denise	Bozeman	100%
Hertz, Greg	Polson	0%
Hinebauch, Steve	Wibaux	0%
Kelker, Katherin	Billings	94%
Lang, Mike	Malta	6%
Lenz, Dennis	Billings	0%
Lynch, Ryan	Butte	82%
Mandeville, Forrest	Columbus	0%
Manzella, Theresa	Hamilton	0%
McClafferty, Edith	Butte	100%
McGillvray, Tom	Billings	0%
McKamey, Wendy	Great Falls	6%
Molnar, Bradley	Laurel	24%
Morigeau, Shane	Missoula	94%
Noland, Mark	Bigfork	0%
O'Brien, Shannon	Missoula	94%
Olsen, Andrea	Missoula	100%
Pope, Christopher	Bozeman	88%
Regier, Keith	Kalispell	0%
Sales, Walt	Manhattan	6%
Salomon, Daniel	Ronan	0%
Small, Jason	Busby	6%
Tempel, Russel	Chester	19%
Trebas, Jeremy	Great Falls	0%
Usher, Barry	Billings	0%
Vance, Shelley	Belgrade	6%
Vermeire, Terry	Anaconda	0%
Webber, Susan	Browning	94%
Welborn, Jeffrey	Dillon	18%
Zolnikov, Daniel	Billings	6%

Representative	Town	Score
Abbott, Kim	Helena	88%
Anderson, Fred	Great Falls	0%
Barker, Brad	Roberts	0%
Baum, Denise	Billings	88%
Bedey, David	Hamilton	0%
Bergstrom, James	Buffalo	6%
Bertoglio, Marta	Clancy	6%
Binkley, Michele	Hamilton	0%
Bishop, Laurie	Livingston	94%
Brewster, Larry	Billings	0%
Brockman, Tony	Kalispell	0%
Buckley, Alice	Bozeman	81%
Butcher, Edward	Winifred	0%
Buttrey, Edward	Great Falls	0%
Caferro, Mary	Helena	94%
Carlson, Jennifer	Manhattan	6%
Carter, Robert	Missoula	88%
Cohenour, Jill	East Helena	94%
Deming, Lee	Laurel	25%
Dooling, Julie	Townsend	13%
Duram, Neil	Eureka	6%
Essmann, Sherry	Billings	6%
Etchart, Jodee	Billings	0%
Falk, Terry	Kalispell	0%
Fern, Dave	Whitefish	69%
Fielder, Paul	Thompson Falls	0%
Fitzgerald, Ross	Power	0%
Fitzpatrick, John	Anaconda	0%
France, Thomas	Missoula	88%
Frazer, Gregory	Deer Lodge	0%
Galloway, Steven	Great Falls	0%
Gillette, Jane	Bozeman	0%
Gist, Steve	Cascade	0%
Green, Paul	Hardin	0%
Gunderson, Steve	Libby	0%
Hamilton, Jim	Bozeman	94%
Harvey, Derek	Butte	63%
Hastings, Naarah	Billings	13%
Hawk, Donavon	Butte	69%
Hellegaard, Lyn	Missoula	0%
Hinkle, Caleb	Belgrade	6%
Hinkle, Jedediah	Belgrade	6%
Hopkins, Mike	Missoula	0%
Howell, SJ	Missoula	88%
Jones, Llewelyn	Conrad	0%
Karlen, Jonathan	Missoula	81%
Kassmier, Joshua	Fort Benton	0%
Keenan, Bob	Bigfork	0%
Keogh, Connie	Missoula	88%
Kerns, Scot	Great Falls	0%

Representative	Town	Score
Kerr-Carpenter, Emma	Billings	81%
Kmetz, Greg	Miles City	0%
Knudsen, Casey	Malta	6%
Knudsen, Rhonda	Culbertson	0%
Kortum, Kelly	Bozeman	88%
Ler, Brandon	Savage	0%
Loge, Denley	Saint Regis	0%
Lynch, Jennifer	Butte	63%
Malone, Marty	Pray	6%
Marler, Marilyn	Missoula	88%
Marshall, Ron	Hamilton	0%
Matthews, Eric	Bozeman	88%
Mercer, Bill	Billings	13%
Miner, Russel	Great Falls	0%
Mitchell, Braxton	Columbia Falls	0%
Moore, Terry	Billings	0%
Nave, Fiona	Columbus	0%
Nicol, Nelly	Billings	0%
Nikolakakos, George	Great Falls	19%
Oblander, Greg	Billings	6%
Parry, Gary	Colstrip	0%
Phalen, Bob	Lindsay	0%
Read, Joe	Ronan	0%
Regier, Amy	Kalispell	0%
Regier, Matt	Kalispell	0%
Reksten, Linda	Polson	0%
Romano, Melissa	Helena	88%
Running Wolf, Tyson	Browning	81%
Rusk, Wayne	Corvallis	0%
Schillinger, Jerry	Circle	0%
Seekins-Crowe, Kerri	Billings	0%
Sheldon-Galloway, Lola	Great Falls	0%
Smith, Frank	Poplar	81%
Smith, Laura	Helena	75%
Smith, Tanner	Lakeside	6%
Sprunger, Courtenay	Kalispell	0%
Stafman, Ed	Bozeman	81%
Stewart-Peregoy, Sharon	Crow Agency	81%
Sullivan, Katie	Missoula	88%
Thane, Mark	Missoula	81%
Tuss, Paul	Havre	81%
Vinton, Sue	Billings	6%
Walsh, Kenneth	Twin Bridges	0%
Weatherwax, Marvin	Browning	85%
Welch, Tom	Dillon	0%
Windy Boy, Jonathan	Box Elder	75%
Wirth, Zachary	Wolf Creek	0%
Yakawich, Michael	Billings	0%
Zephyr, Zooley	Missoula	87%
Zolnikov, Katie	Billings	0%

Inside and Out: Member Advocacy During the 2023 Session

by Katy Spence and Melissa Nootz

It's **MEIC**'s first session with a fully-dedicated advocacy team, and what a difference it makes! During 2021, our **MEIC** team (and everyone else) was learning what a pandemic session looked like. It was new, but we made it through together.

This year, our team was staggered by the work of our members and the degree to which you hung in there with us and supported us. When we shared information about different ways to advocate before the session, there were a variety of options, any of which would have been impactful on its own. But you all showed up again and again, for **MEIC** and for the environment – thank you.

Online Advocacy

Our online Bill Tracker and Action Center continues to be popular for new and seasoned **MEIC** supporters alike. This session, **MEIC** featured 54 bills on our tracker (with many more being tracked behind the scenes). We had 74 actions that resulted in 87,000 emailed messages from more than 800 people in 32 counties.

And this doesn't even count those messages and phone calls through the Legislature's web messaging tool and official phone line, which you can view online: https://leg.mt.gov/bills/2023/reports/messaging_bill_report.pdf

An average of 53 people joined our online legislative update call each week, and we emailed 38 newsletters and action alerts were delivered to thousands of people through the session. Social media followers shared our online posts and updates to further our reach.

In the Papers

When we offered to work with you on Letters to the Editor and Opinion Editorials, you all delivered. We helped edit dozens of opinion pieces for submission and publication around the state, and we saw many more that our members submitted independently (see

image below). These crucial pieces help people and legislators in your community know what they should be paying attention to!

What impressed us is that many of these pieces didn't need much in the way of editing or input from **MEIC** – many members are elevating their advocacy on their own, and we love to see it.

Testimony

If you weren't engaging online, you were showing up in person. **MEIC** staffers were in countless hearings this session, and they were made all the better when we were in the company of members and allies.

Notable examples include the hearings for SB 557 and HB 971, the two horrible MEPA bills. Opponents outnumbered proponents in these hearings 10-1, even with very little prior notice.

Testimonies were expertly crafted, timely, direct, and heartfelt. **MEIC** members got the facts clearly

Letter to the editor: Legislature hamstrings local governments

Montana BER, a Governor-appointed Board, caters to a foreign mining company

Nick Shrauger: Legislature needs basic knowledge about EVs before regulating them

Regressive energy policy hurts Montana

Help the climate, not fossil fuels

Mae Nan Ellingson: The right to a clean and healthful environment is our legacy to future generations

stated and personal impacts related even while under time constraints. Even when hearings were scheduled and rescheduled, you showed up on these and other bills, sticking it out for long hearings and tedious Q&A.

Legislative Fundraising

Of course, one important way to engage in the session is ensure that **MEIC** is funded to do so! This year, our Legislative fundraising goal was \$20,000, and our generous supporters (like you!) donated almost \$30,000. Thank you!

These funds helped pay our staff salaries working long nights and weekends of the session, as well as supported our communications work. Our work doesn't end at *sine die*, and this support will fund all the work that arises because of this session.

Now That It's Over

Now that the session is over, **MEIC** staff is taking a break, and we hope you are, too. This session was hard – one of the hardest our staff can remember. Heartless bills, tactless legislators, and outright attacks on democracy can make it feel like nothing is safe. On top of that, climate and environmental work is highly prone to burnout, so we've found some advice and resources to help you recover.

- **Take time to rest.** The constant *go-go-go* of the session is unhealthy and unsustainable. Our staff is taking time to be outdoors, sleep in, play with our families and pets, and work in our gardens – we hope you have some restorative time planned, too.
- **Consume affirming content.** Sometimes, nothing helps more than hearing that someone else knows what you're going through, whether it's advocacy fatigue, climate grief, or frustration with inaction. Check out our staff recommendations for content that we recommend: www.meic.org/staff-picks
- **Spend time with loved ones outside.** It's important to remember why we do the work: to ensure a livable world for this and future generations. Recreating or being outdoors is good for the body and the soul, and it helps us stay centered when things are tough or tiring.

During the session, nothing was quite as affirming to our team as seeing **MEIC** members tenaciously and repeatedly taking actions both inside and outside the Capitol. We are grateful to be in this work together and couldn't do it without each of you. There will be more work to be done, but until then, we hope you are able to take a breath, hug a loved one, and eat something delicious. 🌿

Coal Mining Bills (continued from pg. 15)

656, a bill that would allow for coal mine expansions under 320 acres to avoid environmental assessments and a public process by defining such expansions as a “minor amendment.” Typically, coal mine expansions must go through a “major amendment” process, which includes stringent environmental review and public engagement processes. This bill would allow for expansions to evade environmental review and a public comment process, and make certain expansions a simple administrative step at the Montana Department of Environmental Quality (DEQ). What's more, the language in the bill does not prohibit multiple, repeated minor amendments from being authorized by DEQ, so that the coal mine operator can evade the 320-acre limit on a single expansion and avoid considering the

cumulative impacts of one or more expansions.

In truth, coal mining is taking its last gasps here in Montana and around the world. While clean energy won't replace coal-fired power and mining overnight, the transition is already well underway. It would have been prudent for Montana Legislators to recognize this reality; they could have taken action to help workers during an energy transition and to protect Montana's clean water, climate, and agricultural industry from an industry with a very limited shelf life. Instead, the Legislature chose to weaken laws and to allow for the industry to leave degradation and pollution on the way out the door. Maybe, just maybe, 2025 will be a different story. 🌿

Housing is an Environmental Issue

by Ann Schwend

As Montana grapples with how to address its ongoing housing crisis, it is important to connect the dots between how responsible planning can protect our climate and how quality and affordable housing can impact our environment.

There are environmental costs of developing homes and communities at greater and greater distances from city centers, work, schools, and utilities. Cities should be designed to accommodate and safely house more people in less space, which helps conserve community resources and maintain open space, wildlife habitat, and clean water. Low density sprawl is expensive to build and maintain, increases carbon emissions, requires more energy and has a direct impact on the right to a clean and healthful environment for all Montanans.

What's Infill and How is it a Climate Issue?

As an environmental organization, **MEIC's** priority is to discourage sprawl, while simultaneously supporting incentives to appropriately increase infill and density in urban areas. Infill can be a controversial topic, because it refers to increasing the amount of people living in urban spaces. This often manifests as adding apartments, accessory dwelling units (ADUs), or multi-family units like duplexes in areas traditionally filled with single-family homes.

Some who support climate action might be uncertain about infill, as they worry about how it may impact the character of their neighborhood and property values. Not only is infill sometimes resisted by existing neighborhoods, some developers feel that restrictive municipal zoning regulations and smaller project sizes can make the return on urban investments less attractive. In addition, the lack of available housing stock and building locations has pushed many workers to move to more affordable areas outside existing urban centers, often requiring them to commute into work.

Accommodating a growing population while maintaining open space and providing homes for people to live closer to work is vital for reducing sprawl, decreasing vehicle emissions, and building



Some home inspections include technology that can detect where energy is lost and how a home's efficiency can be increased.

sustainable communities. When new homes and buildings are built on undeveloped land, there are cascading consequences: roads must be created and maintained; sewer, water, and electricity infrastructure must be increased or homes will have to rely on wells and septic systems; school buses must venture out farther; residents increasingly rely on automobiles; and wildlife habitat and farmland is lost. Low density sprawl increases emissions and is a strain on taxpayers, electricity transmission, and water and wastewater management.

Carving out small parcels of land for “green acres”-style living outside of cities creates challenges in the wildland urban interface, including infringing on wildlife habitat and increasing wildfire risk, changing the hydrology of our valleys, and consuming valuable farmland and open space that is important for the future stability of our ecosystems. Sprawling into the hinterlands is not an ecologically sustainable growth pattern; once it is developed, it is extremely difficult to go back. Thus, it is critical to consider the cumulative economic, social, and ecological costs of spreading out and how to encourage more development to occur within existing urban areas.

What one community does – or does not do – in terms of zoning reform impacts a larger area than just what has been zoned, creating a statewide problem that may require a statewide solution. **MEIC** is a strong

advocate of local decision-making, but if some of the most impacted and fastest growing communities do not have the political will to adapt zoning reforms to allow for increased density, then new homes will be built on the outskirts or in bedroom communities. This pushes commuters into the surrounding communities, fracturing the connection between where they live and where they work.

Proactive and Cumulative Planning

Current land use planning approaches tend to be reactive and compartmentalized, rather than proactive and cumulative. Cities and counties are required to have growth policies and update them every five years, but these plans can become outdated if they aren't updated regularly and neighboring jurisdictions don't coordinate. In most cases, cities and counties each have their own planning departments, creating a piecemeal approach to many fast-growing regions rather than a coordinated vision for long term sustainable development practices.

In counties, subdivision review often occurs as each project is proposed, with the level of environmental scrutiny and public involvement dependent on the number of proposed lots in a project. Unfortunately, this individualized review process can gloss over the cumulative impacts of multiple projects, especially in regard to water resources.

How Housing Fits In

MEIC's long history of working on energy issues has always included a focus on energy efficiency, affordability, and generation. Residential buildings are a key component of how Montana can take meaningful climate action and ensure that its residents have safe, comfortable, and affordable places to live.

Buildings account for almost one-third of global carbon emissions. In the U.S., 43% of total energy use is for heating and cooling buildings, and the residential and commercial sectors are responsible for about 13% of greenhouse gas emissions. It's critical that buildings are designed to be as energy efficient as possible from the start.

Energy-efficient building codes and regulations help reduce energy use in new and renovated buildings. Requirements for improved insulation, energy-efficient windows, and better HVAC systems can reduce the amount of energy used in a building. In turn, this results in lower energy costs over the lifetime of the building or home, and reduced indoor air pollution and climate-changing pollution.

Quality, affordable housing located in urban areas represents an intersection between environmental advocacy and equity that is vital for Montana. With a better understanding and a more comprehensive approach to planning, Montana can work toward sustainable communities that are good for people, wildlife, water, and the climate. 🌿

Farewell, Ian and Matthew!

by Anne Hedges

After working with MEIC for nearly 1.5 years, Ian Lund is returning to Vermont to work on energy policies at the state level. We'll miss his energy, enthusiasm, and policy smarts (and his adorable dog!). Thanks for working with us, Ian!

MEIC is lucky to have exceptional legislative assistants, and this year was no different. Matthew Passini brought a levity and willingness to work to MEIC. His testimonies were strong and his jokes



were groan-worthy. Thanks for dedicating your time, energy, and humor to helping us get through the session. 🌿

EPA Rules To Limit Coal's Impacts: The Good, Bad, and Mediocre

by Anne Hedges

The U.S. Environmental Protection Agency (EPA) is finally releasing draft rules to reign in the numerous harmful impacts of coal-fired power plants such as the Colstrip plant and the Hardin Generating Station. Four newly proposed rules will help ensure that the price of coal reflects its true cost on public health and the environment, including the climate; two of these may impact Montana. However, these are proposed rules that still need to go through the public participation process, Congressional opposition, and the courts ... so how soon they will have an impact – if ever – remains to be seen. But they are all a step in the right direction, even if some are weak or contain serious flaws.

Greenhouse Gas Emissions

The first rule would limit greenhouse gas emissions from all coal and some gas-fired power plants. These power plants are the largest stationary sources of greenhouse gas emissions, which remain stubbornly high despite overwhelming knowledge of their dangers. EPA unsuccessfully tried to regulate these emissions under Pres. Barack Obama, and Pres. Donald Trump's EPA adopted a fake rule which was struck down in federal court. Now it's Pres. Joe Biden's turn, and his proposed rules are a just baby step in the right direction.

The rules, which aren't expected to be finalized until

mid-2024, would immediately apply to any new coal-fired power plant or methane gas-fired plant over 300 megawatts. Existing power plants would face a phased-in approach starting in 2030. The rules are incredibly complex and contain many tiers for compliance that are based upon time, technology, and annual operations levels. Unfortunately, the rules rely heavily on each state developing its own plan to implement them for existing sources such as the Colstrip plant. Each state will have two years after the rule is adopted to create a state compliance plan. These plans will certainly be a serious point of contention in states such as Montana, where state agencies have a long history of ignoring science, technology, and sometimes federal law when it comes to fossil fuels.

Two hundred gigawatts of existing coal plants would be subject to the new regulation, which is based on when the plant will retire. If a plant is slated to retire before 2032, it will face no regulation. Approximately 70 gigawatts of coal-fired capacity fits under this category. If the plant will operate into the 2030s, it must co-fire with 40% methane gas. If a plant is scheduled to operate into the 2040s – such as the Colstrip plant – then 90% of the carbon dioxide emissions must be captured and sequestered underground. All of these standards change if the plant operates at a very low level (i.e., the rules are weaker if a plant operates less than 20% of the time or 50% of the time).

Although the rule also applies to gas plants, only individual gas units that are greater than 300 megawatts

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will have to comply, of which there are currently none in Montana. Even if the plant is larger than 300 megawatts overall, as long as each unit is less than 300 megawatts, the entire plant is exempt from the rule. These plants would eventually have to use either carbon capture and sequestration or co-fire with hydrogen that is created with low-greenhouse gas technology. This rule is also set up to require different emissions reduction techniques based upon how much the plant operates each year.

Once the rule is published in the federal register, there will be public hearings and a 60-day public comment period. **MEIC** will keep you apprised of comment opportunities.

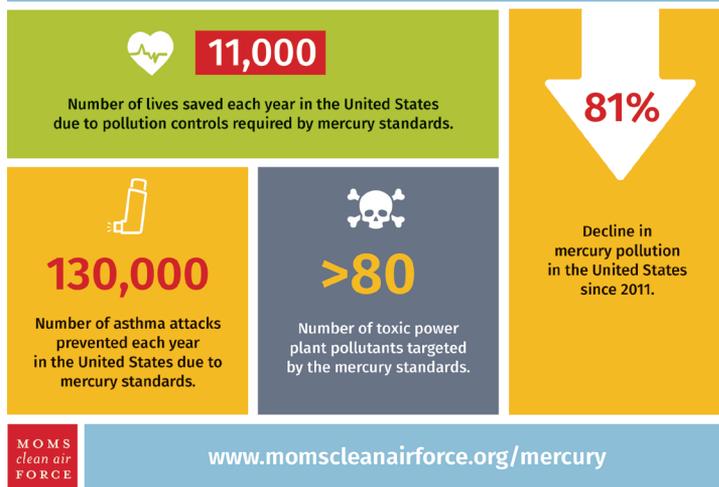
Mercury and Air Toxics

EPA also proposed a rule to strengthen the Mercury and Air Toxics Standard (MATS) for coal-fired power plants such as the Colstrip plant. Coal-fired power plants emit many different types of hazardous air pollutants including mercury, antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, nickel, and selenium. EPA is proposing to strengthen the standard for non-mercury metals from 0.03 to 0.01 pounds per million btu (lbs/MMBtu). Importantly, EPA is also requiring all facilities to prove they are complying with the rule by installing continuous emissions monitors (CEMs). All plants would have to be in compliance within three years of EPA finalizing the rule.

According to EPA, 91% of coal-fired capacity that is not scheduled to be retired in the next few years already have emissions of non-mercury metals that are at or below the proposed standard. Some plants, such as the one in Colstrip, have already installed CEMs, but they have successfully prevented regulators from being able to use the monitors to determine whether the plant is in compliance at any time. This rule will allow the state and the public to use the monitors to verify that the plant is in compliance at all times instead of the existing system where the plant only has to demonstrate it is in compliance once each quarter.

MERCURY POLLUTION IN THE UNITED STATES

The Mercury and Air Toxics Standards are a lifesaving, fully implemented, effective pollution prevention program that specifically protects pregnant women and babies from harm. Since 2012, the mercury standards have helped to dramatically lower mercury emissions from coal plants.



The comment period on the proposals to strengthen the MATS rule ends on June 23. Comments, identified by Docket ID No. EPA-HQ-OAR-2018-0794, may be submitted by one of the following methods:

- Go to www.regulations.gov and follow the online instructions for submitting comments.
- Send comments by email to a-and-r-docket@epa.gov, with “Attention Docket ID No. EPA-HQ-OAR-2018-0794” in the subject line of the message.

Two Other Rules

EPA has proposed two other rules that do not appear to impact operations of plants in Montana. One rule strengthens the requirements for wastewater treatment from coal plants. Since the Colstrip plant does not discharge wastewater (instead, it has used the groundwater as a sewer for its toxic sludge), it will not need to comply with this rule. EPA also just released a rule to strengthen coal ash disposal requirements. These new rules only apply to facilities that were exempt under EPA’s previous coal combustion residual rule. EPA is finally proposing to require cleanup at those ponds that were closed prior to 2015. 🌿

Rate Case (continued from pg. 6)

him with questions about climate science, foreign countries' energy systems, and the environmental impacts of renewable energy.

Perhaps nothing highlighted the failed leadership of NorthWestern as much as the answer to a question from 350 Montana's attorney, Monica Tranel. When she asked NorthWestern's Director of Long Term Resources, Bleau Lafave, if he believed that human activity contributed to climate change, Lafave said he did not believe human activity was a "major influencer in overall climate." If the person in charge of planning for NorthWestern's future energy supply does not believe that its burning of coal and methane gas contributes to the climate crisis, then Montanans are stuck with a utility that is woefully ignorant of basic science and uninterested in the need to modernize the energy system.

It gets worse. The 28% rate increase is just the beginning of what NorthWestern has planned for your money. In the proposed settlement, NorthWestern agreed to remove all of the "riders" in the rate case, which would have allowed it to charge customers for such things as the methane gas plant on the banks of the Yellowstone River near Laurel. In 2021, NorthWestern sought preapproval from the PSC to build the plant and charge customers, but it withdrew that request five months later. Then it tried to use the rate case to charge customers for the plant before it was built, but that was effectively withdrawn with the settlement proposal.

Now, NorthWestern says it intends to return to the

PSC in two separate proceedings to request approval to charge customers for the new gas plant. In the fall, it will seek approval to charge customers some undefined portion of the plant's costs. This process, known as Power Costs and Credits Adjustment Mechanism (PCCAM), is normally reserved for annual true-up costs between what the utility expected to spend in a year and what it did spend. The PCCAM process is simply not designed to analyze and approve new power plants. When NorthWestern decides to request another rate case in the future, it will include the remaining gas plant costs. Anyone concerned about the cost and impacts of the plant will have to engage in two separate PSC dockets in order to learn what the actual costs of the plant will be and to prevent unnecessary costs from being passed on to customers, resulting in all parties and the PSC wasting scarce resources trying to patch together the true cost of the plant.

These cost increases don't even include the cost of NorthWestern's proposed acquisition of a larger share of Colstrip - an old, dirty, and exceedingly expensive coal plant (see our article in March's *Down to Earth*).

Simply put, most Montanans cannot afford this mismanaged, climate-denying utility. Yet the Montana Legislature bent over backwards to give it almost everything it wanted and never once asked what it was doing to keep costs down for the average Montanan. Let's hope the PSC shows a little more concern for their constituents. 🌿

Selenium Lawsuit (continued from pg. 14)

for all settings and developed a process whereby states could establish site-specific standards that would be protective of beneficial uses of water. This EPA-developed and sanctioned process was used by Montana to establish the 0.8 micrograms per liter standard. BER simply compared one number to the other in making its determination and did not evaluate or consider EPA's full suite of water quality protection tools.

The real head-scratcher in all of this is that

Montana doesn't stand to benefit at all in rolling back the selenium standards. All of the jobs and tax revenue are located in Canada, and Montana is just at the end of Teck's pollution pipe.

The legal challenge against BER was filed in May in Montana's 1st Judicial District Court in Helena. **MEIC** is represented by Earthjustice in this suit, and joined by the Clark Fork Coalition, Idaho Conservation League, and Idaho Rivers United. 🌿

Pulling at the Threads of Injustice

by Cari Kimball

“It feels surreal to be sending an email about Down to Earth right now... but I’m sending it anyway,” wrote **MEIC**’s Communications & Engagement Director in late April. Katy’s email arrived while our staff was watching **MEIC**’s Anne Hedges eloquently, systematically, and joyfully deconstruct climate denial ignorance during a legislative committee hearing on HB 971. Earlier that day, House Republicans voted to censure Rep. Zooey Zephyr (D-Missoula) for her criticism of their legislation that would harm transgender youth.

At every level this session – from denying 11,000 Missoulians their representation in the House to preventing Montanans from challenging agency decisions that ignore the climate through bills like SB 557 and HB 971 to sloppily rushing the legislative process in a way that stifled public input – we witnessed a power grab and an attack on our rights to participate in decision-making that impacts us. It’s worth remembering that power-grabbing and silencing voices are not the tendencies of political movements with the moral high ground and a vision for a better world; they are more often the death rattles of a rotten culture on the wrong side of history. I think I speak for all of the staff in saying we felt disheartened at times but also fiercely determined to keep advocating for protection of Montana’s air, water, land, climate, and the health of our communities.

I’ll never forget that hearing for HB 971. So many fantastic **MEIC** members, supporters, partners spoke up (despite the short notice) with conviction and eloquence about the harms of the bill. Seeing our community in action during the committee’s questions was a joy-sparking inspiration. Our community of change-makers and rabble-rousers keeps showing up and making their voices heard.

I was reminded that in the aftermath of the session, we’ll be picking ourselves up, dusting ourselves off, and beginning the next phase of the work (guess what... we’re going to sue ‘em!). We might have lost that vote



on HB 971 due to a biased supermajority, but we’re only getting started.

Ursula Wolfe-Rocca, an educator, writer, and political organizer, observed poignantly on chaotic situations such as the end of Montana’s 2023 Legislative Session saying, “It can be overwhelming to witness/experience/take in all the injustices of the moment; the good news is that *they’re all connected.* So if your little corner of work involves pulling at one of the threads, you’re helping to unravel the whole damn cloth.”

We can’t do it all, but we can each do our part. I’m so grateful to each of you for plucking away at the threads of injustice in your corner; it certainly inspires me to keep doing the same in my day-to-day. Whether it’s by writing and creating art, advocating for the rights and freedom of marginalized communities, providing care, or educating, together we can unravel the tapestry of harmful legislation before us that does not serve us. Together we can weave the better, more sustainable fabric that present and future generations of Montanans deserve and need. 🌿



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Held v. State of Montana

First Ever Constitutional + Children's Climate Trial

June 12-23, 2023



Helena, MT

Organizations around the state are showing up every day of the two-week *Held v. State of Montana* trial in Helena!

Witnesses will include 12 of the 14 youth plaintiffs (including Rikki Held), Dr. Steve Running, Dr. Cathy Whitlock, Dr. Lori Byron, Dr. Jack Stanford, Dr. Daniel Fagre, Anne Hedges, and more.

MEIC members will be turning out on June 15.

Wear blue and join us at the courthouse by 8:15 am to greet and cheer on the youth plaintiffs as they enter the courthouse. From there, we'll fill the courthouse to watch proceedings. Signs are welcome during the morning and activities following court.

The trial will also be streamed, with overflow spaces in Helena at the Holter Art Museum and the Myrna Loy Theater. There may also be a watch party in your area.

Check Our Children's Trust website for the latest information, daily trial agendas, and streaming links. MEIC will also share information on local events on our website: www.meic.org/held-v-montana/