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Down to Earth

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER

50 YEARS OF CLEAN AND HEALTHFUL



**Victory for
Montana Youth
Climate Trial**

**A Timeline of
Environmental
Advocacy**

**NWE's IRP:
More Fossil
Fuels**

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Cover photo: Cari Kimball's family wanders in the Ross Creek Cedar Grove of Montana's Cabinet Mountains. **This page:** Held plaintiffs hold messages of support. Photo via Our Children's Trust.

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

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From the Executive Director

by Cari Kimball

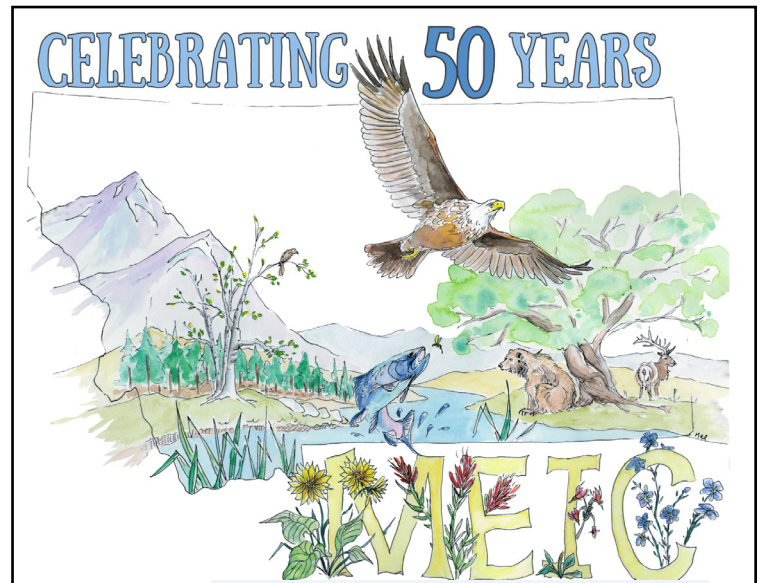
Wow – 50 years. **MEIC**'s staff has been looking back at the history of the organization, sifting through boxes of old photos and historic newsletters, and speaking with some of the founders of our organization about how **MEIC** got its start. What a privilege it's been to reflect on our origin story and how we got where we are.

When we feel overwhelmed by the immensity of the challenges we face, we can look at how far we've come these past 50 years. This issue is full of victories and ongoing battles for the clean and healthful soul of Montana. We put many of these victories into a timeline on pg. 22, but not every discovery made the cut. For example, the timeline doesn't capture numerous rowdy patron outings, staff floats on the Missouri, or adventurous road trips to meet with our members. Neither does it reflect the tale of Nancy McLane and other volunteers running the mimeograph machine 'til their arms nearly fell off making copies of early issues of *Down to Earth*, or the time when Anne Hedges' son accidentally burst through a glass window at an **MEIC** holiday party.

On the more official end, **MEIC** has put up dozens of hurdles to stop damaging extraction projects and helped safeguard some of Montana's most beloved rivers and landscapes. We cannot do everything, but in Montana, where we have some of the planet's most awe-inspiring lands and waters and also a quarter of the nation's recoverable coal reserves, we can do something. And together? Oh boy, can we make a difference.

Our state faces enormous challenges, especially with the increasingly severe life- and landscape-altering impacts of climate change. Montana had the honor to be the first state to go to trial in a case where youth plaintiffs sued the state — and won! — for failing to take meaningful climate action (pg. 6).

Unfortunately, many people arrive at the conclusion that climate change and other environmental harms are too big and complex of problems to try to solve. Of course this is partially why **MEIC** was formed 50 years ago by Phil Tawney and Robin Tawney Nichols (pg. 20) and their friends and colleagues: to bring together a



Thanks to Mel Griffin for our dreamy 50th Anniversary logo!

group of people who care deeply to work collectively.

In reviewing the ways that **MEIC** has had an impact, I'm left with a huge sense of gratitude and awe. Thank you, thank you – to our thoughtful, generous board members who donate their time and talent to support **MEIC**; to our brilliant staff who are pouring their intelligence and heart into **MEIC**'s work; our partners who bring a diversity of perspectives, strategies, and expertise to the table; and our outstanding community of members and volunteers whose passion inspires us on a daily basis. Together, we are helping Montana become a better, brighter place. Read some encouraging thoughts and messages from our friends past and present on pg. 19. Our team today is so excited to invite the members of **MEIC**'s community to help us write the next chapter of **MEIC**'s history.

So cheers, y'all! Let's celebrate! **MEIC** has spent 50 YEARS upholding Montanans' right to a clean and healthful environment, and pushing back against polluting industries. If you believe that people come before profits, that we all have intrinsic rights to clean air and water, and that Montana's wild places and open spaces deserve protection, you belong with us. **MEIC**'s community of change-makers and rabble-rousers is stronger because you're a part of it and dang, are we grateful. 🐦



Victory

Judge Temporarily Suspends Enforcement of Bad Coal Laws

by Derf Johnson

In a very important step toward protecting our climate, water quality, and the ability for the public to participate in governmental decision-making, **MEIC** was able to secure a stipulation against enforcement by the Montana Department of Environmental Quality (DEQ) regarding two very bad coal mining bills that were set to become law immediately after their passage during the 2023 Legislative Session. This is a crucial victory; if these laws were to go into effect, they would seriously undermine water quality and quantity protections for sensitive prairie streams, and prohibit the public from seeking judicial redress when the government or coal mining corporations break the law. While the fight is not over to prevent these laws from going into effect (it is a temporary stipulation against their enforcement), we have a slight reprieve and can now focus our energies on the correct approval process, and hopefully beat back these weakened standards.

While the 2023 Montana Legislature was generally a bruiser for the environment, **HB 576** and **SB 392** were some of the more misguided laws signed by Gov. Greg Gianforte. These bills weaken Montana's coal mining laws, known as the Montana Surface and Underground Mine Reclamation Act (MSUMRA). These laws spell out the permitting, enforcement, and reclamation processes for coal mines in Montana. MSUMRA is modeled after — and must conform with — its federal counterpart, the Surface Mine Control and Reclamation Act (SMCRA).

SMCRA was passed by Congress in the late 1970s to address the serious environmental and social

harm being caused by coal strip mining. It not only established a set of federal environmental standards, but also established a permitting process that included public participation requirements. These standards are meant to assure that water and air quality are protected and that the public is adequately informed and consulted in advance of mine permitting decisions. As is typical with federal laws, SMCRA also allowed for states to assume responsibility for its implementation and enforcement, known as “primacy.” Montana chose to implement the federal program with the passage of MSUMRA. However, in order for Montana to receive and maintain primacy, it must “implement, administer, enforce and maintain” its state program in accordance with SMCRA as well as regulations issued by the U.S. Office of Surface Mining (OSM).

The Montana Legislature — never one to shy away from anti-federal sentiments — amended MSUMRA with two bills that contained provisions making them effective immediately. The first, HB 576 (Rep. Rhonda Knudsen, R-Culbertson) would weaken water quality protections for impacts that coal mines cause outside of the mine site. Specifically, HB 576 amended the definition of “material damage” — a critical component of assessing a mine's water quality impacts — to be more ambiguous and difficult to determine whether the mine would cause unnecessary pollution.

The second, SB 392 (Sen. Steve Fitzpatrick, R-Great Falls), would require that individuals and organizations that challenge permitting decisions of coal mines under MSUMRA potentially assume the legal fees

story continues on pg. 18

Judge Orders Release of Gianforte Comms with Bad Actor Mining Corporation

Victory

by Derf Johnson

Over the past few years, Gov. Greg Gianforte has wrongfully withheld public documents from an official document request by attempting to utilize an incredibly novel legal theory that a judge characterized as “completely unmoored from the text, history, and purpose underlying both Article II, Section 9 and the implementing public records statutes.” In his order, the judge cited Article II, Section 9 of the Constitution because it contains the fundamental right for Montanans to access public writings of our government. It’s one of the strongest constitutional “right to know” provisions in the country, with the aim of assuring that the government is transparent and accountable to the people it serves.

MEIC and Earthworks requested records around the communications that Gov. Gianforte’s office had with Hecla Mining and its president, Phillips S. Baker, Jr. For context, under the Bullock Administration, Hecla and Baker were designated as “bad actors” for Baker’s former company’s failure to reclaim and remediate major environmental damage at the Zortman-Landusky mining complex, which has cost the state and federal government more than \$80 million (as of 2017) and has severely impacted cultural and environmental resources of the Fort Belknap Indian Community. As required by the Bad Actor law, the Montana Department of Environmental Quality (DEQ) suspended the permitting activity for Hecla’s proposed mines in far northwest Montana under Gov. Bullock’s administration (the Montanore and Rock Creek mines). If approved, these mines would tunnel under the Cabinet Mountains and a federally designated wilderness area; severely impact water resources; risk further impacts to an isolated population of grizzly bears; and dewater critical streams for bull trout. Under the Bullock Administration’s decision, Hecla could not proceed with attempting to permit the Cabinet Mountains mines unless and until the company either reclaimed the damage wrought at Zortman-Landusky or compensated the state for the reclamation costs.

Gov. Gianforte’s administration did a complete u-turn. It dropped the enforcement action against Baker and Hecla, and reactivated the permits at Montanore and Rock Creek. As you can imagine, Gov. Gianforte waving the white flag and dropping a years-long enforcement action to protect public resources and tax dollars against an international mining company raised alarm bells at **MEIC**. Gov. Gianforte’s official explanation did not make sense, so we decided to dig a little deeper. We filed an official information request with his office to better understand both the deliberations that went into the decision to drop the bad actor matter as well as the administration’s relationship with mining interests. We’d also like to know: did the Gianforte Administration drop the case after being lobbied by Hecla / Baker?

After four months of virtual radio-silence and no public documents, we brought suit in Montana District Court in Helena with the help of attorneys Kim Wilson and Robert Farris-Olsen. Long story short, the Governor refused to release any of the documents by arguing a novel legal defense: that the Governor did not have to respond due to litigation in a separate case against DEQ (brought by the Fort Belknap Indian Community, the Confederated Salish and Kootenai Tribes, **MEIC**, and other partners) to enforce the bad actor law. The judge didn’t bite. Rejecting the Governor’s argument, the judge has ordered that the Gianforte Administration release the records to **MEIC** and Earthworks. However, as of this writing, the Governor’s office has not released any documents.

Notably, such a decision is subject to an appeal, and it is likely that the Governor’s office, rather than release the records, will appeal the decision to the Montana Supreme Court and in the interim argue that they should not be required to release any of the records until the appeals process has concluded. Rest assured, **MEIC** will be dogged in pursuing the documents from the Governor’s stalling tactics and any appeals process, as well as defending the fundamental right of all Montanans to access public information and to hold our government accountable. 🌿

Montana Youth Get Their Day(s) in Court... and Win!!

by Anne Hedges

When 16 young Montanans sued the state over its failure to consider the climate crisis, most folks had no idea that the trial would be such a powerful experience. Those who participated in cheering on the kids every day as they walked into the courtroom felt a rare sense of community and hope. Many of us sat mesmerized as we listened to expert after expert tell of the harm that is occurring across the state by a rapidly changing climate, or detail Montana's oversized influence on the global climate, or provide a succinct analysis of the solutions that are available today to stabilize the climate system and save Montanans billions of dollars in the process. It felt like we were privy to a college-level course on climate science, Montana political history, energy systems, and the myriad solutions that are available right now. It was one of the greatest honors of my life to tell the court about MEIC's history of trying to convince the state legislature, governors, courts, and administrative agencies that they had a duty to address our fossil fuel-fired climate catastrophe and implement solutions.

But nothing was more powerful than the testimony of the 16 youth plaintiffs. They were as impressive as they were brave in telling their stories about the impact the climate crisis is already having on their lives, their families, and their cultures. Relaying their fears for their future brought tears to many an eye in the room. Their heartfelt testimony was a devastating but powerful indictment of the disaster that politicians have perpetrated by choosing powerful moneyed fossil fuel interests over the well-being of present and future generations of Montanans and the environment that supports us.

"I know that climate change is a global issue but Montana needs to take responsibility for our part in that. We can't just blow it off and do nothing about it," plaintiff Eva L. said. "Just one step in the right direction would be most important."

"It's really scary seeing what you care for disappear



Eleven of the 16 plaintiffs after Day 5 of the trial. Image via Daily Montanan.

right in front of your eyes," plaintiff Sariel Sandoval said. "We wouldn't be here without the land. It feeds us, it shelters us. It takes great care of us, and we need to take great care of it, too."

Sandoval is a member of the Confederated Salish and Kootenai Tribes and said that Native communities "have lived through genocide, assimilation, relocation, termination, and so many other traumas. We can definitely adapt and survive climate change, but that doesn't make it right."

The seven-day trial kicked off with the testimony of the youngest delegate to the 1972 Montana Constitutional Convention. Mae Nan Ellingson relayed the history of the convention and the determination by the delegates to ensure that Montana's constitution was the most environmentally protective constitution in America. The right to a clean and healthful environment was not just a meaningless afterthought. It was a provision that was created by delegates such as Bob Campbell who argued strenuously over how to craft language that would clearly relay that environmental harm was supposed to be prevented, not just mitigated after harm had occurred.

The State's complete lack of a defense was discouraging, to say the least. It wasted untold sums to hire experts to deny climate science, misrepresent the economic impacts of changing course and investing in a clean energy system, and undermine the youth's

claims. But at trial, the State only called one of those high-paid witnesses, who admitted he was paid \$500 an hour. Our Children's Trust attorney Phil Gregory demonstrated that the so-called expert had poor math skills, no scientific basis to his analysis, and no sources for some of his most damning claims. His testimony was shredded, and the judge ruled his testimony was "not well-supported, contained errors, and was not given weight by the Court." All the State had were a couple of nice employees who talked about their kids. The director of the Department of Environmental Quality even admitted that he had never heard of the Intergovernmental Panel on Climate Change until he heard testimony the previous week. The other agency head said she wasn't qualified to say if humans were influencing the climate. Both state employees admitted they were just following the Legislature's orders by ignoring climate change in their decisions to permit coal, oil, and gas resources. In the end, the state spent a bundle of taxpayer money and yet failed to spend more than a few hours defending its indefensible position.

In all, it was an uplifting – yet frightening – experience. It was incredibly moving to watch these young people bear their souls, discuss their impressive accomplishments, and describe their vision for the future. Many thanks to the brilliant legal team who brought this case, especially Roger Sullivan and the



MEIC's Anne Hedges took the stand on Day 4 of the trial. Image via Daily Montanan.

Western Environmental Law Center (WELC)'s Barbara Chilcott and Melissa Hornbein. Also thanks to Shiloh Hernandez, who not only represented MEIC on many of the court cases that demonstrated how difficult it is to get justice for the climate under Montana's laws, but who also helped bring the case when he was at WELC. And thanks to the amazing team at Our Children's Trust for their vision and talent in making this case happen. 🌿

Judge Rules in Favor of Montana Youth

Victory

Just in the nick of time for our Down to Earth deadline, Judge Kathy Seeley ruled in favor of the plaintiffs in the landmark youth climate case *Held v. State of Montana* on August 14. The judge ruled that the state has violated their right to a clean and healthful environment by ignoring the climate crisis.

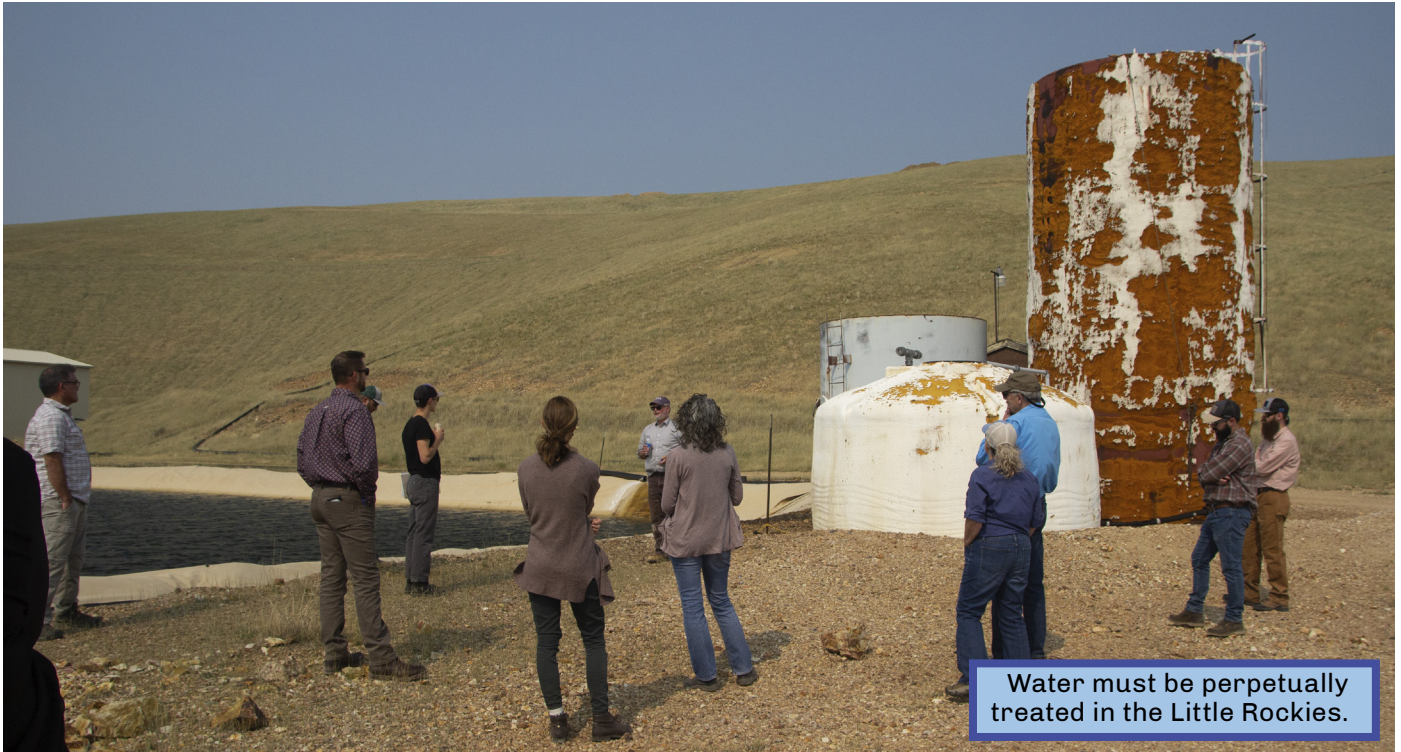
The court determined that two 2023 legislative changes to the Montana Environmental Policy Act (MEPA) are unconstitutional because they prevent the State from considering or addressing the climate crisis and its impacts on Montanans and our environment.

While this will most likely be appealed, this is a huge win for Montana and for the nation. It's past time for our State to fully consider and address the climate impacts from our outdated energy system.

We'll have more details in a future issue. You can read the decision on our website.



DEQ Pursues Enforcement Action Regarding Zortman-Landusky, MEIC Files for Intervention



by Derf Johnson

It's time to prohibit any further mining activities in the Little Rocky Mountains. Full stop. The recent, unpermitted mining activity by Blue Arc and others is another serious affront in a long series of injuries to the Fort Belknap Indian Community and the rule of law.

This is why the Fort Belknap Indian Community, **MEIC**, and our conservation partners recently filed a motion to intervene in an enforcement action brought by the Montana Department of Environmental Quality (DEQ) regarding the illegal mining activity within the Zortman-Landusky Reclamation Area, where tens of millions in public funds have already been spent to address ongoing pollution from the defunct Zortman and Landusky Mines in the Little Rocky Mountains. This mining activity threatens to exacerbate environmental harm in an area of profound cultural significance to the Fort Belknap Indian Community. The Gros Ventre and Assiniboine Tribes have faced an extreme environmental justice burden from the mines for decades, and its past time to redress these wrongs and set a new course.

DEQ brought an enforcement action in April

2023 against Luke Ployhar, Owen Voigt, and their respective companies after Ployhar and Voigt attempted to circumvent the Montana permitting process by illegally mining at the former Zortman mine site. DEQ has requested \$512,767 in fines and permanent injunctive relief, and to prohibit Ployhar, Voigt, and their companies from future mining until the disturbances are reclaimed and the penalties are paid. In 2022, DEQ required Ployhar to complete an Environmental Impact Statement (EIS) on the cultural impacts of mining the Zortman site, but later discovered that Ployhar and Voigt had already charged forward without the requisite authorization. Tribes and conservation groups had previously challenged DEQ's approval of a different mining exploration license of Ployhar's at the site, which is currently stayed in Phillips County District Court.

A hearing was held in Montana District Court on August 4 to consider the intervention, as well as a request for a preliminary injunction by DEQ to prevent any further illegal mining activity. Amanda Galvan with Earthjustice is representing the Fort Belknap Indian Community, **MEIC**, Montana Trout Unlimited, and Earthworks in the intervention. 🌿



NorthWestern Continues Gas Plant Construction Despite Missing Approvals

by Anne Hedges

NorthWestern Energy subscribes to the attitude that it's better to ask for forgiveness than permission when it comes to building its 175-megawatt methane gas plant on the banks of the Yellowstone River near Laurel. It continues to build the plant despite lacking zoning approval from the City of Laurel to change the land use from "agricultural" to "heavy industrial." It lacks approval from the Montana Department of Environmental Quality (DEQ) for an air permit that a court rejected due to the state's failure to disclose and analyze the environmental harm. And it has twice withdrawn its request to the Montana Public Service Commission (PSC) to pass the \$286 million cost onto customers. In short, it's building the plant and hoping to get away with it despite lacking the legal permission to do so. Stall long enough, and it becomes more and more unlikely that a court order would "unbuild" a completed plant.

Two years ago, NorthWestern requested approval from the Laurel City Commission to change the zoning of the plant site to allow for heavy industrial use. When the community complained that the plant would be too loud, bright, and polluting for an agricultural area along the Yellowstone, NorthWestern withdrew its proposed zoning change request and proceeded with construction. Soon after, new city staff decided to ignore the City's obligation to rezone the property. The County insisted it was the City's responsibility to rezone. The Thiel Road Coalition, **MEIC**, and Northern Plains Resource Council, represented by Earthjustice, challenged the city's failure to rezone the property. A state district court hearing was held in Billings on Aug. 17, 2023 (a week following this writing), followed by a rally in support of the community near the plant. There is no timeframe for the court to issue a ruling, but we hope it will be done quickly.

NorthWestern also lacks a valid air pollution permit from the DEQ after a Billings district court judge ruled in April 2023 that the permit was invalid because DEQ had failed to disclose the plant's impacts on the climate and neighboring community under the Montana Environmental Policy Act (MEPA). The court vacated the permit but reversed course after the Legislature hastily changed the law to prohibit DEQ from considering the methane plant's contribution to the climate crisis (though a court recently found the new law unconstitutional in the Held case). The plant is projected to emit three quarters of a million tons of greenhouse gases each year, as well as methane emissions from extraction and leaky pipeline infrastructure. The court required DEQ to conduct a more thorough analysis of the plant's environmental impacts; however, DEQ only analyzed the plant's lighting impacts on the surrounding area and Yellowstone River corridor. The comment deadline closed in early July, and DEQ is slow-walking a final decision while NorthWestern continues to build the plant, leaving the neighboring landowners and those concerned about the plant's impact on the climate crisis with no remedy. Once DEQ issues a permit, **MEIC** fully intends to challenge DEQ's analysis as well as the constitutionality of the Legislature's attempt to exempt climate change from consideration under MEPA, one of the primary state laws that implements the constitutional right to a clean and healthful environment.

Finally, as reported in the last issue of *Down to Earth*, NorthWestern Energy has twice requested the PSC allow it to charge customers for the construction, operation, and maintenance of the power plant. The PSC has not ruled on NorthWestern's most recent request to withdraw its proposal to charge customers

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NorthWestern Energy's Plan to Use Customers as an ATM

by Anne Hedges

Montanans can't afford Montana's largest utility. Right now, NorthWestern Energy is trying to raise residential customers' rates by 28%. In the fall, it will try once more to persuade the Montana Public Service Commission (PSC) to allow it to charge customers for a billion dollar gas plant outside of Laurel. Regulators are supposed to protect customers from monopoly utilities by requiring them to rigorously plan for future energy systems to avoid these types of price hikes. These plans, called Integrated Resource Plans (IRP), are intended to provide a transparent blueprint for how a utility will provide affordable and reliable electricity in the future. Unfortunately, NorthWestern's most recent plan fails on all counts.

The law requires at least two public hearings on a utility's IRP, but the PSC held five, one in each commissioners' district. Even though the hearings occurred in the middle of August when most Montanans are out enjoying the last few days of summer, Montanans turned out. People in Great Falls complained that the hearings were poorly advertised; they only heard about it from environmental organizations. And despite Bozeman having the strongest turnout at the 2019 IRP hearings; this time around, Bozeman was replaced with Butte, where NorthWestern Energy has its headquarters. Despite these setbacks, Montanans showed up to ask the PSC to require NorthWestern to plan for a more affordable electricity system that focuses on addressing the climate crisis.

Many at the hearings complained that NorthWestern's IRP will result in ever increasing rates for consumers. As Roxa Reller testified, "Montanans are being used as an ATM." Others complained that the plan largely ignores energy efficiency and demand side management opportunities, which are critical when electricity demand is high and power prices skyrocket. Still others raised concerns about NorthWestern's failure to keep and acquire more renewable energy resources; in fact, it intends to let existing contracts



MEIC's Katie Harrison in Great Falls on Aug. 14.

with renewable energy projects expire, such as with the Judith Gap Wind Energy Center.

Many people – including former state regulator, John Herrin – complained about NorthWestern trying to be the only utility in the nation wanting to increase its reliance on coal by doubling its ownership share of the 40-year old Colstrip coal-fired power plant. Its IRP failed to consider impending federal regulations that will require limits on greenhouse gas emissions, coal ash ponds, and toxic air pollution – technology that already has been installed at every other coal-fired plant in the nation. Many complained about its expensive proposal for the methane gas plant near Laurel, while others criticized its proposal to eventually replace Colstrip with experimental and outlandishly expensive nuclear technology that hasn't even been developed yet.

There are so many flaws in NorthWestern's IRP, but folks mostly raised concerns about NorthWestern's utter lack of concern for the climate crisis – especially in light of the landmark *Held v. State of Montana* judicial decision (see pg. 6). Person after person pleaded with the PSC to force NorthWestern to acknowledge that the energy system must change or we will face more heat, drought, and horrifying wildfires. At the time of this writing, only three of the five hearings have been held. But Montanans are fired up and demanding an energy system that relies on cleaner, more affordable technologies instead of perpetuating the mistakes of the past. 🌿

Montana Updates Electric Vehicle Plan

by Kenzie Miah

Montana's Department of Environmental Quality (DEQ) and Department of Transportation (MDT) have joined efforts to update Montana's electric vehicle infrastructure plan. To minimize their impact on the climate, most vehicle manufacturers are moving toward electric vehicles (EVs). Accomplishing this goal nationwide requires a massive build-out of EV charging stations. Fortunately, the State of Montana is in the process of helping make that happen.

DEQ's experience with alternative fuels and electric vehicles, and MDT's decade long experience with fund allocation are a perfect combination to help spend the \$7.5 billion of federal funding to help deploy EV charging stations across the nation. Montana will receive approximately \$43 million dollars over five years to support this project.

Passed through the bipartisan infrastructure law in November 2021, the National Electric Vehicle Infrastructure (NEVI) formula program will create a national network of EV charging stations using major interstates as its backbone (see image). This system will "support a convenient, affordable, reliable, and equitable national EV charging network" for EV drivers across Montana, according to DEQ's Kyla Maki.

States must meet certain requirements to receive funds provided by the program. This includes: charging locations only being allowed along certain designated corridors which includes I-90, I-15, I-94, US-93, and US-2; each charging port achieving at least 97% annual average uptime; consistent operation and



maintenance; and each charger must provide at least 150 kilowatts to a vehicle.

The plan will also only fund Combined Charging System (CCS) connectors. CCS connectors are standard chargers with added power so that a high voltage of energy can be provided in a shorter amount of time. Most cars can use these connectors or available adaptors. This doesn't prevent businesses or local entities from funding other types of chargers; however, they will not receive funding for anything without a CCS connector.

These funds will be available to Montana until the \$43 million is spent. Any funds that are not used will be taken back and redistributed to other states for the same project. So, rest assured, all of the project money will only be used for EV charging stations across the nation. This project will "make it easier to drive across states to communities we visit," said DEQ's Neal Ullman in a July 2023 video. The NEVI program assists charging stations and holistically connects rural communities, making electric vehicle driving easier and cleaner. 🌿

Gas Plant (continued from pg. 9)

through the rate case proceedings. If the PSC approves NorthWestern's proposed settlement with one-third of the parties involved in the rate case, then NorthWestern will be allowed to file for permission to charge customers in a proceeding in September. Unfortunately, the scope of what NorthWestern will be allowed to request for cost recovery in the upcoming proceeding is incredibly unclear and will result in NorthWestern being allowed to hide the ball. The public will simply not know the

full cost of the plant before the PSC is required to decide if customers must pay those costs.

NorthWestern has complete disregard for its customers and their bills. With the proposed 28% rate increase followed by a request to build an expensive new power plant and an IRP that only considers expensive new power plants instead of less expensive energy efficiency, conservation, and renewable energy, Montanans simply cannot afford its mismanagement. 🌿

Montana Land Development: 50 Years Later

by Ann Schwend

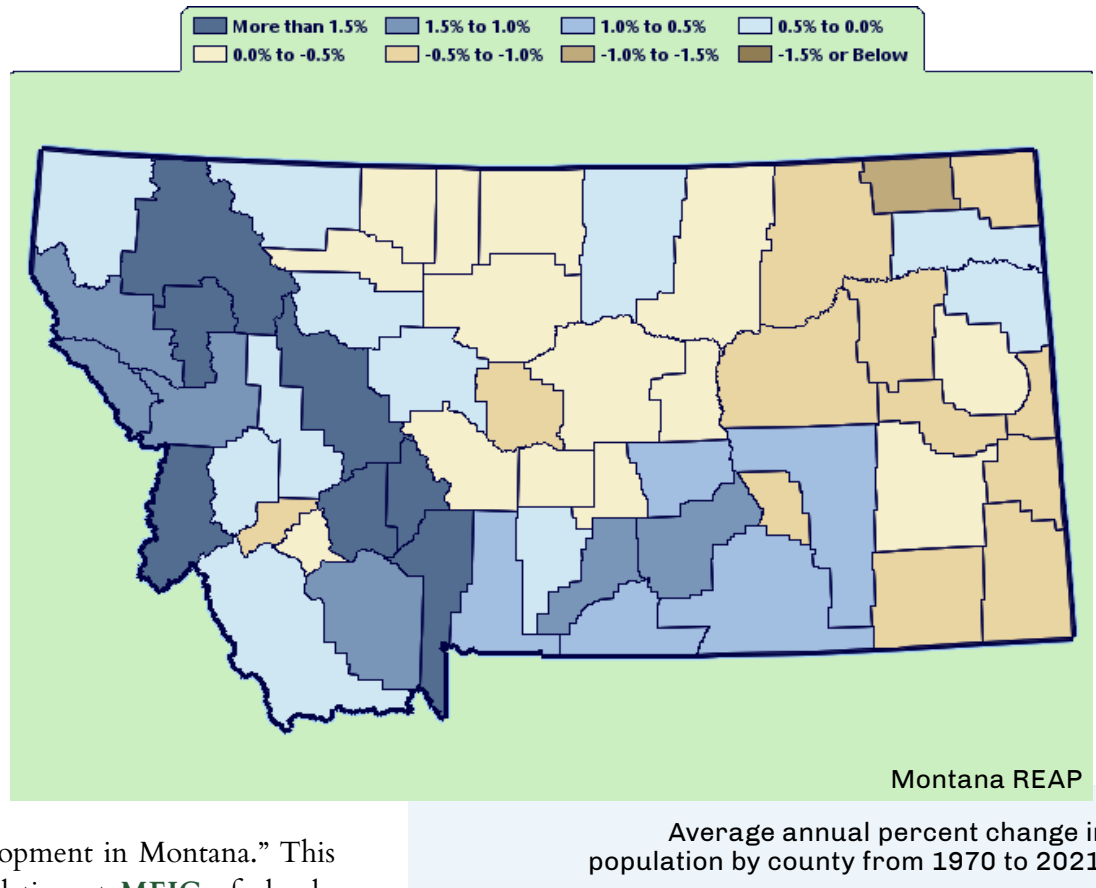
In 1972, Montana's newly adopted Constitution was followed by the Montana Subdivision and Platting Act (MSPA) in 1973. That same year, a young environmental organization (EIC at the time) was worried about the impacts of subdivision sprawl.

This concern inspired a dedicated team of staffers and volunteers to embark on the Montana Subdivision Inventory Project "to unearth the extent, pace, costs and ramifications of land development in Montana." This project established a foundation at MEIC of closely monitoring the intersection between land use and environmental impacts that persists even 50 years later:

"Montana's history is deeply rooted in the land. The extraction of the land's wealth and the miseries that it brought to Montana should warn us that land cannot be abused without consequence and that growth cannot proceed unbridled...If we value our rural nature and our open spaces, then we must forget the tired old belief that all growth is good. And we must recognize that Montana's resources - agricultural lands, wildlife and forests in particular - are finite."

-Montana Subdivision Inventory Project

Without internet access, the team meticulously combed through county files to manually review certificates of survey to assess the amount of land that had been subdivided in 35 of Montana's fastest-growing counties. The team found that 334,017.9 acres had been divided into 114,085 lots since early statehood,



but because of inconsistencies, they estimated closer to half a million acres had already been subdivided. This incredible inventory was published in 1975, along with many stories outlining the perils of subdivision sprawl on agriculture, wildlife and communities. You can read it on our website: www.MEIC.org/montana-land-development/

The team also found that development was accelerating and predicted that the boom in the Bitterroot "could chop up the valley's whole land base by 1979" into parcels of less than 40 acres.

When the project began, subdivision review requirements were limited to only parcels under 10 acres. In 1974, after significant efforts from EIC, the acreage increased to any parcel splits less than 20 acres. This change generated a surge in activity by developers to quickly get their properties platted before the new rules were in place.

story continues on pg. 27

Will the EPA Finally Tackle Forever Chemicals?

by Grace Gibson-Snyder

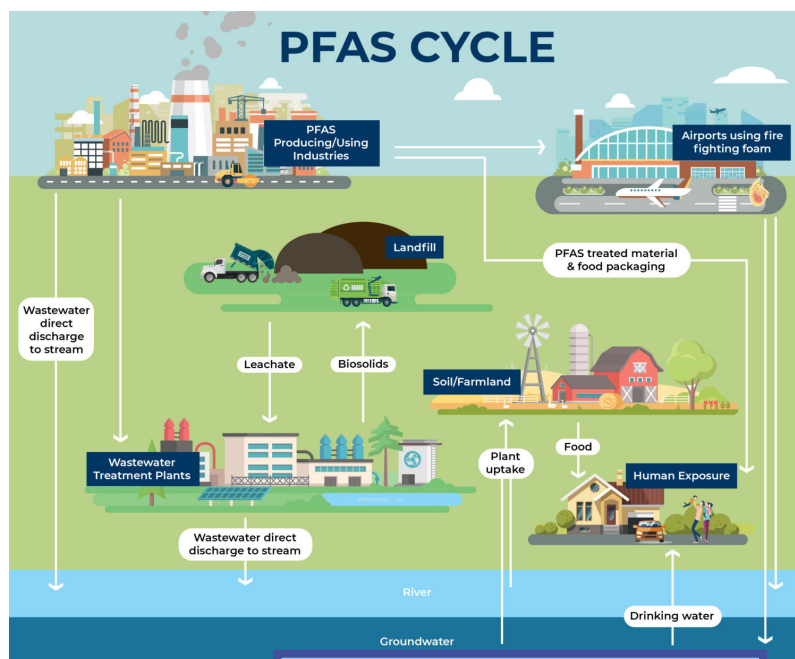
Per- and polyfluoroalkyl substances, abbreviated as “PFAS” and often called “forever chemicals,” are human-made chemicals that were first developed in the 1940s. There are literally thousands of types of synthetic PFAS chemicals, which makes it hard to gather comprehensive information about them. PFAS are widely used due to their oil- and water-resistant properties, and can be found in everything from makeup and waterproof clothing to nonstick cookware and firefighting foam.

Unfortunately, PFAS are also extremely toxic, even in tiny amounts. They are found in air, soil, and water. They bioaccumulate over time and take decades to break down; about 99% of Americans have PFAS in our blood.

Each person’s PFAS levels are different. Higher levels can be caused by living or working around PFAS contamination, whether in air, soil, water, or substances like firefighting foam. Higher levels are caused by exposure to some consumer products, like food packaging, waterproof clothing, and stain resistant carpeting. Consuming contaminated food and water raises PFAS levels, and about 200 million people in the U.S. have PFAS in their drinking water. Finally, levels tend to be higher in children and pregnant women because their food consumption is high in proportion to body weight, and thus proportionately increases their exposure. PFAS in our bodies may lead to decreased fertility in women, developmental effects in children, increased cancer risk, reduced immune responses, hormonal changes, and a higher risk of obesity.

Beyond the extremely personal impacts PFAS can have on our health, their impact on agriculture should be of particular interest to Montanans. Because PFAS often end up in water supplies, they accumulate in wastewater treatment plants. The process by which the water is treated does not remove the PFAS, and the wastewater solids still contain high levels of forever chemicals. When the solids are recycled as biosolids to be used as fertilizer, the PFAS contaminate our soil and water, and ultimately, our food supply.

Other sites of concern in Montana are military facilities. Military facilities are prone to PFAS contamination largely due to their use of firefighting



Source: Walnut Valley Water District

foam. The Montana Department of Environmental Quality (DEQ) has designated five sites as PFAS Sites of Concern: Malmstrom Air Force Base, Helena Army Aviation Support Facility, Fort Harrison, Montana Air National Guard Base in Great Falls, and the Former Glasgow Air Force Base.

One would think that, given their huge presence in our lives and their health harms, PFAS would be tightly regulated. Unfortunately, regulation has been limited. Until the late 1990s, information about their toxicity was hidden from the EPA and the public; subsequently, the EPA has been stymied by political and industry influence preventing regulation. Although the EPA has released two action plans to address PFAS (in 2009 and 2019), few actions were taken until the EPA released the 2021 PFAS Roadmap, which contains proposed timelines for PFAS research and regulation. (Read more about EPA’s actions at www.epa.gov/pfas.)

As of this writing, PFAS are still not regulated under any federal environmental statute. However, the EPA has proposed three actions to begin regulation:

1. In March 2023, the EPA proposed to establish legally enforceable levels for six PFAS found in drinking water.
2. EPA’s Emerging Contaminants in Small or

story continues on pg. 29

Healthcare and Climate Change

by Kenzie Miah

The connection between the climate crisis and its impact on public health is undeniable. The rise in forest fires and decrease in air quality can be seen without measuring particulate matter. Most summers (and throughout a lengthening wildfire season), the public faces poor air quality conditions, and their health suffers as a result. With July 2023 being the hottest month on the global temperature record and little systemic change to curb the cause of rising temperatures, doctors will be even busier in upcoming years. While treating patients who have been affected by the climate crisis, hospitals may also have a significant environmental impact. These medical centers aren't exactly gas plants, but their impact is observable.

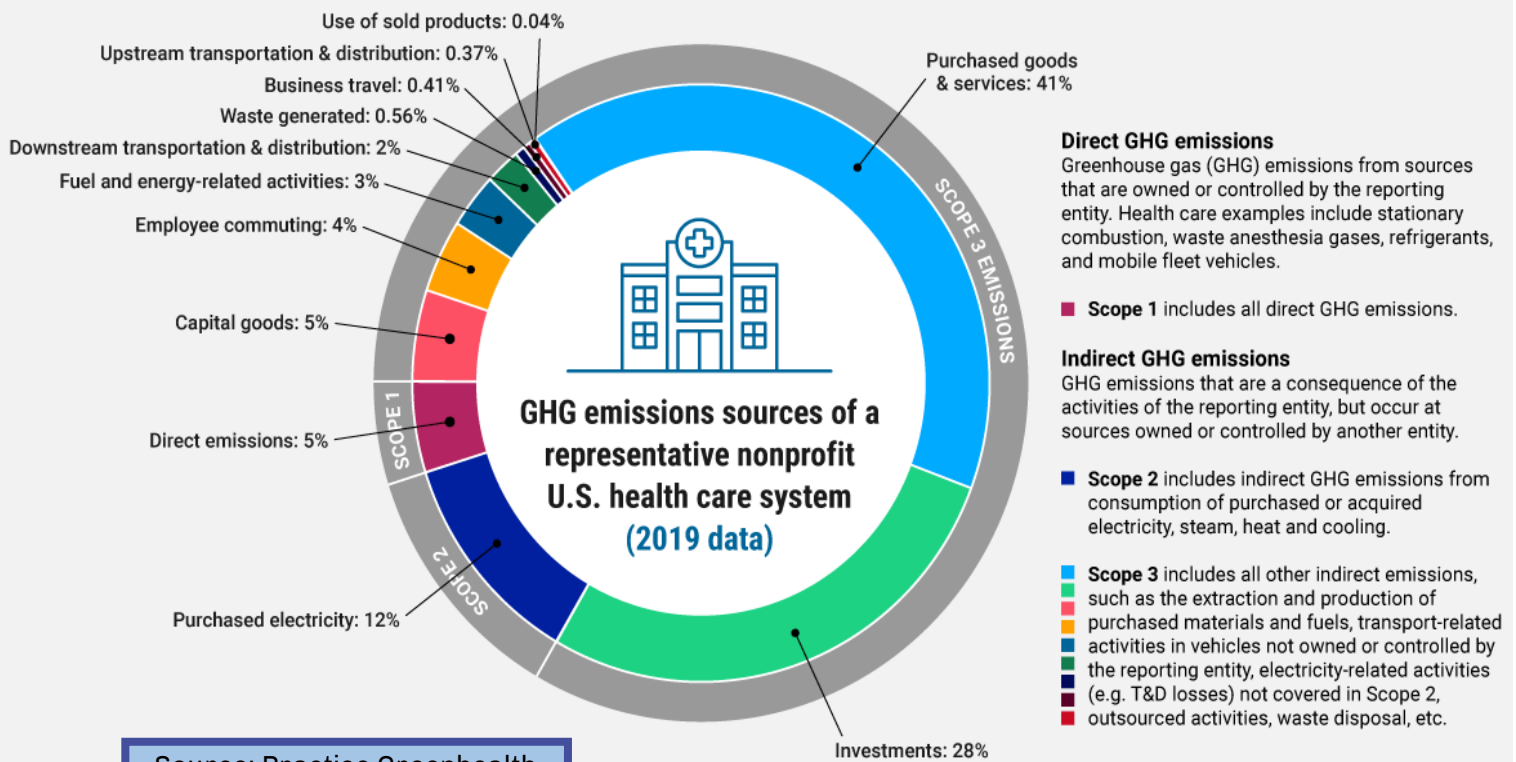
Oftentimes the biggest advocates for cleaning up the medical industry's climate impacts come from within a local hospital. Healthcare professionals see the changing climate's lasting effects in their practice. From treating children facing respiratory problems to performing surgery, doctors and nurses are surrounded by the health impacts of the crisis and have firsthand

knowledge about their sector's contribution to the harm. Luckily, many hospitals across the nation have acknowledged these problems and taken steps to reduce their impact.

Hospitals contribute to and address the impacts of the climate crisis in various ways. This is certainly true for pediatricians, who treat the most vulnerable people on a daily basis. Drs. Rob and Lori Byron have deep-rooted knowledge of the relationship between climate change and public health. They serve on the Board of Directors of Montana Health Professionals for a Healthy Climate and have worked on the Crow Indian Reservation for decades. Rob is a physician and internist. Lori is a pediatric hospitalist. Together, they co-lead the Citizens Climate Lobby Health Team to spread awareness of the climate crisis to medical professionals.

Montana's increased wildfires over the past several years have resulted in harmful airborne ash, which is made of damaging particulate matter of different sizes. Rob said this is especially dangerous for pregnant women.

"Breathing pristine air, of course, there will still be





Drs. Lori and Rob Byron in Glacier.

stillborn and preterm births, but polluted air increases that risk,” Rob said.

But the harm is not limited to developing children. Polluted air also increases the risk of heart attacks and strokes, especially with increasing heat waves. This makes it essential to also focus on preventative action, not just immediate care. With the rising risks from polluted air, the best way to help is to decrease our carbon footprint and try to mitigate the climate crisis.

Dr. Greg Lind, a Missoula anesthesiologist, served as a Montana state senator from 2005–2008. Working alongside **MEIC**, he helped improve water quality and forest management, and fought against anti-environmental bills. Having a love for science, natural curiosity, and a strong sense of wanting to “help our fellow humans,” he pursued medicine to help others in the hospital. Once he started working as a medical provider, he realized how important it was to also increase public awareness of the link between the climate and healthcare.

Greg said he worked at a hospital that used the anesthetic, nitrous oxide (N_2O), a gas with 265 times more warming potential than carbon dioxide. N_2O is a gas used to relieve pain and was commonly used during surgery. After use, the gas was vented to the atmosphere. The hospital realized that the pipes that carried the N_2O were leaking, putting health professionals, patients, and other people in the building at risk for nausea, disorientation, and impaired memory. To fix this problem, Greg and other professionals started using individual N_2O tanks instead of piping in the walls. This

allowed them to use only what was necessary for the procedure. This decreased the amount of N_2O consumed and consequently decreased vented gas. The transition also dramatically lowered costs due to leaks.

Rob said another common anesthetic, desflurane, is a potent greenhouse gas and carries 2,540 times the warming potential of carbon dioxide. Luckily, this anesthetic can be extracted after surgery and reused rather than vented. A hospital in Portland, Oregon, saved \$1 million in just one year by using less gas and collecting salvageable gas, rather than disposing of it as waste.

Being surrounded by both the consequences of climate change and quick solutions to make a significant impact, medical professionals quickly become powerful messengers in addressing the changing climate. Rob said physicians, nurses, and pharmacists are the most respected messengers. Acknowledging the devastating implications on health can help the public and hospitals work together to begin finding solutions.

“We all care about our health or that of our children and families,” Rob said.

While there is no right answer for how hospitals should reduce waste and tackle climate impacts, renewable energy and healthier alternatives that allow professionals to get the materials they need to help patients and keep staff safe, are an important first step. 🌿



Dr. Greg Lind

2023 Board of Directors Election

It's time for the annual **MEIC** Board of Directors election. Please vote for up to seven candidates. Only **MEIC** members can vote; subscribers and business corporations are not eligible to vote.

To vote by mail:

- 1) Complete the enclosed postage-paid card.
- 2) Mail the card back to **MEIC** in time to arrive by October 20, 2023.

To vote online:

- 1) Scan the adjacent QR code with your smartphone's camera to access the online ballot.
- 2) Or submit votes online at tinyurl.com/MEICBoard2023.
- 3) Please submit online votes by October 20, 2023.

Not sure if you're a current member?

Email jwintersteen@meic.org to check the status of your membership.

Thank you for your participation.



Gary Aitken

(he/him), Ovando

MEIC's mission is pretty straightforward – to protect our clean and healthful environment. But straight forward doesn't mean easy. **MEIC's**

strengths have always been its depth of knowledge, its attention to detail, its tenacity, and its ability to get things right. **MEIC** has been fortunate to recruit and retain outstanding, competent, dedicated and talented staff. We can do this because what we do is meaningful, important, and successful. The board's primary job is to help set **MEIC's** goals, insure that the resources necessary to achieve those goals are available, and to generally ensure that the organization stays on track. I am interested in serving on **MEIC's** board because I believe **MEIC's** mission is critical to making life on this planet, in this state, enjoyable, meaningful, and worthwhile.

Neal Ullman

(he/him), Helena

I have a record of protecting clean air and water working in Congress and in Montana. As a

congressional staffer, I led efforts to defend the Clean Water Rule and prevent new industry loopholes in the Clean Air Act. In Helena, I work to fund clean transportation technologies including the first-in-the-state all-electric school buses and street sweepers and expanding electric vehicle charging infrastructure. I practice what I preach and own all-electric and plug-in hybrid electric cars that both charge up using clean energy from the solar panels on our roof. Ask me how you can reduce your carbon footprint at home or on the road!





Jim Sayer

(he/him), Missoula

I'm excited and honored to be considered as an **MEIC** board member. I support **MEIC**'s mission 1000 percent and want to ensure that this essential organization grows even stronger and better-resourced to protect our constitutional right to a clean and healthful environment. As a board member, and as the past director of three good-sized nonprofits, I'd like to help **MEIC** grow its membership and donor base. I also want to do everything I can to support **MEIC**'s crucial climate work and its new sustainable communities program. With all the new folks moving to our state, we need to advocate for policies and models that reduce the impacts of growth on Montana's ecosystems and wildlife – and in the process, create good places for people to live. Thank you for your consideration – and if you'd like to know more about me, feel free to check out my LinkedIn profile.



Zuri Moreno

(they/them), Missoula

In 2011, I arrived in Montana to work on a backcountry trail crew. After almost a decade working in environmental education and conservation through community engagement and trail maintenance projects, like working alongside Continental Divide Trail Coalition to help maintain Montana's section of CDT, I switched to focusing on policy research regarding a variety of issues, from LGBTQ rights to the criminal justice system. My passion for community engagement around issues of social and environmental justice have allowed me many opportunities to work alongside community members who are pushing for change at the local and statewide level. I believe that environmental health and protection is inexplicably linked with racial and social justice movements, as marginalized communities are often the first ones to lose access to clean air and water. Our policy solutions and community actions must be grounded in this understanding. If I were selected to serve again on the **MEIC** board, I will continue to support **MEIC** in statewide relationship-building across impacted communities, so we can collectively build policy solutions that mitigate climate change and protect our right to a clean and healthy environment.



Madison Hebner

(she/her), Bozeman

I have been lucky to call Montana my home for the majority of my youth, spending my free time utilizing Montana's clean waters, endless backcountry, and magnificent peaks for fishing, hiking, and skiing. My time spent as a statewide legislative organizer and lobbyist for climate justice-related issues with Forward Montana during the 2021 Legislative Session only furthered my passion for expanding clean energy and maintaining Montana's clean air, land, and water. This work shed light on the importance of considering the economic impacts that environmental policies can have on communities and racial inequities that encompass the climate movement. This emphasis is what fueled my work in completing my MS in Microbiology and Immunology in 2022 and my current position as the Program Manager for the Institute on Ecosystems at MSU. I hope to bring a zealous, young perspective to **MEIC**'s Board and better connect my peers to statewide environmental activism. If you bump into me and my spunky dog on a local trail, be sure to say hi!



Grace Gibson-Snyder

(she/her), Missoula

I'm so grateful to have grown up in Montana. As I've grown, I've also grown more aware of the threats to our home. I've become involved with environmental work across the state, including lots of local projects in Missoula, working as an intern with **MEIC**, and serving as a plaintiff in the *Held v. Montana* constitutional lawsuit. Now, I'm studying Global Affairs and focusing on environmental policy. By serving on **MEIC**'s board I will contribute a young

perspective to the conversations and decisions that shape the organization's direction. Perhaps more importantly, it is an opportunity for me to learn from incredible environmentalists, community members, and people who love our state. I would be honored to serve as a member of **MEIC**'s board.



Dan Belcourt

(he/him), Missoula

Protecting our homelands and natural resources are of critical importance to me as a Montanan and Chippewa Cree Tribal member in our great State. This has been my journey since graduating from law school in 1993. In my Indian law practice over the last 30 years I have worked to protect tribal natural resources, cultural properties, water rights and our fight for environmental justice in Indian Country. I would be honored to be a board member for the **Montana Environmental**

Information Center and will carry out my board duties as passionately as I practice Indian law.

Coal Bills Victory *(continued from pg. 4)*

of coal companies and the government. This would basically put a giant padlock on the courthouse doors for individuals and organizations who are harmed by coal mining activity, as the risk associated with having to pay expensive industry lawyers would likely be too great to actually file a case.

These laws contained immediate effective dates, meaning that the DEQ (the agency primarily responsible for implementation of MSUMRA) would be required to enforce them immediately. Fortunately, both SMCRA and OSM's implementing regulations require a much more stringent process before a state can amend its program. Most importantly, any substantive change to a state's program must undergo an approval process with OSM (and other relevant federal agencies) in advance of becoming effective and enforceable at the state level.

Because the laws were obviously in conflict with SMRCA and OSM regulations in regard to the approval process, **MEIC** and our partners filed a federal lawsuit

in June and a request for a temporary restraining order against DEQ to prohibit it from implementing or enforcing the new laws. Thankfully, in late June, the judge approved a stipulation between **MEIC** and DEQ to not "take any action to apply, effectuate, or enforce the provisions of HB 576 or SB 392" for seven months. This timeline mirrors the timeline required under federal regulations for approval of amendments to state programs.

Now that the laws are temporarily suspended, they can be properly reviewed by federal authorities, and the public will have an opportunity to comment on the problematic aspects of these changes. An official comment period will begin once OSM publishes a notice in the federal register. Stay tuned and watch for an opportunity to voice your concerns, likely in future issues of *Down to Earth* and/or in **MEIC**'s e-newsletter, *3 Things You Can Do*. Sign up for our emailed action alerts at www.MEIC.org/take-action. 🐦

IN HONOR OF MEIC'S 50TH ANNIVERSARY, STAFF AND BOARD MEMBERS PAST AND PRESENT SHARED WELL WISHES AND KIND WORDS.

You sustain us through the dark times and deliver us righteous joy with our shared successes. Everyone loves a winner and that is just what MEIC is!

-Greg Lind, Board
2000-06, 2015-19

I suggest that MEIC might expand its name to include Montana Environmental Inspiration Center.

-Vicki Watson,
Board 1983-84

John Denver's song "Let This Be A Voice" concludes with, "Let this be a voice for the mountains. Let this be a voice for the rivers..." MEIC has been and is a "voice for the mountains, for the rivers, for the forests, for the children, for the dreamers."

-Bruce Bender, Board 2017-23

Turns out it's way more than an informational kiosk! :) Thank you so very much to MEIC's members. You truly are the key to MEIC being such a strong organization. And it's that strength which fuels the staff to continually dive into the ring against high priced suits and emerge with victories. I know I felt it. Thank you!

-Brian Fadie, Staff 2016-2020

MEIC's greatest strength is its staff. Anne and Derf give a matchless combination of experience and in-depth understanding of Montana's most important resource conservation issues. They lead efforts in providing informed input during legislative sessions and at other key times for public input. Other staff excel at keeping the membership informed and involved.

-Gary Matson, Board 1978-80

I count on MEIC to serve as an effective counter-weight to those who would, if unchecked, destroy our air, waters, and lands that are integral to the Montana we know and love. I am honored to serve on MEIC's Board and do my part to support this critical organization.

-Diana Hammer, Board
2020-Present

Just a few (50) of my favorite things about MEIC:
strategic • effective • science-based
• mission-driven • committed • courageous • scrappy • relentless • resilient • respected • vigilant • visionary • movers & shakers • staff expertise • dedicated board • loyal & generous members • policy chops • media savviness • in the trenches • in the know • best things in life are worth suing for • win-loss record • office laughter • office dogs • Down to Earth • Capitol Monitor • Capitol Punishment • action alerts • holiday parties • member gatherings • patron outings • clean air • clean water • clean energy • safe climate • good government & democracy reform • inalienable rights • clean & healthy • present & future generations • corporate accountability • citizens not consumers • cows not condos • people over profits • wild, untrammled nature • pale blue dot • there IS no Planet B • Praise the Lord and Pass the Constitution • Big Sky Country • Last Best Place • 50 years of success!

-Patrick Judge, Staff 1997-98,
2000-08, 2010-11

NO ONE works harder than MEIC to protect our right to a clean and healthful environment! I am continually amazed at what this small but very effective organization has been able to achieve.

-Jennifer Swearingen,
Board 2015-19

Vigilant guardian of our constitutional rights to a clean and healthy environment, MEIC is the most vital environmental organization in the State of Montana and our family is grateful for its persistence in protecting our rights.

-Tom Roy, Board 1979-83

MEIC will go to the mat for the people of Montana. It's not a stretch to say your favorite river or stream, your favorite walk in the woods, your favorite camping spot, and the clean air you breathe and the clean water you drink, are still there in large part because of MEIC's work. If the whole state, and the whole country, and the whole world pulled together and cared the way MEIC does, we wouldn't have a climate crisis.

-Gary Aitken, Board 2009-15, 2019-23

I'll never forget the open and welcoming community I found at MEIC- I've never met a more passionate, committed, and fun-loving group of humans. I miss you all, and hope that you're able to continue to care for one another and our environment for the next 50 years!

Mel Griffin, Staff
2014-2021

Conversation with a Founder: Robin Tawney Nichols

by Katy Spence

In the late '60s and early '70s, Montana's environment didn't have much representation in legislative processes, aside from the dogged efforts of Don Aldrich, a Montana Power employee-turned-avid-conservation-lobbyist and executive secretary of the Montana Wildlife Federation.

In 1971, Don asked two young college students to join him at the legislative session: Phil and Robin Tawney. The "Environmental Lobby" – as they dubbed themselves – rallied grassroots support and pushed legislators. In the process, Don, Phil, Robin, and others realized Montana needed a year-round, statewide organization to address persistent challenges to the state's air, water, and land. Hence, the Environmental Information Center (EIC) was founded in 1973 with the help of many friends, conservationists, and community members from around the state.

I chatted with Robin about the early days, Montana's new (and old) challenges, and what we both hope to see next. This conversation has been edited for clarity and readability.

Katy Spence (KS): Can you share more about what led to the creation of EIC?

Robin Tawney Nichols (RTN): Soon after the first Earth Day, Don Aldrich came to Philip and me and asked us to join him at the 1973 legislative session. We rented a little house a block from the Capitol, and the three of us brought a bunch of elk meat and hunkered down. Don was a wonderful man. He was such a mentor. [But] about midway through the session, he said, "Okay, I'm going home." Before we joined Don, he had carried the load solo for at least two sessions, and you know how it is – tensions were high, and the work was stressful. He had built a fabulous phone network, talking to people all over the state, especially those in the affiliates of the Wildlife Federation. He left that phone net and the lobbying to us. Baptism by fire. When the '73 session ended, and we realized there was going to be, you know, that one anomaly of annual sessions – '74 and '75 – and we realized that there had

to be a presence. We saw a need for a statewide organization, a new one that could incorporate a lot of people from all over. One thing led to another, and we formed an organization.

KS: Could you imagine in 1973 that you might

be sitting with someone in 2023 talking about this organization you just started?

RTN: We built it to last, but we never thought about 50 years ahead. The reason we built it to last was that we wanted staff to be able to live comfortably and lead "normal" lives with families if they so choose. We wanted **MEIC** to be sustainable.

KS: What were some of the environmental challenges Montana was facing in the 1970s and how do they compare to the challenges today?

RTN: I think it's amazing how much they've stayed the same. Just when you think that something's dead, it's not. Challenges take different forms, and they show that there needs to be an organization like **MEIC** that's vigilant, to stay on top of them, because we can't ignore them.

KS: What are some of the continuing battles that you've noticed?

RTN: One is energy. In '73, the energy crisis precipitated all sorts of [issues]. We're still trying to get renewables. It's gotten better, but it hasn't gotten to where we need to go. And the conservation of energy piece is always left out. Always. And then we thought we'd solved hardrock mining. Subdivision development was a big deal, a big hairy deal. The state had no idea what was going on. None. Zip. They had



EIC:

Building a Citizens Organization to Last

by Robin and Phil Tawney

PREFACE

This the story of how one citizens group — the Environmental Information Center — originated, suffered and thrived from 1973 to 1975. We are grateful that we were in the right place at the right time so we could have a part in its growth. Naturally there are some regrets — we could have done this better, or that — but we feel fortunate for having had the opportunity to make those mistakes and to grow with EIC. We both are the better for it.

Many, many others have given countless hours to work toward our organizational objective — to “Keep Montana Montana.” Of those people, a core of 25 Helenans and the Northern Rockies Action Group gave EIC its first life in the fall of 1973. Much has

have been labors of love for the people and the land called Montana. We are especially grateful to Jim Crowfoot of the University of Michigan and to Sue and Bill Bryan of the Northern Rockies Action Group for reviewing earlier drafts of this “case study” and for offering very necessary criticism along the way. And we’d like to thank the present EIC staff, board and membership for carrying on the blessed fight.

We dedicate this study to Don Aldrich, long-time executive secretary of the Montana Wildlife Federation. His lonely efforts until 1973 as the state’s only environmental lobbyist led to the creation of the Environmental Information Center. Don showed us how to lobby hard all day and still put in several hours of “phone time” every night. EIC was founded on his example.

Robin and Phil Tawney
Helena, Montana

earth” we live on and the increasing fragility of the ecosystem as it is impacted by increased industrialization and population. They have failed to tell us about the rapid depletion of nonrenewable minerals and fossil fuels, and about the inequities within and among societies regarding resource consumption. Through government and corporate vehicles, many of the rich and politically powerful have failed to justly share opportunity, wealth and power with the groups of citizens in deepest need — poor people, racial and ethnic minorities, women, senior citizens and the young. Maximization of profits has been the first priority of decision-makers, not the long-term well-being of our children, their children and unborn generations around the world.

This situation demands the concerted action of many citizens groups working together to affect the decision-making

This article appeared in the 1977 version of the NRAG Papers, available on **MEIC**'s website.

the nubbins of a planning department, but they had no idea. So [EIC] did a comprehensive research project.

KS: The 1975 Subdivision Inventory Project?

RTN: That’s right. That was Christine Torgrimson, who also started *Down to Earth*. I started “Capitol Monitor.”

KS: Those are two of my favorite publications to work on at **MEIC**, and Ann Schwend is hoping to update the 1975 Subdivision Inventory Project. Looking back, what are you most proud to see come out of **MEIC**?

RTN: For me, **MEIC** is fulfilling the vital role we envisioned as a year-round watchdog and advocate for sound environmental legislation and policy that reflect our state constitution, while providing a living for the people who work for it. Yeah, that’s kind of what I’m most proud of.

KS: I’m very proud to work for an organization with such an important impact and that I get to work with some of the smartest, most competent, and funniest people I know. Where would you like to see the organization go next?

RTN: I would say keep on keeping on. And listen. Listen to people. Try to sort through the noise to hear people. Everybody is of value. When you think about where we are socially, realize that people need food on the table and adequate housing before there’s any room to think about anything else. Those social needs are so important. [I hope] the **MEIC** staff, board, and members are involved in other things outside of **MEIC**

where they’re working side-by-side with people from different perspectives. Get to know people outside your social circle and you learn to respect each other. By building mutual trust, you might change some minds. Or not. The important thing is creating space for dialogue. That’s a big deal — having respect and valuing people.

KS: That sounds a lot like the direction we’re trying to move — working with diverse communities, listening, and working to help address the full needs of people.

RTN: That’s great.

KS: Do you have anything else to add?

RTN: Cheers!

*Robin and her late husband Phil received the American Motors Conservation Award in 1976 and **MEIC**'s Conservationist of the Year Award in 1995. Both received the Missoula Conservation Roundtable's Don Aldrich Fish, Wildlife and Conservation Award (Phil in 1989, Robin in 2000), and together were inducted into the Montana Outdoor Hall of Fame in 2018. Robin recently retired from the board of the Cinnabar Foundation after serving 28 years as a board member and 24 as board president. Robin has authored several books and her byline has appeared in many publications across the country. She currently lives in Missoula with her husband William Nichols.* 🌿

50 YEARS OF CLEAN AND HEALTHFUL

For 50 years, MEIC and its members have been advocating for Montana's clean and healthful environment. Here's a look at just a handful of the things we've accomplished together over the last five decades.

Victory Legend

- Land Use
- Energy
- Government Accountability
- Air & Water Pollution

MEIC works to pass Initiative C-1, establishing the resource indemnity trust fund.

1974

MEIC works to pass Initiative C-3, establishing the permanent coal tax trust fund.

1976

MEIC leads the effort to get I-95 passed by the voters, requiring in-state investment into the permanent coal tax trust fund.

1982

MEIC works to pass I-85, establishing lobbyist disclosure reporting.

1984

MEIC convinces the Legislature to strengthen the Subdivision and Platting Act.

1993

MEIC wins a lawsuit that ended the confidentiality of legislative bill drafts.

1995

1973

MEIC convinces the legislature to raise the coal severance tax to 30%.

1975

MEIC gets air quality standards adopted by the Board of Health and Environmental Sciences.

1980

MEIC wins a lawsuit that stops the Montana Power Co. from building the Haines Pipeline along the Rocky Mountain Front.

1984

MEIC wins a lawsuit that stopped CENEX from drilling for oil on the North Fork of the Flathead River.

1989

MEIC wins the first of three lawsuits over the reclamation of the Golden Sunlight Mine.

1994



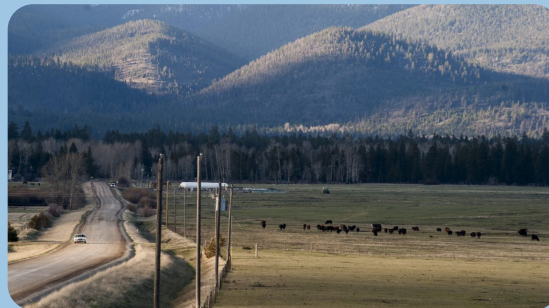
1985

MEIC lobbied for a phosphate detergent ban, which was passed by the Legislature.

1973



MEIC (originally EIC) was established by Robin Tawney Nichols (pictured), Phil Tawney (pictured), Don Aldrich, Bill Bryan, and Claudia Montagne.



1988

Under pressure from MEIC, Sunshine Mining Co. abandons plans for a gold mine west of Lincoln.

See a full list of MEIC's accomplishments on our website: www.meic.org/about/accomplishments

1997

MEIC's campaign against Pegasus Gold Co. results in a \$37 million fine for violations at the Zortman-Landusky mines.



MEIC successfully lobbies the Legislature to adopt a net metering program for NorthWestern Energy customers.

1999

MEIC wins a lawsuit that stops the construction of a sprawl-inducing Forestvale interstate highway interchange in the Helena valley.

2000

At MEIC's urging, mercury standards for power plants are adopted by Board of Environmental Review.

2007

MEIC leads the successful campaign to stop the proposed Highwood coal-fired power plant.

2010

2012

MEIC wins a lawsuit that stops the hauling of "mega-loads" of tar sands mining equipment over Lolo Pass and along the Blackfoot River.



1999

The Montana Supreme Court recognized our Constitutional right to a clean and healthful environment as both anticipatory and preventative in the case of *MEIC v. DEQ*.

2002

MEIC keeps Holcim Cement Co. from burning tires, smelter slag, and hazardous waste.

2007

MEIC leads the successful campaign to stop the proposed Roundup coal-fired power plant.

2013

MEIC wins a lawsuit requiring the U.S. EPA to regulate coal ash, the second largest unregulated waste stream in the U.S.

1998



I-137, written and sponsored by MEIC, is passed by voters and bans cyanide heap leach mining, protecting the Blackfoot River from a large gold mine on its banks.

2010

MEIC is instrumental in getting Montana to adopt the country's strongest energy-efficient building code standards.



ONGOING ACTIVISM

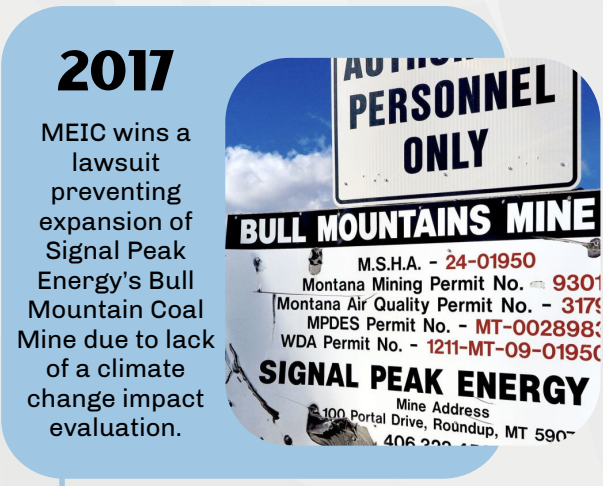
The right to a clean and healthful environment is one of a number of fundamental and interconnected rights of all people. MEIC stands humbly and firmly resolved in working to build an environmental movement in Montana that affirms and values all people. MEIC has prevented millions of tons of climate-harming pollution through various campaigns and has lobbied every legislative session since it was created.

MEIC has a long history of working with the media to raise public awareness and understanding of key environmental issues in Montana. In addition, MEIC assists individuals and local organizations facing environmental problems by providing information, organizing and tactical advice, and technical assistance on Montana environmental issues.



2015

MEIC wins a lawsuit protecting grizzly bear habitat on state lands in northwest Montana.



2017
MEIC wins a lawsuit preventing expansion of Signal Peak Energy's Bull Mountain Coal Mine due to lack of a climate change impact evaluation.

MEIC wins a U.S. District Court challenge that results in the cancellation of oil and gas leases on over 145,000 acres of public land in Montana due to potential water quality and climate impacts.

MEIC is instrumental in convincing WA regulators to limit further investments in Colstrip.

2014

MEIC wins a state district court appeal declaring subdivision sewage discharge permit void, protecting the Bitterroot Valley.

2016

MEIC wins a lawsuit requiring enforcement of the BLM Methane Waste Rule without delay.

2018

MEIC wins two major Montana District court challenges against mines that would impact water quality and quantity in the Cabinet Mountains Wilderness.

2019

2020

2015

The Board of Environmental Review rules in MEIC's favor and repeals permit for Bull Mountain Mine Expansion.

2016

MEIC settles two lawsuits with Colstrip owners resulting in better coal ash disposal and closure of Colstrip Units 1 and 2.

2018

MEIC prevents the BLM from allowing coal mining and oil and gas drilling on over 15 million acres of public land and mineral rights in MT and WY.

2019

MEIC wins a case against Spring Creek coal mine expansion by arguing climate change impacts must be evaluated.

2016
The PSC rules in MEIC's favor regarding NorthWestern Energy's cost recovery for Colstrip Unit 4 outage, returning \$8 million to consumers.



2018

MEIC issues an enforcement request to the DEQ, successfully convincing the agency to advise Hecla Mining Company and its President and CEO, Phillips S. Baker, Jr., that they are in violation of Montana's "bad actor" mining laws.

MEIC EXECUTIVE DIRECTORS

- Phil Tawney** Oct. 1973 - June 1975
- Bill Milton** June 1975 - Sept. 1975
- Bill Cunningham** Sept. 1975 - March 1976
- Christine Torgrimson** (Interim) March 1976 - Oct 1976
- Bob Kiesling** Oct. 1976 - April 79
- Torian Donohoe** (Interim) April 1979 - Aug. 1979
- Don Snow** Aug. 1979- Dec. 1979
- John Wilson** (Interim) Jan. 1980 - May 1980

- Don Snow** June 1980 - June 1981
- Dale Harris** June 1981 - March 1982
- Tom Daubert** (Acting) April 1982 - June 1982
- Susan Cottingham** June 1982 - July 1984
- Don Reed** July 1984 - Aug. 1985
- Jim Jensen** Aug. 1985 - Dec. 2020
- Anne Hedges** Jan. 2021 - Present
- Cari Kimball** Jan. 2021 - Present

2020

MEIC secured a PSC decision preventing NorthWestern Energy from charging approximately \$10 million to customers for costs associated with a prolonged outage at the Colstrip coal-fired power plant.



MEIC and partners stopped the proposed Rock Creek mine in the Cabinet Mountain Wilderness due to impacts to bull trout and grizzly bears.

2021

A legal victory prevented a large expansion at the Spring Creek coal mine on the basis that the operator didn't sufficiently consider harmful emissions.

2021

MEIC and partners defeated a last minute Trump-era rule designed to prevent consideration of science in public health and environmental decision-making.

2021

A district court decision requires NWE to pay \$2.5 million in fines to Montana's Low-Income Energy Assistance Program due to its failure to purchase energy from community-scale renewable energy projects.

2022

A district court decision vacated a subdivision permit in Big Sky due to Montana DEQ's faulty analysis of the development's contribution to water pollution in the Gallatin River.

2022

In April, a district court judge ruled in favor of MEIC and local communities based on climate and quality of life issues against NorthWestern Energy's polluting methane gas plant near Laurel.

2023

A federal judge ruled against Signal Peak's request for a coal mine expansion in a lawsuit from MEIC and partners in February.

2023



2022



After nearly a decade of advocacy, litigation, and working with partners, the Smith River is one step closer to protection from a damaging copper mine on its headwaters after a decision by a Montana state judge.

MEIC lobbied for the successful passage of two right-to-know laws and defended the Montana Constitution, clean water, clean energy, and our climate at the 2023 Montana Legislative Session.

2023

2020

MEIC and partners win a federal court challenge reinstating a BLM methane waste rule that the Trump Administration attempted to dismantle.



SPECIAL THANKS

A special thanks to Western Environmental Law Center and Earthjustice. Without their brilliant attorneys helping in most of the legal victories listed here, those victories would not have occurred. Thanks, too, to all of our other partner organizations that helped make these victories possible.

Honoring Jim Jensen, 2023 Conservationist of the Year



Jim Jensen in Alaska.

by Anne Hedges & Derf Johnson

Some people only need one name, like Prince or Madonna. **MEIC** had Jensen.

What can you say about a man who took the reins of an organization on the brink of financial collapse and, together with dynamic duo George Ochenski and Adam McLane, brought it back from the ashes? Jim Jensen spent the better part of his career dedicated to making the **Montana Environmental Information Center** a force to be reckoned with. His tenacious, unflinching, and uncompromising spirit over the course of 35 years was instrumental in protecting what's best about Montana. **MEIC** is honored to give Jensen our highest award, "The Conservationist of the Year Award," at our 50th Anniversary celebration on September 16, 2023.

Throughout his career, Jensen has been a fierce adversary and developed at **MEIC** a culture of obstinance to those that would profit by destroying what makes Montana special. However, he is equally kind-hearted to those who worked with him. Jensen turned his experience as a state legislator into a foundation to make **MEIC** the strongest environmental lobbying team in the state. For those who wanted to profit off of destroying Montana's landscapes, waters, climate and

overall environment (or were mealy-mouthed about their commitment to future generations), he has little patience.

Over the course of 35 years, Jensen was key in securing innumerable wins for Montana's environment, including dogged work to hold Montana's government accountable to our Constitutional right to know.

Of particular note is the success of Initiative 137 in 1998, which banned new cyanide heap-leach mines in Montana — a citizen's initiative that has prevented untold amounts of mining pollution during the last quarter-century and stopped a proposed mine at the headwaters of the Blackfoot River. The idea came to him in the shower one morning and he was off and running. Fortunately, he had a great staff to help him execute his scheme.

In an interview with *Montana Free Press*, Jensen noted *MEIC vs DEQ* as one of **MEIC's** distinguished achievements. This 1999 Montana Supreme Court decision declared that the right to "a clean and healthful environment," enshrined in the revamped state Constitution of 1972, was a fundamental right and was "anticipatory and preventative."

Roger Sullivan, a Kalispell attorney and member of the **MEIC** board, told *Montana Free Press* upon Jensen's 2020 retirement, "I believe that that constitutional

right would still ring hollow [without the 1999 case]. Jim had the vision and foresight and boldness to dare to try to enforce that right through a series of landmark lawsuits.”

As a boss, Jensen had your back. He trusted his staff and created humane working conditions in an arena known for burnout. His business background combined with the best hire of his career – Adam McLane – helped make **MEIC** financially secure. He was able to retain staff because he strongly promoted a healthy work/life balance, good employee healthcare, and a commitment to enjoying the places **MEIC** sought to protect. People were often fooled by his tough exterior, but to those who knew him, he was an old softie. Robin Tawney Nichols said Jim is still one of her great friends, and his ability to listen to others helped him make crucial connections.

In fact, Jensen has a great knack for remembering people and their relationships. He knows who was connected to who and how. While he loves giving history lessons on politicians and movers and shakers, his ignorance of pop culture was astounding. When he was once called Eeyore from “Winnie the Pooh,” he asked, “Who’s that?” And when someone referenced Dr. Suess’ “The Lorax,” he gave a blank look (don’t worry, Pat Judge educated him with a signed copy).

His conservative upbringing in Utah made him



Jensen as a new **MEIC** hire in 1985.

an unlikely environmental advocate. While others of his generation were smoking pot and hanging out, he was wearing a tie to school every day and voting Republican. His straightlaced attitudes were a constant source of hilarity for his staff but ultimately helped him better understand the opposition.

Jensen was – and still is – one-of-a-kind. So when you float the Blackfoot River, hike in the Cabinet Mountains, or appreciate the lack of open-pit cyanide heap leach mines across the state, think of Jensen and his unwavering commitment to leaving this place better than he found it. 🌿

Montana Subdivisions *(continued from pg. 12)*

This doesn’t sound so different from the attitudes of developers today, but much has changed since the original subdivision inventory was published. It’s no secret that Montana has grown significantly over the past 50 years, especially in the past few years.

The *Helena Independent Record* reported in 2022 that Montana’s overall population expanded by 1.5% from July 2021 to July 2022, making it the sixth fastest-growing state in the nation by percent change. According to the Montana Regional Economic Analysis Project, some counties in Montana have experienced more than +1.5% average annual percent change in growth every year since 1970 (see image on pg. 12).

The demand for new development is skyrocketing. The Montana Department of Labor reported a 78% increase in permitting of new housing units from 2019 to 2021. Average home prices in Montana also

increased by 50% between 2020 and 2022.

MEIC is closely monitoring sprawl and untethered growth in our rural areas, because high demand can lead to expedited processes and unintended environmental impacts. Sustainable development should not occur without a comprehensive review of the potential impacts to water resources, landscapes, wildlife habitat and how these sprawling growth patterns contribute to climate change.

At the very least, it’s time for an update to **MEIC**’s seminal 1975 Subdivision Inventory to help us better understand growth pressures in Montana, and policy mechanisms for addressing unnecessary sprawl. We are in the information gathering stage to compare where we have been, where we are now, and where we need to go. Get in touch if you have resources, expertise or ideas you’d like to share: aschwend@MEIC.org. 🌿

Thanks to Our Summer Staff!

MEIC was so fortunate to have a number of rockstars working with us this summer. You might recognize their names from the news, emails or events, or even bylines in this issue of *Down to Earth*.

Kenzie Mioh joined us as an intern in partnership with the Smithsonian Institute and has been instrumental in helping push some key projects at MEIC. She is part of Helena High School's Green Group. She believes in the strong connection between healthcare and climate change (see her article on pg. 14), which ultimately fueled her advocacy for change. She likes going to the local farmers market and hiking with friends in her free time.



Grace Gibson-Snyder's name might be familiar from the landmark *Held v. State of Montana* trial (see article on pg. 5) or on our list of board member candidates (see article on pg. 16). Grace hit the ground running with us this summer and has helped with grassroots movement building, strengthening coalition partnerships, and considering the climate movement in Montana as a whole. Grace is a college student at Yale and hopes to focus her career on the transition to renewable energy. She is learning to kayak, trying to run more, and her favorite Montana flower is the Balsamroot.



We're also excited to welcome Katie Harrison, our Community Organizing and Event Coordination Contractor. Katie is based in Billings and was instrumental in helping Billings Climate Week become a reality. She has extensive community organizing experience, as well as business experience through her sustainable, not-for-profit vendor shop, SustainaBillings.

Katie is helping MEIC tackle a number of organizing opportunities over the next few months, and you can reach her at kharrison@MEIC.org.



Welcome, Nicholas Fitzmaurice!

Hello! I'm excited to join the team as MEIC's Energy Transition Advocate, managing energy campaigns throughout Montana. Growing up in north central Washington instilled in me a deep-rooted love for the natural world and the communities it nourishes. I've long been driven to preserve the environment, with particular dedication to mitigating global anthropogenic climate change through energy system transformation. To eliminate our climate-altering greenhouse gas emissions in the state, a just and equitable transition from fossil fuel dependency to environmentally-friendly, carbon-free energy sources is essential.

I recently received a BS in Industrial and Management Systems Engineering from MSU, with a minor in Sustainability and Environmental Stewardship to establish a technical foundation from which I ground my energy and environmental advocacy work. I worked at the university's Office of Sustainability for four years and helped secure an ambitious carbon neutrality goal for the institution.

When my own energy needs replenishing, you can find me playing music or recharging in the mountains. 🌿



PFAS (continued from pg. 13)

Disadvantaged Communities grant program will provide \$2 billion from the Bipartisan Infrastructure Law to communities to address emerging contaminants, including PFAS.

3. In April 2023, the EPA asked for public comment on its proposed designation of several PFAS types as hazardous substances. This designation would fall under the Superfund law (a.k.a., the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA) and would allow EPA to investigate and clean up highly contaminated sites across the country. Critics say that by only designating a few PFAS out of the thousands of types as hazardous substances, this regulation would simply encourage polluters and manufacturers to shift towards closely related

but less-studied alternative PFAS. Instead, they say, the EPA should go further to include the entire class of these forever chemicals in its Superfund program.

MEIC's friends at Earthjustice are tracking EPA's 2021 Roadmap at www.earthjustice.org/feature/pfas-chemicals-epa-roadmap.

Montana DEQ has added two PFAS to official groundwater quality standards and has monitored water sources for PFAS. In 2020, it developed a broad plan to address PFAS. Further action based on this plan "will be determined... based on agency/stakeholder resources, availability, expertise, and regulatory authorities." Read more at www.deq.mt.gov/cleanupandrec/programs/pfas.

Thanks to Christine Santillana at Earthjustice for her expertise and contributions. 🌿

Billings Climate Week marks first-of-its-kind week-long climate event in Montana

by Katy Spence

Montana's first city-based climate week occurred in Billings during the week of June 4, and what a week it was! Hundreds of people came to more than 10 events over the course of a week. **MEIC** was a proud sponsor and participant in many of these events, and we hope it's the first of many climate weeks in Montana.

Here are a few of the events that **MEIC** attended at this year's Climate Week.



Panel on Energy Production and The Montana Rate Case

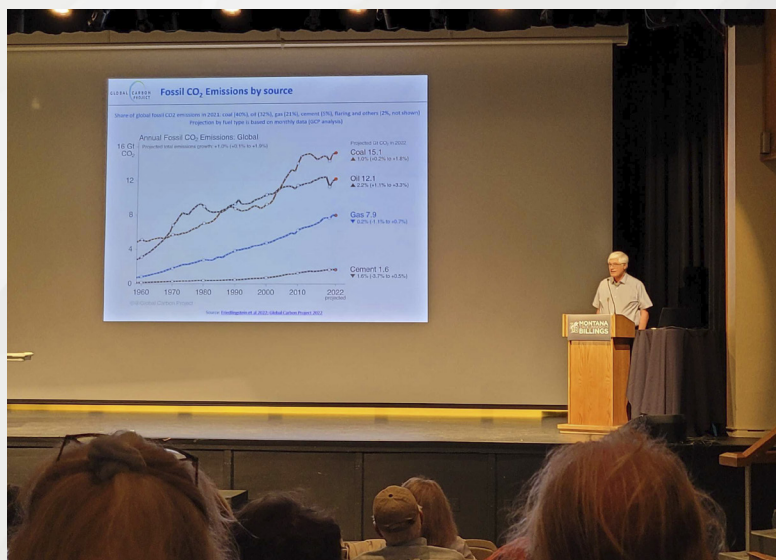
MEIC's Derf Johnson joined a panel with Dr. Steve Running, Monica Tranel, and Steve Loken to discuss how the energy system impacts our climate and how energy policy and the clean energy transition in Montana can help. The panel also discussed NorthWestern Energy's ongoing rate case currently before the PSC.

This conversation was recorded and is available on **MEIC**'s YouTube channel: www.youtube.com/@MEIC2596

The Main Event

Dr. Steve Running spoke at MSU-Billings about the climate crisis. This talk covered everything from carbon to energy generation to what we can do in our own homes. Dr. Running is a world-renowned climate scientist and has contributed to IPCC and NASA climate reports.

This is a great talk for anyone looking to learn more about the climate crisis and how to talk about it. This event was recorded and can be viewed here: <https://tinyurl.com/RunningClimateTalk>



Garden Party

St. Andrew's Presbyterian hosted Dr. Steve Running and members of the community for a tour of their community garden and a delicious lunch. The community garden serves many families in the community. Dr. Running also spoke about how there are many ways that sustainable gardening can help mitigate the climate crisis, from reducing the need for large factory farms to composting.



Showing of *Youth v Gov*

On Wednesday night, Forward Montana, **MEIC**, Families for a Livable Climate, Montana Health Professionals for a Healthy Climate, Yellowstone Valley Citizens Council, and Sierra Club hosted a movie night with a showing of *Youth v Gov*. This film documents the national youth climate trial and set the stage for the following week, when the *Held v State of Montana* trial would begin. One of the Held plaintiffs, Rikki Held (pictured here), joined the event and spoke words of encouragement to those gathered.

Clean Energy Fair on Aug. 12

As a bonus, Montana Renewable Energy Association held its annual Clean Energy Fair in Billings on August 12. Our team met dozens of people interested in getting clean, affordable energy to Montana. Pictured here: MREA Executive Director Makenna Sellers, **MEIC** Executive Director Cari Kimball, and **MEIC** Community Organizing and Event Coordination Contractor Katie Harrison.





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